



**Staff Report: Limited Site Plan Amendment 81995030F, Hoyle's Mill Village,
Section II**

ITEM #: _____

MCPB HEARING

DATE: April 22, 2010

REPORT DATE: April 12, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *JK*
Robert Kronenberg, Supervisor *RAW*
Development Review Division

FROM: Joshua Sloan, Coordinator *JLS*
Development Review Division
301.495.4597
Joshua.Sloan@mncppc.org

APPLICATION

DESCRIPTION: Addition of 18 parking spaces and associated changes to a play area, landscaping, and sidewalk resulting in 2,790 square feet of additional impervious surface, which requires a waiver of the 21.114% impervious limit. Site located within the 155.90-acre tract area of Section 2 of the Hoyle's Mill subdivision in the R-200 zone on Kimono Circle, approximately 270 feet east of Polynesian Lane within the Germantown Master Plan Area.

APPLICANT: The Management Group Associates for the Woodcliffe Park Community Association

FILING DATE: November 9, 2009

RECOMMENDATION: Denial

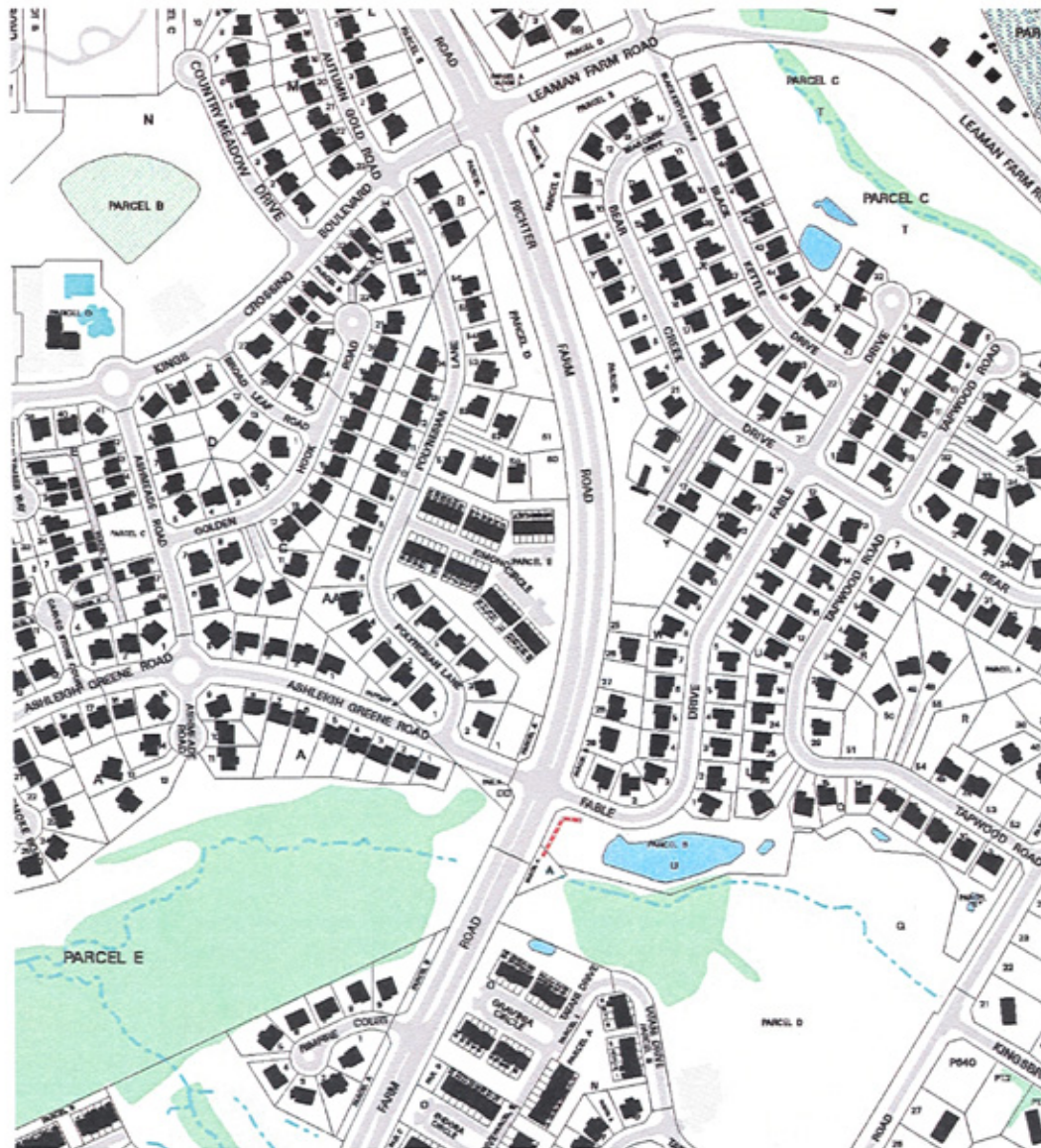
EXECUTIVE

SUMMARY: The subject amendment would allow construction of 18 parking spaces for general use by the community. This would entail the redesign of an open space containing a play area and sidewalks and result in an increase of 2,790 square feet of impervious area. The site is within thin the KI-2 Analysis area of the Germantown Master Plan and is subject to an impervious limit. The current impervious surface in the subject area is 21.4%. Although these changes would provide needed parking, due to the increase above the Master Plan recommendation and Planning Board approval of 21.114% impervious area, Staff is recommending denial.

SITE DESCRIPTION

Vicinity

The subject site is part of a two-phase development, Hoyle's Mill Village, located within the KI-2 analysis area of the 1989 Germantown Master Plan. The development is located off Richter Farm Road to the west of Schaeffer Road, south of Clopper Road and North of the South Germantown Recreational Park. The subject area of this amendment is on Kimona Circle in the north-central area of the entire development.



Vicinity Map

Site Analysis

The subject site is currently occupied by 41 MPDU townhouses with surface parking and a tot lot. This area, as part of the KI-2 analysis area of the Germantown Master Plan, is subject to special environmental protection measures because of the sensitivity and high quality conditions

of the portion of the Little Seneca Creek stream system to which this site drains. The special measures recommended in the Master Plan include a site imperviousness cap of 20%, performance monitoring, stringent best management practices, and protection and enhancement of stream buffer areas.

PROJECT DESCRIPTION

Previous Approvals

Original Preliminary Plan Approval

Preliminary plan 119882160 was approved on January 11, 1994 for 569 dwelling units to be completed in three phases. Through various amendments and additional preliminary plans, the total number of dwelling units approved through the preliminary plan process is 595.

Condition 4 of the original approval stated that “at site plan [the] applicant shall conform with requirements of Appendix “D” of the Germantown Master Plan. These measures to include, but not limited to, an imperviousness restriction”.

Original Site Plan Approval

Site plan 819950300 was approved by the Planning Board with conditions on August 1, 1995 for 259 dwelling units comprised of 223 one-family detached units and 36 MPDU townhouse units. This site plan was approved concurrently with site plan 819950270 for 310 dwelling units. A further site plan (Hargett Property), number 820000190, was approved on January 7, 2004 for 15 one-family detached dwelling units. Through these site plans and the amendments enumerated below, the total number of approved dwelling units for this development is 595, consisting of 397 one-family detached dwelling units and 198 one-family attached dwelling units (84 of which are MPDUs).

With their approval of site plan 819950030, the Planning Board granted a waiver of the 20% impervious cap up to 21.114%, allowing additional impervious area for sidewalks within the community. The total site area of Section 2, the subject area for the following approved and pending amendments is 155.9 gross acres, 113.3 net acres after dedications.

Site Plan Amendments A-E

- A. Site plan amendment 81995030A was approved with conditions on February 26, 1999 and was approved concurrently with site plan amendment 81995027A. These amendments approved grade changes and landscaping on berms to satisfy noise attenuation requirements along Schaeffer Road in an area where houses originally proposed were deleted. Ten new units were incorporated into these changes bringing the total number of approved dwelling units to 579. No change in the impervious area calculations was made.
- B. Site plan amendment 81995030B added 3 MPDU townhouses, which increased the total number of approved dwelling units to 580. This amendment was approved with conditions on January 7, 2004.

The impervious area limitation was also increased to 12.588 acres or 548,333 square feet for one-family detached homes and driveways. Further, this amendment altered the parking associated with the townhouse and MPDU units on Kimono Circle from on-street parking stalls to garage parking for 30 of the townhomes and on-street parking for the balance of 11 townhomes. The parking provided per the calculations on the site plan amendment was 60 parking spaces for the garage units and 25 parking stalls for the regular townhomes plus one handicap parking stall, which averages two parking spaces per townhome.

- C. Site plan amendment 81995030C was actually approved before site plan amendment B. Amendment C revised and detailed the development of 261 lots within the R-200 zone consisting of 223 one-family detached dwelling units and 38 MPDU townhouses. This amendment was approved with conditions on September 27, 2001 and resulted in a net loss of two one-family detached dwelling units, bringing the total number of approved dwelling units to 577.

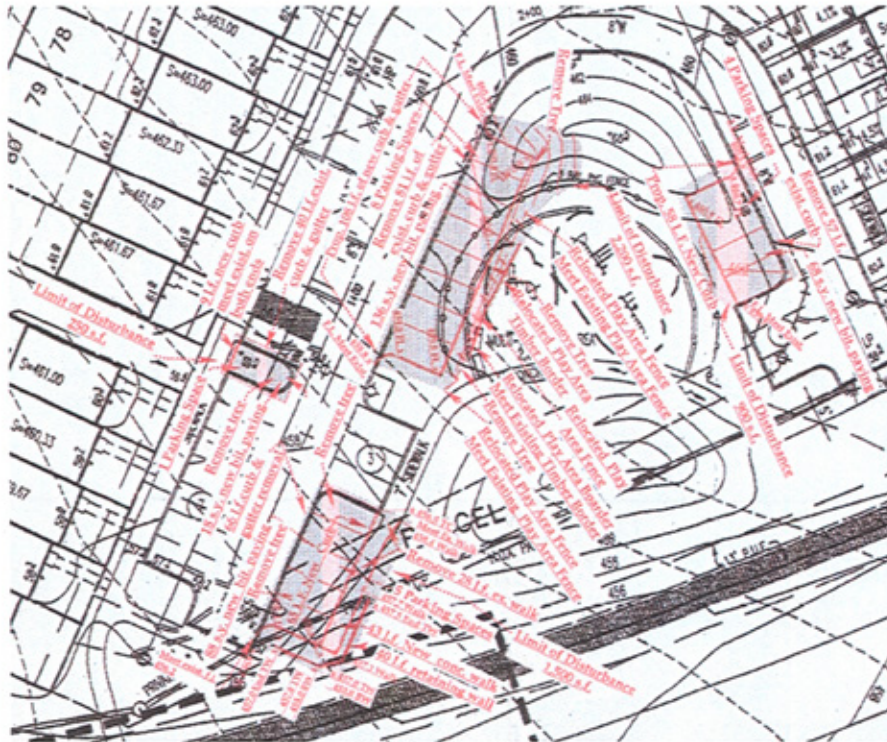
The amendment also proposed to reduce site imperviousness by eliminating the two lots and replacing several cul-de-sacs with shared driveways and connected streets. In addition, the amendment proposed that 20 lots be held in reservation to ensure that the impervious cap would not be exceeded and provide the builder with the needed flexibility to build homes larger than those assumed in the original impervious calculations. When site plan amendment 81995030C was filed, the applicant requested and was granted an increase of impervious area to 13.761 acres or 599,459 square feet for the single-family detached homes and driveways. This was an increase of 51,126 square feet of impervious surface area over the previous amendment. No corresponding open space off-set was required with the approval of the increased impervious surface.

- D. Site plan amendment 81195030D increased the impervious area on the site and mitigated this increase through the purchase of contiguous off-site parcels, which were converted from existing home sites to open space and placed under easements.
- E. Site plan amendment 81995030E was approved on November 2, 2006 for grading revisions and the addition of several evergreen and ornamental trees to slow run-off due to the increased slopes.

Proposal

The Applicant requests the following modifications:

- Addition of 18 parking spaces;
- Relocation of fence and timber edge of play area;
- Removal of several trees;
- Realignment of sidewalk;
- Waiver of existing impervious limit to increase limit by 2,790 square feet.



Illustrative Plan

Impervious Area Impact

Kimono Circle Site	187,761 sf
20% Master Plan Impervious Goal	37,552.20 sf
21.114% Approved Impervious	39,643.86 sf
Proposed Additional Impervious	2,790 sf (22.6%)

PROJECT ANALYSIS

Applicant's Position

As detailed in the attached letter of justification, the Applicant is requesting a waiver of the impervious area limit for this site plan to build 18 parking spaces. These spaces are needed because the original parking arrangement, which relied on on-street parking, was recently prohibited by Montgomery County Fire Department for access and safety reasons. Although, by calculation there is adequate parking for two cars per home including garage space, many homeowners have chosen to use their garage for storage of things other than their cars. Further, many families have more than two cars.

Even if the garages were used as intended and each family had only two cars, there are only four guest parking spaces. Without the ability to park on the street, there is a shortage of space for a

reasonable number of visitors, and any illegal overflow makes the narrow streets hazardous for large vehicles such as fire trucks, school buses, and dump trucks.

Because the impacts are minimal, no community facilities will be lost, and the loss of on-street parking could not be anticipated, the Applicant believes the waiver of the impervious cap to be a reasonable balance between convenience and safety on the one hand and environmental impacts on the other.

Staff's Position

The site is currently at about 21.114% impervious surface. The proposed parking will increase impervious surfaces by 2,790 square feet, which would result in impervious surfaces on almost 23% of the area. This is in excess of both the Germantown Master Plan for the KI-2 area and the Planning Board approved level of 21.114%. The Applicant is not proposing to off-set the increase of impervious surface with a corresponding addition of open space to keep the impervious surface below the approved level of 21.114% for the townhome area. Instead, the Applicant is seeking a waiver from the impervious surface requirements set forth within the approved Germantown Master Plan, Appendix D.

Staff is not averse to the parking, per se, But the KI-2 area is subject to special environmental protection measures because of the sensitivity and high quality conditions of this portion of the Little Seneca Creek to which this area drains. The Hoyle's Mill Village Plan area contains four streams that drain to the Little Seneca Creek, and two of these streams are located within Section II of the Hoyle's Mill development. As a result, impervious limits were set in the Germantown Master Plan in order to protect the quality of the tributaries to Little Seneca Creek and Little Seneca Creek itself.

The Special Protection Area Program Annual Report 2007 prepared by the Montgomery County Department of Environmental Protection states in Section 1.5 that, "*There are a number of studies documenting the effects of imperviousness on stream water quality in Maryland..... All of these studies found that impervious cover between 5% and 15% produce significant declines in water quality.*" In order to maintain the quality of the Little Seneca Creek, Staff is recommending that the amount of imperviousness should remain at the level set by the Planning Board with the original site plan approval.

Resolution

To resolve the safety, convenience, and environmental issues with a balanced solution, Staff recommends that a number of lots held in reservation within the Toll-owned section of Hoyle's Mill be re-recorded as open space parcels for the community to offset the increase in impervious area required by the parking. This will allow the parking to be constructed to serve the community, mitigate concerns of off-street parking along the road, ensure that impervious levels remain within approved bounds, and create more open space for the community. Any trees removed to accommodate the additional parking should be mitigated by planting trees within this newly created open space.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendment was sent to all parties of record on November 11, 2009. Staff has not received correspondence on this matter.

RECOMMENDATION

Unless and until plats are recorded converting the necessary number of reserved lots offsetting the proposed increase in impervious area to dedicated open space parcels, Staff recommends denial of the application and resulting modifications and of the waiver of the impervious area cap of 21.114%.

APPENDICES

- A. Applicant's Letter of Justification
- B. Environmental Planning Memorandum

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October 22, 2009

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PAMELA KHOURY, LEGAL ASSISTANT
pkhoury@davidgardnerlaw.com

Mr. Robert Kronenberg
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

**Re: Letter of Justification for Site Plan Amendment Application,
Plan No. 81995030F**

Dear Mr. Kronenberg:

I am writing as counsel for the Woodcliffe Park Community Association located in Boyds, Maryland. My client is submitting the enclosed site plan amendment to permit it to install 18 community parking spaces on association owned property on Kimona Circle, which is the site of 41 townhomes constructed as the moderately priced dwelling units in the community. I am submitting this letter of justification for the changes being requested.

The Woodcliffe Park Community Association is part of the overall Hoyles Mill Village Development located off Richter Farm Road in Germantown, Maryland. This development was approved in two sections. The first section contains 316 units on 96 acres and has already been completed. The second section, known as Site Plan 8-95030B, contains 264 units on 159.9 acres and includes 41 MPDU's. All of these MPDU's are located on Kimona Circle, which also includes a tot lot to serve this section of the development. The 41 townhomes include 30 garage townhomes which are served by 60 off-street parking spaces (garage and driveway) and 25 on-street parking spaces plus 1 handicapped space, for a total of 85 parking spaces plus one handicapped space. This leaves only 4 guest spaces for the entire street. However, many of the garage unit owners do not park in their garage, having elected to use the garage for storage or other uses. Furthermore, many of these residents have more than two cars, which they cannot park on Komona Circle.

When Site Plan 8-95030B was approved on July 12, 2004, it was understood that residents would be able to park along the curbs in front of the townhomes. However, shortly after residents started moving in and parking on the street, the Montgomery County Fire Department mandated that street parking be eliminated and that Kimona Circle be made into a no parking fire lane so that fire trucks could safely travel through Kimono Circle. As a result, all of the excess vehicles now park on both sides of Polynesian Lane, which is a County road adjoining Kimono Circle. Polynesian Lane

DAVID C. GARDNER

was designed as an open section tertiary road, with only 20' of paving, and was never designed for parking of all the vehicles which are forced to park there on a regular basis. Enclosed is a copy of the approved paving section for tertiary roads in Hoyles Mill Village, showing the narrow width of Polynesian Lane. This has caused a hazard, making it difficult for fire trucks, school buses, or trash and recycling trucks to pass through.

Also enclosed is a letter from Officer Diane Tillery of the Montgomery County Police Department supporting the Association's request for a waiver of the impervious area limits/site plan amendment in order to install 18 additional parking spaces around the tot lot on Kimono Circle at a considerable expense to the community. As noted in her letter, the original plans for Kimono Circle did not include any fire lane markings, making it impossible for the Fire Department to enter this dead-end street. Once these were installed, residents from Kimono began parking along Polynesian Lane, which was not designed for on street parking, thereby creating a hazard for fire trucks, school buses, or garage trucks to use the street.

The community would not be submitting this application if it did not perceive a need for these spaces. Indeed, if the Association were a private property owner, it could install these spaces without the need for a site plan amendment application. However, because the application involves a modification to the common area owned by the Association, a site plan amendment is required.

There will be no change in the location of the equipment in the tot lot located in the center of Kimona Circle, and all of the spaces will be installed across from existing spaces at the end of Kimona Circle, where there are currently three spaces on each side of the Circle. Adding spaces alongside the existing spaces will serve as a natural extension of the parking bays in the community, and will not cause any hazardous traffic movements because they will be located at the end of the Circle, which is a dead end used strictly for parking. They will also have no impact on the tot lot, which will remain in its current location. The only change will be a minor change in the location of the fence surrounding the tot lot, as shown on the drawings submitting with this application.

In order to install these 18 parking spaces, Woodcliffe Park requests that the Planning Board waive the impervious area limitations contained in Site Plan 8-95030B. The impervious surface limitation for Hoyles Mill Village Section 2 originally allowed 599,459 square feet of impervious surface for the single family detached units and driveways, or 13.761 acres over 155.9 acres. This was required in order to comply with a 21.114% impervious surface limitation based on the Germantown Master Plan. This was recently expanded in Site Plan 8-95030D to increase the impervious surface limitation to 642,153 square feet after the developer purchased off-site parcels to increase the size of the development. The addition of 18 parking spaces on Kimona Circle will only add 2,790 square feet of impervious surfaces, which increase the total impervious surfaces by less than .45 % ($2,790 \div 642,153$). This waiver is requested because the community needs these spaces to allow homeowners to park their vehicles safely within Kimona Circle without creating a hazardous situation along Polynesian Lane. This situation could not have been anticipated when the development was approved, because at that time it was not known how many vehicles would be

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owned by the residents on Kimona Circle, or that the fire department would prevent cars from parking along the Circle, thereby creating a hazardous condition on Polynesian Lane. Furthermore, Woodcliffe Park Community Association did not exist when the site plan was approved, and it does not have the ability to purchase off site parcels to increase the impervious surface limitation, as does the developer. The increase in the impervious surfaces being proposed is diminimus when compared to the overall size of the development, and is justified when one balances the benefit to be gained with the relatively small increase in the amount of impervious surface throughout the development.

Enclosed are plans prepared by the Association's engineer, Witmer and Associates, showing the proposed modification to Site Plan 8-95030B to add 18 parking spaces along Kimona Circle. My client would be glad to meet with Staff to review this application and answer any questions it may present. Please let me know if you need any additional information in order to complete this application.

My client appreciates your consideration and looks forward to your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Gardner", with a long horizontal flourish extending to the right.

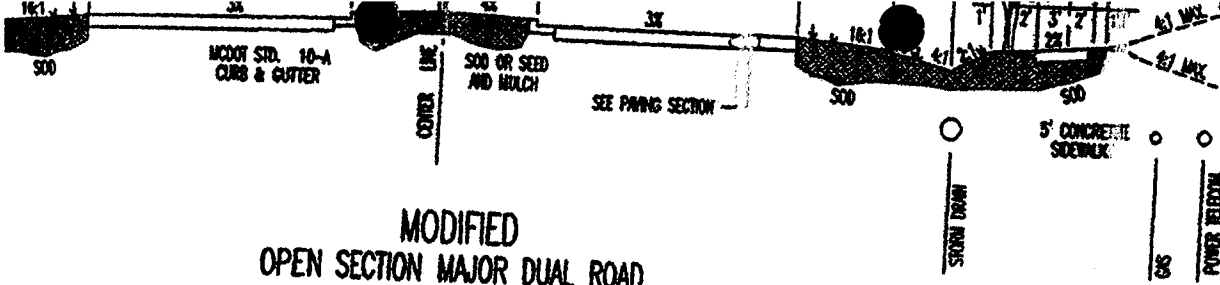
David C. Gardner

DCG:prk

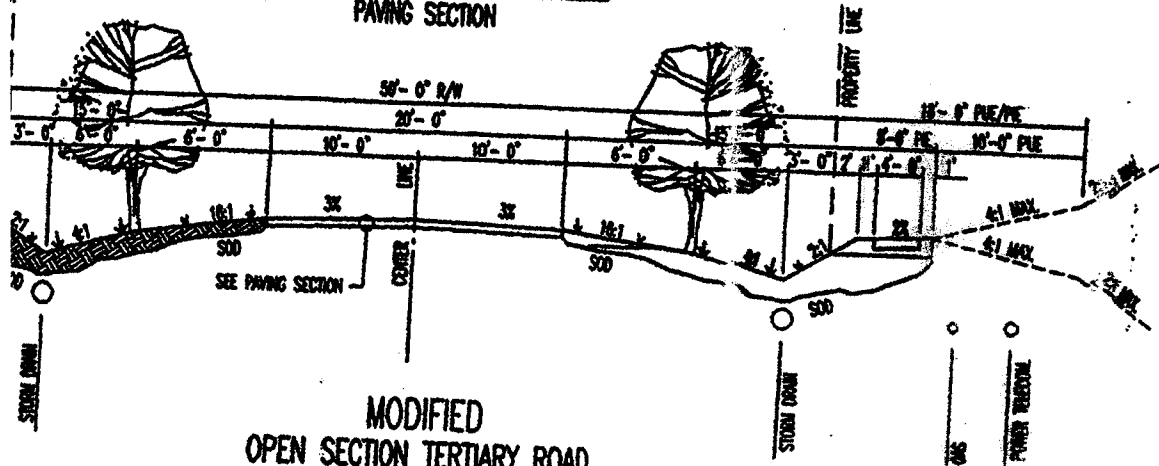
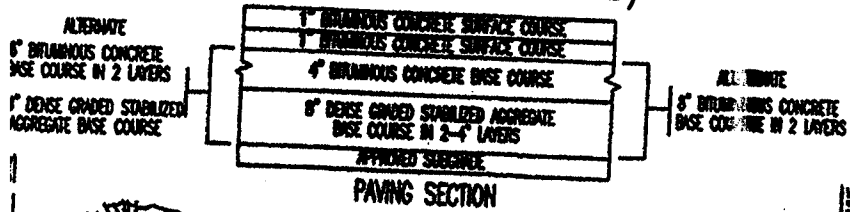
Enclosures

cc: Todd Hassett, The Management Group

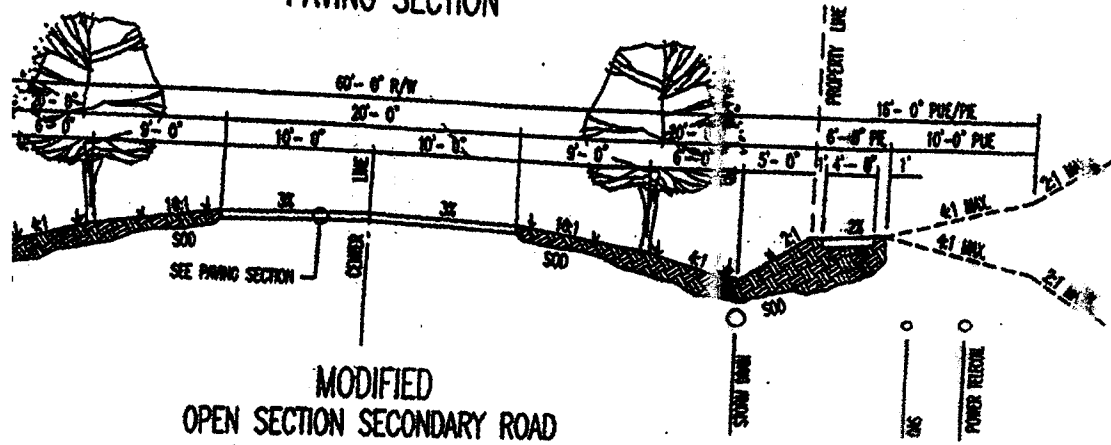
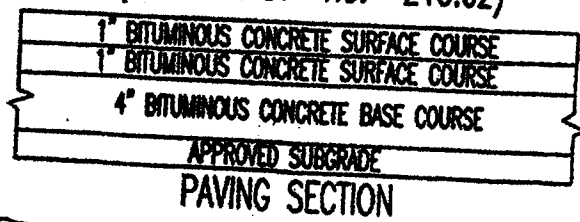
Diane Tillary



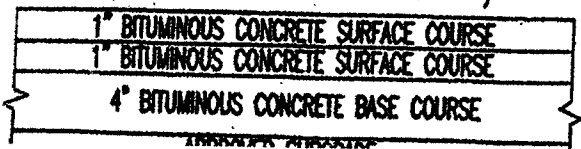
**MODIFIED
OPEN SECTION MAJOR DUAL ROAD
(OUTSIDE SUBURBAN DISTRICT)
(MCDOT STD. NO. 218.01)
(A-297/RICHTER FARM ROAD)**



**MODIFIED
OPEN SECTION TERTIARY ROAD
(OUTSIDE SUBURBAN DISTRICT)
(MCDOT STD. NO. 210.02)**



**MODIFIED
OPEN SECTION SECONDARY ROAD
(OUTSIDE SUBURBAN DISTRICT)
(MCDOT STD. NO. 211.02)**



FIVE
4 2006
MENT REVIEW



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COLUMBIA, MD 21046
TEL: (410) 872-9105
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ESE
EASTERN
STATES
ENGINEERING

ERALL SITE PLAN - SECTION 2

YLES MILL VILLAGE
ARNESTOWN (6th) DISTRICT
NTGOMERY COUNTY, MARYLAND



RECEIVED NOV 24 2008

DEPARTMENT OF POLICE

Isiah Leggett
County Executive

November 16, 2008

J. Thomas Manger
Chief of Police

Mr. Robert Kronenberg
The Maryland-National Capital Park and Planning Commission
8787 Georgia Ave, Silver Spring, MD 20910

REF: Hoyles Mill – Woodcliffe Park Development

Dear Mr. Kronenberg:

The Montgomery County Police Department has been asked to evaluate the parking problem and traffic flow issues in the area of Kimono Circle and Polynesian Drive in Boyds, Maryland several times.

Originally, in 2007 County Fire Code Inspector Curt Kendall was asked to evaluate the current on street parking along Kimono. It was found that the original plans for this area did not include any fire lane markings thus making it impossible for the Fire Department to enter this dead-end street and access the entire block safely.

Representatives from the Germantown VFD came out and worked with the property manager to identify and mark the areas as fire lanes. Woodcliffe Park then contracted and had the fire lanes painted yellow and installed the proper signage for enforcement.

As a result of this, residents from Kimono began parking up and down both sides of Polynesian Lane. This roadway was not designed for on street parking and has not curbs or gutters. This has created a greater hazard that makes it impossible for the Fire Department fire trucks, Montgomery County school buses, or garage trucks to pass through the street.

I have met with representatives from Woodcliffe Park and suggested adding addition 15 spaces in the area around the tot lot on Kimono Circle to alleviate this dire safety issue. I would ask that Park and Planning issue a waiver for the use of this impervious ground to install additional parking. Please let me know if you need further information.

Officer Diane Tillery
Community Services Office
240-773-5757

6th District



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

Planning Department, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Joshua Sloan, Development Review

VIA: Mark Pfefferle, Acting Chief, Environmental Planning *MP*

FROM: Doug Johnsen, RLA; Planner Coordinator, Environmental Planning

DATE: March 2, 2010

SUBJECT: Site Plan Amendment 81995030F
Waiver of Impervious Surface
Hoyle's Mill Village, Section II

RECOMMENDATION

Environmental Planning recommends **denial** of the requested impervious surface waiver for Hoyle's Mill Village.

BACKGROUND

Hoyle's Mill Village is located on the west side of Schaeffer Road, south of the intersection with Clopper Road (MD 117) and immediately north of the South Germantown Recreational Park. Section II of Hoyle's Mill Village is located in the north-central segment of the overall development.

The subject property is part of a two-phase development located in Germantown within the KI-2 analysis area indentified in the Germantown Master Plan dated July 1989. This analysis area is subject to special environmental protection measures because of the sensitivity and high quality conditions of the portion of the Little Seneca Creek stream system to which this site drains, including impervious restrictions. The special environmental protection measures recommended in Appendix D-1 of the Germantown Master Plan include a site imperviousness cap of 20%, performance monitoring, stringent best management practices, and protection and enhancement of stream buffer areas.

The Preliminary Plan 119882160 for the King/Hargett Property approved on January 11, 1994 set the overall impervious limit for the development to meet Appendix D of the Germantown Master Plan dated July 1989. Condition 4 of the Planning Board Opinion states "*At site plan applicant shall conform with requirements of Appendix "D" of the Germantown Master Plan. These*

measures to include, but not limited to, an imperviousness restriction.....”. Appendix D of the 1989 Germantown Master Plan states that the overall development shall not result in more than 20 percent total impervious surface.

At the time of the approval of the original site plan 819950300, the Planning Board granted a waiver of the 20% impervious cap, expanding it to 21.114% to allow for additional sidewalks which were not contemplated when the assumptions regarding imperviousness were made at the time of the Germantown Master Plan.

Site Plan Amendment 81995030B for Section II of Hoyle’s Mill Village initially set the impervious limitation at 12.588 acres or 548,333 square feet for one-family detached homes and driveways. This amendment also altered the parking associated with the townhouse and MPDU units on Kimono Circle from on-street parking stalls to garage parking for thirty (30) of the townhomes and on-street parking for the balance of eleven (11) townhomes. The parking provided per the calculations on the site plan amendment were sixty (60) parking spaces for the garage units and twenty-five (25) parking stalls for the regular townhomes plus one handicap parking stall. The average is two (2) parking spaces per townhome.

Site Plan Amendment 81995030C for Section II was brought before the Planning Board on September 13, 2001. The amendment proposed to reduce the site imperviousness by eliminating two lots and replacing several cul-de-sacs with shared driveways and connected streets. In addition, the amendment proposed that twenty (20) lots be held in reservation to ensure that the impervious cap is not exceeded and provide the builder with the needed flexibility to build homes larger than those assumed in the original impervious calculations. When Site Plan Amendment 81995030C was filed the applicant requested and was granted an increase of impervious area to 13.761 acres or 599,459 square feet for the single-family detached homes and driveways. This was an increase of 51,126 square feet of impervious surface area over the previous amendment. No corresponding open space off-set was required with the approval of the increased impervious surface.

When Site Plan Amendment 81995030D was filed the applicant requested and was granted an increase of impervious area to 17.4886 acres or 642,153 square feet. This was an increase of 42,694 square feet over the previous amendment and an increase of 93,820 square feet from the original impervious amount set with Site Plan 81995030B. With this amendment the applicant purchased four off-site properties on the north side of Leaman Farm Road totaling 5.8 acres, removed the impervious surface on those lots and recorded a Category I Forest Conservation Easements in order to stay within the approved impervious surface limit of 21.114% for the Hoyles Mill development.

Condition 3d of the Planning Board Resolution for Site Plan Amendment 81995030D dated February 6, 2006 states, *“If at any time the imperviousness limit is reached before building permits for all approved lots have been released, the lots for which building permits have not been released must be re-recorded as non-impervious open space. All pending use and occupancy permits will be held until such time that the open space plats are recorded.”* As per

the most recent impervious surface report dated May 11, 2009 sent to Mr. David Erat of Toll Brothers, Inc.: *“To date 218 lots of the approved 223 lots have been reviewed for imperviousness. The total amount of imperviousness associated with the 218 lots is 635,770 square feet out of a total of 642,153 square feet of impervious surface allowed per Planning Board Condition 3a of the Opinion dated February 6, 2006. This leaves a current surplus of 6,383 square feet of impervious surface remaining in this subdivision.”*

ANALYSIS

The current Site Plan Amendment 81995030F proposes to install an additional 18 parking spaces on Kimono Circle. This has been requested due to the fact that parking in the townhome section has over time become inadequate. Site plan amendment 81995030B had approved 11 townhome units for at least two parking stalls for each unit and 30 townhome units for garage parking with sixty (60) parking spaces. This gave eighty-five (85) parking spaces for forty-one (41) townhomes, an average of two (2) parking spaces per townhome. The parking fulfilled the requirements under 59-E-3.7 of the Zoning Code.

The reasons for the level of inadequate parking are unclear. It is not known if this situation has developed over time from residents using their garage space for storage and not parking, if residents have purchased more than two cars per household or if there is another rationale for the situation. What is known is that the site plan was approved with adequate parking that is in conformance with the Montgomery County Zoning Code.

The townhome site is currently at about 21.4% impervious surface. The proposed parking will increase impervious surfaces by 2,790 square feet. This addition in impervious surface pushes the impervious amount up to 23%. This is in excess of both the Germantown Master Plan for the KI-2 area and the Planning Board approved level of 21.114%. The applicant is not proposing to off-set the increase of impervious surface with a corresponding addition of open space to keep the impervious surface below the approved level of 21.114% for the townhome area. Instead, the applicant is seeking a waiver from the impervious surface requirements set forth within the approved Germantown Master Plan, Appendix D.

The KI-2 area is subject to special environmental protection measures because of the sensitivity and high quality conditions of this portion of the Little Seneca Creek to which this area drains. The Hoyles Mill Village Plan area contains four streams that drain to the Little Seneca Creek and two of these streams are located within Section II of the Hoyle’s Mill development. As a result, impervious limits were set in the Germantown Master Plan in order to protect the quality of the tributaries to Little Seneca Creek and Little Seneca Creek itself.

The Special Protection Area Program Annual Report 2007 prepared by Montgomery County Department of Environmental Protection states in Section 1.5 that *“There are a number of studies documenting the effects of imperviousness on stream water quality in Maryland..... All of these studies found that impervious cover between 5% and 15% produce significant declines in water quality.”* In order to maintain the quality of the Little Seneca Creek it is recommended that

the amount of imperviousness should remain at the level set by the Planning Board with the original site plan approval.

CONCLUSION

Staff recommends denial of the impervious surface waiver based on the increase in impervious surface beyond both what the Germantown Master Plan recommends and what the Planning Board approved with the original site plan.