



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 4-3-08

MEMORANDUM

DATE: March 21, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Development Review Division
FROM: Robert A. Kronenberg, Supervisor *RAK*
 Development Review Division
 (301) 495-2187
 Robert.Kronenberg@mncppc-mc.org



REVIEW TYPE: **Limited Site Plan Amendment**
CASE #: **82005015A**
PROJECT NAME: **Cabin Branch Infrastructure Plan**
APPLYING FOR: Amendment of the Infrastructure and Roads Only Site Plan for the design and cross section of West Old Baltimore Road
REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance
ZONE: MXPB, RMX-1/TDR
LOCATION: Northwestern quadrant of the intersection of Interstate 270 and West Old Baltimore Road
MASTER PLAN: Clarksburg Master Plan
APPLICANT: FFTM 1, Limited Partnership, Winchester Homes, Inc., King Farm Partnership, Concordia Group and Adventist Healthcare, Inc.
FILING DATE: August 13, 2007
HEARING DATE: April 3, 2008
RECOMENDATION: Approval with Conditions

Executive Summary

West Old Baltimore Road is planned as an arterial roadway to serve the Cabin Branch Neighborhood, the Linthicum development and future development in the Ten Mile Creek area. The Applicant was charged with analyzing alternatives for an ultimate cross-section for West Old Baltimore Road, which minimizes the grading, clearing and potential environmental impacts to adjoining property owners, including Black Hill Regional Park, while maintaining the safety needed for circulation. The Applicant has met with Staff and members of the community to present the alternatives outlined in the Cabin Branch Infrastructure Plan and has minimized the impacts to the existing wells and septic fields while safely addressing the needs for the future arterial roadway.

Background

Development Plan

The Cabin Branch Project is a 535-acre, multi-phased, mixed-use community involving several developers and owners. The Development Plan application and MXPD zoning request (application no. G-806, approved September 2003) set forth the total non-residential square footage, the maximum number of dwelling units, the location of streets and open spaces and the overall concept of a mixed-use community. The land use plan portion of the Development Plan application indicates specific uses, densities, building locations and configurations within each of the four development areas. The Development Plan included nine binding elements related to TDRs, MPDUs, trip reduction measures, total number of units and non-residential square footage. The zoning case left final design considerations, including the building locations and configurations, to be determined during site plan review.

Preliminary Plan

The Preliminary Plan for the development (also called Phase I) was approved on June 22, 2004 by the Planning Board for 1,600 residential dwelling units, 1,538,000 square feet of non-residential space, 500 elderly housing units and public use. The amended Preliminary Plan (also called Phase II) is being presented concurrently to the Board with the Limited Amendment. The Preliminary Plan amendment does not change the boundary of the site; but it would increase the total number of dwelling units allowed as well as non-residential square footage to reflect the approved Development Plan.

Mandatory Referral for the Water Tower

A Mandatory Referral (MR 08001-WSSC-1) for a Clarksburg elevated water storage tank to serve the Cabin Branch Neighborhood and surrounding area is being reviewed concurrently with the limited site plan amendment and preliminary plan amendment.

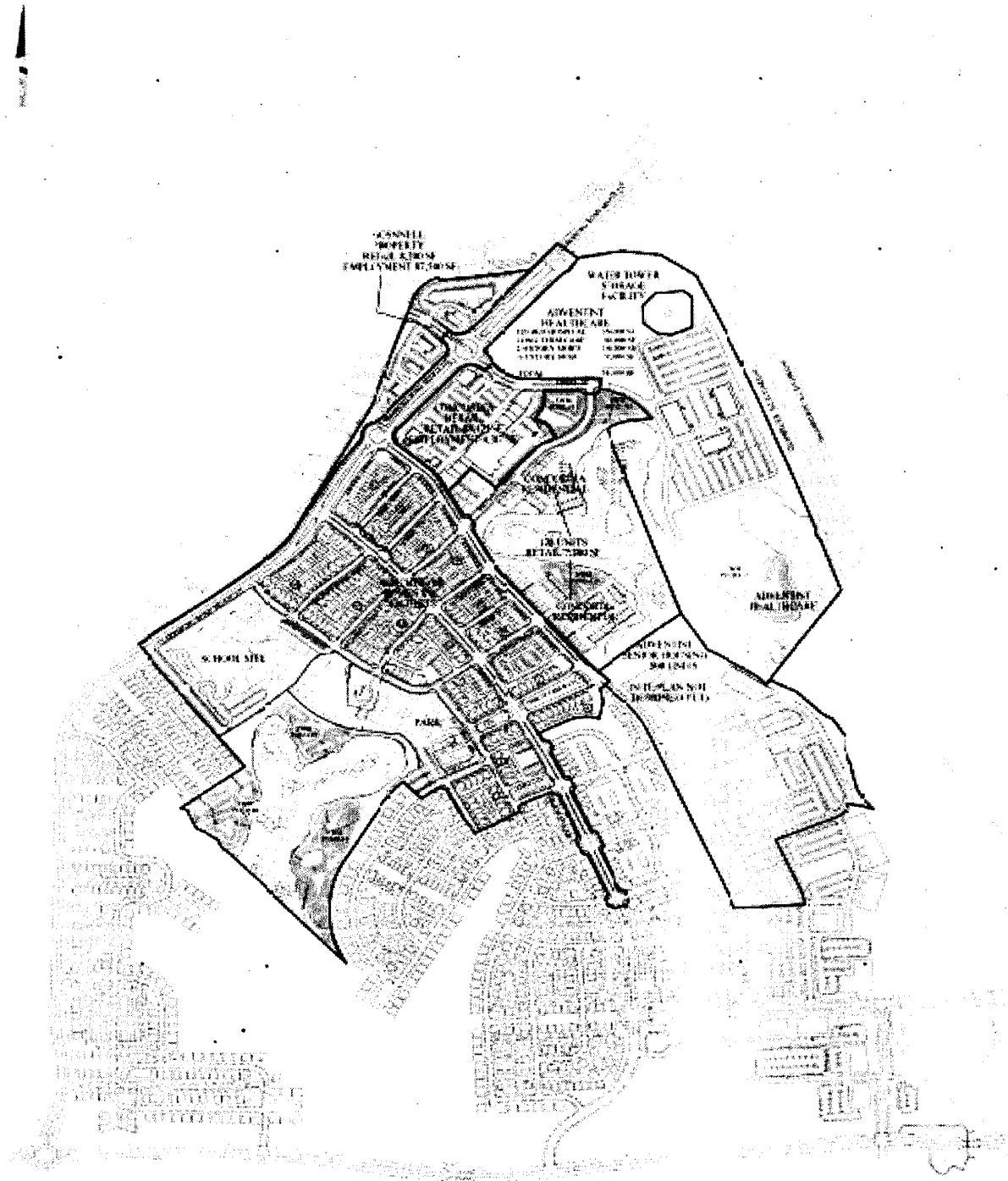
Site Plans in the Queue

The following site plans have been submitted for the Cabin Branch development:

- Site Plan 820060180-Concordia Residential for 116 One-family attached/townhouse units, including 16 MPDUs and combined two-over-two units (SFA) and 7208 square feet of ground floor office.
- Site Plan 820060240-Gosnell for 108,744 square feet of hotel, 6,800 square feet of Office, 3,480 square feet of retail and 4,800 square feet of commercial space.
- Site Plan 820060290-Winchester-1 Residential for 437 residential dwelling units, including 72 MPDUs is scheduled for the Planning Board on April 17, 2008.
- Site Plan 820060300-Concordia Retail for 87,878 square feet of commercial retail and 4,387 of employment.
- Site Plan 820060350-Cabin Branch Adventist Phase I Medical Office Building for 234,000 square feet of medical office space.
- Site Plan 820070140-Toll 1, Cabin Branch for 159 one-family detached and 60 one-family attached units, including 24 MPDUs.

Additional site plans are expected for other portions of the development, including the elderly housing. The Winchester I site plan will provide an overview of the entire development with

organization and timing of the current and proposed development. It is envisioned that the Concordia retail, Concordia residential and Adventist site plans will be presented concurrently to the Planning Board. Each site plan will need a final water quality approval from the Montgomery County Department of Permitting Services and will need to account for previous approvals to provide a cumulative reporting for the total development.



Overall Plan of the Cabin Branch Development including Site Plans in the queue.

PROPOSED AMENDMENT

An amendment was filed on August 17, 2007 in accordance with the approved Infrastructure and Roads Only Site Plan approved by the Planning Board on June 14, 2007 (Planning Board resolution approved September 19, 2007). The proposed amendment is a condition of approval of the Infrastructure Plan and specifically relates to the improvements along West Old Baltimore Road. The condition is noted as follows:

“Within 60 days of approval of the Infrastructure Site Plan, Applicant will prepare and submit a limited amendment to the Infrastructure Site Plan to provide for an Alternatives Analysis for that portion of West Old Baltimore Road between I-270 and Broadway Street, including a possible no-build option, for review and approval by the Planning Board, based on review by DPWT, M-NCPPC Staff and residents along West Old Baltimore Road. Based upon this analysis, Staff will provide a recommendation for approval by the Planning Board for the design parameters and construction of this portion of West Old Baltimore Road. The alternatives analysis shall study the following: a) vertical and horizontal alignment/typical sections; b) extent of easements necessary outside the right-of-way; c) potential impacts to existing septic systems, wells and structures; d) clearing and grading impacts; e) park impacts; f) location of the bike path; g) auxiliary turn lanes and traffic controls; h) sight distances; and I) the no-build option.”

The Applicant has submitted a plan that addresses each of the alternatives and respective road design considerations, as discussed further in the Staff Recommendation section.

PUBLIC NOTICE

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on March 3, 2008; however, the entire package of plans was submitted for review on August 17, 2007. Copies of the plans and alternatives were sent to the adjoining property owners along West Old Baltimore Road on August 17, 2007. The Applicant met with the residents on September 25, 2007 to discuss the alternatives analysis. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff received comments from the Parks Department and from Mr. John Cook, a resident on the north side of West Old Baltimore Road and Chairman of the Clarksburg Civic Association-Planning Committee. His comments note the minimization of grading impacts on the properties fronting West Old Baltimore Road, which directly relate to the potential for future impacts to the existing septic systems and wells.

COMMUNITY OUTREACH

On March 3, 2008, the Applicant presented the amendment to the Infrastructure and Roads Only Plan to the Clarksburg Civic Association Planning Committee, and held numerous public outreach meetings to provide an overview and update of the development. Staff attended the meetings to assist with questions pertaining to the Master Plan, status of the Infrastructure Plan and the site plan process.

STAFF REVIEW AND RECOMMENDATION

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

The modifications are directly related to the design standards for West Old Baltimore Road, especially as they relate to the surrounding properties directly affected by the improvements and to the Cabin Branch Neighborhood.

West Old Baltimore Road is an attractive rural road that provides access to Black Hill Regional Park and two major developments on the west side of I-270. The road is designated as an arterial road by the Master Plan and provides an important link between the east and west sides of I-270.



West Old Baltimore Road highlighted in blue along the stretch of the Cabin Branch development from I-270 to the east and MD 121 to the east.

The preliminary plan required the Applicant to “upgrade West Old Baltimore Road to two-lane arterial standards” in anticipation of the Cabin Branch development and the Linthicum development directly opposite Cabin Branch on the south side of West Old Baltimore Road. As proposed, West Old Baltimore Road will serve the Cabin Branch development (1,886¹ residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment) and the Linthicum property on the south side approved for 308 dwelling units.

During the hearing for the Infrastructure Plan, the Applicant was required to study alternatives for the road section to alleviate and minimize impacts to adjoining properties. The original plan depicted West Old Baltimore Road as an arterial roadway with two travel lanes and a Class I

¹ The Development Plan (Local Map Amendment G-806) approved 1,676 market rate and 210 Moderately Priced Dwelling Units (total 1,886); however, the Preliminary Plan (12003110A) only approved 1,600 residential dwelling units, 1,538,000 square feet of non-residential and 500 elderly housing units. Phase II of the Preliminary Plan has been submitted for review to increase the total number of residential dwelling units to 1,886 and 2,436,000 square feet of non-residential. Phase II is being reviewed by the Board concurrently with this amendment.

bikeway within the 80-foot right-of-way. Original details of the road cross section between the I-270 overpass and the roundabout planned for the MD 121 intersection show utility and grading easements that exceed the 80' right of way. Adjoining property owners were adversely affected by the original design. This revised application minimizes the impacts to the adjoining property owners while continuing a modified cross-section and design within the 80-foot-wide right-of-way.

Applicant's Position

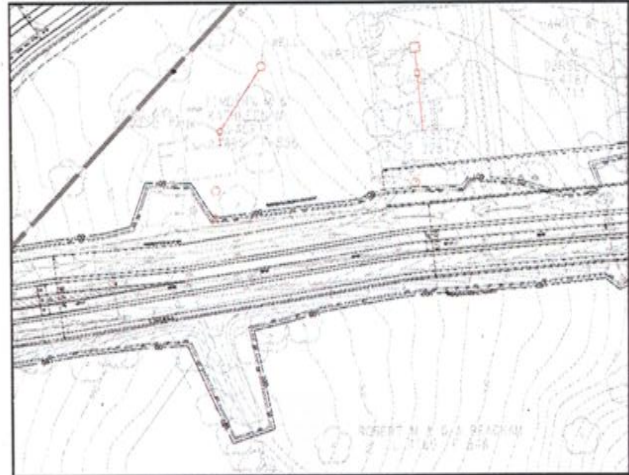
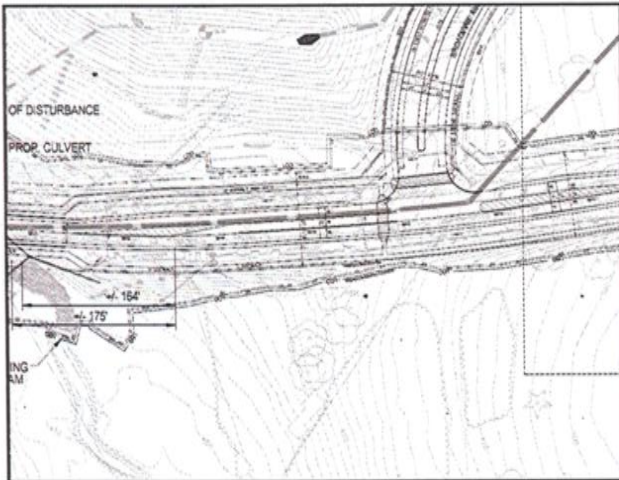
Consistent with the conditions of approval of the preliminary plan and the Infrastructure Plan, the Applicant has analyzed alternatives for the design section of West Old Baltimore Road. Each alternative analyzed clearing and grading impacts, sight distance, grade and speed, the vertical and horizontal alignments for the proposed sections, necessary easements for each option, location of sidewalks and pathways, traffic controls and auxiliary turn lanes. The two options proposed by the residents, including the no-build option and cul-de-sac, were evaluated and not accepted by DPWT and Transportation Planning due to safety considerations and traffic associated with the Cabin Branch neighborhood. The modified sections indicate total right-of-way, potential grading for a two-lane arterial, open section roadway and utilities involved with the infrastructure improvements. The Applicant acknowledges grading impacts to the affected properties and has provided a plan indicating the grading easements, right-of-way and public utility easements needed to accommodate an arterial roadway.

Community/Resident Position

During the previous hearing, the adjoining properties along West Old Baltimore Road expressed concern about impacts to their property frontage and the impacts to the existing wells and septic systems. Property owners were not supportive of the widening, grading, clearing and potential impacts that the road improvements would have on the affected properties.

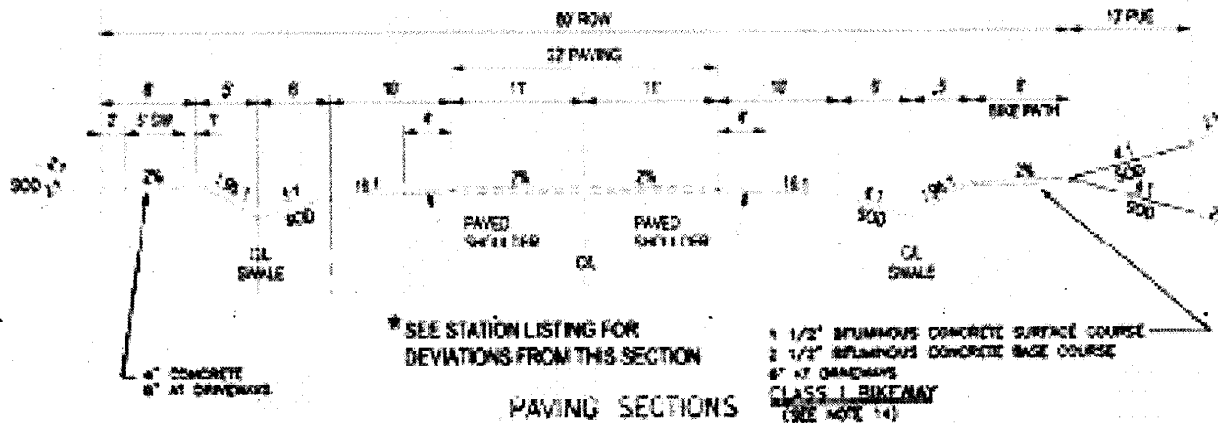
The West Old Baltimore Road alternatives were presented to the residents at a community meeting organized by the Applicant on March 3, 2008. The residents were responsive to the alternatives studied and efforts taken to minimize impacts to existing wells and septic systems. The Applicant met with DPWT, Planning Staff and Parks Staff to present the proposed sections. The Parks Department acknowledged the minimization of impacts to the park frontage including clearing and grading. The concerns over sight distance and access to the park entrance were addressed and resolved during the meeting.

The following illustrations (from west to east starting at Broadway Street to the access to the Parks property) indicate the proposed improvements for West Old Baltimore Road and potential impacts to the adjacent properties.



DPWT Position

DPWT analyzed the alternatives and requests an arterial roadway (80 feet right-of-way) consistent with the Master Plan and preliminary plan. However, the design section of the roadway can be modified within an 80-foot section to include: 22 feet of paving (11-foot-wide travel lanes); a 4 foot shoulder; 17 feet of open section area for swale and grading; and a level 8-foot-wide section on each side for an 8-foot-wide bike path on the south side and 5 foot-wide sidewalk on the north side. A 10 foot PUE is provided adjacent to the right-of-way where feasible. The bike path will be located on the north side of the road and will traverse through the neighborhood between the two access points on the north side.



A modified cross-section is also proposed and accepted by DPWT in three areas where culverts and road section narrows at the stream crossings.

Both modified cross-sections meet the requirements for an arterial road that will serve the proposed development and adjoining properties. The road section and improvements also satisfy safety requirements for grading, sight distance and speed.

Staff Position

Staff is supportive of the efforts made by the Applicant, agencies and residents to address the design considerations for West Old Baltimore Road, grading and environmental impacts to properties along the road, and safety considerations for design speed, gradient and sight distance. The Applicant satisfied the condition of approval related to West Old Baltimore Road as specified in the resolution for the Infrastructure and Roads Only Plan.

STAFF RECOMMENDS APPROVAL OF THE AMENDED INFRASTRUCTURE SITE PLAN. All site development elements as shown on the Infrastructure and Roads Only Site and Landscape Plans stamped by the M-NCPPC on March 7, 2008 shall be required, except as modified by the following conditions:

1. Infrastructure Plan
The applicant shall comply with the following conditions of approval of the Infrastructure Plan in the resolution dated September 19, 2007, unless specifically amended by this amendment [Attachment A].
2. Transportation
The Applicant shall comply with the following conditions of approval from the Department of Public Works and Transportation (DPWT) in the memorandum dated March 10, 2008 and from the M-NCPPC-Transportation Department in the memorandum dated March 13, 2008, or as amended [Attachment B]
3. Parks Department
The Applicant shall comply with the following conditions of approval from the Park Planning and Stewardship Division in the memorandum dated March 14, 2008 [Attachment B]:
 - a. Applicant to use all reasonable efforts to minimize the impact to trees located on parkland during road and park entrance improvements.

- b. Park entrance road to remain open at all times during construction of road and park entrance improvements.
- c. Park entrance to be constructed to adequately and safely accommodate park users as well as large trucks and maintenance vehicles.
- d. Any trees to be planted on parkland to be approved by parks staff to assure use of viable native species.
- e. Applicant to secure a park permit prior to beginning any work on park property. Any improvements on parkland to be designed and constructed to meet park standards and specifications, and shall be acceptable to park staff.

4. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. A development program for each detailed site plan shall include a phasing schedule to incorporate the following site plan elements: street tree planting, community-wide pedestrian pathways and recreation facilities, other pedestrian pathways and seating areas, clearing and grading, necessary roads and phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

5. Clearing and Grading

No clearing or grading is permitted prior to approval of the certified site plan.

6. Certified Site Plan

Prior to certified site plan approval of the Infrastructure and Roads Only Plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development Program and Site Plan Resolution.
- b. Undisturbed stream buffers unless specifically approved with the construction of the infrastructure.
- c. Limits of disturbance.

ATTACHMENT A

Infrastructure Plan and Roads Only Plan Resolution dated September 19, 2007

SEP 19 2007



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 07-131

Site Plan No. 820050150

Project Name: Cabin Branch Infrastructure and Roads Only Site Plan

Date of Hearing: June 14, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on November 4, 2004, FFTM1, Limited Partnership, Winchester Homes, Inc., King Farm Partnership, Concordia Group and Adventist Healthcare, Inc. ("Applicant"), filed an application for approval of a final water quality plan for the infrastructure components of site plan No. 820050150 ("Final Water Quality Plan") and an Infrastructure and Roads Only Site Plan to accommodate 1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs) ("Site Plan" or "Plan") on 535.04 acres of RMX-1/MXPD-zoned land, located in the northwestern quadrant of the intersection of Interstate 270 and West Old Baltimore Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820050150, Cabin Branch Infrastructure and Roads Only Site Plan (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 1, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on June 14, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY

DVD 8/31/07
MONTGOMERY COUNTY LEGAL DEPARTMENT

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 14, 2007 the Planning Board approved the Final Water Quality Plan and the Infrastructure and Roads Only Site Plan subject to conditions on the motion of Commissioner Perdue; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Hanson, Wellington, Perdue and Robinson voting in favor of the motion.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 19, the Montgomery County Planning Board approved Final Water Quality Plan No. 820050150 for the infrastructure components of Site Plan No. 820050150 subject to the following conditions:

1. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (DPS).
2. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.
3. No encroachment into stream buffers for stormwater management facilities or sediment control facilities is allowed without permission of the Planning Board, except for necessary outfalls and temporary sediment control facilities in non-forested portions of the stream buffers. If at later stages of stormwater review and design it is determined that the stormwater management facility is not properly sized and must be enlarged to accommodate the proposed drainage areas, the applicant will have to find additional space outside the stream buffer. This may require the reconfiguration of layouts and loss of developable area.
4. Conformance to the conditions as stated in the DPS letter dated February 22, 2007 approving the elements of the SPA water quality plan under its purview.
5. Amendments to the forest conservation plan must be submitted and approved by the Planning Board with all future site plans, mandatory referrals, and special exceptions prior to any clearing and grading.
6. All on site environmental buffers/stream buffers must be planted prior to any off-site forest planting or before off-site forest conservation credits can be applied to meet the overall planting requirements of this forest conservation plan.
7. A Final Water Quality Plan for each detailed site plan must be submitted, which may amend the Final Water Quality Plan approval for the Infrastructure Plan.

This Final Water Quality Plan does not approve the elements in the detailed site plans.

BE IT FURTHER RESOLVED that all design components as described in the letter from the Montgomery County Department of Permitting Services dated February 22, 2007, including the Stormwater Management Concept shall be required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES the Infrastructure and Roads Only Site Plan No. 820050150 to accommodate 1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs), on 535.04 acres subject to the following conditions:

1. Development Plan Conformance
The proposed development shall comply with the binding elements listed in Local Map Amendment G-806 and the associated Development Plan.
2. Preliminary Plan
The proposed development shall comply with the conditions of approval for Preliminary Plan 12003110A (formerly 1-03110A) as listed in the Planning Board opinion dated June 22, 2004.
3. Site Design
 - a. Each detailed site plan application shall be reviewed and evaluated for the specific uses proposed to create the proper design character appropriate for the type of development. Within the basic framework established by the major roads approved by this Infrastructure Plan and required by the Preliminary Plan Adequate Public Facilities approval, (Maryland Route 121, Cabin Branch Parkway, Broadway Street, West Old Baltimore Road between Maryland 121 and Broadway Street, and Little Seneca Parkway [aka Newcut Extended]), other streets within the grid system may be modified at the request of Staff or the Planning Board during the review of the detailed site plans to include location; urban design elements, such as street walls, street alignment, unifying architectural treatments, pedestrian friendly environments and landscape treatments.
 - b. The Applicant shall retain a town architect to oversee the design characteristics of Cabin Branch, including review of architectural treatments for individual residential units and commercial building design and layout. The architect shall be a registered architect with experience in town planning, and shall develop design guidelines to provide for thematic consistency of

architectural design for Cabin Branch. These will include but are not limited to architectural form, relationship to the street, pedestrian walkability and a focus on public space.

- c. Design guidelines shall be submitted and approved by the Planning Board with the first detailed site plan, and shall be binding upon the developer and builder.

4. Amendments

- a. Any major changes to the Infrastructure Plan, such as increased height of retaining walls, significant grading impacts, relocation of public roads and utilities or modifications to the streetscape elements, will require an amendment to the Plan and be reviewed by the Planning Board.
- b. Provide documentation of any minor changes to the Infrastructure Plan with each site plan application. An as-built Infrastructure Plan will need to be provided with the last site plan application to document all of the minor changes.

5. Streetscape

- a. The Applicant shall provide a consistent streetscape, including streetlights and street trees on the primary public roads, such as 1st and 2nd Avenue, MD 121 and Tribute Parkway. The street trees on these streets shall be spaced a minimum of 30 feet on center and street lighting should be provided to accentuate the streetscape.
- b. The Applicant shall incorporate the Thematic Landscape and Lighting Plan into the future detailed site plans for street trees, spacing type of light fixtures, planting treatments within alleys, medians and streets.

6. Pedestrian Circulation

Provide an 8-foot wide asphalt bike path on the south and east side of MD 121, west side of 2nd Avenue (Broadway Street) and on the south/west side of Streets G and H, northeast side of Street Z, adjacent to the proposed school site, south side of Street P, east side of Street M and FF and the north side of West Old Baltimore Road, or as directed by staff in subsequent site plans.

7. Recreation Facilities

- a. Provide a Local Park site to include the facilities as described in condition 8 below.
- b. Remove the community facility (pool/clubhouse) from the future Park site and relocate the facility to a more centralized location convenient to the residents

and overall community. The location of the pool/clubhouse shall be identified with the first residential detailed site plan.

- d. Provide the community-wide open space and a trail system of the minimum recreational concept for the overall Cabin Branch development. The exact locations, dimensions and sizes of these facilities will be determined with the corresponding site plan.
- e. Each detailed site plan application shall update the overall recreational concept to provide for individual facilities and a cumulative reporting of the community-wide facilities within the Cabin Branch development.

8. M-NCPPC Park Facility

The applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Research Analysis in the memorandum dated May 18, 2007:

- a. Applicant to dedicate to M-NCPPC the agreed upon area of contiguous land that is located between the proposed elementary school site and proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continuing south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation is to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland to be conveyed by time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
- b. Within the dedicated local park acreage, Applicant to provide, at Applicants expense, the park's most needed active recreational facilities and amenities to include at least one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10'-wide where needed for maintenance access), a drinking fountain, park signage and information kiosks, portable restroom pad and enclosure, appropriate fencing for safety purposes along the retaining wall (acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated parkland. The area where the softball field was shown on the Preliminary Plan (area north of the historic house) must be graded and seeded to provide an open play field. The size and grading will be coordinated with the Parks Department. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users. Park dedication and facility layout to be substantially as set forth on the attached

Park Site Exhibit, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to certified site plan approval. Facilities to be constructed to park standards and specifications after procurement by Applicant of appropriate park permit. Copies of applicable standards and specifications will be provided to Applicant by time of certified site plan approval.

- c. No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- d. Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, the elementary school and parkland together in an accessible, pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to certified site plan approval to establish exact locations of needed trails in order to provide recreational opportunities for the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.

9. Maintenance Responsibility

The Applicant, its successors/assignees, and/or the successor HOA shall be responsible for maintaining community-wide amenity features such as HOA playgrounds, HOA open spaces, retaining walls, parking facilities, streetscape elements and natural features.

10. Transfer Development Rights (TDRs)

Prior to recording of each plat, the applicant shall provide verification that the numbers of TDRs relevant to that plat have been acquired. Applicant shall maintain a continuing calculation with each Site Plan, reflecting the number and type of approved dwelling units and the proportional number of associated TDRs under the formula established in the Development Plan and Preliminary Plan.

11. Moderately Priced Dwelling Units (MPDUs)

The applicant shall comply with the following conditions of approval from the Department of Housing and Community Affairs in the memorandum dated April 25, 2007:

- a. The proposed development shall provide (12.5 percent) MPDUs (of the total number of dwelling units) on-site.
- b. The Applicant will be required to provide an overall map of the location and number of MPDUs in the Cabin Branch community and a cumulative reporting with each detailed site plan.

12. School Site

The Applicant shall comply with the conditions of approval from the Montgomery County Public Schools in the memorandum dated March 22, 2007.

13. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated May 31, 2007:

- a. The applicant must comply with the current and future State Highway Administration (SHA) and Department of Public Works and Transportation (DPWT) regulations and with the letters of support from SHA and DPWT attached hereto.
- b. The road improvements set forth in the Road Improvement Phasing Plan approved as part of the Phase I Preliminary Plan shall be open to traffic before building permits for the subsequent sub phase of development may be issued.
- c. The applicant must either obtain a waiver from DPWT to allow street trees in a panel less than six feet wide or make adjustments to their plan in order to provide for a minimum of six foot wide planting areas.
- d. The applicant must provide at least one handicapped-accessible crosswalk for pedestrians and bicyclists crossings between the adjacent land uses.
- e. The applicant must design all roundabout in accordance to FHWA/SHA guidelines.
- f. The applicant must provide minimum curb return radii of 30' on arterials, 25' on commercial/industrial, primary and secondary roads, 20' on tertiary roads and 15' on alleys, adjusted as necessary for local conditions such as trucks and school buses.
- g. The applicant must identify and obtain waivers from the Planning Board for horizontal curves that are less than minimum standard.
- h. Within 60 days of approval of the Infrastructure Site Plan, Applicant will prepare and submit a limited amendment to the Infrastructure Site Plan to provide for an Alternatives Analysis for that portion of West Old Baltimore Road between I-270 and Broadway Street, including a possible no-build option, for review and approval by the Planning Board, based on review by DPWT, M-NCPPC Staff and residents along West Old Baltimore Road. Based upon this analysis, Staff will provide a recommendation for approval by the Planning Board for the design parameters and construction of this portion

of West Old Baltimore Road. The alternatives analysis shall study the following: a) vertical and horizontal alignment/typical sections; b) extent of easements necessary outside the right-of-way; c) potential impacts to existing septic systems, wells and structures; d) clearing and grading impacts; e) park impacts; f) location of the bike path; g) auxiliary turn lanes and traffic controls; h) sight distances; and i) the no-build option.

- i. The applicant must provide a pedestrian connection between the intersection of Streets O and J to the intersection of Streets T and H.

14. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated May 22, 2007 and with the conditions of approval as specified in the Final Water Quality approval:

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. No clearing or grading is permitted with the infrastructure plan.
- b. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.

15. Historic Preservation

The proposed development is subject to the following conditions of approval from the Historic Preservation Commission dated December 22, 2006:

- a. Parking lots will not be constructed within the environmental setting of the historic resource.
- b. The circular drive around the historic house will be maintained in gravel.
- c. Any tree 6' in diameter (DBH) or larger proposed to be removed within the environmental setting of the historic site will require approval by the Historic Preservation Commission.
- d. The proposed changes within the 5-acre environmental setting (i.e. new construction, grading changes, tree removal, fence installation, retaining walls and alterations to the historic house) will require review and approval through the Historic Area Work Permit process (HAWP).
- e. The environmental setting of the historic resource remains the original boundaries of Parcel 747, which is 5.31 acres in size.

- f. The installation of activity lighting on the ball fields is prohibited.
 - g. The applicant will remove non-historic elements and rehabilitate the exterior of the house. The applicant will receive approval from the HPC for applicable projects.
16. Fire and Rescue
The proposed development is subject to the conditions of approval from the Montgomery County Fire and Rescue Service dated March 7, 2007.
17. Stormwater Management
The proposed development is subject to Stormwater Management Concept approval conditions dated May 13, 2004, unless amended by the Department of Permitting Services.
18. Common Open Space Covenant
Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff during the detailed site plan process to insure that Applicant's recorded Homeowners Association Documents are incorporated by reference in the Covenant.
19. Development Program
Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. A development program for each detailed site plan shall include a phasing schedule to incorporate the following site plan elements: street tree planting, community-wide pedestrian pathways and recreation facilities, other pedestrian pathways and seating areas, clearing and grading, necessary roads and phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- The Development Program for the Infrastructure Plan shall include a phasing schedule as follows:
- a. Phasing of MPDUs.
 - b. Grading and timing for the construction of the Local Park.
 - c. Prior to the release of the 650th residential building permit, the Applicant shall obtain a building permit for the community pool and center.

20. Clearing and Grading

The following may proceed upon approval of the Infrastructure Site Plan, Sediment and Erosion Control Plans and Forest Conservation Plan: a) clearing and mass grading for the roads being approved by this Infrastructure Plan and the local park and school site; b) installation of temporary sediment and erosion control devices; c) the installation of the trunkline sewer (DA 3326); and d) the installation of the water main along Maryland Route 121. No construction of roads, buildings or retaining walls may proceed until subsequent certified Site Plan approvals for each individual Site Plan. Notwithstanding the above, clearing and grading activities, with the exception of the water and sewer projects, may not be permitted beyond the limits of disturbance submitted as part of the current site plans for Nos. 820060180, 820060240, 820060290, 820060300, 820060350 and 820070140.

21. Certified Site Plan

Prior to certified site plan approval of Infrastructure and Roads Only Plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program and Site Plan Resolution.
- b. Undisturbed stream buffers.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. MPDU, TDR, and recreation facility concept.
- g. Location of outfalls away from tree preservation areas.
- h. Environmental setting protecting the historic resource or site.

BE IT FURTHER RESOLVED that all site development elements as shown on Cabin Branch Infrastructure and Roads Only Site and Landscape Plan drawings stamped by the M-NCPPC on April 16, 2007, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Development Plan (G-806) in land use, density, location, and building height and development guidelines.

The nine binding elements from Development Plan G-806 are listed numerically and in italics, followed by the Planning Board finding:

a. *Transferable Development Rights and Moderately Priced Dwelling Units*

The Property that is subject to this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will require the purchase of Transferable Density Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-NCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multi-family) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.

The 635 Transferable Development Rights will be provided for the portion of property zoned RMX-1/TDR. The number of MPDUs provided is in excess of the binding element by 26 for a maximum of 236 MPDUs.

b. *Off-Site Amenities and Features*

By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.

This binding element does not apply to the Infrastructure Plan since development standards and actual units are not proposed at this time. The Applicant is permitted to grade in accordance with Condition No. 20 which is consistent with this binding element.

c. *Trip Reduction Measures*

At the time of Preliminary Plan of Subdivision, the Applicant, M-NCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions

measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

Trip reduction goals were established during the preliminary plan approval and will be further analyzed at the first development site plan phase. The parking ratios for the non-residential uses will be determined during the first site plan for that type of development. Trip reduction goals will be considered during that review and will be consistent with the proposed uses.

d. Street Network

A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to M-NCPPC and DPWT approvals.

The Applicant has provided a network of public streets in a grid pattern that is familiar to the neo-traditional type of development. The street network is patterned to develop a cohesive relationship with the variety of uses proposed in the Cabin Branch neighborhood. The public streets proposed are consistent with the Master Plan and hierarchy defined in the Development Plan.

e. Area D Street Network

Area D will be designed with a public or private street connecting First Avenue (Route A-304) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.

Area D, between future A-302 (Newcut Road), Second Avenue and West Old Baltimore Road will be reviewed in more detail when the site plan for this portion of the site is submitted. This area will be further analyzed as part of the limited amendment required by Condition No. 13(h) to address impacts to the adjacent properties along this section of West Old Baltimore Road.

f. Street Character

All streets will adhere to a pedestrian-friendly design to the extent practical, which places particular emphasis on a building line to frame the street, with parking in the rear. Within the core, pedestrian friendly uses including retail or office will be located on the first floor. The entire MXPDP area will conform to a Cabin Branch Community Streetscape Plan that is designed to integrate the entire community, which will be submitted at Site Plan and is subject to M-NCPPC and DPWT approvals.

The public streets have been designed to foster a pedestrian friendly environment, where possible, and to promote active streets that interact with the streetscape plan.

g. Special Roads

A-307 will be designed as an open section arterial road with wide green edges to provide a gateway to Black Hill Regional Park, subject to M-NCPPC and DPWT approvals. The rural character of West Old Baltimore Road will be maintained by minimizing environmental impacts and providing generous green edges.

A-307 has been designed as an open-section 80-foot-wide arterial road with green edges that line up with the entrance to Black Hill Regional Park. West Old Baltimore Road was not reviewed with the Infrastructure Plan in terms of impact to adjacent properties, including Black Hill Regional Park, but will be reviewed as a limited amendment. The road is proposed as a two-lane arterial roadway with changes to vertical and horizontal alignment. The Applicant is required to submit a limited amendment and alternatives analysis in accordance with Condition No. 13(h) to address impacts to adjacent properties including alignment, necessary easements, well and septic, clearing and grading, park boundaries, sight distance and a no-build option.

h. Service/Public Uses

Service/Public uses may include up to 500 units for independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care.

This binding element does not apply to the Infrastructure Plan.

i. On-street Parking

Applicants will include on-street parking on streets adjacent to retail facilities.

On-street parking has been incorporated into many of the public streets and will be further analyzed with each development site plan application.

2. *The Site Plan meets all of the requirements of the MXPB and RMX-1/TDR zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the applicable requirements of the MXPB and RMX-1/TDR Zones as demonstrated in the project Data Table shown below. No development information is required or being provided with the Infrastructure and Roads Only Site Plan for numbers and types of units, setbacks, building height, green area and number of parking spaces. The first development site plan will

establish the number and types of units, the minimum setbacks and building restriction lines, maximum building heights and coverage requirements in terms of lot area, open space and green space for the respective zones.

Requirements of the MXP/DMX-1/TDR zones

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the MXP/DMX-1/TDR Zones. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards Approved by the
 Planning Board and Binding on the Applicant

Total Tract Area:	535.04 Acres						
Zoning:	RMX-1/TDR (251.54 acres) MXP (283.50 acres)						
Public Water System Category:	W-3						
Public Sewer System Category:	W-3						
Max. Density of Development:	1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of non-residential ¹						
Unit Mix Required by the Clarksburg Master Plan:	<table border="0"> <tr> <td>One-family detached</td> <td>45-55%</td> </tr> <tr> <td>One-family attached</td> <td>35-45%</td> </tr> <tr> <td>Multi-family</td> <td>10-20%</td> </tr> </table>	One-family detached	45-55%	One-family attached	35-45%	Multi-family	10-20%
One-family detached	45-55%						
One-family attached	35-45%						
Multi-family	10-20%						

No development information is required or being provided with the Infrastructure and Roads Only Site Plan for numbers and types of units, setbacks, building height, green area and number of parking spaces. All of these elements of the site plan will be established and reviewed during each development site plan submittal.

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

¹ The Development Plan (Local Map Amendment G-806) approved 1,676 market rate and 210 Moderately Priced Dwelling Units (total 1,886); however, the Preliminary Plan (12003110A) only approved 1,600 residential dwelling units, 1,538,000 square feet of non-residential and 500 elderly housing units. Phase II of the Preliminary Plan has been submitted for review to increase the total number of residential dwelling units to 1,886 and 2,436,000 square feet of non-residential. Phase II has not been approved.

a. **Buildings and Structures**

No buildings have been proposed with the Infrastructure and Roads Only Site Plan. Each development site plan will show the location of each building and structure. The historic building (#13/24) remains as a dominant structure in the center of the overall site that bifurcates the proposed park.

Retaining walls have been shown on the Infrastructure site plan and minimized to the extent possible to address grading concerns with the preliminary plan approval. A retaining wall exhibit was submitted and reviewed with the Infrastructure and Roads Only Site Plan. The retaining walls on the west side of the park property have decreased in height from 50 feet to three tiered, 30-foot-tall retaining walls at the highest point since the time of preliminary plan approval. The series of walls are expansive but have been minimized to the extent possible for safety and efficiency of the grading on the site. At the hearing, the Applicant agreed to further minimize the series of retaining walls in the park site area by grading and seeding the area north of the historic house to provide for an open play field.

b. **Open Spaces**

The plan proposes a significant amount of open space, which consists primarily of stream buffers, stormwater management facilities and the proposed park and school sites. The future site plans will have to provide the required green area consistent with the requirements of the RMX-1/TDR Zone and previous development plan and preliminary plan approvals. The future site plans will provide updated open space and green space calculations, which will consist of areas between the units and along the perimeter of the property, in addition to the green area network of stream valleys, stormwater management facility areas, and park and school site field areas.

c. **Landscaping and Lighting**

The proposed landscaping and lighting consists of a varying treatment within the public rights-of-way, as outlined in the Thematic Street and Park Character guidelines ("Thematic Plan") presented by the Applicant. All of the agencies have had an opportunity to review the placement, types and species and spacing of the street trees to avoid conflicts in the design phase and during construction. The Thematic Plan also identifies the type of plant material appropriate within the medians and roundabouts, as well as acceptable lighting and accent material for crosswalks and sidewalks.

However, the exact species and location of street trees will be identified with each development site plan, and will stress the character of the species and spacing associated with the particular use.

d. Recreation Facilities

The overall recreation facilities have been incorporated into the park and school site that include ball fields, playgrounds, picnic shelters and pathways. In addition to the programmed facilities, the development will provide for natural features such as the stream valleys with integrated trails. Recreation facilities are based upon a calculation of the number and type of unit provided within the development, as well as community facilities offered by the Applicant.

Each development site plan that includes residential development will need to be updated to show compliance with the M-NCPPC Recreation Guidelines and overall facilities guidelines for the Cabin Branch Development.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe and efficient throughout the entire site.

The primary access points to the site are from multiple locations along MD 121 (Clarksburg Road), West Old Baltimore Road and future Little Seneca Parkway (A-302). The state is proposing intersection improvements at I-270 with Clarksburg Road and Little Seneca Parkway. Two roundabouts are proposed on Clarksburg Road at the first intersection (Street A) that provides primary access to the Gosnell tract to the north, and Adventist Healthcare and the retail section to the south. The second roundabout on Clarksburg Road is located at the intersection with 1st Avenue (Cabin Branch Avenue), which is the primary route to the retail center and a major spine within the community that connects to Little Seneca Parkway. Two internal roundabouts are proposed on Little Seneca Parkway at the intersections with 1st and 2nd Avenues:

Second Avenue is an arterial road and is the primary spine within the community that connects Clarksburg Road and West Old Baltimore Road. Two additional important access points to the site include Street G (Bryne Park Drive), which follows the eastern boundary of the school and park site and Street Z, which is the primary access to the school. Street Z also provides access to a future residential portion of the development that includes primarily one-family detached and attached housing.

The overall Cabin Branch neighborhood will contain an eight-foot-wide shared use path (Class I bikeway) on the external boundaries of the site, including the north side of West Old Baltimore Road, that connects and continues to the east side to connect with the bike paths for the Summerfield Crossing (8-03034) and Martens (8-02039) developments. The bike path on West Old Baltimore Road connects with the bike path on the east side of Clarksburg Road (MD 121). This path terminates at the future interchange for I-270. Internally, the 8-foot-wide bike path follows Street Z on the west side of the proposed school site, and bifurcates the school and park site to connect with the alignment on Street G. The path follows the west side of Street G and H and the north side of Street P to finally connect to the proposed bike path on Little Seneca Parkway.

Five-foot-wide internal sidewalks will also be provided for all of the public streets to facilitate pedestrian circulation throughout the development.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

No structures or uses are proposed with this application, with the exception of retaining walls. However, the infrastructure and internal grid system establishes the pattern of uses based upon location, importance of road network, location of natural resources and proposed uses identified as part of the approved preliminary and site plans. Each structure and use for the subsequent development site plan applications will be evaluated for compatibility with the existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

- a. **Forest Conservation**

The applicant, Cabin Branch LLC, has submitted a final forest conservation plan with the Infrastructure and Roads Only Site Plan. This plan will be the guide for all future development site plans, special exceptions, and mandatory referrals. The development shown on the forest conservation plan is conceptual in nature and is being refined with individual development site plans. Therefore, the applicant must amend the forest conservation plan with each future development site plan to properly depict the forest conservation plan including the final grades, infrastructure, lot layouts, and building locations.

The applicant is proposing to remove 64.77 acres of forest, retain 65.03 acres of forest and plant 73.21 acres of forest. The applicant will plant 36.77 acres of forest on site. Part of the property is developed using an optional method of development. Section 22A-12(f) of the forest conservation law requires properties developed under an optional method of development to meet certain forest retention requirements on site. The forest conservation plan indicates that the applicant will meet the conservation threshold onsite and that they will meet all planting requirements through a combination of onsite forest retention, onsite planting of unforested stream buffers, and landscape credit.

Under M-NCPPC's implementation of the Special Protection Area regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Since the property includes land both in and out of the SPA and the tributaries drain to a common water body, the planting requirements will be treated as if the entire site were located within the Clarksburg SPA. Therefore, the Planning Board has required the forest conservation plan to include planting in the stream buffers after DPS approval of the first sediment control/grading permit and that the applicant provide a five-year maintenance period for all planting areas credited toward the forest conservation plan. In addition, the applicant is required to plant all onsite planting areas prior to being allowed to use offsite mitigation credits. Since the property is within the Clarksburg Special Protection Area, all off site reforestation areas should be directed to planting unforested areas within the SPA.

b. Tree Save

Environmental Planning staff previously requested the applicant to preserve a 68-inch diameter at breast height (dbh) sycamore tree that is located outside of the stream buffer and is in good condition. Staff first requested preservation prior to the rezoning case. The tree has a circumference of 213 inches, which is 85 percent of the County champion sycamore tree.

There is a condition of approval of the preliminary water quality plan requiring the applicant to *"minimize the amount of fill used throughout the site to reduce the loss of groundwater hydrology supporting the headwater wetlands, and to better preserve the hydrology necessary for existing vegetation in stream buffers. After minimization has been conducted, opportunities shall be examined at site plan to retain the 68-inch dbh specimen sycamore tree and reduce the need for extensive retaining walls"*. The applicant has worked to minimize amount of fill but has not adequately addressed this condition.

The applicant submitted "Sycamore Tree Removal Study" in June 2006 but has not updated that submission. The plan submitted in 2006 shows the tree in a stormwater management facility. The infrastructure site plan shows the tree in a median between a parking lot and a roadway. Therefore, a new study is required that reflects the layout on the infrastructure plan. This revised study should be reviewed concurrently with the appropriate development site plan.

c. Environmental Guidelines

The NRI/FSDs for the various properties included in this Site Plan identified the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream buffers. As part of the *Environmental Guidelines*, the stream buffer must be reforested. Where trees do not currently exist in the stream buffers, the applicant will plant new forests. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas.

d. Stream Buffer Encroachments

The only encroachments into the environmental buffers associated with this plan are necessary stormwater management conveyances, some utilities, natural surface trails, widening of West Old Baltimore Road, and construction of A-302 (Little Seneca Parkway)/I-270 Interchange.

e. Protection of Seeps, Springs and Wetlands

One of the performance goals for this final water quality plan is to protect springs, seeps, and wetlands. The applicant has not provided DPS with sufficient information to determine what impacts deep cuts and fill areas will have on groundwater recharge and stream base nor does Environmental Planning believe sufficient information is submitted to protect springs, seeps and wetlands. Condition No. 2 of the May 13, 2004 DPS approval of the preliminary water quality plan requires the applicant to "*Provide a geotechnical study/evaluation of the potential effect that the proposed deep cut and fill areas will have on groundwater recharge and stream base flow.*" DPS is responsible for determining and ensuring the performance goals are achieved. It is M-NCPPC's responsibility to protect seeps, springs, and wetlands through the delineation of stream and wetland buffers.

The applicant has not addressed Condition No. 2 of DPS' approval of the preliminary water quality and this is reflected by Condition No. 2 of the DPS February 22, 2007 approval of the final water quality plan which

states "Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at the proposed locations. It is likely that groundwater will be encountered below some of the end of lines sand filters. In this case additional upland recharge areas will be required. This may affect lot yield. Note that extra recharge volume was required in the Preliminary Water Quality Plan approved (150% of MDE requirement) due to the lack of open section roads and deep cuts and fills that are proposed." The Planning Board incorporates the Environmental Planning memorandum dated May 22, 2007 requiring the applicant to address this comment prior to the approval of individual development site plans while there is still opportunity to provide the upland recharge.

g. Site Imperviousness

There are no impervious limitations within the Clarksburg SPA; however, the Special Protection Area regulations allow M-NCPPC to review imperviousness and to work with the applicant to reduce imperviousness. The estimated impervious amount proposed for the entire site is less than 45 percent. The impervious amount will be refined with the submission and approval of individual development site plans. Impervious data is not available for sites of this size and mixture of units and square foot of commercial/office space.

h. Site Performance Goals

As part of the final water quality plan approved with this Application, several site performance goals were established for the project:

1. Protect the streams and aquatic habitat.
2. Maintain the nature of onsite stream channels.
3. Maintain stream base flows.
4. Identify and protect stream banks prone to erosion and slumping.
5. Minimize storm flow runoff increases.
6. Minimize increases in ambient water temperatures.
7. Protect springs, seeps, and wetlands.
8. Minimize sediment loading.
9. Minimize nutrient loadings.
10. Control insecticides, pesticides, and toxic substances.

i. Stormwater Management

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs).

Thirteen extended detention dry ponds will provide stormwater quantity control. These facilities are designed with a maximum retention time of 12 hours for the one-year storm. Stormwater quality control is provided via a treatment train consisting of recharge structures, surface sand filters, bio-filtration structures, dry swales, structural water quality inlets and vegetated buffer filtering.

Redundant sediment control facilities are required during construction of the site. This means upland sediment traps will drain to secondary traps downgrade. DPS will not allow silt fences as only perimeter control.

The proposed stormwater management concept and preliminary water quality plan consists of on-site channel protection measures via thirteen extended detention dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment train that consists of recharge structures, surface sand filter (in series), biofiltration structures, dry swales structural water quality inlets (both filtering and flow-through) and vegetated buffer filtering. Since open-section roads will not be feasible for the majority of the site, additional water quality volume will be provided in the proposed end of outfall large surface sand filters.

BE IT FURTHER RESOLVED, that this resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is SEP 19 2007 (which is the date that this resolution is mailed to all parties of record); and


BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by

MCPB No. 07-131
Site Plan No. 820050150
Cabin Branch Infrastructure and Roads Only Site Plan
Page 22

Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Cryor and Lynch abstaining, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820050150- Cabin Branch Infrastructure and Roads Only Site Plan.



Royce Hanson, Chairman
Montgomery County Planning Board

ATTACHMENT B

Memoranda from Agencies

MEMORANDUM

March 14, 2008

TO: Robert Kronenberg, Site Plan Supervisor, Development Review Division

FROM: Doug Powell, Plan Review Coordinator, Park Planning and Stewardship Division,
Department of Parks

SUBJECT: Cabin Branch Infrastructure Plan, Limited Site Plan Amendment #82005015A

Park Planning and Stewardship staff recommends approval of the Applicant's Site Plan Amendment with the Conditions as set forth below:

BACKGROUND

The primary entrance to Black Hill Regional Park, as well as a section of the Park's road frontage, is located on Old Baltimore Road across from the Applicant's property that is being developed as part of the Cabin Branch Subdivision. This entrance is used by the public to access the lake recreational facilities, picnic areas and hiking trails as well as the nature center. Park management headquarters and maintenance yard are also accessed from this road. The Black Hill Regional Park Master/Management Plan acknowledges the importance of this park entrance and calls for improvements to safety conditions at the intersection of the entrance road with Old Baltimore Road. There is, however, forested land along the entrance road and Old Baltimore Road, and minimizing impact to the trees is a concern during construction to the intersection and Old Baltimore Road improvements.

The Applicant has worked with staff from DPWT and the Department of Parks to design a safer park entrance with the minimal amount of disturbance to the Park's forest land and without unduly increasing the slope of the entrance road. The proposed plan improves the sight lines at the intersection while maintaining the current park entrance road location and requires only a slight increase in the entrance road's slope.

CONDITIONS

1. Applicant to use all reasonable efforts to minimize the impact to trees located on parkland during road and park entrance improvements.
2. Park entrance road to remain open at all times during construction of road and park entrance improvements.
3. Park entrance to be constructed to adequately and safely accommodate park users as well as large trucks and maintenance vehicles.
4. Any trees to be planted on parkland to be approved by parks staff to assure use of viable native species.
5. Applicant to secure a park permit prior to beginning any work on park property. Any improvements on parkland to be designed and constructed to meet park standards and specifications, and shall be acceptable to park staff.



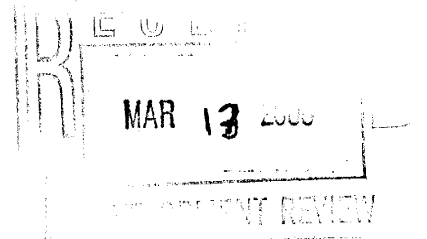
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 10, 2008

Mr. Robert Kronenberg, Site Plan Supervisor
Development Review Division
The Maryland-National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 1-03110A
Site Plan No. 8-20050150
Cabin Branch Subdivision

West Old Baltimore Road

Dear Mr. Kronenberg:

We have completed our review of the August 13, 2007 "Limited Amendment to the Infrastructure Site Plan – Alternative Designs for West Old Baltimore Road from Interstate 270 to Broadway Avenue" notebook prepared by Loiederman Soltesz Associates, Inc. (LSA) on behalf of the Cabin Branch development team. Proposals in that document were amended in subsequent iterations and finalized in the March 7, 2008 Site Plan submission package. This letter also addresses improvements between Clarksburg Road (MD 121) and Broadway Avenue.

In reviewing the most recent submissions, we carefully considered the comments of some of the nearby residents of the Clarksburg Hills community, as outlined in Mr. John Cook's February 2, 2008 letter to Ms. Nellie Maskal and you. That letter urged the no build approach; if that option was not acceptable, then it requested minimal changes to this road. Since this section of West Old Baltimore Road is classified as an arterial roadway in the 1994 Approved and Adopted Clarksburg Master Plan, we do not believe the no build (nor the previously suggested cul-de-sac) option is appropriate.

We note the existence of the 1965 record plat (no. 7746) which created Lots 1-5 of the Clarksburg Hills subdivision. That record plat dedicated right-of-way forty (40) feet from the centerline and granted forty (40) foot wide slope easements onto those lots. From the information shown on the LSA plans, it appears that existing wells and/or septic systems for several of those lots intrude into the slope easements; they will need to be relocated if physically impacted by these improvements.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

We commend the applicants for their efforts to implement reasonable measures to improve the traffic safety and operations along West Old Baltimore Road while reducing the impacts on the adjacent properties - particularly in the section between Broadway and Kittiwake Avenues. The main typical section proposed for this road will provide:

- 11' wide travel lanes
- 10' wide shoulders (first 4' paved full depth asphalt for bike compatibility)
- side ditches, randomly spaced street trees, streetlights, and traffic signal conduit
- grass shelf on the north side of the right-of-way with 8' wide paved shared use path (path will not be provided in the section between Broadway and Kittiwake Avenues – it will be located along Broadway Avenue, Little Seneca Parkway, and Kittiwake Avenue within the development)
- 5' wide sidewalk on the south side of the right-of-way
- relocation of existing affected utilities

The proposed typical sections improve the existing roadway, satisfy the residents desire to minimize the cross-section width of the improvements on the adjacent properties, provide for multi-modal use, an eight (8) foot wide shared use path on the north side (excepting the section between Broadway and Kittiwake Avenues), and provide a five (5) foot wide sidewalk along the south side of the road.

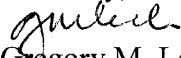
We support approval of the modified typical section at the three major roadway culverts – to minimize the length of in-stream construction and environmental impact.

In addition, pavement widenings (for auxiliary turn lanes) and boxed traffic signal conduit will be provided at the intersections with Broadway Avenue and Kittiwake Avenue/entrance to the Black Hills Regional Park. The proposed profile modifications will result in an 8% maximum grade, approximately a 35 mph design speed, improve sight distances at the public entrance to Black Hills Regional Park and the residential driveways, and generally reduce the steepness of the existing grades.

With respect to the improvements on West Old Baltimore Road between Clarksburg Road (MD 121) and Broadway Avenue, we realize that the preliminary plan for the Linthicum Property (no. 1-05003) was previously reviewed and conditionally approved by this Department and the Planning Board using a different DPWT design standard (no. MC-213.04). For sake of continuity, we now recommend the Planning Board and the applicants pursue construction of the current LSA proposed typical section, widened at the intersections to provide auxiliary turn lanes. Entrances and intersections to the Cabin Branch and Linthicum projects should align opposite one another, provide adequate sight distances, and facilitate safe pedestrian crossings. The shared use path should also be constructed between Clarksburg Road (MD 121) and Broadway Avenue.

Mr. Robert Kronenberg
West Old Baltimore Road Improvements
March 10, 2008
Page 3

We believe these improvements are fair, reasonable, improve traffic operations and safety, and minimize the impact on most of the adjacent residences. We support their approval. Please call or e-mail me if you have any questions regarding these comments.

Sincerely,

Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

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cc: Richard Weaver; M-NCPPC Development Review
Shahriar Etemadi; M-NCPPC Transportation Planning
Steve Federline; M-NPPC Environmental Planning
Nellie Maskal; M-NCPPC Community Based Planning
Doug Powell; M-NCPPC Parks
John Cook; Clarksburg Hills subdivision
Kathy Mitchell; Clarksburg Ombudsperson
Mike Conley; Cabin Branch Development Team
Stan Aldridge; Cabin Branch Development Team
Bob Harris; Holland & Knight
John Brundage; Loiderman Soltesz Associates, Inc.
Irene Carrato; Loiederman Soltesz Associates, Inc.
Charles Linthicum; the Linthicum family
Gary Unterberg; Rodgers Consulting, Inc.
Roger Hayden, II; Pasternak & Fidis, P.C.
Jody Kline; Miller, Miller & Canby
Joseph Cheung; DPS Right-of-Way Permitting & Plan Review
Sarah Navid; DPS Right-of-Way Permitting & Plan Review
Leo Galanko; DPS Water Resources
Edgar Gonzalez; DPWT Director's Office
Bob Simpson; DPWT Director's Office
Gail Tait-Nouri; DPWT Design/Facility Planning
Emil Wolanin; DPWT Traffic Engineering & Operations
Bruce Mangum; DPWT Traffic Engineering & Operations
Fred Lees; DPWT Traffic Engineering & Operations
Seifu Kerse; DPWT Traffic Engineering & Operations
Sam Farhadi; DPWT Traffic Engineering & Operations
David Adams; DPWT Traffic Engineering & Operations

ATTACHMENT C

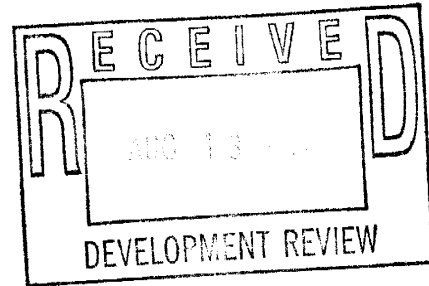
Correspondence from Applicant



Loiederman
Soltesz Associates, Inc.

August 13, 2007

Robert Kronenberg
MNCP&PC
8787 Georgia Avenue
Silver Spring, MD 20910



Re: Cabin Branch West Old Baltimore Road Feasibility Study
Site Plan Number: 820005020
LSA No: 0582-58-08

Dear Robert,

Enclosed is a Limited Amendment to the Infrastructure Site Plan presenting alternative designs for West Old Baltimore Road from Route 270 to Broadway Avenue as requested in the Final Revised Conditions for Cabin Branch, Infrastructure Site Plan 820050150, dated June 14, 2007 Condition 13-h. The section of West Old Baltimore from Broadway to Route 121 will be improved as shown on the Infrastructure Site Plan and is not considered in this alternatives analysis. This study examines four (4) alternative designs for the area of West Old Baltimore Road located between I-270 and the future Broadway Avenue. For each alternative, the study provides exhibits depicting vertical and horizontal alignment/typical sections, extent of easements necessary outside the right-of-way and auxiliary turn lanes. The alternatives examined in the study are:

1. **No Build Option with Culvert Replacement:** West Old Baltimore Road would remain as is with the exception of portions impacted by the installation of the culverts. Existing culverts are required to be replaced with larger culverts to accommodate the streams flow below the roadway and the roadway improved in a limited area as shown on the enclosed study. The paved width of the roadway currently varies between eighteen feet (18') to twenty feet (20') wide. Future intersecting roads would be designed to intersect with minimum improvements to West Old Baltimore Road.
2. **Modified Arterial with 80' Right-of-Way:** West Old Baltimore would be upgraded to a modified arterial road with a nine percent (9%) maximum profile grade, open section and street trees located within an eighty (80) foot wide Right-of-Way. The paved roadway would be upgraded to a single twelve (12) foot lane in each direction with a four (4) foot wide paved shoulder, thirty-two (32) feet total paving. The roadway width would be reduced to twenty-six (26) feet wide paving closed section at the culvert crossings.
3. **Modified Arterial with 60' Right-of-Way:** West Old Baltimore would be upgraded to an modified arterial road with a ten percent (10%) maximum slope, open section and street trees located with a sixty (60) foot wide Right-of-Way. The roadway would be closed section at the culvert crossings. The roadway would be upgraded to either a single twelve (12) foot lane in each direction with

four (4) foot wide paved shoulders, thirty-two (32) feet total paving or a single ten (10) foot paving lane in each direction with four (4) foot wide paved shoulders, twenty eight (28) feet total paving.

4. **Cul-de-Sac:** West Old Baltimore would be altered to terminate at a Cul-de-Sac west of the existing residential lots and east of the future intersection with Broadway Avenue. Thru traffic would be diverted through the Cabin Branch development by way of Kittiwake Avenue to Little Seneca Parkway continued onto Broadway Avenue. West Old Baltimore Road would not be upgraded for this length of roadway. However, some improvements would be necessary to install the necessary culverts.

The feasibility study examined several potential impacts to the roadways users, surrounding land owners, Black Hills Regional Park and the environment including impacts to the existing septic systems and well, clearing and grading, vegetation and sight distances.

Each of the alternatives are feasible designs and it is incumbent on DPW&T to consider the conditions of each design to determine which section is most suitable. A meeting will be scheduled to present these alternatives with interested analysis and the community. You will be contacted to confirm your attendance.

Sincerely,

LOIEDERMAN SOLTESZ ASSOCIATES, INC.



Carole Mahady, PE
Assistant Project Manager

CC: Greg Leck, DPW&T
Doug Powell, MNCPPC
John Cooke, Clarksburg Civic Association
Robert Harris, Holland & Knight
Stan Aldridge, Winchester
Mike Conley, Winchester
Al Edwards, Toll Brothers
Carlos Ostria, LSA
John Brundage, LSA
Irene Carrato, LSA
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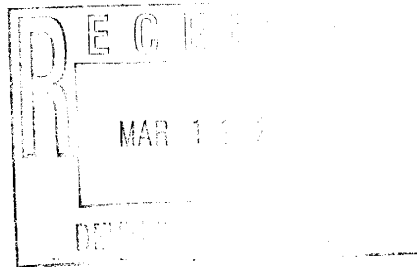
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Bethesda, MD 20814-6337
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March 7, 2008

Robert R. Harris
301 215 6607
robert.harris@hklaw.com



Mr. Richard Weaver
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Cabin Branch Preliminary Plan Amendment (Preliminary Plan No. 1-03110B)

Dear Rich:

We understand this Preliminary Plan Amendment has now been scheduled for hearing by the Montgomery County Planning Board on April 3, 2008. Pursuant to your request at a recent meeting on this project, the purpose of this letter is to reiterate our request that the Amendment establish a new APFO validity period for Cabin Branch, pursuant to Section 50-35(h)4 of the Montgomery County Subdivision Regulations.

As you will recall, in 2003 Cabin Branch Management filed a Preliminary Plan application for the entire project. Based on then-applicable Annual Growth Policy constraints, however, the Planning Board considered only the first phase of development under that application when it approved the Preliminary Plan with a 12 year validity period in June, 2004. After the Annual Growth Policy was amended to enable the full level of development planned for Cabin Branch to proceed, Cabin Branch refiled its request for the entire project including 286 additional dwelling units and 898,000 square feet of additional non-residential development. This is the plan scheduled for hearing on April 3. In order to support a finding of adequacy of public facilities for the entire project in this application under Section 50-35 of the Subdivision Regulations, Cabin Branch submitted a new traffic study including all of the development (i.e. that already approved as Phase 1 and the additional development included the amendment). The study also included transportation improvements to support for the entire project. Transportation Planning Staff now have reviewed the total planned development and the proposed improvements to support it and are including those overall improvements in their recommendations. Therefore, the adequacy of these facilities to support the project has been retested for the entire project. As such, Section 50-35(h)4, provides for approval of a new 10 year validity period for the project. (Although the project initially had a 12 year validity period, Subdivision Regulation Amendment No. 07-01, adopted November 7, 2007 sets 10 years as the maximum for plans approved after August 1, 2007). Within that period we would suggest a phasing plan similar to that established with the original Preliminary Plan but with the phases based on a set number of peak hour trips. This would assure the construction of road improvements in conjunction with development but would provide the flexibility for such development to meet market demand for the various areas. In other words, each phase would be limited to a set number of trips but the development could be any mix of residential, retail, office, etc. that would fall within that number of trips.

There are many practical reasons for establishing such a validity period for this project and doing so will promote the public interest. First, the project obviously is one of the largest development projects in the County and will necessarily have one of the longest build-out periods. It would be inappropriate to

approve it without allowing an appropriate period of time for each component to be built and for each phase to meet market demand. Second, a new validity period is required because development of Cabin Branch still has not been able to proceed despite approval of the initial Preliminary Plan nearly four years ago. Regulatory requirements including the need for approval of an Infrastructure Site Plan prior to detailed Site Plans for each individual section consumed a substantial portion of the initial validity period. In this case completion of that approval process following the initial Preliminary Plan approval has been extremely lengthy for a variety of reasons. The size of the project and site issues alone have required extensive engineering work on the part of the applicant. Even more significantly, from the public sector review side, the project is in a Special Protection Area, which required comprehensive review and then approval of a Water Quality Plan before any Site Plan could be approved. This, combined with the need to address new requirements requiring fire access, road standards, and other related issues caused that approval process to take nearly three years, thus delaying approval of the Infrastructure Site Plan until June, 2007. Since then, Cabin Branch has been working to obtain approval of the initial Site Plan applications filed in 2006 which were on hold pending approval of the Infrastructure Site Plan.

Third, the project includes plans for a future hospital. Hospitals require approval from the State of Maryland of a Certificate of Need and that process cannot even begin until the development approvals are sufficiently definitive to be able to identify the site, the size of the hospital and its future timing. The Certificate of Need process is itself a multi-year process once it begins. Construction of a hospital then would proceed later in the development of Cabin Branch. The entire project implements the Clarksburg Sector Plan. The design and approval process has taken more than six years to this point in time and will involve at least another 12 months before construction could begin. Significantly, at each step of the approval process, the County (the County Council in the zoning and Development Plan approvals and the Planning Board in the Preliminary Plan and Site Plan approvals) has found the project to be in the public interest. That public interest is best served now with an adequate validity period to enable the project to be built. Adding to this justification is the obvious awareness of the housing market. Very few new homes are being built now and the build-out of all projects has lengthened significantly. The combined result of these factors is a practical need for a 10 year validity period for construction of this project sufficient to meet requirements under the Subdivision Regulations within the validity period.

We ask that your Staff report reflect this request and we ask for your support of it.

Sincerely,

Robert R. Harris / DRH

Robert R. Harris

cc: Shahriar Etemadi
Ki Kim
Cathy Conlon
Robert Kronenberg
Mike Conley
Stan Aldridge
Sylke Knuppel
Gary Unterberg
Chris Turnbull

ATTACHMENT D

Correspondence from Community/Resident

John Cook
13625 W. Old Baltimore Rd.
Boys, MD 20841

February 2, 2008

Mr. Robert Kronenberg
Ms. Nellie Maskal
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Limited Amendment to the Infrastructure Site Plan for Alternative Designs for West Old Baltimore Road (Site Plan 820050150)

Careful review of the design study for West Old Baltimore Road indicates the no build option (which, despite its name, does require improvements associated with the replacement of culverts) is the maximum scale functionally required to upgrade West Old Baltimore Road. This is also the only alternative that (if properly executed) does not appear to significantly harm the interests of adjoining property owners. Any greater degree of improvement is unnecessary and has impacts that will generate strong community opposition. Associated with this design decision is the need to specify that any proposed bike paths be provided within the proposed development along Broadway, Little Seneca Parkway and Kittiwake (since bike paths taken from existing resident's front yards along West Old Baltimore would generate damaging impacts regardless of any roadway design decisions). At the well attended community meeting there was consensus on each of these points.

The concern of all adjacent property owners begins with the fact that even the no build option would operate at acceptable levels of service. We are thus highly skeptical of the need for (or value of) any proposed improvements and insist that the minimum level of work be adopted, since any improvements will have consequences for adjacent owners and some options would result in drastic damage to our properties. We are glad that the most draconian scale of improvements is recognized by the study as infeasible and not in keeping with the Master Plan, though we remain concerned that even the seemingly more modest reconstruction options conflict with the intent of the Master Plan (which contemplated that as much of the road as possible would maintain its current "rural character"). The issues and our opposition increase with each increasing level of proposed improvement. Each level of improvement clearly shows greater impacts to the residents (many of which would be devastating to our properties and way of life).

I offer several guiding principles that all the adjoining owners agreed on:

- 1) The scope and scale of improvements adopted should be the minimum necessary.
- 2) The no build option (which does include a replacement of existing culverts generated by the planned development) is the extent of what might actually be required from a functional perspective.

- 3) Acceptable mitigation solutions must be provided for any impacts to the existing owners.
- 4) The existing streetscape (and specifically the adjacent mature street trees) along West Old Baltimore Road should be preserved.
- 5) Water and sewer must be provided at no cost to any whose wells or septic fields are in the path of the improvements.
- 6) The right-of-ways specified do not delineate the full extent of the improvements or contain all of the impacts associated with any of the roadway profiles that were discussed, so decisions must be based on and take into account all impacts and easements (not just the nominal right-of-way).
- 7) Residents do not want a bike path or sidewalk in their yards and support the Master Plan location of the bike path parallel along Little Seneca Parkway rather than along this section of West Old Baltimore Road. A bike path places significant improvements outside the right of way. The issue of the location of bike paths or sidewalks was not a focus of this study, but is very important and should not be overlooked as these matters are decided.
- 8) Limited County funds should not be wasted on unneeded, outsized improvements. Since improvements along the significant County frontage and in front of existing homes will be County funded, the scale of improvements must be limited to the minimum functionally required. None of us want the County wasting money on unnecessary levels of improvement.
- 9) There may not have been a full discussion or agreement on how it could be done at that meeting, but most residents think public water service should be available to residents before construction starts, since blasting and radical alterations of the hydrology and groundwater recharge area are likely to have unpredictable impacts on existing wells, and nearly all properties do not have another potential well site available in the event of failure.

I thank the Planning Board and staff for requesting this matter be given the attention it deserves. I complement the methodology and apparent effort involved in providing the information required to fully translate a series of potentially conflicting mandates into the resulting impacts on property owners. I welcome the greater degree of specificity and clarity that results from this sort of analysis, which ultimately detailed the minimal amount of improvements actually needed compared to the possibilities first presented. The residents also welcome the opportunity for discussion that the resulting public meeting allowed.

I request to be kept informed of any discussions or progress on this matter.

Thanks,



John Cook

CC: Stan Aldridge, Winchester Homes
Rose Krasnow, Division Chief, Development Review, Planning Department
Sue Edwards, Team Leader I-270 Corridor
Mike Knapp, Montgomery County Councilmember, District 2
Greg Leck, Montgomery County DPWT

ATTACHMENT E

PROJECT DESCRIPTION: Site Description and Vicinity

The subject property is located in the northwest quadrant of the intersection with I-270 and West Old Baltimore Road. The subject property consists of 535.04 acres of existing farmland and forested stream buffers. The entire tract is bounded by I-270 to the east, West Old Baltimore Road to the south and Clarksburg Road (MD 121) to the north and west. The properties along West Old Baltimore Road include a number of one-family detached homes, primarily on the north side, as well as the entrance to Black Hill Regional Park via Lake Ridge Drive, near the intersection with I-270. There are also numerous one-family detached homes fronting Clarksburg Road surrounded by working farms, such as the Linthicum Property. Both roads are rural in character with narrow pavement, forest edges opening up to hedgerows and farm fields. West Old Baltimore Road can be accessed from MD 355 while Clarksburg Road is accessed via an interchange from I-270. Clarksburg Town Center is approximately 1.5 miles north and east of the site on the east side of Frederick Road.

This area, also known as the Clarksburg Triangle, includes approximately 243 acres within the Clarksburg Special Protection Area in the Little Seneca Creek watershed. Two major stream buffers exist on the site: one of which parallels the majority of the western boundary of I-270; and the other encumbers the western portion of the site south of Clarksburg Road to West Old Baltimore Road. There are eight parcels or lots on the north side of West Old Baltimore Road that contain one-family detached dwellings and are not part of this application.

A number of structures, including the historic Magee house and farm structures are located throughout the property, primarily on the high points overlooking the farming activities.

