



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

**ITEM#**  
**DATE: 4/3/08**



**MEMORANDUM**

**DATE:** March 21, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Development Review Division

Catherine Conlon, Supervisor *CC*  
Development Review Division

**FROM:** Richard A. Weaver, Coordinator (301) 495-4544 *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision for an additional 286 residential units and 882,000 square feet of non-residential uses.

**APPLYING FOR:** Preliminary Plan Amendment

**PROJECT NAME:** Cabin Branch

**CASE NO.** 1-03110B

**REVIEW BASIS:** Pursuant to Chapter 59, the Zoning Ordinance and Chapter 50, the Subdivision Regulations

**ZONE:** RMX-1/TDR and MXPD

**LOCATION:** Bound by West Old Baltimore Road to the south, Interstate 270 to the east and Clarksburg Road (MD 121) to the west

**MASTER PLAN:** Clarksburg

**APPLICANTS:** FFTM 1,  
Limited Partnership,  
Winchester Homes, Inc.,  
King Farm Partnership,  
Concordia Group  
Adventist Healthcare, Inc.

**ATTORNEY:** Holland and Knight

**SUBMITTAL:** November 19, 2004  
**HEARING DATE:** April 3, 2008

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**Staff Recommendation:** Approval, Subject to the Following Conditions:

- 1) Applicant is bound by all Binding Elements for Local Map Amendment G-806.
- 2) Total development under this preliminary plan application is limited to the following uses and density:
  - 1,886 residential dwelling units
  - 2,420,000 square feet of commercial space
  - 500 dwelling units of senior housing
- 3) To satisfy Policy Area Transportation Review, the Applicant must provide the following traffic improvements:
  - a. Construct Newcut Road as a four-lane divided arterial roadway between West Old Baltimore Road and the eastern business district roadway parallel to I-270.
  - b. Upgrade West Old Baltimore Road to a two-lane arterial roadway standard between Broadway Avenue and Clarksburg Road (MD 121) as outlined in the Department of Public Works and Transportation (DPWT)'s March 10, 2008 letter to M-NCPPC.
  - c. In accordance with the Clarksburg Master Plan, construct two parallel, two-lane business district roadways between Newcut Road and MD 121 in lieu of a four-lane divided arterial roadway.
  - d. In accordance with the Clarksburg Master Plan, upgrade MD 121 to an arterial roadway standard between West Old Baltimore Road and I-270 and upgrade the interchange ramps of MD 121 and I-270 that provide for six-lanes of traffic (both ways) on the MD 121 bridge over I-270.

To satisfy Local Area Transportation Review (LATR), the Applicant must provide the following improvements:

- e. Construct the following improvements at the MD 121/I-270 Northbound on/off ramp:
  - Add a northbound left-turn lane to provide for dual left turn lanes
  - Add a separate westbound left-turn lane
  - Signalize the intersection
  - Widen Clarksburg Road bridge over I-270 to accommodate one additional through lane in each direction and a median island, subject to SHA's requirements
  - Add a westbound through lane on MD 121. This third westbound through lane would be dropped at the I-270 southbound loop ramp
  - Add eastbound right-turn lane for I-270 northbound ramp
  - Provide two lanes on the northbound off ramp
  - Provide non-automobile transportation amenities which include 2 LED Traffic Signals, 2 Bus Shelters, 1 "Super" Bus Shelter, (defined as a larger than standard bus shelter with heating and lighting), and 3 Bike Lockers subject to approval by DPWT. If the non-auto amenities described here is not acceptable to DPWT, the applicant must provide other improvements equal to mitigating the same level of traffic to pass the LATR test.
- f. Construct the following improvements at the MD 121/I-270 Southbound on/off ramp:
  - Add a westbound through lane
  - Signalize the intersection
  - Add an eastbound lane to southbound on-ramp I-270
- g. Construct the following improvements along the MD 121 frontage:
  - Six-lane roadway section from the I-270 southbound on/off ramp intersection to the first site entrance (Street "A"/Whelan Lane). The entrance would include a two-lane roundabout with right-turn bypass lanes to add and drop the third lane for Clarksburg Road.

- Four-lane roadway between Street “A”/Whelan Lane and First Avenue
  - Two-lane section from First Avenue to West Old Baltimore Road and roundabout at West Old Baltimore Road to accommodate traffic safely and efficiently at this intersection.
- h. The preceding roadway improvements (3a-g)) must be constructed in accordance with the sequence described in the Cabin Branch Roadway Improvement Phasing Table and associated Diagram dated March 20, 2008 (Exhibit 1). Construction of all roadway improvements tied to each phase must be complete and open to traffic prior to the issuance of any building permit for the next phase of development. *The Phasing Table and Diagram shall be attached to the Resolution for this application.*
- i. Construct the following improvement at the MD 121/Gateway Center Drive intersection:
- Reconfigure the existing intersection to provide two lanes for through movements to, and from, the east.
- This improvement must be complete and open to traffic prior to the issuance of building permits for the 1400<sup>th</sup> residential unit and for more than 1,500,000 square feet of non-residential uses.
- j. Construct the following improvements at the Stringtown Road Extended/Gateway Center Drive intersection:
- Widen eastbound Stringtown Road Extended to provide dual left-turn lanes.
  - Convert a southbound Gateway Center Drive through-right lane to a through lane and construct a free right-turn lane with a channelized median.
- These improvements must be complete and open to traffic prior to the issuance of building permits for the 1400<sup>th</sup> residential unit and for more than 1,500,000 square feet of non-residential uses.
- k. Construct or participate on a pro rata share the following improvements at the MD 121/Frederick Road (MD 355) intersection:
- Restripe northbound MD 355 to convert from a through-right and a right-turn lane to a through-left and a right-turn lane
  - Modify traffic signal to meet the requirements of traffic operation with new lane configuration.

These improvements must be complete and open to traffic prior to the issuance of the building permits for the 1400<sup>th</sup> residential unit and for more than 1,500,000 square feet of non-residential uses.

1. Construct or participate on a pro rata share in the following improvements at the MD 355/West Old Baltimore Road intersection:
  - Widen eastbound approach of West Old Baltimore Road to provide for a separate right-turn lane
  - Widen the northbound approach of MD 355 to provide for a separate left-turn lane. A three-lane section will be provided on MD 355 between West Old Baltimore Road and Brink Road
  - Widen southbound approach of MD 355 to provide separate right-turn lane at West Old Baltimore Road.

These improvements must be complete and open to traffic prior to the issuance of the building permits for the 1400<sup>th</sup> residential unit and for more than 1,500,000 square feet of non-residential uses.

- m. Construct or participate on a pro rata share to widen MD 355 south of Brink Road as a four-lane divided section to join the existing four-lane section at Willstone Manor Lane. This improvement must be complete and open to traffic prior to the issuance of the building permit for the 1400<sup>th</sup> residential unit and for more than 1,500,000 square feet of non-residential uses.
- n. Prior to the issuance of a building permit for the 1,256 residential unit, widen the MD 121 northbound off ramp to 2 lanes. Should the construction of a grade separated interchange at Newcut Road/I-270 be funded in the Maryland Consolidated Transportation Program by the time the applicant has obtained bids for the widening of the northbound off ramp, then the applicant shall transfer to SHA for use in construction of the Newcut Road/I-270 interchange a sum equal to the actual bid cost of construction for the northbound off ramp improvement and such contribution shall be considered as having met the applicant's obligation for such improvement.
- o. If any of the road improvements identified in the above paragraphs either are now, or become, obligations of other projects, applicants of other projects may participate in the joint funding of such improvements. Basis of participation on a pro rata share is the sum of total peak hour trips generated by the subject development relevant to the particular improvement over the sum of total peak hour trips generated by all

developments required by the Planning Board to participate in the construction of any particular improvement.

- 4) Prior to certification of the initial site plan, the applicants, M-NCPPC Transportation Planning staff, and DPWT staff will consider mutually acceptable trip reduction measures. The parking ratios for non-residential uses in the Cabin Branch Community will also be determined with each Site Plan review considering the trip reduction goals.
- 5) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width shown in the Adopted June 1994, Clarksburg Master Plan unless otherwise designated on the preliminary plan.
- 6) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes unless modified by MCDPWT or MCDPS.
- 7) Compliance with the conditions of approval for the preliminary forest conservation plan including: reforestation of the stream buffers starting in the first growing season after MCDPS issuance of the first sediment control permit; and a 5-year maintenance period for all planted areas. Final forest conservation plan(s) to be approved at the time of site plan(s). The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 8) Record plat to reflect a Category I easement over all areas of forest conservation and stream valley buffers.
- 9) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways.
- 10) Record plat to reflect dedication to the Board of Education of an elementary school site as shown on the approved preliminary plan or as modified by Infrastructure Plan or Site Plans. Applicant must grade the site to elevations that are acceptable to MCPS and construct any retaining necessary to support the program requirements of an elementary school facility. The bounds of the school parcel shall exclude any retaining walls.
- 11) Applicant to dedicate and convey in Fee Simple to M-NCPPC the agreed 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 continues south along the Little Seneca Tributary to West Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation shall 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 shall be staked and signed to distinguish from private properties.

- 12) Applicant to work with M-NCPPC staff to finalize and clearly delineate at Site Plan, exact park dedication boundaries that are acceptable to Parks Department staff and are easy to identify, sign and manage, and that clearly distinguish between Parkland, HOA property, and private lots.
- 13) No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- 14) 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, one (1) multi-age playgrounds acceptable to M-NCPPC staff, an open grass play area as prescribed below, a picnic area with two (2) shelters, 8' minimum width hard surface trails within the park to serve the various facilities (except 10' wide where needed for maintenance access), one (1) drinking fountain, park signage, information kiosks, portable restroom pad and enclosure as determined by staff; appropriate fencing for safety purposes along any retaining wall or steep slopes (as acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, of which at least 60 spaces must be on the dedicated parkland. 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 approved Infrastructure Plan, 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.
- 15) The open grass play area adjacent to the historic house to include some relatively flat area(s) suitable for informal ball type play. Final grading plan incorporating this flat play area shall be acceptable to M-NCPPC Parks Department staff.
- 16) Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, 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 to the communities and businesses within the subdivision. Trails within parkland shall be constructed to park standards and specifications.
- 17) Compliance with the MCDPS conditions of approval of the Preliminary Water Quality Plan and stormwater management concept letter dated, May 13, 2004

- 18) Compliance with conditions of approval of MCDPWT letter dated May 14, 2004 and March 10, 2008 unless otherwise amended by DPWT.
- 19) Access and improvements along Clarksburg Road (MD 121) and I-270 as required by the State Highway Administration.
- 20) Clearing and grading on-site, in accordance with Infrastructure Site Plan; no recording of plats prior to approval of the certified site plan.
- 21) Final approval of the number and location of MPDU's, TDRs, buildings, dwelling units, lot layout, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 22) No encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in unforested buffers, without prior approval by the Planning Board.
- 23) Applicant to work with MNCPPC staff before individual Site Plan approvals to reduce onsite cut and fill from that shown on the preliminary plan, and minimize the height of retaining walls wherever possible.
- 24) Maintenance of common open space facilities, including retaining walls and historic structure, to be addressed prior to approval of any and all subsequent Site Plan approvals.
- 25) A landscape and lighting plan must be submitted as part of each future Site Plan application for review and approval by technical staff.
- 26) Staging sequence of development as follows:

The Preliminary Plan will remain valid for one hundred twenty one (121) months from the date of mailing of the Planning Board Resolution for this Planning Board action. Record plats may be recorded in stages based upon the following schedule:

- Stage I (expires 31 months from the date of mailing of the Planning Board Opinion): 420 dwelling units, 125 senior housing units and 380,000 square feet commercial.
- Stage II (expires 61 months from the date of mailing of the Planning Board Opinion): 404 dwelling units, 250 senior housing units and 380,000 square feet commercial.
- Stage III (expires 91 months from the date of mailing of the Planning Board Opinion): 388 dwelling units, 125 senior housing units and 380,000 square feet commercial.
- Stage IV (expires 121 months from the date of mailing of the Planning Board Opinion): All remaining development.



Prior to the expiration period, the final record plat for all remaining lots within each stage must be recorded, or a request for extension must be filed.

- 27) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred twenty one (121) months from the date of mailing of the Planning Board Resolution for this Planning Board action.
- 28) TDR's must be recorded in accordance with Section 59-C-10.3.132 and 59-C-10.3.133 of the Montgomery County Zoning Ordinance.
- 29) Other necessary easements shall be shown on the record plats.

#### **EXECUTIVE SUMMARY:**

The Cabin Branch project (12003110A) was previously approved by action of the Planning Board on June 3, 2004 for up to 1600 residential dwelling units, 1,538,000 square feet of commercial uses, and 500 dwelling units for senior adults, age 62 or older. (This application was previously referred to as Phase I) At that time the Planning Board made the necessary review and approvals of all Adequate Public Facilities (APF) requirements for the initial amount of proposed development. Although there was additional development potential on the property, that original approval was limited due to the Policy Area staging ceiling capacity in effect at that time. Later in 2004, the staging ceiling was removed by action of the County Council and this amendment was submitted to seek approval for the additional density. This amendment addresses the Adequate Public Facilities required to support the development originally approved and to support the additional development requested under this amendment. This staff report also recommends revisions to the previous conditions of approval that needed to be updated to reflect changes in policy. *The conditions provided in this staff report supersede those of the previous Planning Board approval.* Attachment A of this report is the Planning Board Opinion for the approval of 12003110A. The Board will note that the conditions have been revised significantly to strengthen the timing of roadway construction projects and to add the additional projects needed to approve this amendment.

The applicant has also requested a new APF phasing schedule as part of this amendment that will stage the development of the property out over the next 10 years as limited by the Subdivision Regulations. Staff has analyzed this request in the staff report.

#### **BACKGROUND:**

This 540 acre tract of land was given specific attention in the 1994 Clarksburg Master Plan. It is part of the Cabin Branch Neighborhood which consists of the Cabin Branch Property and the Linthicum Property. The Cabin Branch Property was designated as the only area west of I-270 to be proposed for significant residential and commercial development. The subject property was zoned RE-1/TDR, RMX-1/TDR, MXPD and I-3 as a result of the 1994 Master Plan revision.

The land holders for the Cabin Branch Property applied for a local map amendment (G-806) to rezone 283.5 acres of the eastern half of the subject property from the RE-1/TDR, RMX/TDR and I-3 Zones to the MXPB zone. The Planning Board considered local map amendment G-806 on June 3, 2003 and recommended approval of the map amendment. The District Council approved the request and formally adopted the resolution on September 9, 2003. (Attachment B)

On June 3, 2004, the Planning Board considered a preliminary plan for a portion of the total amount of development available for the Cabin Branch project. As discussed above, the Policy Area Transportation Review (PATR) limitations in effect at the time limited approval to only 1600 residential units, 1,538,000 square feet of commercial space and 500 elderly housing dwelling units. The Opinion (Resolution) for the project was mailed on June 22, 2004. Given the size of the project, the approval was phased over four stages with each stage having a three-year validity period and a requirement that record plats be recorded for a specified number of residential units and commercial square footage. The validity period for Stage I was for 37 months, or July 22, 2007, with each stage extended out from that date in three-year increments culminating in the expiration date of Stage IV, 145 months (12 years) from the date of mailing of the Opinion, or July 22, 2016. These dates were amended on June 7, 2007 by the Planning Board as part of an extension request and given an additional 24 months for each of the first three stages; the final stage was given no extension.

The Planning Board's approval of the original Preliminary Plan required, by condition, that an Infrastructure Plan be approved prior to any other Site Plan approvals. That Infrastructure Site Plan was submitted in October 2004 and was approved by the Planning Board on June 14, 2007 (Planning Board resolution approved September 19, 2007). As part of that approval, the Board asked the staff to refine the details for the cross section of West Old Baltimore Road. That effort has now been completed and will be presented in detail as part of an Infrastructure Plan Amendment being reviewed concurrently with this amended preliminary plan.

#### **SITE DESCRIPTION:**

The 540-acre property is located west of I-270 in Clarksburg. The area, also known as the Clarksburg Triangle, includes approximately 243-acres within the Clarksburg Special Protection Area (SPA). West Old Baltimore Road is the southernmost boundary of the property, I-270 the easternmost boundary, and MD-121 the western and northern boundaries. The property is zoned RMX and MXPB. The current land uses include active agriculture, abandoned agricultural fields, and forest. The site includes drainage to Little Seneca Creek (Use IV-P SPA stream), Cabin Branch (Use I-P non-SPA stream), and Ten Mile Creek (Use I-P SPA stream).

## **PROJECT DESCRIPTION:**

The proposed Preliminary Plan (Figure 1) continues to incorporate the Master Plan principles of a mixed-use, transit-oriented, and pedestrian-friendly neighborhood. Specifically, the Plan includes an interconnected street system and emphasizes access to open space. The Plan continues to be in substantial conformance with the approved Development Plan that was submitted as part of the Local Map Amendment No. G-806.

The Master Plan recommends a maximum of 2,194 units for the entire Cabin Branch Neighborhood; including the Subject Property and the Linthicum West Property including all MPDU's and specifies 1,886 for the Cabin Branch Property. The Development Plan for G-806 also recommended an additional 500 senior adult units as part of the Service/Public Use element of that approval. The Master Plan specifies a distribution range for the Cabin Branch Neighborhood as follows:

- Detached 45%-55%
- Attached 35%-45%
- Multi-Family 10%-20%

The entire Cabin Branch preliminary plan, including this amendment, proposes all of the allowed density residential density of 1,886 units (768 attached, 679 detached, and 439 multi-family) within the RMX and MXPDP zoned portions of the Property. It also includes the 500 senior living units as recommended in the Development Plan for G-806. The proposed Preliminary Plan requires purchase of 635 Transferable Development Rights (TDR's) and a minimum 12.5% MPDU's. The Plan also is within the maximum development potential recommended by the Master Plan and binding elements of Local Map Amendment No. G-806. The Cabin Branch development will contain all 439 of the multi-family units for the entire Cabin Branch Neighborhood; zoning assigned to the remaining properties is not appropriate for multi-family dwelling units.

The Cabin Branch preliminary plan also achieves the maximum amount of non-residential square footage allowed under the Master Plan within the MXPDP zone. The 2,420,000 square feet of non-residential space includes retail, office, hospital, hotel and service oriented uses.

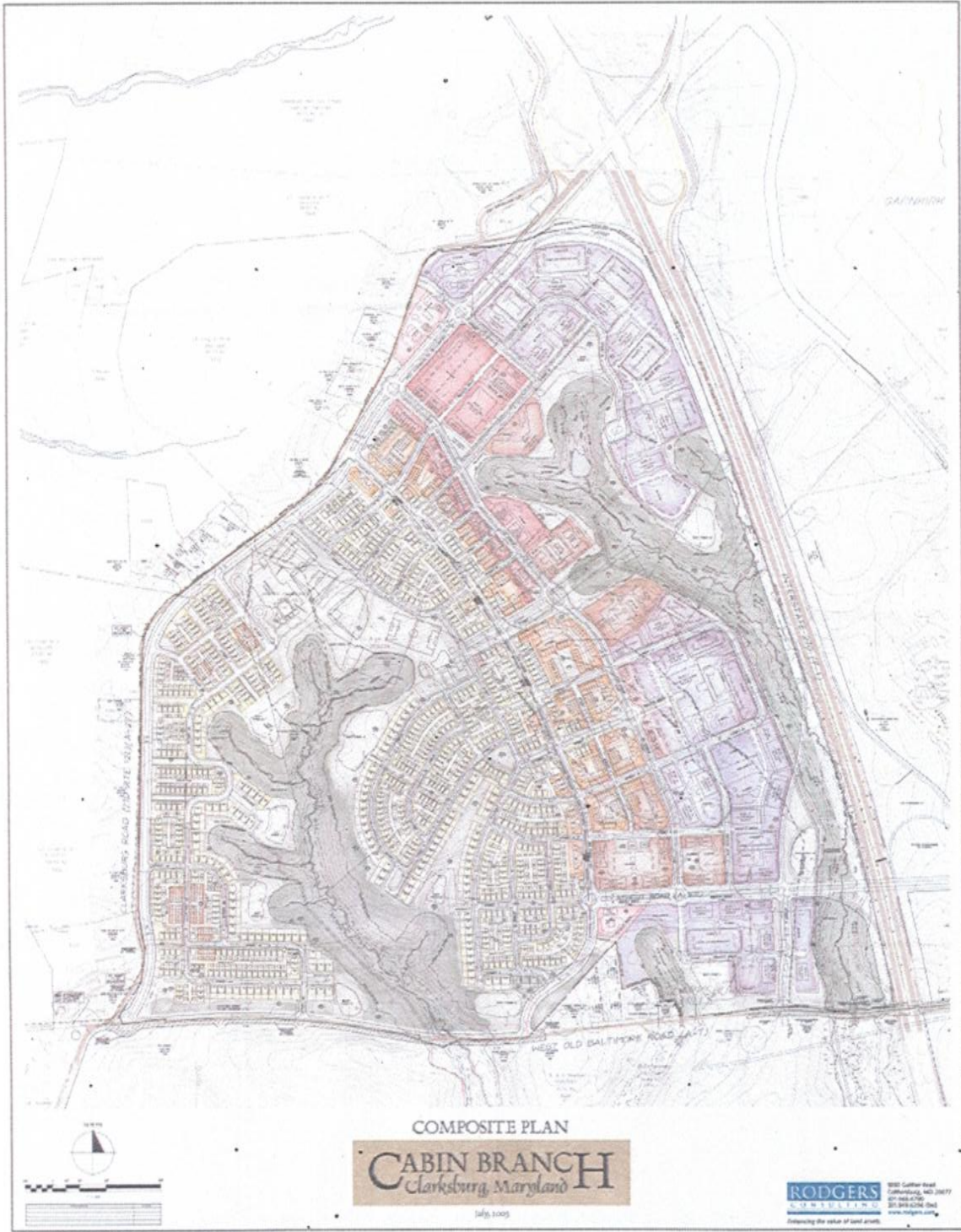


Figure 1

## **ANALYSIS AND FINDINGS:**

### **Master Plan Compliance – Clarksburg Master Plan**

The subject 540-acre property is located within the Cabin Branch Neighborhood of the 1994 Clarksburg Master Plan Area. The Master Plan states that the opportunity to provide a transit-oriented residential neighborhood is one of the most important public policy objectives. The Master Plan includes many employment sites along I-270 to help implement the Plan's vision of I-270 as a high-technology employment corridor. The most significant area of new employment is located in the Cabin Branch Neighborhood where up to 2.4 million square feet of office-type uses could occur. The Master Plan recommends this development occur as part of a mixed-use concept to allow the opportunity for housing.

A summary of the Master Plan objectives are as follows:

- Provide a mix of uses including employment.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor.
- Create a transit-oriented land use pattern.
- Maximize access to the proposed open space system.
- Provide a suitable transition to the rural/open space character south of West Old Baltimore Road towards Boyds.
- Provide an interconnected roadway system.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Place special emphasis on protection of the west fork of Cabin Branch because of its high water quality and tree cover.

During the Clarksburg Master Plan process, the Planning Board and County Council devoted considerable discussion to the appropriate land use and zoning for the subject property. The Cabin Branch Neighborhood is the only portion of the western side of I-270 that is proposed for significant residential development. Most of the development in the Cabin Branch Neighborhood is recommended to occur on the Cabin Branch Property. The Master Plan states the recommended mix of uses for this neighborhood as follows:

- Residential                      1,950 dwelling units plus MPDU units

- Employment                    2.4 million square feet
- Public Uses                    Places of worship, childcare, community building, elementary school, and park

The applicants intend to develop Cabin Branch as a comprehensively planned, mixed-use, transit-oriented and pedestrian-friendly community consistent with the goals of the Clarksburg Master Plan. The proposed plan provides for the necessary mix of uses, including a large technology based employment area that will be accessible by transit. The linkage of neighborhoods within the property by a network of interconnected roads and sidewalks provides for the recommended pedestrian-friendly community with ample access to the open spaces. The wide swath of preserved forest along the West Branch of Cabin Branch in concert with the Water Quality Plan will minimize stream quality impacts. The 22-acre area located north of West Old Baltimore Road adjacent to Black Hill Regional Park was rezoned from the RMX-1/TDR to the MXP Zone as part of Local Map Amendment No. G-806. The layout of this employment area provides a green edge along West Old Baltimore Road, consistent with a rural character.

As shown on the Cabin Branch Neighborhood Concept Diagram, the Master Plan recommends a landscape buffer along MD 121 to help maintain the present rural character along MD 121 and to provide a strong transition between the Cabin Branch and Ten Mile Creek East Neighborhoods. Staff continues to recommend that further refinement of the site design along MD 121 and West old Baltimore Road should occur at time of site plan review to insure compatibility of the proposed project with the surrounding Ten Mile Creek and Boyds communities.

Based on the review of this plan, staff finds that the Cabin Branch preliminary plan complies with the recommendations of the 1994 Clarksburg Master Plan

### **Public Facilities**

#### **Roads and Transportation Facilities**

##### **Policy Area Mobility Review**

The application was filed before January 2007 so it is not subject to the Policy Area Mobility Review that has since been established. Because of the date of the original approval for this project (12003110A), it remains subject to the old Policy Area Transportation Review (PATR) and is also subject to the Local Area Transportation Review (LATR).

##### **Site Access and Vehicular/Pedestrian Circulation**

Access to the site is proposed from MD 121, West Old Baltimore Road, and the future I-270/Newcut Road interchange. The proposed internal roadways provide a

network of sidewalks and street crossings that connect and channelize the pedestrians efficiently to/from residential, commercial, open space, and recreational areas. The site access and internal vehicular/pedestrian circulation system shown on the development plan will be safe and adequate. The following is a general description of the master plan roadway network in the vicinity of the site.

1. Clarksburg Road (MD 121): Classified as an arterial roadway with six lanes from I-270 to A-304, four lanes from A-302 to A-304, two lanes from A-302 to West Old Baltimore road and a master plan right-of-way of 150, 120, and 80 feet, respectively. This roadway provides access from the I-270 interchange to the site and western boundary of the site.
2. I-270: Classified as a freeway with eight lanes. SHA is conducting a multi-modal corridor study to consider highway and transit improvements in the I-270/US 15 corridor from shady Grove Metro Station to the north of Biggs Ford Road in Frederick County. SHA is also conducting a Project Planning Study for the I-270/MD 121 interchange as a breakout project of the SHA's I-270/US 15 Multi-Modal Corridor Study.
3. West Old Baltimore Road: Classified as an arterial roadway with two lanes and a master plan right-of-way of 80 feet. This roadway provides access from MD 355 to the southern boundary of the site.
4. Newcut Road: Classified as an arterial roadway with four lanes and a master plan right-of-way of 120 feet. This roadway provides access from the future I-270 interchange and MD 355. Due to the impact to the stream valley, this roadway is proposed to be terminated east of the Cabin Branch stream valley with a series of traffic circles as shown on the development plan. Staff supports this proposal.
5. A-304: Classified as an arterial roadway with four lanes from Newcut Road Extended (A-302) to MD 121 and a master plan right-of-way of 120 feet. This four-lane roadway is proposed to be replaced with two two-lane business district streets with on street parallel parking. Staff supports this proposal.

#### Newcut Road/I-270 Interchange

The 1994 Clarksburg Master Plan recommends construction of an interchange at I-270 and Newcut Road. The applicant's traffic study indicated that if the Newcut Road interchange is built, a substantial amount of traffic from Cabin Branch development and other area development (both east and west of I-270) will use it to travel to and from areas south of this interchange. COMSAT, a major employment development located on the east side of I-270, is currently under the process of redevelopment and the Newcut Road interchange will provide major accessibility for COMSAT to I-270. The New Cut Road interchange will also provide an important connectivity to I-270 for a significant portion of the Clarksburg developments east of MD 355 including Clarksburg Town

Center and Clarksburg Village. High demand for using this interchange makes it an essential part of the roadway network to facilitate the area traffic circulation.

As part of this Amendment to add remaining development, the applicant is required to provide additional roadway improvements. The roadway improvements package includes improvements to the I-270/MD 121 interchange in addition to those conditioned as part of the original approval. The applicant's estimated total cost (reviewed and approved by SHA) of the interchange improvement to meet the full-built out condition is approximately \$11 million in the year 2006 dollar value. Staff's recommended conditions provide the flexibility to allow the applicant to contribute to the construction of Newcut Road interchange at such time that it is included in the Maryland Consolidated Transportation Program in lieu of constructing all of the additional improvements at I-270/MD121. This funding in combination with other potential private funding in the future could provide significant seed money for constructing the Newcut Road interchange that is crucial for accessibility and circulation in this region.

#### Congestion Levels at Nearby Intersections

Ten local intersections were identified as critical intersections being affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The CLV impacts of the proposed development on these intersections are summarized in Table I.



**Table I**  
**Intersection Capacity Analysis with CLV**  
**Under Various Development Schemes During the Peak Hour**

Intersections Analyzed	Existing		Background		Amendment B**	
	AM	PM	AM	PM	AM	PM
MD 121/I-270 NB off-ramp	473	440	959	1058	1449	1437
MD 121/I-270 SB off-ramp	321	217	561	530	1327	994
MD 121/Whelan Road (Street "A")	253	278	425	411	1330	1355
MD 121/West Old Baltimore Road	208	359	466	664	586	765
MD 121/Gateway Center Drive	716	937	441	434	538	632
MD 121/MD 355	1360	1553	1367	1624	1430	1594
MD 355/Stringtown Road	1283	1334	1658	1814	1419	1658
Stringtown Road/Gateway Center Drive	N/A	N/A	987	1446	939	1170
MD 355/West Old Baltimore Road	1525	1475	2181	2340	2080	1862
MD 355/Brink Road	1526	1468	1565	2036	1077	1344

*\*\* Roadway improvements to be provided by the applicant as a part of original approval and Amendment B are included in this total traffic condition.*

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,450) except the MD 355 intersections with West Old Baltimore Road and Brink Road during both the AM and PM peak hours and at the intersection of MD 355 and MD 121 during the PM peak hour. Under the background development (developments approved but not built) condition, MD 355 intersections with Stringtown Road, West Old Baltimore Road, Brink Road, and the MD 121 exceed the acceptable congestion standard. With all of the prescribed roadway improvements, all of the examined intersections will operate at either an acceptable condition or at a better level than the background condition. Thus, the proposed application will meet the LATR requirements.

## Roadway Phasing Program

The applicant has proposed a phasing program for the roadway improvements which includes the sequence for construction tied to specific stages of the total development. The phasing program establishes a logical progression of roadway improvements in concert with development phasing. Construction of all roadway improvements within a phase must be complete and open to traffic prior to issuance of any new building permit for the next phase.

The size and mixed-use character of the development proposed for this site lends itself to traffic mitigation efforts that will reduce dependence on the single-occupancy vehicle and encourages the use of public transit and ride sharing. Therefore, condition #4 of this report includes the required to formalize mutually acceptable trip reduction measures to be determined prior to approval of the initial Certified Site Plan.

### West Old Baltimore Road

The applicant is required to dedicate West Old Baltimore as an 80 foot right-of-way through the property where it has frontage to the existing road. Portions of the right-of-way will need to be acquired from private property owners. DPWT has analyzed the alternatives for construction within the 80 foot right-of-way, the design section of the roadway has been modified 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 a 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. Full details of these improvements are included in the Infrastructure Plan Amendment.

With the traffic improvements required by this staff report and MCDPWT, staff finds that the development will be served with an adequate road and sidewalk network.

### Other Public Facilities

Other public facilities and services will be available to serve the proposed development. The entire site will be served with public water and sewer. Service to the entire project has been reviewed by WSSC, the Montgomery County Department of Environmental Protection, MNCPPC staff, and by the County Council as part of the WSSC CIP review. Projects to serve this site are either available or are included in the WSSC CIP.

The entire project has been reviewed by the Montgomery County Department of Fire and Rescue Services who have approved an "Emergency Vehicle Pavement Marking and Signage Plan" dated December, 2006 and a "Fire Access Emergency and Parking

Plan” Dated October, 2006. (Letter Attached) Other public facilities such as schools, police stations, firehouses and health services are currently operating within standards set by the Growth Policy resolution currently in effect. Although Clarksburg has been placed in moratorium because of inadequate school capacity by the 2007-2009 Growth Policy, this application is permitted to proceed because it was submitted under the previous Growth Policy.

#### New Schools

Montgomery County Public Schools (MCPS) worked with the applicant to identify an acceptable elementary school site for dedication to the Board of Education at no cost. MCPS has reviewed a conceptual sketch and grading plan that is deemed acceptable. The site will need to be graded to meet MCPS specifications and the required retaining walls will need to be constructed by the applicant prior to conveyance to MCPS. The boundaries of the school site property to be conveyed must not include any retaining walls. These requirements are detailed in the conditions of approval.

#### Historic Preservation

The Byrne Warfield Farm is a Historic Resource Master Plan site and is part of the larger Cabin Branch Preliminary Plan. The HPC has review and approval authority on alteration and new construction within the five-acre environmental setting of this historic resource. The HPC strongly objected to a plan to relocate the historic structure and favored a plan to retain the structure in its current location. The HPC called for the owners to focus on developing a plan that would retain as much of the 5-acre parcel of land as open space for the historic site as possible. The HPC Commissioners did not object to a potential homeowners association (HOA) use for the property, yet felt it necessary to maintain the rural character of the house and its associated landscape, i.e. new construction should not compete with the historic house. Prior to the Site Plan review for this structure, the developer will be required to submit a formal Historic Area Work Permit application for any alterations or additions to the historic building or its associated environmental setting.

#### Parks

The Clarksburg Master Plan recommends to.... *“Locate public/civic uses adjacent to major stream valleys.”* The Plan also calls for *“A local park, an elementary school, and other civic spaces to be located in close proximity to each other as well as to the stream valley.”* The Master Plan identifies a local park, referred to as Clarkmont Local Park, in the area that comprises the Cabin Branch development. This park is one of only two parks master planned for the west side of Interstate 270, and it is intended to adequately accommodate the active recreational needs of the communities west of Interstate 270 and north of Old Baltimore Road. The nearby Black Hill Regional Park has considerable passive recreational opportunities but does not include ball fields. The Linthicum property, where the other master planned park containing active recreational

facilities will be located, is currently being farmed and is not expected to go forward for many years.

The Applicant is providing adequate land for the proposed park and will construct the most needed park facilities to immediately serve the needs of the community as set forth in the Infrastructure Plan approval and in the conditions set forth herein. The active recreational portion of the parkland will surround the historic house, and the layout has fully considered the historic resource and the environmental setting of the historic house. Staff from Historic Preservation have provided guidance and input and will continue to work with Parks Department staff on park layout issues that affect the historic resource.

## **Environment**

### Forest Conservation

The Planning Board approved a preliminary forest conservation plan with the original approval of this plan. The preliminary forest conservation plan considered the total development proposed for this property. A final forest conservation was approved as part of the Infrastructure Plan. The applicant is proposing to remove 58.97 acres of forest, retain 71.85 acres of forest and plant 58.32 acres of forest. 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 forest planting, and landscape credit.

Under the MNCPPC's implementation of the Special Protection regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Approximately 243 acres of the 540-acre site are within the Clarksburg SPA. Those portions of the site that drain to Cabin Branch, a Use I-P waterway, are not in the SPA except for two pods that were included because of the potential for groundwater contamination. The Cabin Branch tributary and the tributary parallel to I-270 both drain to Little Seneca Lake. Since the property includes land both in and out of the SPA, and the tributaries drain to a common water body, Environmental Planning required planting as if the entire site is located within the Clarksburg SPA. Therefore, the approval conditions of the forest conservation plan require the applicant to plant the stream buffers after DPS approval of the first sediment control/grading permit and the applicant must provide a five-year maintenance period for all planting areas credited toward the forest conservation plan. With this review and the conditions in this report, staff finds that the final forest conservation plan complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

## Environmental Guidelines

The Environmental Guidelines recommend that there be no encroachments in the environmental buffers except for those related to placement of infrastructure such as roads, sewers, and storm drains. 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 future construction of the A-302 (Little Seneca Parkway)/I-270 Interchange.

Conditions of approval require the applicant to honor the approved stream buffers and keep all permanent stormwater management facilities, except for necessary conveyances, out of the stream buffers. No temporary sediment control facilities may be located in forested stream buffers. The Environmental Guidelines permit temporary sediment control facilities in unforested portions of stream buffers, which are recommended to continue for this site. This plan continues to conform to the requirements of the Environmental Guidelines.

## Water Quality Plan

A water quality plan is required for this site as part of the Special Protection Area regulations. The Board approved a preliminary Water Quality Plan as part of the original review of this project and that approval remains valid. A final Water Quality Plan was approved for the road network with the Infrastructure Plan approval. Individual final Water Quality Plans will be reviewed with each Site Plan review. Staff finds that this application complies with Chapter 19 of the Montgomery County Code requiring approvals of stormwater management/water quality plans.

## **Revision to Adequate Public Facilities Phasing Schedule**

In a letter dated March 7, 2008 (Attachment C), the applicant requests a modification to the phasing schedule that would establish a new, ten year validity for the Adequate Public Facilities finding. To support this request the letter notes that the applicant submitted a new traffic study with the submission of this application which included testing the total development of this property, including that which had already been approved by the Planning Board in the original approval. The total planned development has been retested for adequate facilities not only for transportation, but for all other public facilities required to serve the total development.

The requested phasing schedule continues to include four stages over what is now the maximum ten year period which the Planning Board may approve. Final Record Plats for all development in each stage must be recorded upon the following staging sequence:

- Stage I (expires 31 months from the date of mailing of the Planning Board Opinion): 420 dwelling units, 125 senior housing units and 380,000 square feet commercial.

- Stage II (expires 61 months from the date of mailing of the Planning Board Opinion): 404 dwelling units, 250 senior housing units and 380,000 square feet commercial.
- Stage III (expires 91 months from the date of mailing of the Planning Board Opinion): 388 dwelling units, 125 senior housing units and 380,000 square feet commercial.
- Stage IV (expires 121 months from the date of mailing of the Planning Board Opinion): All remaining development.

In their letter, the applicant has requested that the stages be based on trip generation numbers, however; staff does not support this request. Trip generation numbers are extremely difficult to track, and experience with attempts to track development using this method has proven to be unsatisfactory. Staff and the applicant have agreed that the staging of development can be adequately monitored using issuance of building permits as the mechanism. Staff supports the revisions to the APF validity period as shown in the conditions of approval.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, shape width and orientation are appropriate for the location of this subdivision given the language, as discussed, in the Clarksburg Master Plan.

The lots were reviewed for compliance with the dimensional requirements of the RMX-1/TDR and MXPD zones. The lots, as shown on the preliminary plan, meet all dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Tables 2 and 3. The application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

### **Citizen Outreach**

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents; however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. Staff at Park and Planning provided continuous updates on plan status to the Clarksburg Civic Association. The Community Based Planning Division has attended numerous public meetings that have discussed all elements of this large project. The applicant has held numerous open houses with interested citizens, most recently on March 4<sup>th</sup> to discuss the construction of West Old Baltimore. Staff finds that the Clarksburg community has been fully advised of the evolution of this plan amendment and that this plan has addressed citizen concerns to the extent possible.

**Attachments:**

**Attachment A – Opinion 12003110A**

**Attachment B - G-806 Resolution**

**Attachment C - APF Validity Request**

**Attachment D - Referenced Agency Correspondence**

Table 2: Preliminary Plan Data Table and Checklist

<b>Plan Name: Cabin Branch</b>				
<b>Plan Number: 12003110A and B</b>				
<b>Zoning: RMX1/TDR</b>				
<b># of Lots: N/A</b>				
<b># of Outlots:</b>				
<b>Dev. Type: Mixed Use Residential and Commercial</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	Determined at Site Plan		RW	3/24/08
Lot Width	Determined at Site Plan		RW	3/24/08
Lot Frontage	Determined at Site Plan		RW	3/24/08
Setbacks	Sec. 59-C-10.3.8			
Front	Determined at Site Plan		RW	3/24/08
Side	Determined at Site Plan		RW	3/24/08
Rear	Determined at Site Plan		RW	3/24/08
Height	Determined at Site Plan	May not exceed maximum	RW	3/24/08
Max Resid'l d.u per Zoning	30 du/ac		RW	3/24/08
MPDUs	Yes	12.5%	RW	3/24/08
TDRs	Yes	635 required	RW	3/24/08
Site Plan Req'd?	Yes		RW	3/24/08
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RW	3/24/08
Road dedication and frontage improvements		Yes	Agency letter	May 14, 2004 March 10, 2008
Environmental Guidelines		Yes	Staff memo	May 28, 2004
Forest Conservation		Yes	Staff memo	May 28, 2004
Master Plan Compliance		Yes	Staff memo	May 28, 2004
Other (i.e., parks, historic preservation)				March 13, 2008
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	May 13, 2004
Water and Sewer (wssc)		Yes	Agency comments	May 5, 2004
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	May 7, 2004
Well and Septic		N/A		
Local Area Traffic Review		Yes	Staff memo	March 24, 2008
Policy Area Mobility Review		Yes	Staff memo	March 24, 2008
Traffic Mitigation Plan		Yes at Site Plan		
School Cluster in Moratorium?		No		May 5, 2004
School Facilities Payment		No		May 7, 2004
Fire and Rescue		Yes	Agency letter	March 7, 2007



Table 3: Preliminary Plan Data Table and Checklist

<b>Plan Name: Cabin Branch</b>				
<b>Plan Number: 12003110A and B</b>				
<b>Zoning: MXPDP</b>				
<b># of Lots: N/A</b>				
<b># of Outlots:</b>				
<b>Dev. Type: Mixed Use Residential and Commercial</b>				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	Determined at Site Plan	N/A	RW	2/24/08
Lot Width	Determined at Site Plan	N/A	RW	2/24/08
Lot Frontage	Determined at Site Plan	N/A	RW	2/24/08
Setbacks	Sec. 59-C-10.3.8			
Front	Determined at Site Plan	N/A	RW	2/24/08
Side	Determined at Site Plan	N/A	RW	2/24/08
Rear	Determined at Site Plan	N/A	RW	2/24/08
Height	Determined by Development Plan	May not exceed maximum	RW	2/24/08
Max Resid'l d.u and Commercial Density	Determined by Development Plan 0.75 far 44 and 75 du's/ac	May not exceed maximum	RW	2/24/08
MPDUs	Yes	12.5%	RW	2/24/08
TDRs	No		RW	2/24/08
Site Plan Req'd?	Yes		RW	2/24/08
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RW	2/24/08
Road dedication and frontage improvements		Yes	Agency letter	May 14, 2004 March 9, 2008
Environmental Guidelines		Yes	Staff memo	May 28, 2004
Forest Conservation		Yes	Staff memo	May 28, 2004
Master Plan Compliance		Yes	Staff memo	May 28, 2004
Other (i.e., parks, historic preservation)		Parks	Staff memo	March 13, 2008
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	May 13, 2004
Water and Sewer (WSSC)		Yes		May 5, 2004
10-yr Water and Sewer Plan Compliance		Yes		May 7, 2004
Well and Septic		N/A		
Local Area Traffic Review		Yes	Staff memo	March 24, 2008
Policy Area Mobility Review		Yes	Staff memo	March 24, 2008
Trip Reduction Agreement		Yes at Site Plan		
School Cluster in Moratorium?		No		
School Facilities Payment		No		
Fire and Rescue		Yes	Agency letter	March 7, 2007

## Cabin Branch On-Site Road Improvement Phasing Schedule 3/20/08

Approved Phasing 12003110A	Proposed Phasing 12003110B	Improvement(s)	Approved Development 12003110A	Proposed Development 12003110B
1.1		2nd Avenue (A-304 West) - from MD 121 to Street Q. 2-lane business district road	210 units 190,000 s.f.	
1.2		MD 121 – from Street Z to the I-270 interchange, 2-lane to 4-lane to 6-lane	210 units 125 Senior units 190,000 s.f.	
1.3		MD 121/I270 interchange and bridge improvements	210 units 125 Senior units 190,000 s.f.	
1.4	2.1	2 <sup>nd</sup> Ave (A-304 West) - Street Q to W. Old Balt. Rd., 2-lane business district road Newcut Rd. (A-302) – from 2 <sup>nd</sup> Ave to 1 <sup>st</sup> Ave, 4-lane divided road	194 units 125 Senior units 190,000 s.f.	57 units 101,250 s.f.
1.5	2.2	1 <sup>st</sup> Ave (A-304 East) – from MD 121 to Street I, 2-lane business district road	194 units 190,000 s.f.	57 units 101,250 s.f.
1.6	2.3	1 <sup>st</sup> Ave (A-304 East) – from Street I to Newcut Rd. (A-302), 2-lane business district road	194 units 125 Senior units 190,000 s.f.	57 units 101,250 s.f.
1.7	2.4	MD 121 – from W. Old Balt. Rd. to Street Z, 2-lane arterial	194 units 190,000 s.f.	57 units 101,250 s.f.
1.8	2.5	W. Old Balt. Rd. (A-7) – MD 121 to Newcut Rd., upgrade to 2-lane arterial	194 units 208,000 s.f.	57 units 101,250 s.f.
	2.6	Non-automobile transportation amenities		58 units 101,250 s.f.

**Sub-phase**

**Limits**

Phase 1.1



Phase 1.2



Phase 1.3



Phase 1.4



Phase 1.5



Phase 1.6



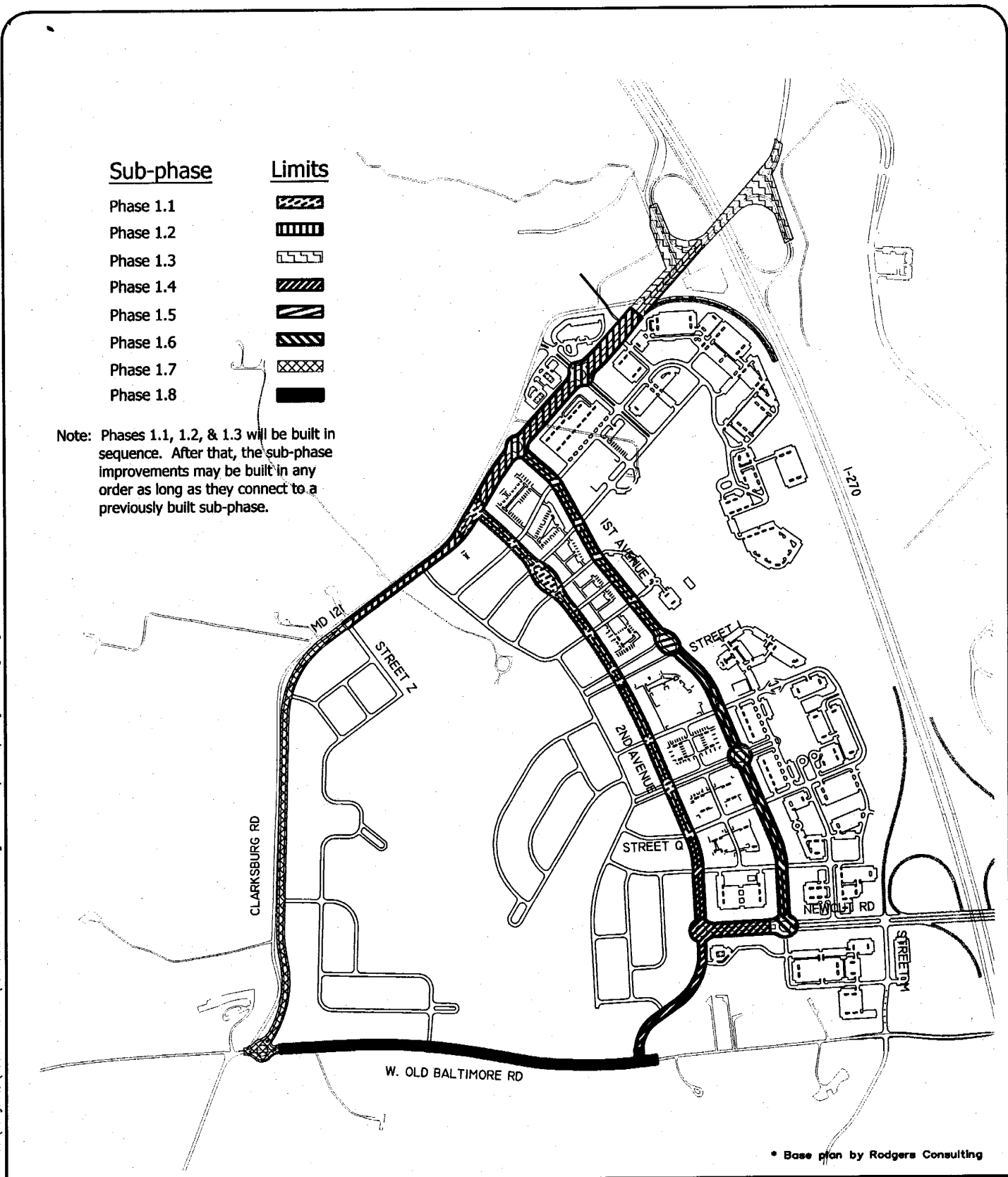
Phase 1.7



Phase 1.8



Note: Phases 1.1, 1.2, & 1.3 will be built in sequence. After that, the sub-phase improvements may be built in any order as long as they connect to a previously built sub-phase.

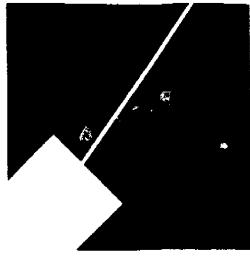


\* Base plan by Rodgers Consulting

Figure 1  
Phase 1 Policy Area Improvement Sub-phasing



M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**Date Mailed: June 22, 2004**

**Action:** Approved Staff Recommendation  
**Motion** of Comm. Wellington, seconded by  
Comm. Bryant with a vote of 4-0;  
Comms. Berlage, Bryant, Robinson and  
Wellington voting in favor; Comm. Perdue  
absent

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 1-03110A

NAME OF PLAN: CABIN BRANCH

On 09/17/03, GOSNELL PROPERTIES, WINCHESTER HOMES, ADVENTIST HEALTHCARE, FALLER PROPERTIES & MAGEE PROPERTIES submitted an application for the approval of a preliminary plan of subdivision of property in the RMX-1/TDR/ MXPDP zone. The application proposed to create 1600 residential dwelling units, 500 senior units and 1,538,000 square feet of retail and employment on 540 acres of land. The application was designated Preliminary Plan 1-03110A. On 06/03/04, Preliminary Plan 1-03110A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-03110A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-03110A.

Approval of Phase I, Subject to the Following Conditions:

- 1) Applicant is bound by a Binding Elements for Local Map Amendment G-806 (Attachment A).
- 2) Total development under Phase I of this preliminary plan application is limited to the following uses and density as prescribed in Transportation Planning memo, dated May 26, 2004 (Attachment B):
  - 1,600 residential dwelling units
  - 1,538,000 square feet of commercial space
  - 500 dwelling units of elderly housing
- 3) To satisfy Policy Area Transportation Review, the applicant shall:
  - a. Construct Newcut Road as a four-lane divided arterial roadway between West Old Baltimore Road and the eastern business district roadway parallel to I-270;
  - b. Upgrade West Old Baltimore Road to two-lane arterial roadway standards acceptable to the Department of Public Works and Transportation (DPWT) and Transportation Planning staff between Newcut Road and MD 121;

- c. In accordance with the Clarksburg Master Plan, construct two parallel two-lane business district roadways between Newcut Road and MD 121 in lieu of a four-lane divided arterial roadway; and
  - d. In accordance with the Clarksburg Master Plan, upgrade MD 121 to arterial roadway standards between West Old Baltimore Road and I-270 and upgrade the interchange ramps of MD 121 and I-270.
- 4) To satisfy Local Area Transportation Review, the applicant shall:
- a. Provide the following improvements at MD 121/I-270 northbound on/off ramp;
    - Add northbound left-turn movement to provide dual left turn lanes
    - Add separate westbound left-turn lane
    - Signalize the intersection
    - Widen Clarksburg Road bridge over I-270 to accommodate one additional through lane and a median island subject to SHA's requirements
  - b. Provide the following improvements at MD 121/I-270 Southbound on/off ramp;
    - Add a westbound through lane
    - Signalize the intersection
    - Add eastbound on-ramp to southbound I-270
  - c. Provide the following improvements on MD 121 frontage;
    - Six-lane roadway section from the I-270 southbound on/off ramp intersection to the first site entrance (Street "A"/Whelan Lane). The entrance would include a two-lane roundabout with right-turn bypass lanes to add and drop the third lane for Clarksburg Road
    - Four-lane roadway between Street "A"/Whelan Lane and First Avenue
    - Two-lane section from First Avenue to West Old Baltimore Road and roundabout at West Old Baltimore Road to accommodate traffic safely and efficiently at this intersection
  - d. Participate in providing the following improvements at MD 121/Gateway Center Drive intersection;
    - Stripe westbound approach of MD 121 to include a separate left-turn lane and through lane
    - Stripe northbound approach of Gateway Center Drive to activate dual left-turn lanes
    - Install traffic signal
    - Construct westbound through lane on MD 121 to accept dual left-turn movements and join existing westbound lanes at I-270/Northbound on/off ramp intersection
  - e. Participate in providing the following improvements at MD 121/Frederick Road (MD 355) intersection;
    - Widen eastbound approach of MD 121 and stripe additional left-turn lane (dual left)
    - Construct northbound through lane on MD 355 to accept dual left with transition to join existing conditions

- Modify traffic signal
- f. Participate in providing the following improvements at MD 355/West Old Baltimore Road intersection;
    - Widen eastbound approach of West Old Baltimore Road to provide separate right-turn lane
    - Widen northbound approach of MD 355 to provide separate left-turn lane. A three-lane section will be provided on MD 355 between West Old Baltimore Road and Brink Road
    - Widen southbound approach of MD 355 to provide separate right-turn lane
  - g. Participate in widening the southbound approach of MD 355 to add additional through lane at the MD 355/Newcut Road intersection; and
  - h. Participate in widening MD 355 south of Brink Road to provide a four-lane divided section. The four-lane section would join the existing four-lane section at Willstone Manor Lane.
- 5) Roadway improvements 3a through 3d above (and referenced as 2a through 2d in the Transportation Planning memo) shall be sequenced in accord with sub-phases of Phase I as contained in Christopher Turnbull's letter to Ronald C. Welke dated February 12, 2004 and Ronald C. Welke's letter to Christopher Turnbull dated March 8, 2004 (Attached to Transportation Planning memo – Attachment B).
  - 6) At Site Plan, the applicants, M-NCPPC Transportation Planning staff, and DPWT staff will recommend mutually acceptable trip reduction measures for Planning Board review and approval. Also, the parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, taking into consideration trip reduction goals.
  - 7) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width shown in the Adopted June 1994, Clarksburg Master Plan unless otherwise designated on the preliminary plan.
  - 8) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.
  - 9) Compliance with the conditions of approval for the preliminary forest conservation plan including: reforestation of the stream buffers starting in the first growing season after MCDPS issuance of the first sediment control permit; and a 5-year maintenance period for all planted areas. Final forest conservation plan(s) to be approved at the time of site plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
  - 10) Compliance with the conditions of approval of the Preliminary Water Quality Plan (Attachment C).
  - 11) Record plat to reflect a Category I easement over all areas of forest conservation and stream valley buffers.
  - 12) Record plat to reflect common ingress/egress and utility easements over all shared roadways and driveways.
  - 13) Record plat to reflect dedication to the Board of Education of an elementary school site as shown on the approved preliminary plan. Applicant to grade the site to elevations that are acceptable to MCPS and construct such retaining walls as are necessary to support the program requirements of an elementary school facility. The bounds of the school parcel shall exclude the retaining walls, stormwater management systems and afforestation.

- 14) Applicant to dedicate to M-NCPPC the agreed area of contiguous land that is located between the proposed elementary school site and proposed Street J and is south of, and adjacent to, proposed Street G and Street H, and continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land to be sufficiently large and suitable for active recreation in order to accommodate the agreed active recreation facilities and park amenities to be provided by Applicant as set forth below. Dedicated parkland to be of a unified configuration, divided only by the historic home (including driveway and front yard of home) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Recreational facilities and grading for said facilities to be located outside of stream buffers and other environmentally sensitive areas. 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.
- 15) Within the dedicated local park acreage, Applicant to provide, at Applicants expense, the park's active recreational facilities and amenities to include at least one (1) adult sized softball field, one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, a hard surface court or picnic area with 2 shelters, 8' wide hard surface trails within the park to serve the various facilities, a drinking fountain, park signage and information kiosk, portable restroom pad and enclosure, appropriate fencing for safety purposes along the fields and retaining wall (acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 140 cars, including at least 80 spaces on the dedicated parkland. 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. Visual screening to be provided between the park parking area south of the community pool and the adjacent private property. Park layout to be substantially as set forth on the attached plan sketch, with final details of park design and layout as well as final grading and stormwater management plans to be determined in coordination with M-NCPPC staff prior to 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 site plan.
- 16) No retaining walls or stormwater management ponds or facilities will be located on dedicated parkland. Applicant to work with M-NCPPC staff on park grading issues at time of Site Plan to minimize the size of needed retaining walls adjacent to parkland.
- 17) Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in a pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to Site Plan approval to establish exact locations of needed trails. Trails within parkland to be constructed to Park and Planning Department standards and specifications.
- 18) Trail access from the community to Black Hill Regional Park to be provided by the Applicant, including construction by Applicant of an 8' wide hard surface trail along Newcut Road and south along Street W to West Old Baltimore Road. Applicant to work with M-NCPPC staff to provide a park like entrance setting and character to Street W since this street will be the primary point of access to Black Hill Regional Park. Layout and buffering of office buildings along Street W to provide a pleasant and aesthetic entrance to Black Hill Regional Park.
- 19) Compliance with the MCDPS conditions of approval of the Preliminary Water Quality Plan and stormwater management concept letter dated, May 13, 2004 (Attachment D).
- 20) Compliance with conditions of approval of MCDPWT letter dated, May 14, 2004 (Attachment E) unless otherwise amended by DPWT.
- 21) At least sixty (60) days prior to the submission of a complete Site Plan application the applicant shall submit an "Infrastructure Plan" for Planning Board Review. The plan shall include, but not be limited to:

- Location and types of stormwater management facilities for quality and quantity controls that comply with the MCDPS - Preliminary Water Quality Plan including appropriate geotechnical studies
  - Location of major onsite water and sewer lines
  - Details of grading including location and typical structural detail of retaining walls
  - School sites and Park sites
  - Recreational guideline concept plan
  - Proposed schedule for clearing and grading of site
- 22) At least sixty (60) days prior to submission of a complete Site Plan application the applicant shall submit a "Infrastructure - Roads only Site Plan" for Planning Board Review. This plan shall include:
- Final widths of all public and private right-of-ways
  - Cross sections of all roads
  - Median breaks
  - Intersection spacing
  - Any special features to be allowed in public right-of-ways
- 23) Access and improvements along Clarksburg Road (MD 121) and I-270 as required by the State Highway Administration.
- 24) No clearing, grading or recording of plats prior to site plan signature set approval.
- 25) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 26) No encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in unforested buffers, without prior approval by the Planning Board.
- 27) Applicant to work with MNCPPC staff before individual Site Plan approvals to reduce onsite cut and fill from that shown on the preliminary plan, and minimize the height of retaining walls wherever possible.
- 28) Maintenance of common open space facilities, including retaining walls and historic structure to be addressed prior to approval of any and all subsequent Site Plan approvals.
- 29) A landscape and lighting plan must be submitted as part of the Site Plan application for review and approval by technical staff.
- 30) Phase I of the Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion. Record plats may be recorded in phases based upon the following schedule:
- Stage I (expires 37 months from the date of mailing of the Planning Board Opinion): 420 dwelling units, 125 senior housing units and 380,000 square feet commercial.
  - Stage II (expires 73 months from the date of mailing of the Planning Board Opinion): 404 dwelling units, 250 senior housing units and 380,000 square feet commercial.
  - Stage III (expires 109 months from the date of mailing of the Planning Board Opinion): 388 dwelling units, 125 senior housing units and 380,000 square feet commercial.
  - Stage IV (expires 145 months from the date of mailing of the Planning Board Opinion): all remaining development.
- Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for extension must be filed.
- 31) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion.
- 32) Other necessary easements shall be shown on the record plats.



Resolution No. 15-326  
Introduced: September 9, 2003  
Adopted: September 9, 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY

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By: County Council

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**Subject:** APPLICATION NO. G-806 FOR AMENDMENT TO THE ZONING ORDINANCE MAP,  
Robert Harris, Esquire, Jody S. Kline, Esquire and Stephen J. Orens, Esquire, Attorneys  
for Purchasers, OPINION AND RESOLUTION ON APPLICATION  
Tax Account Nos. 02-00016905; 02-00016916; 02-00022666; 02-00020725

**OPINION**

Application No. G-806, filed on December 16, 2002 by Applicants Adventist Healthcare, Inc., FFTM I Limited Partnership and King Farm Partnership, LLP, requests reclassification from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPDP Zone of 283.5 acres of land east of Clarksburg Road (MD 121), west of I-270 and north of West Old Baltimore Road in Clarksburg, in the 2nd Election District. As required under Code § 59-D-1.11, the application was accompanied by a Development Plan with binding specifications related to land use, density, development standards and staging. Development under the MXPDP Zone is permitted only in accordance with a development plan that is approved by the District Council when the property is reclassified to the MXPDP Zone.

The Hearing Examiner recommended approval of the application on the basis that (i) the submitted Development Plan satisfies all of the applicable requirements set forth in the Zoning Ordinance; and (ii) the proposed rezoning and development would satisfy the purposes and standards of the MXPDP Zone, would be compatible with existing and planned land uses in the surrounding area, and would serve the public interest. The Montgomery County Planning Board (the "Planning Board") and its Technical Staff provided similar recommendations. The District Council agrees with these conclusions.

The Applicants seek reclassification of approximately 283.5 acres of land in Clarksburg, which will be referred to as the "subject property." The subject property comprises roughly the eastern

half of a 535-acre tract of land that has been assembled by the Applicants and a fourth party, Winchester Homes, Inc. (together, the "Property Owners"). This 535-acre area forms a triangle abutting Clarksburg Road (MD 121) to the west and north, I-270 to the east and West Old Baltimore Road to the south, and will be referred to as the "Cabin Branch Community." The Applicants propose to develop the entire Cabin Branch Community as a single planned development with residential, employment, retail and service uses. The portion of the Cabin Branch Community outside the subject property is intended to be developed under its existing RMX-1/TDR zoning.

While each of the Property Owners retains the right to proceed with the development of its property independently, the development team approached the whole of the Cabin Branch Community as a single project. As a result, all of the graphical exhibits in the record, including the Land Use Plan that is the central component of the Development Plan, cover the entire Cabin Branch Community. Moreover, the Property Owners intend to present to the Planning Board a single application for preliminary plan approval for the entire Cabin Branch Community. For ease of reference, the Cabin Branch Community as a whole will sometimes be referred to as the "site," and the 251.5 acres not included in the subject property will be referred to collectively as the "west side" of the site.

The subject property is comprised of the 127.7-acre Gosnell parcel (also known as the King Farm Limited Partnership parcel), the 13-acre Faller parcel, and the 142.8-acre Adventist HealthCare parcel, for a total of 283.5 acres. It has approximately 4,000 feet of frontage on I-270, 2,100 feet of frontage on Clarksburg Road, and 1,600 feet of frontage on West Old Baltimore Road. The property is dominated by fields in active agricultural use, bordered by hedgerows, and has several abandoned farm buildings. A stream valley for a tributary of Little Seneca Creek flows through the subject property and is partially forested. The majority of the subject property lies within the Clarksburg Special Protection Area.

The west side of the site (outside the subject property) is developed in a similar fashion, with fields in active agricultural use and a small number of abandoned farm buildings. It also contains a small property known as the Magee Property, which is the location of the Byrne-Warfield House,

designated in the *1994 Clarksburg Master Plan* as a historic site. The Property Owners have contracted to purchase the Magee Property and intend to preserve this historic site as a community amenity. A tributary of Cabin Branch Creek runs through the west side of the site. Most of the stream valley, as well as a sizeable area adjacent to it, is forested. Two small areas in the west side of the site are within the Clarksburg Special Protection Area.

The surrounding area for this application is bounded roughly by I-270 on the east, an undeveloped I-3 zoned parcel adjacent to the new Clarksburg Detention Center on the north, Ten Mile Creek on the west, and Black Hill Regional Park and the Linthicum West Realty property to the south. The surrounding area is dominated by agricultural fields to the north, west and south, classified under the RE-1/TDR Zone, and Black Hill Regional Park to the south. Scattered houses have been and are being developed along Clarksburg Road and West Old Baltimore Road in the RE-1/TDR Zone. Immediately north of the subject property are the Clarksburg Road/I-270 interchange, a rubble excavation area left over from I-270 construction, a recently built Montgomery County Detention Facility, and undeveloped land classified under the I-3 Zone. Immediately south of the Cabin Branch Community, abutting the south side of West Old Baltimore Road, is the Linthicum West Realty property, which is designated in the *1994 Clarksburg Master Plan* for residential development under the RE-1/TDR Zone. East of I-270 (outside the designated surrounding area) are the Gateway 270 Corporate Office Park and the Lockheed Martin office development.

The subject property was classified under the RR Zone (Rural Residential, now known as R-200, 20,000-square-foot minimum lot size) in the 1958 Countywide Comprehensive Zoning. It was rezoned to a combination of RE-1/TDR, RMX-1/TDR and I-3 by sectional map amendment G-710 in 1994.

The *1994 Clarksburg Master Plan* (the "Master Plan") was intended to "guide the growth of Clarksburg from a rural settlement to a transit- and pedestrian-oriented town surrounded by open space." Master Plan at 15. It divides the study area into a series of geographic areas including the "Cabin Branch Neighborhood," a 950-acre area that includes the Cabin Branch Community north of

West Old Baltimore Road, plus an additional 415 acres south of West Old Baltimore Road. See Master Plan at 40-41. The Cabin Branch Neighborhood is the only area of Clarksburg west of I-270 that the Master Plan proposes for significant residential development. The Master Plan identified several reasons to designate this area as a "mixed-use neighborhood center," including proximity to the Boyds commuter rail station and the transitway (a dedicated light rail or bus route) proposed east of I-270; access to Clarksburg Road, which has one interchange with I-270 and is planned for a second one; land ownership in several large parcels conducive to an overall planned development concept; close proximity to Black Hill Regional Park offering the opportunity for a strong neighborhood-park relationship; and extensive frontage on I-270, opposite existing high-tech uses. See Master Plan at 64. Relevant Master Plan objectives for the Cabin Branch Neighborhood are outlined below.

- Provide a mix of uses including 1,950 residential dwelling units (45 to 55 percent detached, 35 to 45 percent attached, and 10 to 20 percent multi-family), 2–2.3 million square feet of employment uses, 120,000 square feet of retail space, and public uses including places of worship, child care, a community building, a park and an elementary school.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor, with RMX and I-3 as base zoning along I-270 and rezoning to MXPB recommended.
- Create a transit-oriented land use pattern that facilitates bus access and circulation, with a neighborhood core that is linked by bus to the proposed transitway east of I-270 and to the existing MARC station in Boyds, and that is located within one-quarter mile of as many residential units as possible.
- Maximize access to the proposed open space system by locating public uses such as a local park, an elementary school and passive open spaces adjacent to the Cabin Branch stream valley, locating residential streets adjacent to the stream

valleys on at least one side, and connecting the two central stream valleys with public open spaces.

- Provide an interconnected roadway system with site access via a widened Clarksburg Road and an extension of Newcut Road as a four-lane highway from Clarksburg Road, through a new I-270 interchange, to Mid-County Highway; West Old Baltimore Road was also described as an attractive rural road that should not be widened, but was also designated as an Arterial Highway which, if built to County standards, would require a wide corridor and widening of the roadway from the existing 20 feet to 44 feet including shoulders.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Emphasize protection of the west fork of Cabin Branch, which has high water quality and tree cover.

The Development Plan in this case contains adequate information concerning the required elements, including site access, proposed buildings and structures, parking areas, land to be dedicated to public use, and land intended for common or quasi-public use but not intended to be in public ownership. The Land Use Plan divides the Cabin Branch Community into Areas A, B, C and D, which constitute the subject property, and Area E on the west side. While it does not specifically identify the intended use of each individual structure, the Land Use Plan identifies the type and density of land uses to be built in Areas A through D and specifies, in the tables reproduced on the next page, the maximum total density to be permitted for each type of use in the entire subject property.

The Land Use Plan includes a development program that outlines the phasing for development of structures, open spaces, vehicular and pedestrian circulation systems and recreational facilities. Pursuant to this development program, the first buildings to be constructed on the subject property are required to be office and health care facilities in Area C and office facilities in Area A. The

**Uses and Densities on Subject Property  
Excerpted from Land Use Plan, Exhibit 67(g)**

**Tables from Page 18 of HE Report**

Land Use Plan also identifies planned recreational amenities, including the stream valley buffer areas, in which no construction is to occur except for utilities, road right-of-way and stormwater management.

The Land use Plan also includes "General Notes" that provide important commitments by the Applicants, including the following:

- Note (2) restricts development in Areas A through D to the uses and densities specified in the summary tables.
- To demonstrate compliance with MXPDP requirements, notes (3) and (4) specify, for Areas A through D, maximum residential densities and minimum and maximum square footage and floor area ratio ("FAR") for employment uses.
- In compliance with the MXPDP Zone, note (7) requires at least 50 percent green area in the residential area of the subject property and 40 percent in the commercial area.
- Note (8) underscores the binding nature of the maximum densities specified in the MXPDP Yield Summary table.
- Note (9) memorializes the commitment to dedicate land for road right-of-way as required at preliminary plan review.

The Applicants have specified on the Land Use Plan additional binding elements in textual form, which were developed jointly by the Applicants, Technical Staff and the People's Counsel. Some of the binding elements apply to the west side of the site as well as to the subject property. The first binding element commits the Applicants to acquiring the same number of transferable development rights that would be required if all of the property currently classified under the RMX-1/TDR Zone were developed according to its existing zoning. Other binding elements commit the Applicants to dedicating sites for an elementary school, a local park and a recreation facility; considering trip reduction measures during preliminary plan review; creating a network of interconnected public and private streets in a grid pattern; designing streets with pedestrian-friendly elements; designing the road that leads to Black Hill Regional Park to serve as a park gateway; maintaining the rural character of West Old Baltimore Road by minimizing environmental impacts and providing generous green edges; including in the service/public uses up to 500 dwelling units for seniors or persons with disabilities; and providing on-street parking on streets with retail uses. Binding element number 5 contains a clerical error that should

be corrected, as specified on page 21 of the Hearing Examiner's Report and Recommendation, to correspond more closely to the evidence of record.

The Development Plan includes a Road Hierarchy Plan, Exhibit 47, which shows that the main roadways through the development would be First Avenue and Second Avenue, running north/south from Clarksburg Road to Newcut Road. First and Second Avenues are both numbered A-304 because they represent a reconfiguration of the Master Plan-designated Route A-304, which was recommended to be a four-lane divided highway. To better support the goal of a pedestrian- and transit-friendly development, the Applicants show A-304 as two separate, two-lane roadways that would run roughly parallel to one another. Both would be divided by medians and allow on-street parking.

The Master Plan recommended that Newcut Road be constructed as a four-lane divided highway from Clarksburg Road to Mid-County Highway, with a new interchange at I-270. Newcut Road was to serve as one of the main through points for traffic. To avoid the environmental damage of building Newcut Road through the middle of the Cabin Branch stream valley, and to avoid having a major highway pass through the development, the Applicants propose Newcut Road as a two-lane road (divided by a median) extending from West Old Baltimore Road north to the terminus of Second Avenue, where it would turn east and connect with a new I-270 interchange. Thus, traffic bound for I-270 would need to use West Old Baltimore Road to get from Clarksburg Road to the Newcut Road interchange, or drive up Clarksburg Road to its interchange with I-270 a short distance to the north. The Applicants propose to widen West Old Baltimore Road to accommodate additional traffic.

The Master Plan recommended widening Clarksburg Road to six lanes for a short distance south of its interchange with I-270, then to four lanes from there to its new intersection with Newcut Road, and to two lanes from that point south to Boyds. The Applicants propose to widen Clarksburg Road to six lanes for a short distance south of the I-270 interchange, then to four lanes from that point to Second Avenue, which is considerably north of where Newcut Road would have intersected Clarksburg Road under the Master Plan concept. The Applicants propose to taper Clarksburg Road down to two lanes immediately south of Second Avenue.



The Applicants were supported in their decisions concerning Newcut and Clarksburg Roads by Technical Staff, who testified that the environmental harm attendant to extending Newcut Road to Clarksburg Road through the Cabin Branch stream valley was too great to justify the transportation benefit. Technical Staff also stated that based on current transportation modeling, the full number of lanes recommended for Clarksburg Road in the Master Plan is not needed. See Tr. June 12 at 123-132. Staff opined that replacing the four lane recommended Route A-304 with two two-lane, pedestrian-friendly streets, consistent with a short-block grid pattern, would be valuable in attaining the Master Plan goal of integrating the employment areas into the overall Cabin Branch Community. See Staff Report, Ex. 38 at 17.

The plans for the Cabin Branch Community incorporate principles of traditional neighborhood design such as creating neighborhoods with a pedestrian scale, mixing uses horizontally and vertically, and locating both public and private services and amenities within a five-minute walk of as many residences as possible. These principles were applied in designing the interconnected road system, short blocks, buildings close to the road with parking in the rear, numerous bus stops, and a retail core area along First Avenue, within a five-minute walk for many residents. The Development Plan includes specific efforts to create physical and visual connections to the stream valleys throughout the Cabin Branch Community, including parks, trails, and open spaces between buildings. The design would employ structured parking to reduce the amount of surface parking. Where surface parking is used, the Applicants intend to incorporate bio-retention stormwater management facilities into landscaping areas. This would avoid large, unrelieved paved parking areas and at the same time contribute significantly to protecting groundwater quality and quantity.

The District Council finds that the Development Plan submitted with this application satisfies all of the applicable requirements under Code §59-D-1.61(a)-(e). Each of the required findings is addressed below.

**§59-D-1.61(a): master plan consistency.** The proposed development of the subject property is fully consistent with the uses and density indicated by the *1994 Clarksburg Master Plan*.

The Master Plan designated the subject property as part of a mixed-use neighborhood with employment, retail, public uses and residential, and the Applicants propose the same mix of uses. The potential number and types of residential units the Applicants propose on the subject property is consistent with the Master Plan's recommendations for the number and type of residential units in the Cabin Branch Neighborhood. The square footage of employment and retail uses proposed by the Applicants also is consistent with the amounts recommended in the Master Plan. Evidence related to the county capital improvements program indicates that that the proposed reclassification would not conflict with that program.

**§59-D-1.61(b): purposes, standards and regulations of the zone; safety, convenience and amenity of residents; and compatibility with adjacent development** The purpose clause for the MXPDP Zone contains a number of goals and objectives, all of which are satisfied by this application. The District Council's findings as to each section of the purpose clause are set forth below.

**Introductory paragraph and paragraph (a): Master Plan implementation.** The proposed rezoning would allow implementation of the Master Plan recommendation to develop the subject property as part of a comprehensively planned, multi-use center. As stated by Technical Staff, "the MXPDP Zone will permit an integrated approach to design and development in which land uses are combined, densities are shared, impact on the environment is mitigated, and infrastructure is located in an efficient manner without the constraints of property [or zoning] lines." The proposed reclassification would provide the flexibility needed to allow the Property Owners to cooperate productively in creating a single, comprehensively planned mixed-use center. As a result, the subject property would be developed in a fashion more consistent with the objectives of the Master Plan than would be possible with the current split zoning.

**Paragraph (b): concept plan.** The Applicants chose not to use the concept plan option.

**Paragraph (c): higher density residential uses integrated into overall multi-use center.** The Land Use Plan includes higher-density multi-family residential uses as an integral part of the

development. Most of the multi-family uses would be within easy walking distance of the retail core, and all would be in close proximity to employment uses and other types of residential development. The system of interconnected roadways, trails and open space would strengthen the linkages between higher-density uses and lower-density residential, public parks and other recreational amenities.

Paragraph (d): internal compatibility of residential and nonresidential uses. The Land Use Plan presents a development with a high degree of internal compatibility. The density and intensity of uses decrease from the I-270 frontage to the west side of the property, allowing employment uses to provide a noise buffer for most of the residential uses while placing most of the residential units within a five-minute walk of the retail core. Residents would have easy access to commercial, recreational, employment and institutional amenities within the non-residential areas, including shopping, employment opportunities, health services, parks and other open space.

Paragraph (e): ensure compatibility with surrounding uses through higher standards of land planning and site design than under conventional zoning. The Development Plan required in the MXPDP Zone serves as an additional, more comprehensive level of review than would be required for the underlying zones. The MXPDP Zone also incorporates specific standards, particularly with regard to setbacks, that assure compatibility with adjoining uses. Moreover, the proposed reclassification would permit a comprehensive, integrated approach to developing the subject property which, by its nature, involves higher standards of land planning and site design than could be accomplished under the differing requirements of the existing zoning classifications.

Paragraph (f): open space to benefit community generally, with physical and aesthetic integration of uses and activities within the development, structured parking to minimize surface parking, and landscaping for surface parking. Open space to be provided on the subject property includes the Little Seneca stream valley, the Central Park, additional urban parks and open spaces, and trail connections. Additional open space including the Cabin Branch stream valley would be available on the west side of the site. Many of these elements would be along the edges of the subject property, making them accessible to the general community for relaxation, recreation and social activity. The grid pattern

of the roadways, the attention to maintaining open vistas of the stream valleys and links between the two main stream valleys, the location of the larger recreational amenities abutting a stream valley, and the extensive system of trails, bike paths, parks and other open spaces would result in a high degree of physical and aesthetic integration of uses and activities. The Applicants intend to incorporate on-street parking, structured parking, and extensively landscaped surface parking in the development.

Paragraph (g): comprehensive non-vehicular circulation networks and linkages among different types of uses. The Development Plan incorporates a comprehensive non-vehicular circulation network including an interconnected system of sidewalks, trails and bike paths, with short blocks in a grid pattern to encourage residents to walk within the development. This network would provide extensive linkages among the various uses and open spaces on the subject property and in the Cabin Branch Community as a whole.

Paragraph (h): efficient use of energy resources. The evidence demonstrates that the Applicants are aware of this element of the purpose clause and will explore a variety of measures to satisfy its requirements, including installing energy-efficient appliances, windows and lighting fixtures.

Paragraph (i): preserve and take the greatest possible aesthetic advantage of trees, and minimize grading. The submitted Development Plan includes preservation of higher quality forest as well as reforestation and afforestation in the stream valleys. Applicable forest conservation requirements would be satisfied on site. The comprehensive approach taken to development of the subject property and the Cabin Branch Community as a whole would allow the site design to follow the topography and minimize grading.

Final paragraph: three findings. The purpose clause states that the PD Zone may be approved if three findings are made:

- (1) the application is proper for the comprehensive and systematic development of the county;
- (2) the application is capable of accomplishing the purposes of this zone; and
- (3) the application is compatible with the general plan and applicable master plan.

As explained further in the remainder of this resolution, based on the preponderance of the evidence, the District Council concludes that the proposed reclassification is proper for the comprehensive and systematic development of the county, is capable of accomplishing the purposes of the MXP zone, and is compatible with the general plan and the applicable master plan.

The MXP Zone includes a number of standards and regulations, each of which would be satisfied by the proposed development of the subject property. These regulations and the application's compliance with them are summarized below.

59-C-7.51(a): Master Plan. Land cannot be classified under the MXP Zone unless it is recommended for mixed-use development in an approved and adopted master plan. The 175-acre portion of the subject property fronting on I-270, which corresponds roughly to the area from I-270 to First Avenue, was recommended in the Master Plan for MXP mixed-use zoning. The remainder of the subject property was recommended in the Master Plan for its current zoning classification, RMX (Residential Mixed Use).

59-C-7.51(b): Minimum area. At 283.5 acres, the subject property substantially exceeds the 20-acre minimum for the zone.

59-C-7.51(c): Adjacent and readily accessible from major highways. The subject property is located adjacent to and has access to I-270, a major limited access freeway.

59-C-7.52(a): All residential uses permitted. The proposed development would include single-family detached, single-family attached and multi-family residential dwellings, as well as housing and related facilities for senior adults or persons with disabilities. The planned development would follow closely the recommendations of the Master Plan. Locations and types of residential units proposed are shown on the Development Plan, with multi-family uses close to both commercial and lower density residential uses. Multi-family uses would be integrated in the overall fabric of the development and would contribute to the mix of uses along the main street in the development, First Avenue.

59-C-7.52(b) and (c): Commercial and Industrial. The submitted Development Plan shows the location and general types of commercial and industrial uses, as required.

The District Council's approval of the Development Plan includes approval of the locations and general types of commercial and industrial uses proposed. Retail uses would occupy roughly ten percent of the commercial floor area, well below the 20 percent limit. Industrial uses would comply with the environmental control provisions of Section 59-C-5.46.

59-C-7.52(d): Transitory use. Transitory uses are permitted; none are proposed.

59-C-7.52(e): Equipment. Any installation of rooftop-mounted antennas and related unmanned equipment will comply with §59-A-6.14, as required.

59-C-7.53(a). The maximum residential density proposed on the subject property is approximately 20 dwelling units per acre, consistent with the recommendations of the Master Plan and well below the limits set for the zone.

59-C-7.53(b). The District Council must determine whether the density applied for is appropriate, taking into consideration the master plan, the purposes of the MXPDP Zone, the requirement to provide MPDUs, and county housing policy. The proposed density is well below the maximum permitted in the zone, so clearly it is not excessive. A moderate overall density is appropriate in light of the Master Plan recommendations specifying a maximum of 1,950 residential units in the entire 950-acre Cabin Branch Neighborhood, and the emphasis in the purpose clause on compatibility. A development with densities approaching the levels permitted in the MXPDP Zone would have difficulty maintaining compatibility with the largely rural, low-density uses in the surrounding area. Accordingly, the District Council finds that the residential density proposed for the subject property is appropriate for the site.

59-C-7.53(c). The Master Plan recommended a comprehensively developed mixed-use center with residential and non-residential components, as proposed here. The residential density proposed on the Development Plan is consistent with the recommendations of the Master Plan.

59-C-7.54: Density of commercial/industrial development. The maximum commercial/industrial density proposed on the Development Plan is a FAR of 0.59, which is compatible with the recommendations of the Master Plan and below the limit established for the zone.

59-C-7.55: Compatibility standards. All uses must conform to the purposes of the MXPD Zone and must be compatible with existing or proposed uses in the surrounding area. Three threshold requirements apply, related to setbacks and height limits. The Development Plan would satisfy each of these requirements. Moreover, based on a more general consideration of compatibility, the District Council finds that the proposed development would be compatible with existing and proposed uses in the surrounding area.

The proposed development would be a significant change from the current agricultural use of the subject property, and would be a more intense form of development than the rural, low-density uses prevailing in the surrounding area. However, only small portions of the subject property abut residentially developed property, and for the most part the development facing those residences would be buffered by green space and/or roads. The largest borders of the Cabin Branch Community that abut residential uses would be in the west side of the site, where development is intended to be almost entirely low-density, single-family detached residential. The Linthicum Realty property south of the Cabin Branch Community is expected to be developed for single-family residential use, creating easy compatibility in that portion of the site. Mixed-use development of the subject property would result in employment uses along I-270 that would be much more compatible with a high-speed freeway than the existing agrarian uses. Moreover, the proposed development would implement the principal goals of the Master Plan, including focusing development in identified areas and preserving surrounding green space. Technical Staff testified that they found the proposed development to be compatible because of the layout, including setbacks, and because of the support it garnered among Clarksburg residents. For all of these reasons, based on the preponderance of the evidence, the District Council concludes that the proposed rezoning and development would be compatible with existing and proposed uses in the surrounding area.

59-C-7.56: Minimum green area and amenity requirements. A binding element of the Land Use Plan commits the Applicants to meeting the minimum green area requirements for the zone.

**59-C-7.57: Public facilities and utilities.** The Development Plan provides for property dedication for roadways and for the principal public facilities recommended in the Master Plan: an elementary school, a recreation center/community building, and a local park. The Applicants have represented that all utility lines would be installed underground.

**59-C-7.58: Parking facilities.** The Applicants have represented that they would satisfy the requirements of Chapter 59-E and that off-street surface parking areas would be carefully designed and landscaped to comply with this provision and a similar provision in the purpose clause for the zone.

In addition to the purpose and regulations of the zone, the application satisfies the requirement to provide for the maximum safety, convenience and amenity of residents. Residents would enjoy a neighborhood developed with a high level of planning and attention to convenience, making the best use of amenities. Many residences would be within a very short of walk of shopping and employment opportunities, and all would have ready access by foot, bicycle, bus or car. Residents would be able to enjoy the aesthetic benefit of the stream valleys within the Cabin Branch Community, close proximity to Black Hill Regional Park, and the view of the surrounding countryside. The extensive, efficient roadway network with its grid pattern and easy access to neighboring roadways would provide for residents' safety.

**§59-D-1.61(c): safe, adequate and efficient internal vehicular and pedestrian circulation systems.** The evidence supports a finding that the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient, particularly in view of the extensive roadway improvements that the Applicants would be obligated to provide to satisfy Planning Area Transportation Review and Local Area Transportation Review requirements.

**§59-D-1.61(d): preservation of natural features.** The evidence supports a finding that because of the comprehensive, integrated nature of the proposed development, it would tend to prevent soil erosion, minimize grading and preserve natural vegetation and other natural features of the site considered to have the highest environmental value. The Development Plan demonstrates that the



Applicants would satisfy forest conservation requirements on-site, and the approved Preliminary Water Quality Plan demonstrates compliance with water resource protection requirements.

**§59-D-1.61(e): common area maintenance.** The Land Use Plan specifies in binding element number 13 that at site plan review, the owners of the property would enter into a Site Plan Review Agreement providing for perpetual maintenance of open space areas and other areas to be used for recreational, common or quasi-public purposes. This statement satisfies this requirement.

The District Council further determines that the proposed zoning bears sufficient relationship to the public interest to justify it. The proposed rezoning and development would be in substantial compliance with the use and density recommended in the Master Plan. The Development Plan would depart from the Master Plan's recommendations for roadway configuration because the Applicants would widen West Old Baltimore Road to serve as the main east-west through road, instead of directing the main flow of traffic through the new development on Newcut Road. The record contains no discussion of the environmental impacts of widening West Old Baltimore Road, although presumably they are less dramatic than the severe impacts of building a new four-lane roadway through a stream valley. Technical Staff and the Planning Board concluded that under today's standards and based on current traffic modeling, the benefits of extending Newcut Road as recommended in the Master Plan are clearly outweighed by the costs. Based on the preponderance of the evidence, the District Council concludes that the proposed rezoning and development would be in substantial compliance with the *Clarksburg Master Plan*.

The District Council further concludes that the proposed development would be adequately served by and would not adversely affect public facilities in the area. A community member presented anecdotal evidence that development of the roadway network as proposed by the Applicants would have adverse effects on area roadways. While frustration with traffic congestion is understandable, the Applicant presented competent, probative and substantial evidence that the proposed development would not adversely affect traffic congestion during the weekday peak periods, which is the commonly accepted measure of traffic impact in this County. To allow such evidence to be

outweighed by contentions that amount to little more than generalized concerns and unsupported allegations would be counter to the dictates of Maryland law. See *Rockville Fuel & Feed Co. v. Board of Appeals*, 257 Md. 183, 192-93 (1970); *Moseman v. County Council of Prince George's County*, 99 Md. App. 258, 265 (Ct. Spec. App. 1994).

Correspondence from Montgomery County Public Schools indicates that school capacity may not be adequate to accommodate the proposed development. However, the Planning Board bases its determination concerning school capacity on the AGP, which currently states that school capacity in the Clarksburg/Damascus school district is considered adequate. Under these circumstances, the evidence does not justify denial of the requested rezoning on the basis of school capacity.

For these reasons and because to approve the instant zoning application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be approved in the manner set forth below.


### **ACTION**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland approves the following resolution:

Zoning Application No. G-806, for the reclassification from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPD Zone of 283.5 acres of land east of Clarksburg Road (MD 121), west of I-270 and north of West Old Baltimore Road in Clarksburg, in the 2nd Election District, is hereby approved in the amount requested and the Development Plan submitted in conjunction therewith is also approved, subject to the specifications of the Land Use Plan, Ex. 67(g), which forms its central component; provided, however, that within 10 days of receipt of the District Council's approval resolution, the Applicants must submit a reproducible original and three copies of the approved Land Use Plan, Ex. 67(g), with binding element no. 5 revised to read "Area D will be designed with a public or private street connecting First Avenue (Route A-304) and Newcut Road (Route A-302) in a grid pattern

with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear”  
for certification in accordance with §59-D-1.64 of the Zoning Ordinance.

This is a correct copy of Council action.

  
\_\_\_\_\_  
Mary A. Edgar, CMC  
Clerk of the Council

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.

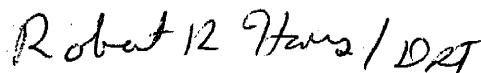
There are many practical reasons for establishing such a validity period for this project and doing so will promote the public interest. First, the project obviously is one of the largest development projects in the County and will necessarily have one of the longest build-out periods. It would be inappropriate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

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

Attachment D



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

March 24, 2008

**MEMORANDUM**

TO: Richard Weaver  
Development Review Division

VIA: Shahriar Etemadi, Supervisor *for KHK*  
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator *KHK*  
Transportation Planning

SUBJECT: Preliminary Plan No. 1-03110B  
Cabin Branch  
Clarksburg

---

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan application. The application includes the Phase 2 development of the Cabin Branch project located on the west side of I-270, south of Clarksburg Road (MD 121) and north of West Old Baltimore Road in the Clarksburg Policy Area. The subject site has an approved preliminary plan for Phase 1 development which includes 1,600 residential dwelling units, 1,538,000 square feet of commercial space, and 500 dwelling units of elderly housing. Phase 2 is build-out of the Cabin Branch project and would add 286 dwelling units and 882,000 square feet of commercial space.

**RECOMMENDATIONS**

Based on our review of the submitted traffic analysis and submitted preliminary plans, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to the approval of this preliminary plan application.

1. Total development under this preliminary plan application is limited to the following uses and density:
  - 1,886 residential dwelling units
  - 2,420,000 square feet of commercial space
  - 500 dwelling units of elderly housing

2. To satisfy Policy Area Transportation Review for Phase 1 development the applicant shall:
  - a. Construct Newcut Road as a four-lane divided arterial roadway between West Old Baltimore Road and the eastern business district roadway parallel to I-270.
  - b. Upgrade West Old Baltimore Road to a two-lane arterial roadway standard between Broadway Avenue and Clarksburg Road (MD 121) as outlined in the Department of Public Works and Transportation (DPWT)'s March 10, 2008 letter to M-NCPPC (A copy of the letter is attached: Attachment 2)
  - c. In accordance with the Clarksburg Master Plan, construct two paralleled, two-lane business district roadways between Newcut Road and MD 121 in lieu of a four-lane divided arterial roadway.
  - d. In accordance with the Clarksburg Master Plan, upgrade MD 121 to an arterial roadway standard between West Old Baltimore Road and I-270 and upgrade the interchange ramps of MD 121 and I-270 that provides for six-lanes of traffic (both ways) on the MD 121 bridge over I-270.
3. To satisfy Local Area Transportation Review (LATR) for Phase 1 and 2 development, the applicant shall:
  - a. Construct the following improvements at the MD 121/I-270 Northbound on/off ramp:
    - Add a northbound left-turn lane to provide for a dual left turn lanes
    - Add a separate westbound left-turn lane
    - Signalize the intersection
    - Widen Clarksburg Road bridge over I-270 to accommodate one additional through lane in each direction and a median island, subject to SHA's requirements
    - Add a westbound through lane at the intersection. This third westbound through lane would be dropped at the I-270 southbound loop ramp (Phase 2 development improvement)
    - Add eastbound right-turn lane for I-270 northbound ramp (Phase 2 development improvement)
    - Provide two lanes on the northbound off ramp (Phase 2 development improvement)
    - Provide non-automobile transportation amenities which include 2 LED Traffic Signals, 2 Bus Shelters, 1 "Super" Bus Shelter, (defined as a larger than standard bus shelter with heating and lighting), and 3 Bike Lockers (Phase 2 development improvement) subject to approval by DPWT. If the non-auto amenities described here is not acceptable to DPWT, the applicant must provide other improvements equal to mitigating the same level of traffic to pass the LATR test.



b. Construct the following improvements at the MD 121/I-270 Southbound on/off ramp:

- Add a westbound through lane
- Signalize the intersection
- Add an eastbound lane to southbound on-ramp I-270

c. Construct the following improvements along the MD 121 frontage:

- Six-lane roadway section from the I-270 southbound on/off ramp intersection to the first site entrance (Street "A"/Whelan Lane). The entrance would include a two-lane roundabout with right-turn bypass lanes to add and drop the third lane for Clarksburg Road
- Four-lane roadway between Street "A"/Whelan Lane and First Avenue
- Two-lane section from First Avenue to West Old Baltimore Road and roundabout at West Old Baltimore Road to accommodate traffic safely and efficiently at this intersection

d. Construct the following improvements at the MD 121/Gateway Center Drive intersection:

- Reconfigure the existing intersection to provide two lanes for through movements to and from the east (Phase 2 development improvement).

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

e. Construct the following improvements at the Stringtown Road Extended/Gateway Center Drive intersection:

- Widen eastbound Stringtown Road Extended to provide dual left-turn lanes (Phase 2 development improvement).
- Convert a southbound Gateway Center Drive through-right lane to a through lane and construct a free right-turn lane with a channelized median (Phase 2 development improvement).

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

f. Construct or participate on a pro rata share in providing the following improvements at the MD 121/Frederick Road (MD 355) intersection:

- Restripe northbound MD 355 to convert from a through-right and a right-turn lane to a through-left and a right-turn lane
- Modify traffic signal to meet the requirements of traffic operation with new lane configuration.

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

g. Construct or participate on a pro rata share to provide the following improvements at the MD 355/West Old Baltimore Road intersection:

- Widen eastbound approach of West Old Baltimore Road to provide for a separate right-turn lane
- Widen the northbound approach of MD 355 to provide for a separate left-turn lane. A three-lane section will be provided on MD 355 between West Old Baltimore Road and Brink Road
- Widen southbound approach of MD 355 to provide separate right-turn lane at West Old Baltimore Road.

This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

h. Construct or participate on a pro rata share to widen MD 355 south of Brink Road as a four-lane divided section to join the existing four-lane section at Willstone Manor Lane. This improvement must be complete and open to traffic prior to the issuance of building permits for the 1,400<sup>th</sup> residential unit and more than 1,500,000 square feet of non-residential space.

i. Prior to the issuance of 1,256 residential building permits, widen the MD 121 northbound off ramp to 2 lanes. Should the construction of a grade separated interchange at Newcut road/I-270 be funded in the Maryland Consolidated Transportation Program by the time that the applicant has obtained bids for the widening of the northbound off ramp, then the applicant shall transfer to SHA for use in construction of the Newcut Road/I-270 interchange a sum equal to the actual bid cost of construction for the northbound off ramp improvement and such contribution shall be considered as having met the applicant's obligation for such improvement.

j. If the road improvements identified in the above paragraphs either are now, or become, obligations of other projects, applicants of other projects may participate in the joint funding of such improvements. Basis of participation on a pro rata share is the sum of total peak hour trips generated by the subject development over the sum of

total peak hour trips generated by all developments required by the Planning Board to participate in the construction of any particular improvement.

4. The roadway improvements are sequenced for construction along with sub-phases of Phase I and Phase 2 as shown in the attached Roadway Improvement Phasing Table and associated Diagram (Attachment 1). Construction of all roadway improvements tied into each sub-phase must be complete and open to traffic prior to the issuance of any additional building permit for the following sub-phase of this development.
5. Prior to certification of initial site plan, the applicants, M-NCPPC Transportation Planning staff, and DPWT staff will consider mutually acceptable trip reduction measures. The parking ratios for non-residential uses in the Cabin Branch Community will also be determined at the time of Site Plan review considering the trip reduction goals.
6. The applicant shall comply with all requirements of SHA and DPWT.

## **DISCUSSION**

### Site Access and Vehicular/Pedestrian Circulation

The access to the site is proposed from MD 121, West Old Baltimore Road, and the future I-270/Newcut Road interchange. The proposed internal roadways provide a network of sidewalks and street crossings that connect and channelize the pedestrians efficiently to/from residential, commercial, open space, and recreational areas. The site access and internal vehicular/pedestrian circulation system shown on the development plan appears to be safe and adequate. The following is a general description of the master plan roadway network in the vicinity of the site.

1. Clarksburg Road (MD 121): Classified as an arterial roadway with six lanes from I-270 to A-304, four lanes from A-302 to A-304, two lanes from A-302 to West Old Baltimore road and a master plan right-of-way of 150, 120, and 80 feet, respectively. This roadway provides access from the I-270 interchange to the site and western boundary of the site.
2. I-270: Classified as a freeway with eight lanes. SHA is conducting a multi-modal corridor study to consider highway and transit improvements in the I-270/US 15 corridor from shady Grove Metro Station to the north of Biggs Ford Road in Frederick County. SHA is also conducting a Project Planning Study for the I-270/MD 121 interchange as a breakout project of the SHA's I-270/US 15 Multi-Modal Corridor Study.
3. West Old Baltimore Road: Classified as an arterial roadway with two lanes and a master plan right-of-way of 80 feet. This roadway provides access from MD 355 to the southern boundary of the site.
4. Newcut Road: Classified as an arterial roadway with four lanes and a master plan right-of-way of 120 feet. This roadway provides access from the future I-270 interchange and MD 355. Due to the impact to the stream valley, this roadway is proposed to be

terminated east of the Cabin Branch stream valley with a series of traffic circles as shown on the development plan. Staff supports this proposal.

5. A-304: Classified as an arterial roadway with four lanes from Newcut Road Extended (A-302) to MD 121 and a master plan right-of-way of 120 feet. This four-lane roadway is proposed to be replaced with two two-lane business district streets with on street parallel parking. Staff supports this proposal.

#### Newcut Road/I-270 Interchange

The 1994 Clarksburg Master Plan recommends construction of interchange at I-270 and Newcut Road. The applicant's traffic study indicated that if Newcut Road interchange is built, substantial amount of traffic from Cabin Branch development and other area development (both east and west of I-270) will use it to travel to and from areas south of this interchange. COMSAT, a major employment development located on the east side of I-270, is currently under the process of redevelopment and the Newcut Road interchange will provide a major accessibility for COMSAT to I-270. The New cut Road interchange will also provide an important connectivity to I-270 for a significant portion of the Clarksburg developments east of MD 355 including Clarksburg Town Center and Clarksburg Village. High demand for using this interchange makes it an essential part of the roadway network to facilitate the area traffic circulation.

As part of the Phase 2 preliminary plan application, the applicant proposes additional roadway improvements. The Phase 2 roadway improvements package includes the improvements at the I-270/MD 121 interchange in addition to the Phase 1 conditioned improvements. The applicant's estimated total cost (reviewed and approved by SHA) of the interchange improvement to meet the full-built out condition is approximately \$11 million in the year 2006 dollar value. Staff recommends the flexibility to allow the applicant to be relieved from the remaining condition of un-built I-270/MD 121 interchange in exchange for contributing an equal amount of funding for design and/or construction of Newcut Road interchange at such time the Newcut Road interchange is included in the Maryland Consolidated Transportation Program. This funding in combination with other potential private funding in the future could provide significant seed money for constructing the Newcut Road interchange that is crucial for accessibility and-circulation in this region.

#### Congestion Levels at Nearby Intersections

Ten local intersections were identified as critical intersections to be affected by the development of the subject site and were examined in the traffic analysis to determine whether they meet the applicable congestion standard of 1,450 Critical Lane Volume (CLV) for the Clarksburg Policy Area. The CLV impacts of the proposed development on these intersections were analyzed and are summarized in Table I.

**Table I**  
**Intersection Capacity Analysis with CLV**  
**Under Various Development Schemes During the Peak Hour**

Intersections Analyzed	Existing		Background		Total - Phase 2 **	
	AM	PM	AM	PM	AM	PM
MD 121/I-270 NB off-ramp	473	440	959	1058	1449	1437
MD 121/I-270 SB off-ramp	321	217	561	530	1327	994
MD 121/Whelan Road (Street "A")	253	278	425	411	1330	1355
MD 121/West Old Baltimore Road	208	359	466	664	586	765
MD 121/Gateway Center Drive	716	937	441	434	538	632
MD 121/MD 355	1360	1553	1367	1624	1430	1594
MD 355/Stringtown Road	1283	1334	1658	1814	1419	1658
Stringtown Road/Gateway Center Drive	N/A	N/A	987	1446	939	1170
MD 355/West Old Baltimore Road	1525	1475	2181	2340	2080	1862
MD 355/Brink Road	1526	1468	1565	2036	1077	1344

**\*\* Roadway improvements to be provided by the applicant as a part of Phase 1 and Phase 2 are included in this total traffic condition.**

As shown in the above table, all existing intersections analyzed are currently operating at acceptable CLVs (CLV standard is 1,450) except at the MD 355 intersections with West Old Baltimore Road and Brink Road during both the AM and PM peak hours and at the intersection of MD 355 and MD 121 during the PM peak hour. Under the background development (developments approved but not built) condition, MD 355 intersections with Stringtown Road, West Old Baltimore Road, Brink Road, and the MD 121 exceed the acceptable congestion standard. Under the total Phase 2 development conditions with the roadway improvements to be provided as part of Phase 1 and

Phase 2 development, all examined intersections will operate at either acceptable condition or at a better level than the background condition.

### Phasing Program

The applicant proposed the sub-phasing program which includes the sequenced sub-phased roadway improvement and development density of the overall Phase 1 and Phase 2 development. Staff supports the proposed sub-phasing program and recommends that this sub-phasing program be the condition of approval of the subject preliminary plan, "Condition No. 4". Staff recommends that the construction of all roadway improvements be complete and open to traffic according to the sub-phasing of any new building permit issued.

The size and mixed-use character of the development proposed for this site lends itself to traffic mitigation efforts that will reduce dependence on the single-occupancy use of automobile and encourages the use of public transit and ride sharing. Therefore, Transportation Planning staff recommends that the applicant include mutually acceptable trip reduction measures to be determined at the time of Site Plan review.

### **CONCLUSION**

Staff concludes that the subject preliminary plan satisfies the APF requirements since all nearby intersections are anticipated to operate within the acceptable congestion standard or the site trips are mitigated by the trip mitigation measures.

### **Attachments**

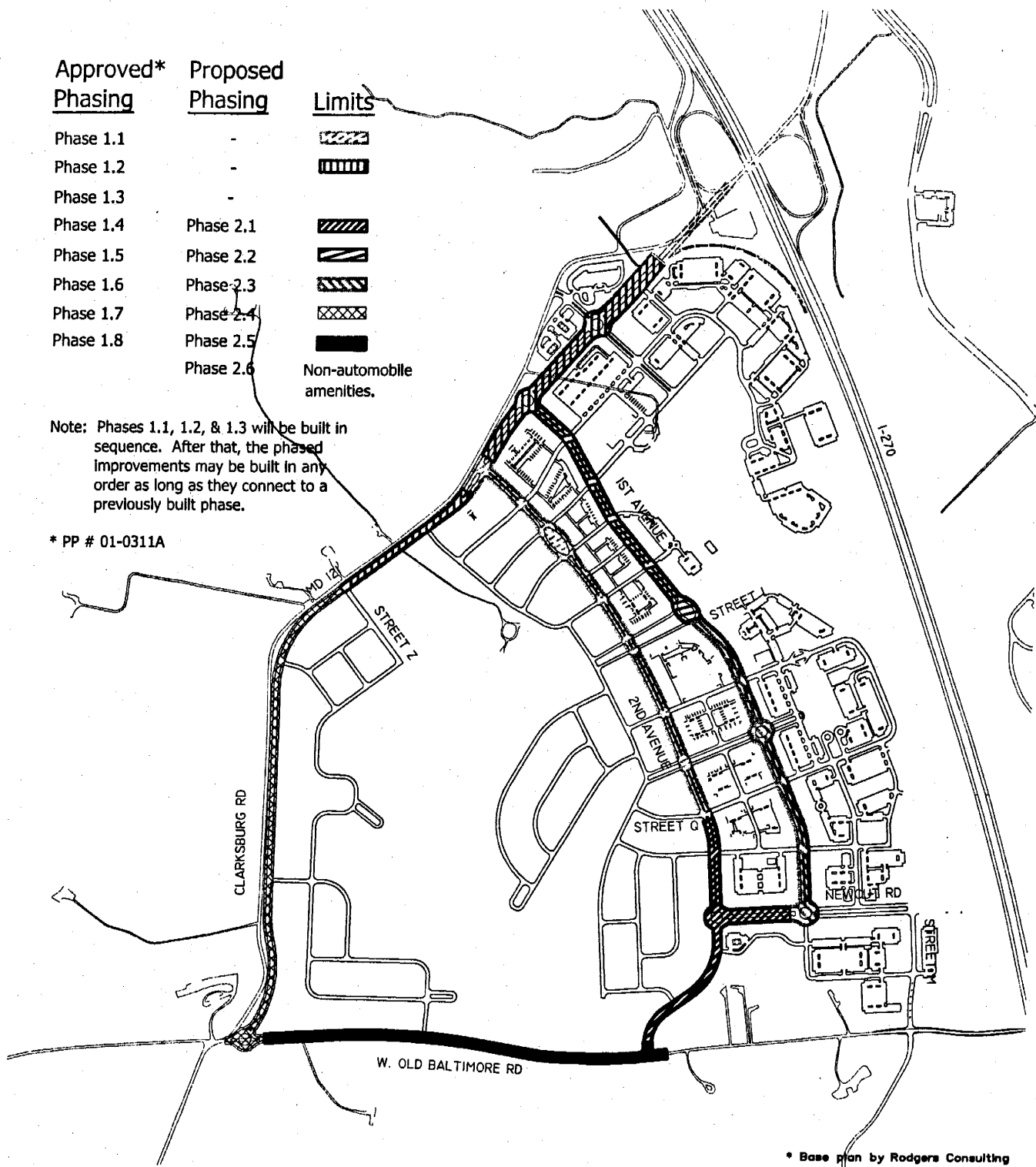
## Cabin Branch Roadway Improvement Phasing

Approved Phasing	Proposed Phasing	Improvement(s)	Approved Development Program (PP 01-03110A)	Proposed Development Program (PP 01-03110B)
1.1		2 <sup>nd</sup> Ave (A-304 West) – from MD 121 to Street Q, two-lane business district roadway.	210 Units 190,000 S.F.	-
1.2		MD 121 – from Street Z to the I-270 interchange, two-lane to four-lane to six-lane arterial.	210 Units 125 Senior Units 190,000 S.F.	-
1.3		MD 121 – I-270 inter-change and bridge improvements.	210 Units 125 Senior Units 190,000 S.F.	-
1.4	2.1	2 <sup>nd</sup> Ave (A-304 West) – Street Q to W. Old Baltimore Road, two-lane bus. District road. Newcut Rd (A-302) – from 2 <sup>nd</sup> Ave to 1 <sup>st</sup> Ave, four-lane divided roadway.	194 Units 125 Senior Units 190,000 S.F.	57 Units 101,250 S.F.
1.5	2.2	1 <sup>st</sup> Ave (A-304 East) – from MD 121 to Street I, two-lane business district roadway.	194 Units 190,000 S.F.	57 Units 101,250 S.F.
1.6	2.3	1 <sup>st</sup> Ave (A-304 East) – from Street I to Newcut Rd (A-302), two-lane business district roadway.	194 Units 125 Senior Units 190,000 S.F.	57 Units 101,250 S.F.
1.7	2.4	MD 121 – from W. Old Baltimore Rd to Street Z, upgrade to two-lane arterial.	194 Units 190,000 S.F.	57 Units 101,250 S.F.
1.8	2.5	West Old Baltimore (A-7) – MD 121 to Newcut Road, upgrade to two-lane arterial.	194 Units 208,000 S.F.	57 Units 101,250 S.F.
	2.6	Non-automobile Transportation amenities.	-	58 Units 101,250 S.F.

Approved* Phasing	Proposed Phasing	Limits
Phase 1.1	-	
Phase 1.2	-	
Phase 1.3	-	
Phase 1.4	Phase 2.1	
Phase 1.5	Phase 2.2	
Phase 1.6	Phase 2.3	
Phase 1.7	Phase 2.4	
Phase 1.8	Phase 2.5	
	Phase 2.6	Non-automobile amenities.

Note: Phases 1.1, 1.2, & 1.3 will be built in sequence. After that, the phased improvements may be built in any order as long as they connect to a previously built phase.

\* PP # 01-0311A



\* Base plan by Rodgers Consulting

Figure 1  
Cabin Branch Improvement Phasing





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.

Mr. Robert Kronenberg  
West Old Baltimore Road Improvements  
March 10, 2008  
Page 2

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

M:\sub\gml\docs\pp\8-20050150, Cabin Branch - West Old Baltimore Rd imp.s.doc

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; Loiderman 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

**MEMORANDUM**

**March 13, 2008**

**TO:** Richard Weaver, Subdivision Review, Development Review Division

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

**SUBJECT:** Cabin Branch Subdivision, Plan # 1-03110B

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Park Planning and Stewardship staff supports approval of the Applicant's Amended Preliminary Plan with the Conditions as set forth below:

**BACKGROUND**

The Clarksburg Master Plan, approved and adopted in 1994, provides for a local park, referred to as Clarkmont Local Park by the Master Plan, in the area that comprises the Cabin Branch development. This park is one of only two parks master planned for the west side of Interstate 270, and Clarkmont Local Park is intended to adequately accommodate the active recreational needs of the communities west of Interstate 270 and north of Old Baltimore Road. The nearby Black Hill Regional Park has considerable passive recreational opportunities but does not include ball fields. The Linthicum property, where the other master planned park will be located, is currently being farmed and is not expected to go forward for many years.

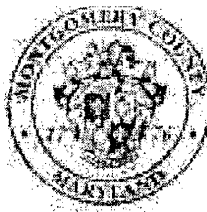
The Applicant is providing adequate land for the park and will construct the most needed park facilities to immediately serve the needs of the community as set forth in the Infrastructure Plan approval and in the conditions set forth herein. The active recreational portion of the parkland will surround the historic house and park facility layout has fully considered the historic resource and the environmental setting of the historic house. Staff from Historic Preservation have provided guidance and input accordingly and will continue to work with Parks Department staff on park layout issues that affect the historic resource. The following conditions are requested for approval of the above-referenced Amended Preliminary Plan:

## CONDITIONS OF APPROVAL

### Parkland and Park Facilities

- Applicant to dedicate and convey in Fee Simple to M-NCPPC the agreed 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 continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation 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.
- Applicant to work with M-NCPPC staff to finalize and clearly delineate at Site Plan, exact park dedication boundaries that are acceptable to Parks Department staff and are easy to identify, sign and manage, and that clearly distinguish between Parkland, HOA property, and private lots.
- No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- 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, an open grass play area, 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 any retaining wall or steep slopes (as 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. 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 approved Infrastructure Plan, 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 site plan signature set 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 site plan signature set approval.

- The open grass play area adjacent to the historic house to include some relatively flat area(s) that is suitable for informal ball type play. Final grading plan to incorporate this flat play area as acceptable to M-NCPPC Parks Department staff.
- Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to site plan signature set approval to establish exact locations of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Israh Leggett  
County Executive

Thomas W. Carr, Jr.  
Fire Chief

March 7, 2007

Mr. Robert Kronenberg  
Maryland National Capital Park & Planning Commission  
Development Review Division  
8787 Georgia Ave  
Silver Spring, MD 20910

Re: Cabin Branch Site Plans  
Site Plan No: 820005020  
LSA No: 0582-58-01

Dear Mr. Kronenberg

We have completed our review of the Cabin Branch Infrastructure Site Plan received November 2005. To aid in our review, we requested the applicant to prepare additional plans depicting the emergency vehicle staging areas and access routes. The requested plans, prepared by Loiederman Softoz Associates, Inc, entitled "Emergency Vehicle Pavement Marking and Signage Plan" dated December 2006 and "Fire Access Emergency and Parking Plan", dated October 2006, have been received and reviewed. We recommend approval of the performance-based infrastructure plans subject to the following comments:

1. If the distance between finished grade at the front of the building, and the highest window sill of a building is in excess of twenty seven (27) feet, then on street emergency vehicle staging areas for trucks equipped with aerial apparatus must be provided to access such window sills.
2. For attached dwellings (town homes and two over two homes), if the distance between grade at the front of the building and the lowest point of the roof (e.g. gutter line) is in excess of twenty seven (27) feet, then on street emergency vehicle staging areas for trucks equipped with aerial apparatus must be provided to access the roof to provide fire ventilation.
  - a. An exception will be granted if a sprinkler system is installed in the attic area and the highest window sill is less than or equal to twenty seven (27) feet from grade. In this case, access will be obtained via a traditional thirty-five (35) foot ladder.
3. An emergency vehicle staging area for units in Paragraphs 1 & 2 is an unobstructed paved area, a minimum of twenty (20) feet wide and forty-two (42) feet long to accommodate the outriggers of the fire department's largest emergency vehicle, the

Fire Code Enforcement Section

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-2457 • 240-777-2465 FAX

[www.montgomerycountymd.gov/firecode](http://www.montgomerycountymd.gov/firecode)

Robert Kronenberg

March 7, 2007

Page Two

trucks equipped with aerial apparatus. Such staging areas are shown on the plans identified above.

4. All single family, townhome and two over two units shall have fire access within one hundred fifty (150) feet of a side-hinged door entering the living space for such unit.
5. For divided streets, twenty-two feet wide in each direction, with an eight (8) foot wide median in the center, there shall be no parking on one (1) side of the street, to provide for emergency vehicle access and staging. The other side of the street will be serviced from across the median.
  - a. If two over two units are located on this street, parking will be prohibited on the side adjacent to the two over two units.
  - b. If two over two units are located on both sides of the street, parking will be prohibited on both sides of the street where such units are located.
6. The access roads with parking on one side shall be a minimum of twenty six (26) feet wide.
7. The applicant is to provide, on the developer's individual site plans, elevation views for proposed structure types noting the maximum potential elevation from the finished grade, to the window sill and to the lowest point of the roof.

Thank you for the opportunity to review these plans. If you have any questions or comments regarding this letter, please call me at (240)-777-2470.

Sincerely,



Michael Donahue, Assistant Chief  
Office of the Fire Marshal

Montgomery County Fire and Rescue Services

cc: Division Chief Michael Love, Fire Marshal  
Stan Aldridge, Winchester Homes  
Greg Leck, DPW&T  
Sarah Navid, MCDPS  
Shahin Etemadi, MNCP&PC  
John Brundage, LSA  
Chris Turnbull, Wells Associates



KW



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

March 10, 2008

Arthur Holmes, Jr.  
Director

MAR 18 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

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

M:\sub\gml\docs\pp\8-20050150, Cabin Branch - West Old Baltimore Rd imp.doc

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



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Albert J. Genetti, Jr., P.E.  
Director

May 14, 2004

Mr. Richard A. Weaver, Senior Planner  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 1-03110A  
Cabin Branch

*Rich*  
Dear Mr. Weaver:

We have completed our review of the revised preliminary plan dated March 2004. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

This letter uses two formats, our standard numbered comments, followed by a section of comments by sheet number from the plan. All comments from each section carry equal weight. As agreed upon with MNCPPC and the applicant's consultant, Rodgers Consulting, an "Infrastructure Roads only Site Plan" will be submitted and reviewed prior to submission of any site plans. This plan will finalize the widths of all public and private rights of way, cross sections of all roads, median breaks, intersection spacing and any special features to be allowed within the public rights of way.

1. Full width dedication and construction of all interior public streets, and necessary right of way for a future I-270 interchange along Newcut Road Extended/Little Seneca Parkway (phase II construction).
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Grade-establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.

Division of Operations

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

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
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4. Necessary dedication for future widening of West Old Baltimore Road, Clarksburg Road (MD 121) and I-270 in accordance with the master plan. Show all of West Old Baltimore Road – Profile and Grade Establishment must be provided by applicant for entire frontage from I-270 to MD 121. This includes area not under applicant's control. Construct a class I bikeway on West Old Baltimore Road and on Street "W" from "A-302" to the Park Entrance at West Old Baltimore. Written offers and responses should be presented to show that the applicant has made a concerted effort to obtain right of way and easements to build West Old Baltimore Road in its entirety. Now that Linthicum Property is in for subdivision, we believe that West Old Baltimore Road may need turn lanes, (details to be determined in the future upon receipt of additional traffic data). Coordinate the construction with Linthicum and others as needed (DPWT for Black Hill Park frontage)
5. We are in possession of the detailed internal traffic circulation study, but awaiting review of additional traffic data provided by the applicant before making decisions on traffic circles/ellipses and locations of median breaks on divided roadways prior to the infrastructure plan review. There are still several intersections spaced too close to allow breaks and we have not decided on the proposal to use signage rather than physical barriers to prevent unwanted traffic movements.
6. A Public Improvements Easement will be necessary along all open section roadways, in order to accommodate the required sidewalk or bikeway construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
7. At this time, DPWT cannot agree to less than the twenty-five foot truncations at intersections. There is no provision for this type of waiver. Experience in other recent developments has shown that fitting in all necessary elements within the public rights of way must be assured and that proposed restrictions on homeowners have not been successful.
8. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
page three

9. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
10. The sight distances study has been accepted, except for the intersection of Second Avenue and West Old Baltimore Road. Improvements will be required to achieve adequate visibility before this intersection may be opened to traffic. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
11. Record plat to reflect denial of access along West Old Baltimore Road or the Newcut/Little Seneca Parkway Extension, except for approved public street intersections.
12. Private irrigation systems in the medians of roadways will not be permitted. If DPWT approved streetscape is used, tree irrigation from those standards will be allowed.
13. Recorded maintenance and liability agreements will be required prior to approval of the record plat(s) for any streetscaping amenities (brick sidewalks, closely spaced street trees, street furniture, tec.) approved for installation in the public rights of way.
14. Waiver from the Montgomery County Planning Board for a reduction in the minimum intersection spacing along an arterial (or major) classification roadway.
15. This site is partially located in the Little Seneca (Class IV) watershed. In accordance with Section 49-35(k) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied. **DPS has issued the necessary waivers.**
16. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets unless the applicant is able to obtain a waiver from the appropriate government agency.

The following comments (# 17 through #28) are "heads up" for items that are to be reviewed at the site plan stage for individual parcels, sections, or phases.

17. The parking layout plans within the commercial/institutional zones will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Ms. Sarah Navid of that Department at (240) 777-6298 to discuss the parking lot design.

Mr. Richard A. Weaver  
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page four

18. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
19. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
20. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
21. In order to ensure adequate driveway capacity, particularly egress volume, provide a minimum fifty (50) foot tangent section before encountering cross traffic on-site.
22. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and DPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
23. The parking lot travel lanes are to be designed to allow a WB-50 truck to circulate without crossing the centerline nor the curbline.
24. Truck loading space requirements to be determined in accordance with the DPWT "Off-Street Loading Space" policy.
25. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
26. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
27. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
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28. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
29. Access and improvements along Clarksburg Road (MD 121) and I-270 as required by the Maryland State Highway Administration.
30. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
31. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Pat Bradley of our Division of Traffic and Parking Services at (240) 777-2190 for proper executing procedures. All costs associated with such relocations or new installation shall be the responsibility of the applicant.
32. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Robert Gonzalez of our Division of Traffic and Parking Services at (240) 777-2190 for proper executing procedures. All costs associated with such relocations or new signal design and construction shall be the responsibility of the applicant.
33. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards.
34. All residential alleys are to be private, but must meet sight distance and right of way truncation requirements at intersections with public streets. Based on experience elsewhere we suggest the Planning Board require these alleys to have sixteen foot wide paving.
35. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
  - A. Details for public streets not already discussed above shall be determined at the Roads Only Infrastructure Site Plan stage.

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
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- B. The following streets shall be Tertiary roads; D (west of First Avenue), E, F, G, H, J, K, L, N, O, S, T, U, V, X, Y, AA, BB, CC, DD, and EE. Streets M, R, and Q shall be Tertiary west of Second Avenue.
- C. The following Streets shall be Primary Roadways; Street Z.
- D. The following Streets shall be Commercial Industrial with sixty foot rights of way and parking on one side; Street B and D east of First Avenue.
- E. The following Streets shall be Commercial Industrial with sixty foot rights of way and parking on both sides; Streets C, D and FF.
- F. The following Streets shall be Commercial Industrial with seventy foot rights of way and no parking or restricted parking; Streets M, Q, and R east of Second Avenue.
- G. The following Streets are to be Commercial Industrial with eighty foot plus rights of way (depending on medians) and potentially restricted parking; Streets A, I, P, Second Avenue and First Avenue. Some of these streets may have right of way up to one-hundred feet in width if either storm water management facilities are excepted within the median, or the applicant wishes to plant trees in the median.
- H. On West Old Baltimore Road, widen the existing pavement to provide adequate width to meet the Master Plan requirements and to provide necessary turn and/or by-pass lanes both to development north and south of the road per the discussion above.
- I. Construct A-302, Newcut/Little Seneca Parkway as determined at Infrastructure Plan stage and per discussion elsewhere in this letter.
  - \* **NOTE: the Public Utilities Easements should be provided on all public streets and are to be graded on a side slope not to exceed 4:1.**
- J. Construct a cul-de-sac at the end of Street "B".
- K. Additional road improvements may be required as a result of a review of the traffic study required by the Planning Board staff.
- L. Enclosed storm drainage and/or engineered channel (in accordance with the DPWT Storm Drain Design Criteria) within all drainage easements.



Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
page seven

- M. Erosion and sediment control measures as required by Section 50-35(i) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Montgomery County Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- N. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- O. Developer shall ensure final and proper completion and installation of all utility lines underground for new road construction.
- P. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the DPWT Division of Traffic and Parking Services.

The following sheet by sheet comments did not fall neatly into the standard DPWT format letter, but as stated above carry equal weight to all other comments included in this letter.

Sheet 4 of 24 Gosnell

- Although we will reserve the decision on allowing the Second Avenue ellipse/oval at streets "C & D", we are contemplating adding a circle at street "I" –this will make the road "framed" by "roundabout" at 1<sup>st</sup> and 2<sup>nd</sup> Avenue. We understand the applicants desire to allow the projected low traffic volume free movement to access the greenspace, but are concerned enough to either want a circle or a closed median. (Treat Street "P" the same way – this assumes our analysis will lead to acceptance of a roundabout (s) at these locations).
- Transit Services will reserve operations decisions on 1<sup>st</sup> and 2<sup>nd</sup> Avenues to a later date. Direction of bus travel – could be "one way pair" one or two bus lay-over areas will be needed.
- Street "Z" should be a 36" wide primary street to serve the public school site.
- We are concerned that the conceptual parent drop-off shown for the school is not adequate in length of in the proper location. Queues could back up onto the public street and interfere with school bus traffic in the adjacent driveway. The drop-off should either be flipped, extended to the west or completely shifted to the west.
- Build class I bikeway (8' min) on the east side of MD121

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
page eight

- We will abide by the Planning Bd decision to provide two (2) parallel divided business district roads (1<sup>st</sup> and 2<sup>nd</sup> Avenues) instead of the four (4) lane divided Arterial. Transportation Planning Division Analysis of Traffic data provided by the applicant shows this will serve the same purpose. We do have recommendations for the pavement widths on these roads as well as others. Our concern is that bus traffic (which the development is being built to accommodate) will have difficulty with one through lane of traffic. Also vehicles parking and leaving spaces on these streets will impede traffic flow. Along with the suggestions that follow, we may restrict on-street parking during peak periods as part of our normal on-going traffic operations.
- 1<sup>st</sup> and 2<sup>nd</sup> Avenues should have twenty two (22) feet of pavement on either sides of the island for two lane configuration (May have peak hour parking restrictions). We conceptually agree to the modifications provided to us by Rodgers Consulting during May 2004, showing eight-three and eighty-nine foot wide rights of way to potentially be used on business district streets. We will finalize the locations and exact cross sections as part of the infrastructure plan. One element we do not find acceptable is switching sections mid-block, i.e; abruptly changing from a divided to undivided section. There must be a logical and safe transition at intersections where motorists would expect such changes. Median widths can transition as needed if done with appropriate tapering. Street trees will be allowed within median sections of sixteen feet width and above.
- The master plan p.114 has MD 121 (A-27) as a 150' row with 6 lanes (divided) from "2<sup>nd</sup> Avenue" to I-270. We understand MSHA and MNCPPC have agreed on the cross section for MD 121.

Sheet 3 of 24  
Gosnell

- Streets "B" & "D" may have a thirty-two foot wide pavement in a 60' wide right of way within the commercial district with parking restricted to one side only. We suggest that parking be on the wetland side and sight distances be kept open on the building sides. The nature of this street requires us to require that center line radii minimums be met, one hundred and fifty feet vs. the one hundred shown.
- Street "A" should have twenty two (22) feet of paving on either side of the median. The parking lane may have restrictions as noted elsewhere in this letter for First and Second Avenues.
- Coordinate w/ DPWT Transit Services, MSHSA and MC Economic Development for Park & Ride Lot in vicinity of MD 121 and Whelan Drive.
- MSHA will decide suitability of roundabout at MD 121 and "Street A".

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
page nine

Sheet 5 of 24 Adventist Residential

- The extensive and meandering trail through the wetlands area shall be the responsibility of either an HOA or the MNCPPC and not DPWT. Care should be taken in recommending a mid-block crossing of the trail along street "J". The sidewalk on street "x" should meet the trail end. Adequate sight distance must be available for any such crossing.

Sheet 6 of 24  
Adventist Commercial

- Provide bus pull-off and shelter adjacent to the Health Care Facility
- As on sheet 4 street "P" (at 1<sup>st</sup> and 2<sup>nd</sup>) should be framed by some type of roundabout).
- Street "P" should have twenty-two foot paving on either side of the median. Parking must be pulled back away from the roundabouts and pedestrians should be given appropriate crossings that meet ADA and County Standards.
- Streets "M" "R" and "Q" should have 70' rights of way and 40' paving (east of Second Avenue) in order to allow parking on both sides of the street. These streets will serve a different type of development and may need two through traffic lanes at all times. They serve as entrances to the potential medical center and should not be blocked by parkers or transit vehicles.
- All divided streets where intersections are shown less than 600' apart are subject to review for sufficiency of stacking distance for turns (study of projected internal traffic has been provided by applicant). This applies to all sheets. We will decide at infrastructure plan review which medians may be closed.

Sheet 7  
Adventist Commercial

- "A-302" should be built as instructed by MDSHA and MNCPPC to serve the future interchange of I-270 with "Newcut Road extended/Little Seneca Parkway. Although Montgomery County DEP may maintain storm water management facilities within the public rights of way, DPWT must be presented with adequate justification before allowing them to be placed there. The waiver package to DPWT needs to document and quantify (in writing and plan view) the pros and cons for both the public and private sectors of economics, slope grading, avoidance and minimization measures that were evaluated, details of the proposed storm water management facilities, frequency and duration of maintenance activities, impact on traffic operations and safety and any other pertinent justification for our consideration.

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
page ten

- In a development this large, reducing the number of residences or parking spaces to find space for these facilities should not be a burden to the applicant. The applicant has taken a leap of faith in stating that the "County" desires to place these facilities in its rights of way. As part of the above, the applicant has proposed reversed crowns on some of these roadways to send runoff to the medians. This must be justified as part of the request for modification.
- Street "R" should have 70' row and 40' paving to allow parking on both sides. See sheet six discussion.
- See sheet 4 note on 2<sup>nd</sup> Avenue.

#### Sheet 8 Faller

- Per the master plan – build a Class I bikeway along A 302 (New Cut/Little Seneca Parkway), Street T and through the Stream Valley (direct if possible) to MD 121 (sheet 9). We understand the Planning Board will decide on the desirability of crossing the wetlands.
- 2<sup>nd</sup> Avenue should provide 4 lanes of traffic capacity from A 302 to West Old Baltimore Road (total of 50' closed section).
- Continue street "R" through the commercial district as a 70' row, 40' paved street which will allow two lanes of traffic and two lanes of parking at all times.

#### Sheet 9 Faller

- Continue "Newcut" Road class I bikeway all the way to MD 121 (see sheet 8) can street BB & the private drive be used?
- If MSHA approves a roundabout at MD 121 and West Old Baltimore Road - show detail of how the roads will depart from same.
- (Also sheet 7 & 8)

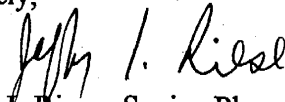
#### Sheet 10 Winchester

- We agree with MNCPPC staff that better connectivity of the streets would serve pedestrians and transit buses as well as open up options for serving the school site. We also do not wish to see one straight uninterrupted roadway with no built in traffic calming. The revised Plan dated March 11, 2004 adequately addresses this.

Mr. Richard A. Weaver  
Preliminary Plan No. 1-03110A  
May 14, 2004  
page eleven

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please call Mr. Jeffrey Riese on (240) 777-2190.

Sincerely,



Jeffrey I. Riese, Senior Planning Specialist  
Traffic Safety, Investigations and Planning Team  
Traffic Engineering and operations Section


M:/subd/jir/prel/1-03110Acabinbranch


Enclosures (1)

cc: Gary Unterberg; Rodgers Consulting  
Chuck Faller; FFTM I  
Steve Nardella; Winchester Homes  
Griff, John, and Barry Gosnell; Monroe, King Farm, Gosnell  
Larry Walker; Adventist Healthcare  
Joseph Y. Cheung; DPS Land Development Services  
Christina Contreras; DPS Land Development Services  
Robert Harris; Wilkes Artis  
Stephen Orens; DuFour and Kohlhoss  
Jody Kline; Miller, Miller Canby

## MEMORANDUM

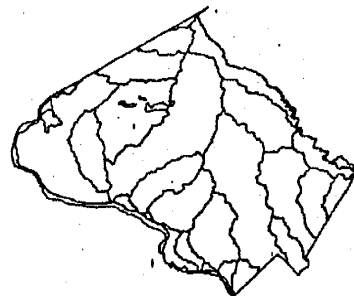
**TO:** Rich Weaver, Planning Coordinator  
Development Review

**FROM:** Mark Pfefferle, Planning Coordinator  
Countywide Planning-Environmental Planning 

**VIA:** Steve Federline, Supervisor   
Countywide Planning-Environmental Planning

**DATE:** May 28, 2004

**SUBJECT:** Preliminary Plan of Subdivision for Cabin Branch  
Preliminary Plan 1-03110



---

## RECOMMENDATION

Staff recommends approval of the preliminary plan of subdivision for Preliminary Plan # 1-03110 subject to the following conditions:

- 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).
- A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation law.
- 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 stream buffers. If at later stages of stormwater review and design it is determined that a stormwater management facility is not properly sized and it must be enlarged to accommodate the proposed drainage areas the applicant will have to find additional space outside of the stream buffer. This may mean the reconfiguration of site layout and loss of developable area outside of stream buffers.
- Location of major onsite water and sewer lines and associated forest conservation implications to be determined as part of the infrastructure site plan.

## DISCUSSION

This memorandum contains Environmental Planning staff's review and recommendations on the preliminary plan of subdivision for Cabin Branch. The sections below discuss existing conditions, forest conservation, compliance with environmental guidelines, imperviousness, and excessive cutting and fill.

Currently there are 14 driveways, with direct access to the west side of MD 121. The preliminary plan of subdivision plans to relocate MD 121 and provide indirect access for 4 existing driveways and direct access for the remaining 10 driveways. If the relocated MD 121 were lowered, the amount of fill could be reduced. The applicant has not provided Environmental Planning staff information suggesting that MD 121 could be lowered in elevation.

The Department of Permitting Services regulates the placement of fill for complex structures. The fill must be free of rocks and compacted by 95 percent with tests conducted every 8 inches of fill. There is no question that the site can be engineered to support the uses proposed by the applicant. However, the cut and fill operations and resulting soil compaction:

- Alters existing hydrology
- Inhibits natural groundwater recharge into native soils
- Takes away opportunities to save natural features
- Through the removal of soil overburden, eliminates most filtering and final cleansing of water before it enters the groundwater table
- Cuts may intersect bedrock and groundwater providing ready access for pollutants without the benefit soil cleansing.

In addition to these issues, there are other issues associated with the retaining walls including maintenance of the walls and public safety.

#### Tree Save

From the earliest reviews of this project, Environmental Planning staff has requested the applicant to preserve a 68-inch diameter at breast height (dbh) sycamore tree that is located outside the stream buffer and is in good condition. The tree is a free-standing, exceptionally large well-shaped tree with a circumference of 213 inches, which is 85 percent of the County champion sycamore tree.

The preliminary plan proposes to remove the tree and replace it with 22 feet of fill. Staff first requested preservation prior to the rezoning case and believes the applicant has not made reasonable efforts to protect the tree, primarily due to the significant cut and fill proposed on the site.

Alternatives site design considerations that reduce cut and fill, and maximize the potential for preserving the tree include the following:

- Reducing the elevation of relocated MD 121
- Increasing the steepness of Street AA if possible
- Redesign and configuring adjacent buildings and parking lots to make up grades
- Looping Street D around the tree.

#### **Forest Conservation**

The applicant has submitted a preliminary forest conservation plan for staff review. The applicant is proposing to remove 58.97 acres of forest, retain 71.85 acres of forest and plant



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
COMMISSION**

**Department of Park & Planning, Montgomery County, Maryland  
8787 Georgia Avenue, Silver Spring, Maryland 20910**

**MEMORANDUM**

**TO:** Rich Weaver, Planning Coordinator, Development Review  
**FROM:** Mark Pfefferle, Planning Coordinator, Environmental Planning *MP*  
**VIA:** Steve Federline, Supervisor, Environmental Planning *DF*  
**DATE:** May 28, 2004  
**SUBJECT:** Preliminary Water Quality Plan for Cabin Branch  
Preliminary Plan 1-03110

---

**RECOMMENDATION**

Staff recommends approval of the preliminary water quality plan for Preliminary Plan # 1-03110 subject to the following conditions:

- 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).
- A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation law.
- 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.
- 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 stream buffers. If at later stages of stormwater review and design it is determined that the stormwater management facility is not properly sized and it must be enlarged to accommodate the proposed drainage areas, the applicant will have to find additional space outside the stream buffer. This may mean the reconfiguration of layouts and loss of developable area.
- Conformance to the conditions as stated in the DPS letter dated May 13, 2004 approving the elements of the SPA water quality plan under its purview.



## **DISCUSSION**

This memorandum contains Environmental Planning staff's review and recommendations on the preliminary water quality plan for the Cabin Branch preliminary plan of subdivision in Clarksburg. The sections below discuss existing conditions, forest conservation, compliance with environmental guidelines, imperviousness, and stormwater management.

### **Background**

The 540-acre property is located west of I-270 in Clarksburg. The area, also known as the Clarksburg Triangle and is within the Clarksburg Special Protection Area (SPA). West Old Baltimore Road is the southern most boundary of the property, I-270 the eastern most boundary, and MD-121 the western and northern boundaries. The property is zoned RMX and MXP. The site includes drainage areas to Little Seneca Creek (Use IV-P SPA stream), Cabin Branch (Use I-P non-SPA stream), and Ten Mile Creek (Use I-P SPA stream). The current land uses include active agricultural, abandoned agricultural, and forest. The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 4-02007, 4-02008, 4-02009, 4-02010, and 4-03340. Staff approved the NRI/FSDs in 2003.

Approximately 243-acres of the 540-acre site is within the SPA including two pods of land that drain to the Cabin Branch Tributary. The entire Clarksburg Study Area falls within the area designated as a sole source aquifer. The sole source aquifer underlays part of Montgomery, Frederick, Howard, and Carroll Counties. The "sole source" designation is used to describe an aquifer that is the only source of drinking water for a people living above the aquifer. The two pods were designated as part of the SPA because they were identified as the most sensitive areas for groundwater contamination.

The subject site contains 130 acres of forest, 11 acres of wetlands, 27 acres of floodplains and 90 acres of stream buffers. There are steep slopes (> 25%) on the property and highly erodible soils. Not all steep slopes and erodible soils are hydraulically connected to Waters of the United States. Those that are hydraulically connected to Waters of the United States are included in the stream buffers.

Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the final water quality plan under their purview. The Planning Board responsibility is to determine if the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements have been satisfied.

### **Site Performance Goals**

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

- Protect the streams and aquatic habitat.
- Maintain the nature of onsite stream channels.
- Maintain stream base flows.

- Identify and protect stream banks prone to erosion and slumping.
- Minimize storm flow runoff increases.
- Minimize increases in ambient water temperatures.
- Protect springs, seeps, and wetlands.
- Minimize sediment loading.
- Minimize nutrient loadings.
- Control insecticides, pesticides, and toxic substances.

## **Forest Conservation**

### Planting Requirements

The applicant has submitted a preliminary forest conservation plan for staff review. The applicant is proposing to remove 58.97 acres of forest, retain 71.85 acres of forest and plant 58.32 acres of forest. 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 on 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 the M-NCPPC's implementation of the Special Protection 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, Environmental Planning staff is requesting the planting requirements be treated as if the entire site is located within the Clarksburg SPA. Therefore, Environmental Planning is requesting a condition on the preliminary plan of subdivision requiring the applicant to plant 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.

### Tree Save

Environmental Planning staff has repeatedly 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.

Staff has requested the applicant to modify the site and retain an arborist to identify ways to preserve the tree. Community based planning staff supports Environmental Planning's request to preserve the tree. Staff does not believe the applicant has made reasonable efforts to protect the tree. The applicant's preliminary plan proposes to remove the tree and replace it with 22 feet of fill. The applicant has not provided staff with other layouts that minimizes the amount of fill in the tree's location nor has the applicant provided staff with other alternatives. The only reasonable solution to protect the 68-inch sycamore tree is for the fill to be greatly reduced by having applicant take advantage of existing topography.

## **Environmental Guidelines**

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The NRI/FSDs for the various properties included in this preliminary 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.

### **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.

Environmental Planning has concerns with encroachment of ever enlarging stormwater management facilities and temporary sediment control traps into stream buffers even after the approved water quality/stormwater management concept plans indicate no encroachment. The final design of stormwater management facilities does not occur until after preliminary/site plans are approved and often after plats are approved locating roadways and individual lots. The applicant submits grading/stormwater management plans to DPS for review and approval. If more space is required for stormwater management because of ponds incorrectly sized during the water quality/stormwater concept stage, Environmental Planning receives requests to allow encroachment into the buffers. Many times the encroachment can be avoided by reconfiguring the stormwater management facilities but sometimes there is no alternative but to allow the encroachment or the facility is constructed with undesirable features such as steep slopes from the rear of residential units into stormwater management facilities.

Environmental Planning would like to include a condition of approval of this water quality plan that requires the applicant to honor the approved stream buffers and that all permanent stormwater management facilities, except for necessary conveyances, be kept out of the stream buffer and that no temporary sediment control facilities be located in forested stream buffers. The *Environmental Guidelines* permit temporary sediment control facilities in unforested portions of stream buffers, which are recommended to continue for this site. If the applicant is prohibited from encroaching into the stream buffers, it will offer the permanent protection required by the *Environmental Guidelines*. At the same time, it may require the reconfiguring the lots/roadways outside the stream buffers or result in a loss in developable area approved by the Planning Board.

### **Protection of Seeps, Springs and Wetlands**

One of the performance goals for this preliminary 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 of Approval #2 on page 3 of the May 13, 2004 approval letter 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.”* The Department of Permitting Services 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.

Protection of the valuable resources also depends upon maintaining the hydrological source. If the water source feeding the wetlands and associated wetland vegetation is altered or stopped, the wetlands will disappear or the quality will decrease. Changes in hydrology will negatively impact the existing vegetation. Wet loving trees grown in wet conditions will not be able to tolerate permanently drier conditions. This has the potential to create gaps in the tree canopy, encourage ambient temperature increases of surface water that may collect in the former wetland, and invite invasive plants to inhabit the altered environments.

Environmental Planning staff does not believe the water quality plan submitted can guarantee the protection of some of the seeps, springs and wetlands on the site. The primary reason is the excessive cutting and fill proposed for the site. Cut and fill operations

- Alter existing hydrology
- Inhibit groundwater recharge into native soils
- Takes away opportunities to save natural features
- Soil removal eliminates most filtering and final cleansing of water before it enters the groundwater table
- Cuts may intersect bedrock and groundwater providing ready access for pollutants without the benefit soil cleansing.

### **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 impervious amount proposed for the 535-acre site is 38 percent in the SPA and 41 percent for the entire Cabin Branch development area. Impervious data is not available for sites of this size and mixture of units and square foot of commercial/office space. When individual site plans are submitted for the various portions of this preliminary plan, Environmental Planning will make a thorough assessment to identify ways to reduce impervious surfaces.

### **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). Stormwater quantity control will be provided by 13 extended detention dry ponds. 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. The preliminary water quality plan includes 260 stormwater management facilities.

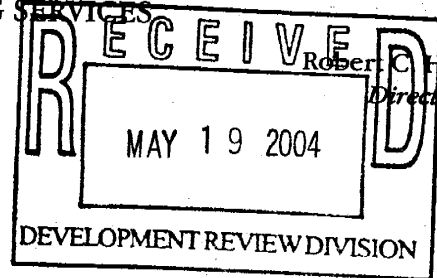
Redundant sediment control facilities are required during construction of the site. This means upland sediment traps will drain to secondary traps downgrade. DPS will not allow silt fences as lone perimeter control.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

May 13, 2004



Mr. Philip R. Hughes  
Rodgers & Associates, Inc.  
9260 Gaither Road  
Gaithersburg, Maryland 20877

Re: **Revised Preliminary Water Quality Plan and  
Stormwater Management Concept for Cabin  
Branch**  
SM File #: 207133  
Tract Size/Zone: 535.4 Ac/MXPD, RMX-1/TDR  
Tax Plate: EV 32  
Parcels: P505, P888, P333, P150 and P900  
Montg. Co. Grid: 9B6,7 and 8  
Watershed: Little Seneca Creek/Cabin Branch

**SPECIAL PROTECTION AREA**

Dear Mr. Hughes:

Based on a review by the Department of Permitting Services, the revised Preliminary Water Quality Plan (PWQP) and the stormwater management concept for the above mentioned site is conditionally approved. This approval is for the elements of the Preliminary Water Quality Plan of which DPS has lead agency responsibility. It does not include limits on imperviousness or stream buffer encroachments. This approval is based on geotechnical assumptions that will require additional study and testing prior to the Final Water Quality Plan submittal.

**Site Description:** The site is bounded by West Old Baltimore Road, Clarksburg Road and I-270 and is comprised of five properties totaling approximately 535.4 acres. This area, also known as the Clarksburg Triangle, includes about 243 acres within the Clarksburg Special Protection Area in the Little Seneca Creek Watershed. The proposal is for a mixed use (proposed zoning MXPD, RMX-1/TDR) residential and commercial development.

**Stormwater Management:** Channel protection measures for this site will be provided 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 filters (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. This will be done by sizing these structures to treat the entire drainage area regardless of the facilities in the upland area that are already providing the required amount of treatment. Runoff from areas intended for vehicular use is to be pretreated prior to entering any water quality structures. Recharge is to be provided below the outlet pipe of all of the proposed (non-structural) water quality structures.



Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.**

**Conditions of Approval:** The following conditions must be addressed in the submission of the Final Water Quality Plan (FWQP). This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide clear access to all stormwater management structures from a public right-of-way.
2. 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.
3. Due to the large cut/fill areas, provide loggers on each of the four required groundwater wells to provide a continuous record of groundwater elevations.
4. Water quality structures are not permitted on fill slopes (e.g. Drainage Area #11, structures 46, 47 and 57).
5. The placement of water quality structures in the road right-of-ways will require approval from the Department of Public Works and Transportation (DPW&T) prior to approval of the Final Water Quality Plan. If DPW&T does not grant approval, water quality must be provided elsewhere for the roadways. Please keep in mind that this could affect lot yield.
6. The proposed dry swales are to have under drains that tie into the proposed storm drain structures.
7. A geotechnical report is required to verify infiltration rates at any proposed infiltration structure locations.
8. The untreated drainage areas to the proposed end of line surface sand filters must not exceed ten acres. Additionally, the storage depth over surface sand filters is not to exceed two feet without hazard signage or four feet with hazard signage.
9. Water quality structures that are to be used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
10. The Final Water Quality plan must show that additional recharge volume has been provided similar to that shown in the Preliminary Water Quality Plan (150% of MDE requirement) to offset other site impacts (e.g. loss of open section roads and large cut/fill areas). Note that in Special Protection Areas the recharge volumes are not subtracted from the required water quality volumes.
11. Provide level spreaders and/or plunge pools at all of the quantity pond outfalls. Also, pond outfalls are to be located at non-erosive (down slope) areas. This may require additional stream valley buffer encroachment.
12. Minimize the use of insecticides and fertilizers via a residential Integrated Pest Management Plan as part of the Homeowners Association (HOA) documents. A draft of this plan/document must be submitted for review as part of the Final Water Quality. The final document is to be submitted prior to the detailed sediment control/stormwater management plan approval.

**Sediment Control:** Redundant sediment control structures are to be used throughout the site. These are to include upland sediment traps that drain to secondary traps down grade. When this is not feasible sediment traps with forebays will be acceptable. The total storage volume is to be 125% to 150% of the normally required volume.

All sediment trapping structures are to be equipped with dewatering devices. Also, due to the sensitive nature of the watershed coupled with the large amount of proposed development, the use of flocculants, compost material or other measures to increase the effectiveness of sediment removal may be required in the detailed sediment control plan. The following features are to be incorporated into the detailed sediment control plan:

1. The earth dikes that direct runoff to the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.
2. The site grading shall be phased whenever possible to limit disturbance and immediate stabilization is to be emphasized. The details of the phasing sequence will be addressed in the Final Water Quality Plan and finalized during the detailed plan review.
3. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.

**Performance Goals:** The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary Water Quality Plan. They are as follows:

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

**Monitoring:** The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). The pre-construction monitoring requirements that were established at the pre-application meeting and further described in the Preliminary Water Quality Plan are still applicable but may be revised during the review of the Final Water Quality Plan. The construction and post construction monitoring requirements will be determined upon the finalization of the actual stormwater management structure locations. **The requirements from DEP's Monitoring Memorandum dated June 3, 2003 still apply and are to be included with the submission of the Final Water Quality Plan.**



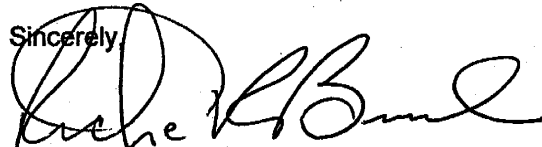
Philip R. Hughes  
May 12, 2004  
Page 4

13. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
14. The stream channels on-site are to be walked to determine if channel restoration is necessary.
15. Ball fields and other open areas that are to be maintained as grass must provide water quality control per MDE requirements.
16. Stormwater structures are not to be located on residential lots.
17. MCDPS reserves the right to require the developer to provide full-time, third-party, on-site, sediment control inspection if the department decides the goals of the Water Quality Plan are not being met.

Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Sincerely



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm:CN207133

cc: R. Weaver (MNCPPC-DR)  
M. Pfefferle (MNCPPC-ED)  
D. Marshall (MCDEP)  
L. Galanko  
SM File # 207133

Qn: on-site 535.4 ac  
Ql: on-site 535.4 ac.