

MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Staff Report: Final Water Quality Plan & Site Plan 820050410 Clarksburg Village Phase II

ITEM #:

MCPB HEARING

DATE: February 5, 2009

REPORT DATE: January 23, 2009

TO: Montgomery County Planning Board

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

FROM: Robert Kronenberg, Supervisor *RAK*
Development Review Division
301.495.2187
Robert.kronenberg@mncppc-mc.org



APPLICATION DESCRIPTION: Proposal for approval of a Final Water Quality Plan and Site Plan for Phase II of Clarksburg Village for 1,680 residential dwelling units, including 786 one-family detached units, 24 one-family attached (2 over 2's), 426 one-family attached (townhouses), 84 (multi-family 2 over 2's) and 360 multi-family garden apartments; including 266 MPDUs and 234 TDRs; located in the northwest quadrant of the intersection of MD 27/Ridge Road and future Little Seneca Parkway; within the Clarksburg Master Plan area.

APPLICANT: Elm Street Development

FILING DATE: June 15, 2005

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY:

Phase II completes the residential portion of Clarksburg Village and finalizes the eastern leg of Snowden Farm Parkway from Little Seneca Parkway toward MD 27. The 1,680-unit development consists of a variety of housing types, recreation facilities, a school site, future park site and the extension of the Greenway Trail. Much attention was given to the design and layout of the multi-family section, which will be located across from the school and the future retail component in Phase III.

TABLE OF CONTENTS

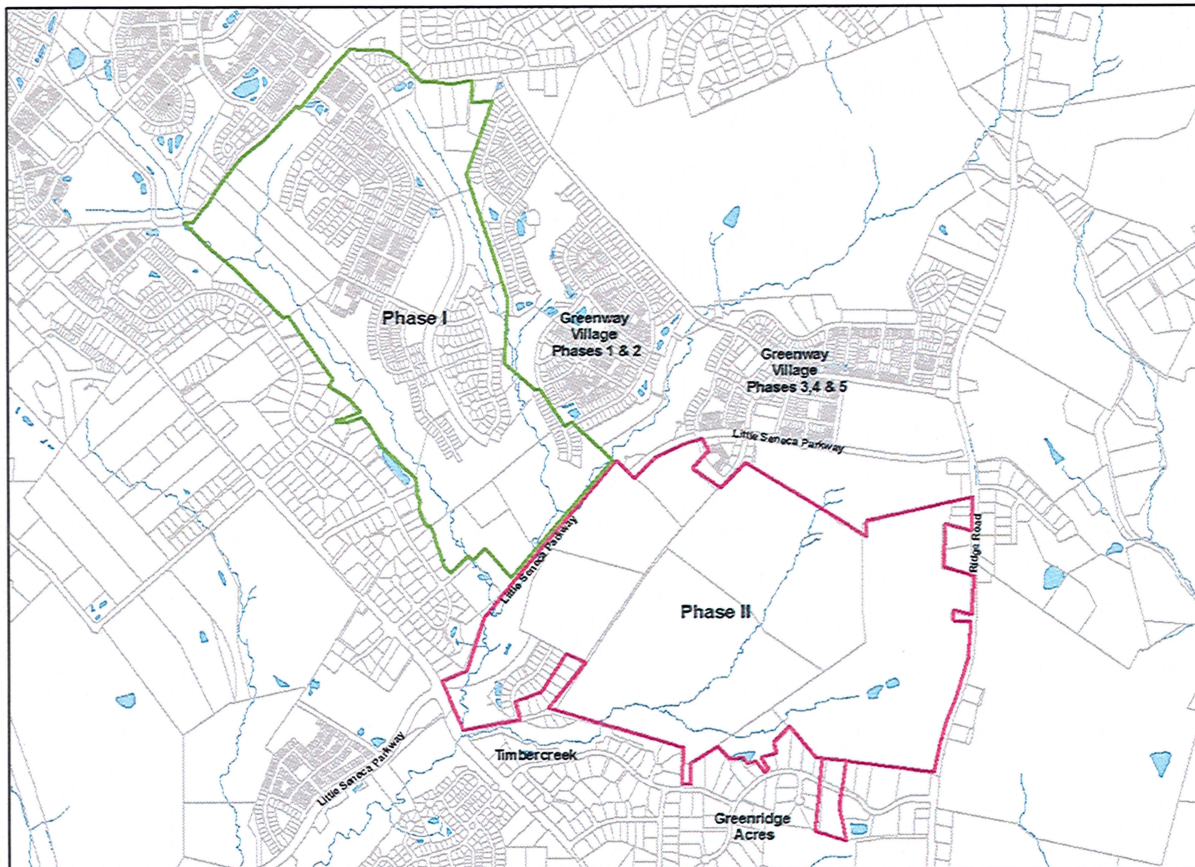
SITE DESCRIPTION	
Vicinity	3
Site Analysis	4
PROJECT DESCRIPTION	
Previous Approvals	5
Proposal	6
PROJECT ANALYSIS	
Master Plan	10
Transportation	12
Environment	12
Development Standards	14
COMMUNITY OUTREACH	15
FINDINGS	15
RECOMMENDATION & CONDITIONS	22
APPENDICES	31
ILLUSTRATIONS & TABLES	
<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Plan Images</i>	8
<i>Project Data Table</i>	33

SITE DESCRIPTION

Vicinity

The overall Clarksburg Village site is located within the Special Protection Area (SPA) portion of the Little Seneca Creek Watershed (use IV waters) that includes several streams and their tributaries. The remaining land is in active agricultural use as fields and hedgerows. The topography over most of the site is rolling, with steep slopes occurring predominately within the stream valleys.

The Phase II boundaries are comprised of Little Seneca Parkway at the northern and western boundary, MD 27/ Ridge Road to the east, and the developments of Greenridge Acres and Timbercreek to the south. Greenway Village (Arora Hills) borders the northeastern boundary of the entire Clarksburg Village development. Phase I is located to the west of Little Seneca Parkway, and includes the Town Center Tributary and the site of the future Greenway Trail. Beyond the trail are wooded areas and the previously approved Highlands of Clarksburg development.

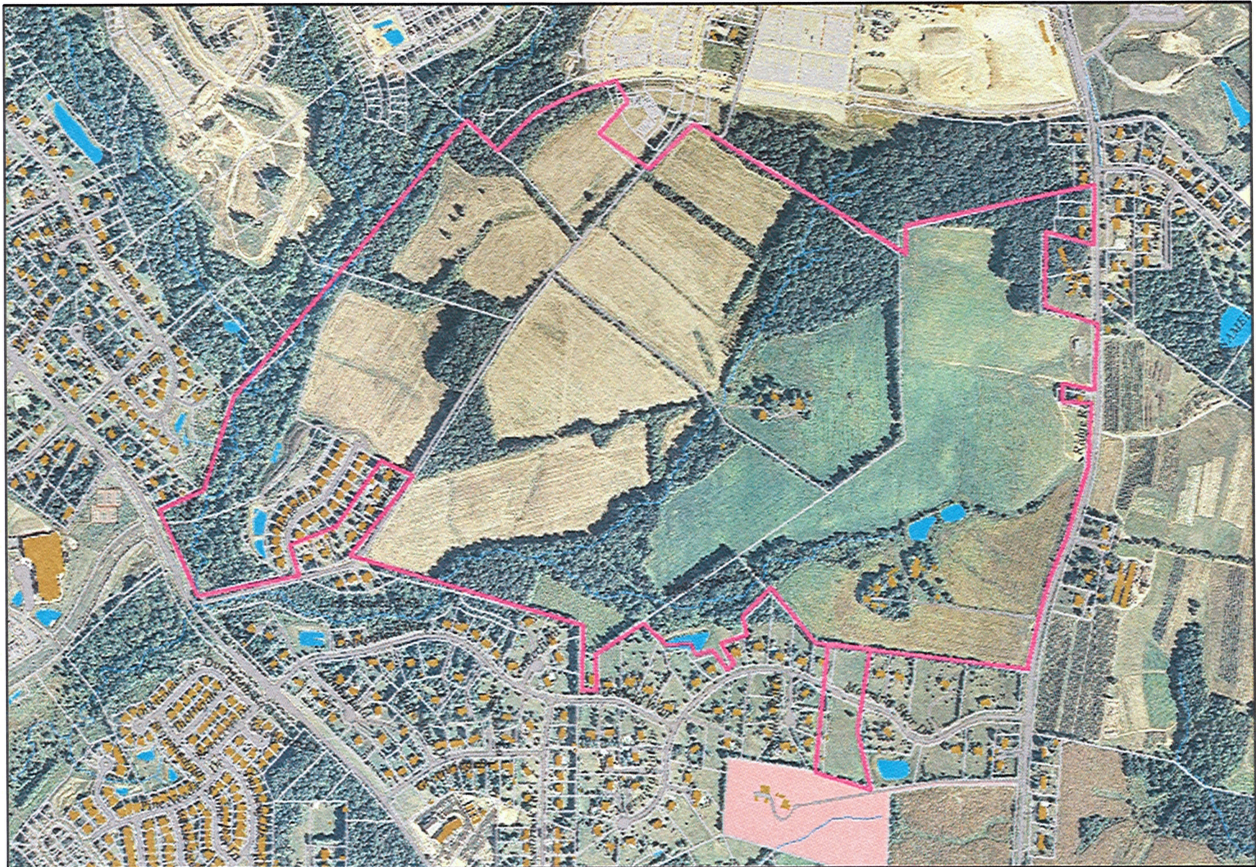


Vicinity Map (Looking North)

Site Analysis

The 413-acre Phase II site is bounded on the west by Little Seneca Creek and two tributaries of Little Seneca Creek, along with their associated wetlands, floodplains and environmental features. The property is an active farm field with existing vegetated buffers that follow the outline of the fields.

The property fronts onto MD 27 and will provide future connections for Snowden Farm Parkway and Little Seneca Parkway to MD 27 and MD 355, respectively. The site contains approximately 81 acres of existing forest, of which approximately 46 acres will be preserved along with the sensitive environmental features located primarily within the stream buffers.



Aerial Photo (Looking North)

PROJECT DESCRIPTION

Background and Prior Approvals

Sectional Map Amendment

The entire property was reclassified from the R-200 Zone to the R-200/TDR-3, R-200/TDR-4 and PD Zones by Sectional Map Amendment G-710 on October 25, 1994. Phase I of the Clarksburg Village project is comprised of the R-200 Zone and the R-200/TDR-3 Zone. Phase II includes the R-200 Zone and the R-200 /TDR-3 & TDR-4 Zone. The Applicant is developing the site covered by the R-200 Zone using the MPDU option. The future Phase III portion, which is proposed for retail, is almost entirely within the PD Zone.

Preliminary Plan

Preliminary Plan 120010300 was approved by the Planning Board on July 26, 2001 (Opinion dated January 23, 2002) for a maximum of 2,563 residential dwelling units, 20,000 square feet of office/retail use, and 5,000 square feet of daycare facility in the R-200, R-200/TDR-3, R-200/TDR-4 and PD Zones. The preliminary plan was subsequently amended in January 2003 and December 2004 to incorporate additional property and 90 units into the development. Copies of the Preliminary Plan opinions are provided in Appendix A of this report (Opinions dated January 23, 2003 and July 6, 2005.)

The Preliminary Plan was further amended in February, 2007 to extend the validity period, to modify the street rights-of-way and to create outlots for existing lots affected by minimum lot size requirements and setbacks. A copy of the resolution for the preliminary plan amendment (12001030C) is provided in Appendix A.

Infrastructure Plan

The Infrastructure Plan 820020380 was approved by the Planning Board on July 25, 2003 (Opinion dated December 18, 2003). The Infrastructure Plan included roads, stormwater management, the school sites, parkland, the Clarksburg Greenway, recreational facilities and phasing of the MPDUs for the overall development.

Site Plan – Phase I

The Site Plan 820030020 and Final Water Quality Plan for Phase I was approved by the Planning Board on July 31, 2003 (Opinion dated December 18, 2003) for 933 dwelling units (471 one-family detached dwelling units, 414 townhouses (inclusive of 44 MPDU townhouses, 48 multi-family units, all of which were MPDUs in four buildings, and 144 TDRs in the R-200, R-200/TDR-3 Zones. The entire certified site plan (previously called the signature set package), inclusive of the Site Plan Enforcement Agreement and Development Program, was approved on May 12, 2005.

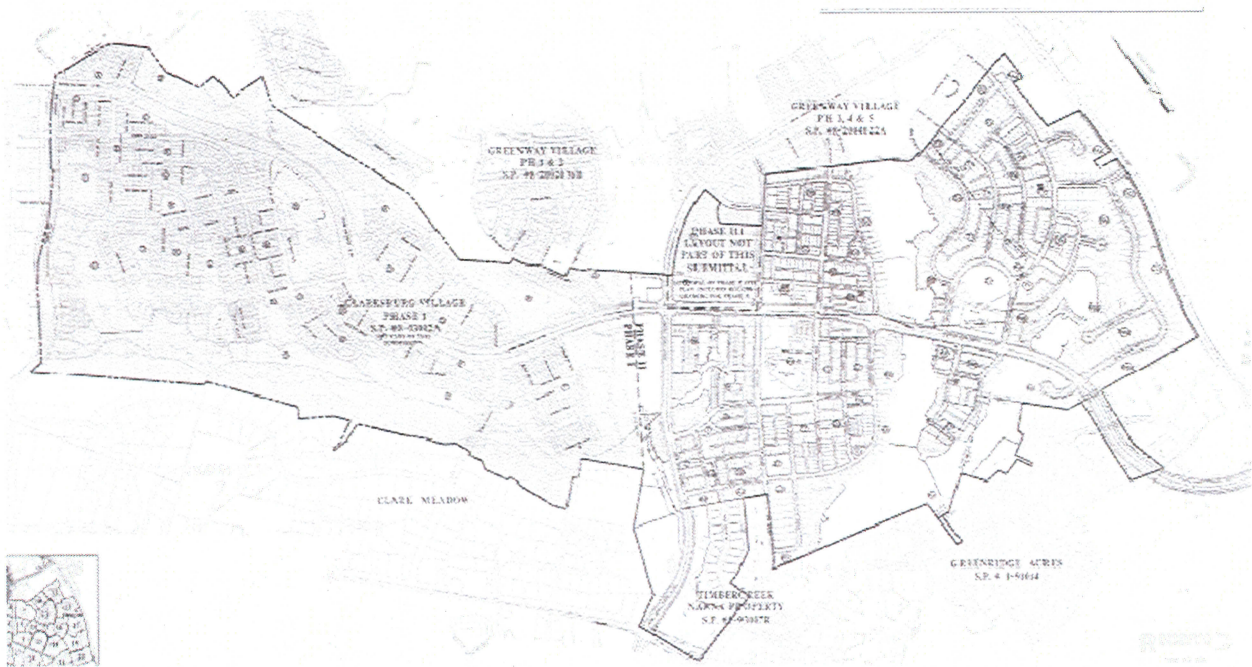
Amended Phase I Site Plan 82003002A

An amended site plan 82003002A was approved by the Planning Board on December 23, 2004, to add 30 acres (for a total of 363.87 acres) near Stringtown Road to Phase One and revise the layout and increase the total number of dwelling units by 64 for a total of 997. The additional property included in the “A” amendment is known as the Brickley Property.

From May 4, 2006 to October 5, 2006 the Board held a hearing regarding the nature and extent of the alleged acts of non-compliance and deficiencies discovered by staff. A recap of the violation hearings can be found in Appendix E.

March 22, 2007 – Planning Board Public Hearing – Site Plan Review

On March 22, 2007, the Planning Board approved an amended Site Plan for Clarksburg Village Phase I, which took into account the lots/units subject to the Corrective Order, recognition of the development standards for those lots, design considerations for Blocks T/V and a full review of all the site plan elements, including recreation facilities, access, landscaping and lighting for the entirety of Phase I. Although Phase II was submitted in June 15, 2005 with an intent to process the plan on the heels of Phase I, it was intentionally delayed by the Applicant to allow time to resolve all the issues associated with Phase I.



Overall Layout of Clarksburg Village (Phases I and II)

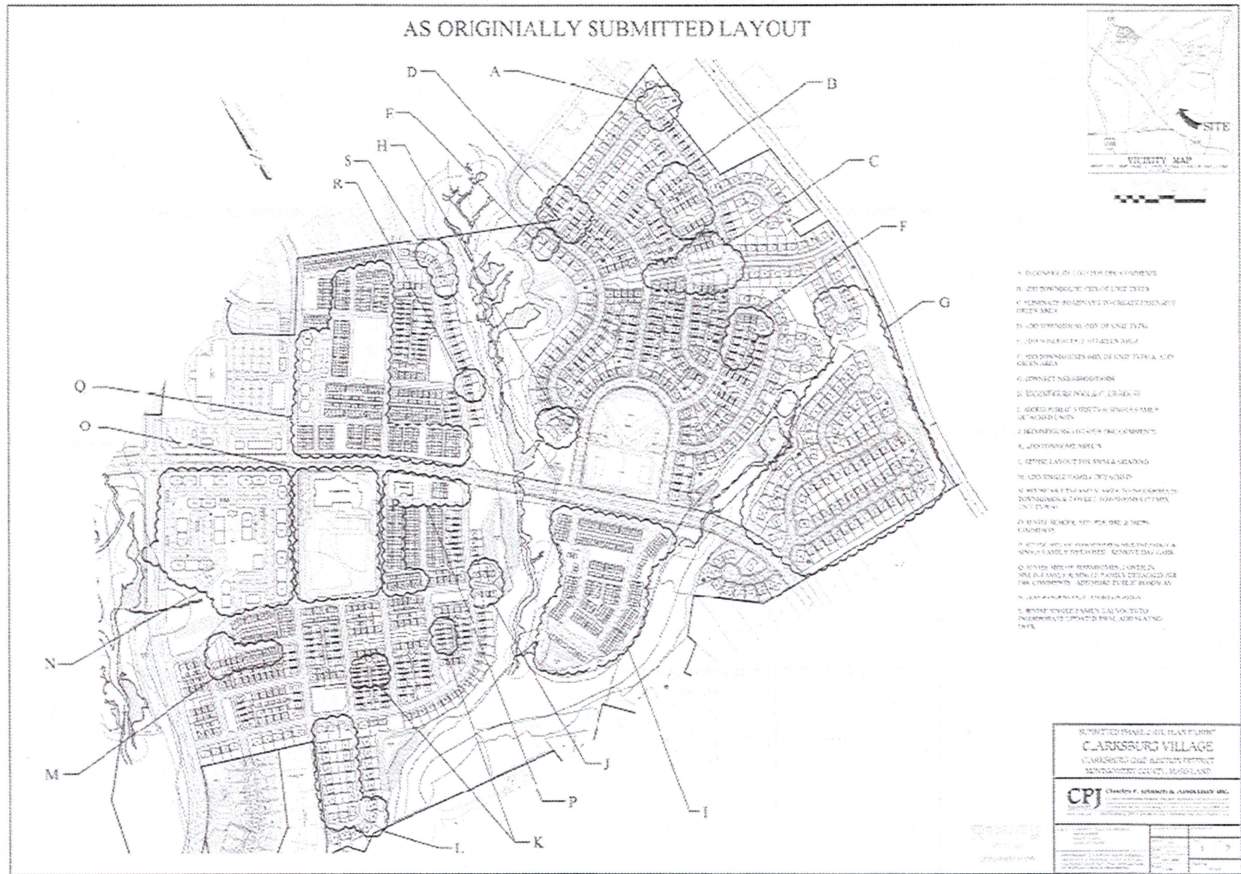
Proposal

The proposed site plan for Phase II includes a total of 1,680 residential dwelling units, including 786 one-family detached units, 450 one-family attached units (24 2-over-2 units and 426 townhouses), 444 multi-family units (including 84 2-over-2 units and 360 garden apartments), and extension of major infrastructure through the site and recreational opportunities within the development. Some 2-over-2 units will be classified as multi-family units due to the useable space definitions in the zoning ordinance, similar to some of the units in Phase I. The breakdown of units within each zone is provided in the project data table.

This application is also providing 266 MPDUs, representing over 16 % of the total number of units for the Phase II site area and 15% of the total number of units for the overall site. Originally, the Applicant was providing MPDUs in the multi-family section of Phase I; however these units had to be reallocated to Phase II due to the removal of the multi-family units because they had been placed in a zone that did not allow multi-family units. As a result, the Applicant

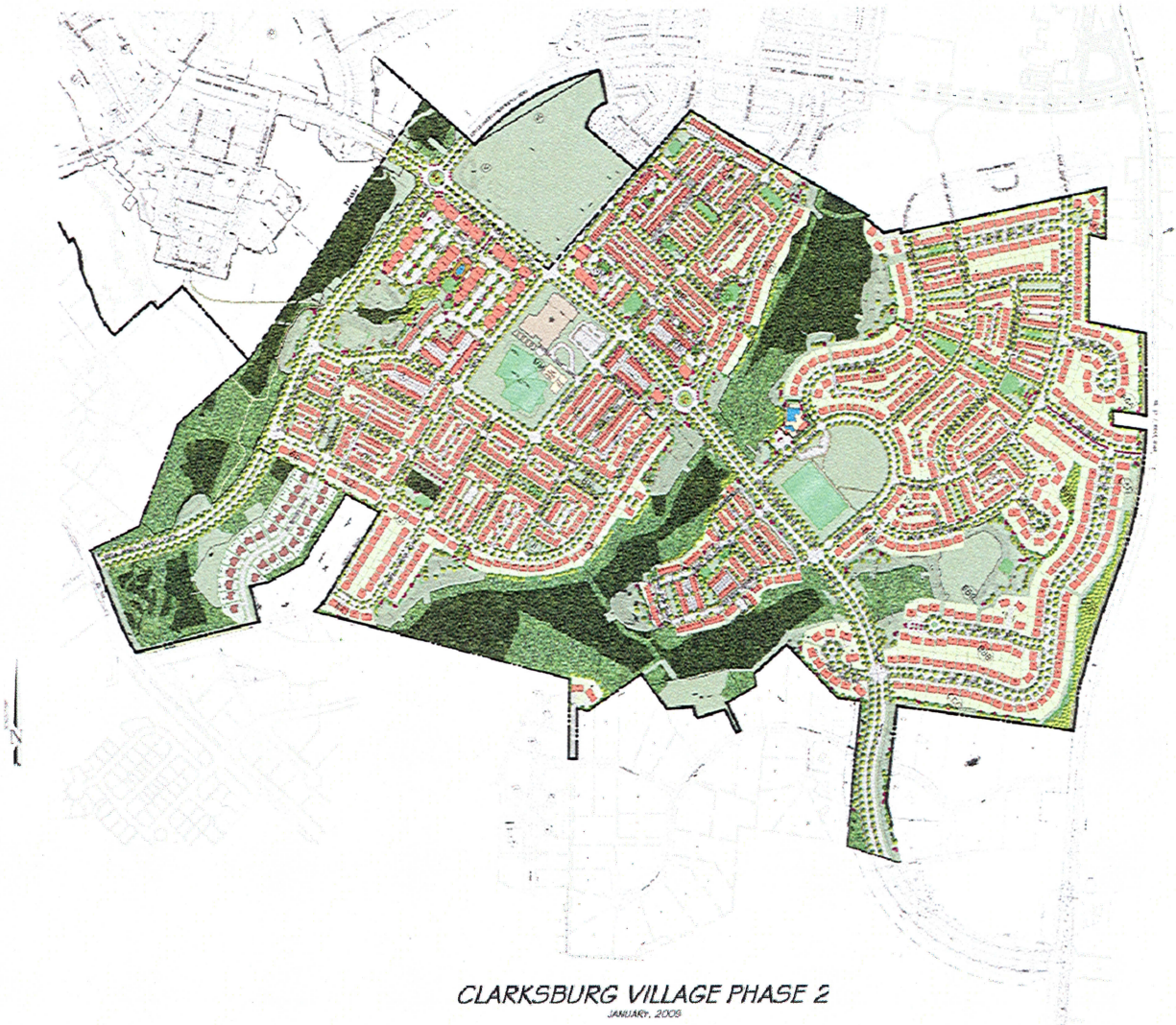
provided 13.57% rather than 15% MPDUs in Phase I, with the remainder to be provided in Phase II. The Applicant is also required to purchase an additional 234 TDRs for Phase II, accounting for 397 TDRs being acquired for the entire site.

While the overall road remains relatively consistent, the site plan, as originally submitted has changed significantly to reflect design considerations, comments from agencies, lessons learned from other projects and changes to the Phase I site plan that impacted the layout.



Some of the major changes to the plan include a revised layout for the multi-family section across from the future retail to incorporate a mix of unit types, the relocation of amenities, a greater focus on pedestrian circulation, windows into the green areas and connectivity, elimination of roadways to create more integral green areas, greater disbursement of MPDUs and orientation of buildings. Staff has also focused on the phasing and tracking of amenities throughout the development.

The current plan is divided into distinct quadrants bounded by Snowden Farm Parkway and by the eastern and western segments of Little Seneca tributary. Staff and the Applicant have identified phasing requirements for amenities, local and community-wide recreational facilities, as well as pedestrian connections throughout the community. Staff has also recommended conditions of approval that specifically allow for flexibility of site plan elements such as spacing of street trees in the public right-of-way and changes in plant materials due to site constraints, other agency requirements and availability of material.



CLARKSBURG VILLAGE PHASE 2
JANUARY, 2009

Applicant's illustrative of Phase II

The core of the overall site is centered around the future retail center (Phase III) with the multi-family component located directly across Snowden Farm Parkway. The multi-family area is bounded by Little Seneca Parkway to the west and the future school site to the east. Staff had concerns that the multi-family block was too suburban in nature and did not embrace the neo-traditional style being attempted with the rest of the development. Staff sought to introduce structured parking for the multi-family units, a reorientation of the internal clubhouse, better related pedestrian connectivity through the block and an improved street experience along Snowden Farm Parkway as a prelude to the design and function of the future retail center across the street.

Staff directed the Applicant to break up the mass of the multi-family block, and integrate a variety of other housing types within a street hierarchy that provided a better composition for the units. The Applicant did integrate a number of the comments related to design and layout, but was not willing to introduce structured parking



Applicant's rendering of the multi-family section

Multi-family units are also located along Snowden Farm Parkway and near the round-about to serve as a gateway feature and entrance to the retail core to signify a higher density. Staff is recommending review and approval of the Design Guidelines to specifically include language pertaining to the architectural presence, materials and details of the multi-family units along Snowden Farm Parkway.

Other areas of Phase II are geographically separated and provide a mix of unit types in a neo-traditional fashion with particular attention being given to internal connections, disbursement of MPDUs, and centrally located recreation facilities all linked by an array of green spaces and stream valleys within each distinct quadrant.

Snowden Farm Parkway is a primary road serving as the spine through the community. The proposed development areas reflect the importance of the road segments by promoting medium density uses from MD 27 west through the natural areas, and higher density uses and future commercial uses in the center of the site. The road section near the retail center and multi-family units changes to provide for on-street parking and increased pedestrian circulation surrounding the retail center and Greenway.

The pedestrian network includes master planned hiker/biker routes (8-foot-wide asphalt paths) within the right-of-way for Snowden Farm Parkway and Little Seneca Parkway that lead to the

major highways and connect to the Greenway trail network. Additional pedestrian routes are provided in the stream valley buffers leading to the park, school site and future retail center.

The local park, Jeane Ounfry Local Park, is a circular area situated within the boundaries of Snowden Farm Parkway and Emerald Green Circle and adjacent to the community center. The future local park will be graded by the Applicant to contain facilities such as a soccer field, small surface parking lot, and play areas for children.

Landscaping and lighting for the site contains a mix of shade, evergreen and ornamental trees and shrubs to provide for buffers and screens as well as accent planting in highly visible areas. The streetscape has been designed to conform to the County's requirements for spacing and location of light fixtures, plant material, signs and utilities. Amenity landscaping and lighting has been incorporated into the public open spaces, entry features and individual lots. Buffer planting, mixed with an earth berm and noise attenuation fence, is situated along the MD 27 boundary.

Architectural Guidelines were not required by the Board or provided by the Applicant during the initial 2003 application or through the amendment process. The Applicant did, however, implement design guidelines for the development which are monitored and enforced by a Town Architect, who is retained by the Applicant. Staff has conditioned this plan and the Applicant to provide Architectural Design Guidelines specifically for the multi-family buildings, primarily due to their size, location along the main street and importance as they relate to the future retail component. Staff wants to be able to review the architectural materials of the multi-family buildings for compatibility with the rest of the neighborhood and to set the stage for the review of architectural design guidelines for the future retail center.

PROJECT ANALYSIS

Master Plan

Clarksburg Village is located in the Newcut Road Neighborhood District of the 1994 Clarksburg Master Plan Area and is traversed by the proposed A-302 (Newcut Road Extended), which will separate Phases I and II of this development, and the proposed A-305 (Snowden Farm Parkway). It is also located south of Stringtown Road, northeast of Ridge Road, and northeast of MD 355.

The neighborhood incorporates approximately 1,060 acres, most of which has been approved for development, including the subject site and Greenway Village (Arora Hills). Clarksburg Village is separated from the Clarksburg Town Center and Transit Corridor Districts by Stringtown Road. Little Seneca Parkway will be traversed by the proposed Snowden Farm Parkway (A-305), part of which has been completed with the Phase I development.

The land use recommendations for the Newcut Road Neighborhood propose a mixed-use center on Newcut Road, approximately midway between A-305 and Skylark Road. This will provide a concentration of activity and density in the middle of the neighborhood while promoting lower

densities at the edges. This concept also clusters development near the greenway system and enhances public access to Ovid Hazen Wells Park and the new local park in Phase II.

The proposed site plan recommends a significant number of new residential units. In combination with Greenway Village located directly to the east, these two large projects will provide approximately 3,900 residential units and 109,000 square feet of commercial space.

The proposed site plan complies with the Master Plan land use objectives as follows:

1. Range of Units

The Master Plan emphasizes 45-55 percent single-family detached, 35-45 percent single-family attached, and 10-20 percent multi-family dwelling units. The proposal provides for a mix of units that reasonably satisfies the range of residential unit types proposed in the Master Plan. The proposed unit mix for Phase II is 47% one-family detached, 27% one-family attached, which includes townhouses and two-over-two units, and 26% multi-family, while the overall development maintains a 50%, 33% and 17% mix, respectively.

2. Street Oriented Buildings

Street oriented buildings are one of the major principles of the Master Plan. At Preliminary Plan the Planning Board recommended that dwelling unit orientation along all road right-of-ways be addressed at the time of site plan review.

The Master Plan provides specific language on street orientation in the Newcut Road Neighborhood in order to ensure that Clarksburg becomes a different, neo-traditional type of community that will be unique and appealing.

Units adjacent to roadways, especially at street intersections, should be oriented toward major streets to preclude visibility of rear yards. The proposed site plan generally conforms to this Master Plan objective, except for the multi-family units.

3. Windows into the Park

The “park bordered by a street” relationship opens up views of the Greenway and is a significant design principle of the Master Plan. This important relationship allows the community to visually experience the beauty of Clarksburg’s stream valley parks and keeps the open space from being hidden behind a row of residential lots. In general, along the Master Plan roadways (A-305 and A-302), there will be significant vistas of the Little Seneca Creek Parkway and the two primary stream valley buffers along Snowden Farm Parkway.

Many of the windows into the green area were designed in conjunction with road alignment, building placement and pedestrian access connecting neighborhoods separated by the stream buffer areas.

The proposed site plan satisfies this Master Plan objective.

4. Bikeway Connection

The Master Plan emphasizes bikeway access from neighborhoods to shopping and employment areas as well as to key community facilities. The Applicant will provide a bikeway connection through the Greenway trail to the adjacent Greenway Village community, Ovid Hazen Wells Regional Park, and the proposed elementary school, local park and future retail center. This will improve access to the neighborhoods, school, and the park.

Transportation

Snowden Farm Parkway (A-305) is a master-planned primary roadway that will eventually connect from MD 355 to MD 27/Ridge Road. The Applicant has constructed a majority of the roadway from Stringtown Road east toward the Phase II boundary. The other major vehicular connection is Little Seneca Parkway from the adjoining Greenway Village development to MD 355, following the boundary of the greenway throughout the entirety of Phase II. Mandatory Referral (MR 2008082) is currently under review for a small segment of Snowden Farm Parkway from the Applicant's eastern boundary to MD 27/Ridge Road. The Applicant is resolving environmental impacts caused by the remaining extension of the road connection.

The Adequate Public Facilities (APF) test for the Clarksburg Village development was conducted at the time of preliminary plan review and remains valid with the site plan for Phase II. Phase II consists of the remaining residential development for the overall Clarksburg Village site. The Local Area Transportation Review (LATR) and Policy Area Transportation Review (PATR) requirements related to approval of the Clarksburg Village development contain a number of roadway improvements including construction of Snowden Farm Parkway (A-305) as a four lane divided arterial roadway between Ridge Road (MD 27) and improvements to Stringtown Road.

Environment

The entire 784.90-acre property is located east of I-270 in Clarksburg within the Clarksburg Special Protection Area (SPA). The entire site drains directly to the Little Seneca Creek (Use IV-P SPA stream) which runs through the site within Phase II. The current land uses include residential development, abandoned agriculture, and forest. The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 419981120, 420011480 and 420013270.

The Phase II development incorporates 412.97 acres of the 784.90 acre site. The Phase II site contains 81.27 acres of existing forest, 5.89 acres of wetlands, 55.13 acres of floodplain and 83.24 acres of stream valley buffers (225.53 acres altogether). The entirety of Phase 2 drains directly to the Little Seneca Creek that is located in the western third of this Phase. 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 environmental/stream buffers.

Environmental Guidelines

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. Environmental buffers are being preserved with this application to protect wetlands, floodplains, and streams. As part of the *Environmental Guidelines*, all stream buffers must be reforested. Where trees do not currently exist in the stream buffers, the applicant will plant new forests where applicable. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas or transfer the ownership of a portion of these areas to MNCPPC Parks.

Stream Buffer Encroachments

Any encroachments into the environmental buffers associated with this plan are for necessary stormwater management structures and conveyances, some utilities, natural surface trails and construction of A-305 (Snowden Farm Parkway).

Environmental Planning is recommending a condition that reconfigures some of the swm facilities to ensure proper drainage and provide for protection of the buffers.

Forest Conservation

There are 412.97-acres in this phase of the project with 81.27 acres of existing forest. The applicant is proposing to remove 32.67 acres of forest and retain 48.60 acres of forest. The applicant has a reforestation requirement of 65.34 acres for clearing below the conservation threshold in Phase II. The applicant has claimed a 13.07 acre landscape credit leaving a total reforestation planting requirement of 52.27 acres. The applicant has proposed planting a total of 46.03 acres in Phase II and making up the 6.24 acre difference by using surplus planting from Phase I. The forest conservation plan indicates that the applicant will meet the conservation threshold onsite, and that they will meet all planting requirements through a combination of onsite forest retention, onsite planting of unforested stream buffers, and landscape credit, all of which should be accelerated under the Special Protection Area (SPA) regulations and Environmental Guidelines.

During the review process for Clarksburg Village, Phase II, staff has continually stressed in written comments, phone conversations and meetings with the applicant and the applicant's engineering firm the need for compliance with the Planning Board conditions of approval for the SWM ponds. To date SWM Pond N is the only pond in which alterations have occurred in order

for the structure to be in compliance with the conditions of approval. Since the final design of stormwater management facilities does not occur until after preliminary/site plans are approved, Environmental Planning staff requests that a condition of approval be added to place 29 residential lots adjacent to SWM Ponds L, N and V in reservation until such time that the final design of the SWM ponds verifies that the encroachment into the SVB complies with the previous Planning Board conditions of approval. Environmental Planning staff has concerns that the enlargement of these sand filters may impact the nearby stream valley buffers, reforestation and forest retention areas in close proximity to these structures.

Protection of Seeps, Springs and Wetlands

One of the performance goals for the final water quality plan is to protect springs, seeps, and wetlands. DPS is responsible for determining and ensuring that these performance goals are achieved. It is M-NCPPC's responsibility to protect seeps, springs, and wetlands through the delineation of stream and wetland buffers. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas or will transfer the ownership of a portion of these areas to MNCPPC Parks.

Site Imperviousness

There are no impervious limitations within the Clarksburg SPA; however, the Special Protection Area regulations allow M-NCPPC to review imperviousness and to work with the applicant to reduce imperviousness. The estimated impervious amount proposed for the entire site is less than 45 percent.

Development Standards

The subject site is zoned R-200 with portions of the site designated R-200/TDR 3 and 4. The Applicant is using the MPDU option in a standard R-200 zone to achieve additional density on the site while providing 15 percent of the total number of units as MPDUs. The Applicant is utilizing the optional method of development in the R-200 zone to provide a variety of residential types with a focus on higher density uses, including multi-family in the TDR designated areas. TDR densities of 3 or more allow for more flexibility with respect to the development standards and require conformance to the standards for compatibility of the PD Zone.

Section 59-C-1.393 (TDRs) and Section 59-C-1.61 (MPDUs) of the Zoning Ordinance requires that a Site Plan be submitted and approved in accordance with the provisions of Division 59-D-3.

The data table in Appendix C outlines the development standards for the R-200 zone, utilizing MPDUs and TDRS as specified in the Zoning Ordinance.

COMMUNITY OUTREACH

A notice and copy of the proposed plan was sent to the Adjacent and Confronting Property Owners and Civic groups by the Applicant when the application was originally filed in 2005. Posting of the site was not required with the original application. The File of Record has been supplied with a copy of the Notice of Application.

The Applicant re-noticed the application to the Adjacent and Confronting Property Owners and Civic groups in March, 2008 and presented the application to various community and civic groups. The notice of the public hearing was updated to include the increased number of residents now living in Clarksburg Village and the surrounding neighborhoods.

Some concerns that were presented to Staff at a civic association meeting on January 19, 2009 related to the placement of the two multi-family buildings at the round-about on Snowden Farm Parkway, as well as the architectural treatment for the multi-family units, number of MPDUs, adequate vehicular circulation for the school site, windows into the Greenway and natural areas, appropriate landscaping to buffer stormwater management facilities and maintenance of the common areas and site elements.

Staff has attempted to address these concerns, despite the short time frame within the body of the report.

STAFF RECOMMENDATION FOR FINAL WATER QUALITY PLAN: Approval of Final Water Quality Plan for Site Plan 820050410 as described in the letter dated September 19, 2008 [Appendix B], unless amended and approved by DPS and DEP, with the following conditions:

1. 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 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.
2. Conformance to the conditions as stated in the DPS letter dated September 19, 2008 approving the elements of the SPA water quality plan under its purview.
3. No retaining walls permitted within stream buffers, environmental buffers, wetlands or wetland buffers, or floodplains unless approved by the Planning Board.

FINDINGS FOR SITE PLAN

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified*

by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

Neither a diagrammatic plan nor a project plan was required for the Phase II portion of Clarksburg Village. Phase III (future retail) will need to conform to the approved Development Plan Amendment (DPA 05-1) with respect to density, land use and development standards but is not part of this application.

2. *The site plan meets all the requirements of the underlying zone.*

The approved site plan meets all of the requirements of the R-200/TDR-3 and TDR-4 Zone and the R-200 Zone, utilizing the MPDU option, with respect to development standards for each zoning category. The application fully addresses and provides the necessary development standards for all of the uses in the zone.

The site data table in Appendix C indicates the development standards within each zone and the standards approved during each phase of the site plan process.

Section 59-C-1.394 (b) of the Montgomery County Zoning Ordinance provides:

For TDR densities of 3 or more per acre, the lot sizes and other development standards will be determined at the time of preliminary plan and site plan for conformance with applicable master plan guidelines and in accordance with the purposes and provisions of the PD Zone, except as may be specified in Section 59-C-1.395.

The “compatibility” requirement (Section 59-C-7.15) provides that all uses must be compatible with the other uses proposed for the development and with other uses existing or proposed, adjacent to or in the vicinity of the area covered by the proposed planned development.

Section 59-C-1.394 (b) of the Montgomery County Zoning Ordinance provides:

In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a planned development zone adjoins land for which the area master plan recommends a one-family detached zone.

- (1) No building other than a one-family detached residence can be constructed within 100 feet of such adjoining land; and*
- (2) No building can be constructed to a height greater than its distance from such adjoining land.*

For TDR densities of 3 or more, the proposed site plan provides a comprehensive data table that includes all of the development standards for all of the uses in the zone.

Consistent with the provisions recommended in the PD Zone; no building, other than a one-family detached building, can be located closer than 100 feet of a one-family detached zone. All buildings must be constructed within the height limitations from the adjoining one-family detached land as specified above. No building other than a one-family detached building is located closer than 100 feet from the property line.

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

Location of Buildings and Structures

The location of the buildings and structures within the Phase II portion of the Clarksburg Village development are adequate, safe and efficient.

The design of the overall neighborhood for Phase II has changed significantly from the originally submitted plans with respect to building type, location and orientation. The multi-family buildings have been organized to provide emphasis to the street while creating a buffer to the internal surface parking. An attempt has been made to integrate the block with a mix of unit types by including one-family attached, two-over-two units among the multi-family buildings. The multi-family units were positioned near the future retail center, school and major cross streets to encourage a higher density use in the center of the site near the activity center. The orientation of multi-family units along the primary boulevard within the subdivision helps to shape the entry while the corresponding streetscape defines the pedestrian environment as well. Separate multi-family units were placed as an entry into the retail and higher density areas to signify a change in the streetscape, focused on increased pedestrian circulation and as a prelude to the future retail center.

The overall concept for the development consists of a range of housing types, located within a dense environment to create individual neighborhoods with common unifying elements, such as a sense of connection to the open space and green areas, tree preservation areas, building orientation, and architectural treatments. The common areas also provide pedestrian connections into adjacent open spaces. Units along Snowden Farm Parkway have been carefully sited to prevent direct views of the rear yards of units. The views are diverted through design layout, plant material and noise wall location.

The pool and clubhouse facility is centrally located in Phase II and adjacent to the open play area and future ball fields. Planned bikeways lead to the clubhouse from Snowden Farm Parkway in addition to the natural surface paths through the stream valley buffer.

The Master Plan emphasizes 45-55 percent single-family detached, 35-45 percent single-family attached, and 10-20 percent multi-family dwelling units. The current proposal provides for a mix of units that reasonably satisfies the range of residential unit types

proposed in the Master Plan. The proposed unit mix for Phase II is 47% one-family detached, 27% one-family attached, which includes townhouses, and two-over-two units, and 26% multi-family, which is close to the mix proposed by the Master Plan. When taken as a whole (Phases I and II), the plan is in conformance with the Master Plan.

Retaining walls on lots that are visible from roads have been minimized where possible and planting has been incorporated at the base to reduce the visual impacts from the road.

The MPDUs have been placed in various areas of the site, so as not to concentrate the type of unit in one location. The one-family lots include a building envelope with setbacks allowing for individual unit types to be placed on each lot once selected by a purchaser, and the multi-family units will provide a building envelope (zone of influence) to account for flexibility of building locations on the parcels.

Open Spaces

The site provides open spaces that are integral to the development areas and are suitably designed to be safe, adequate and efficient.

The open spaces and play areas are well developed with plant materials – layers of shrubs, shade trees and groundcovers- and benches and walks. Each mews is defined by landscaped corners and sitting areas, which create public access and definition for the spaces.

Much of the open space is provided as part of the stream valley buffers, open play areas, and future park site and within the common areas surrounding the units.

The plan does offer windows into the greenway or stream valley buffer by placement of structures, alignment of the street network and landscape treatments.

Landscaping and Lighting

The landscaping concept adequately provides for an attractive, environmentally sound and functional project by providing shade, screens and buffers. The Clarksburg Village Plan also provides for the preservation of existing trees and incorporates them into developed areas, creating environmental benefits for shade and erosion control. The street trees define the streets, provide a buffer between the units and the street, and provide for a pedestrian experience. The foundation plantings and accent plant materials create an attractive separation between the units and the paved surfaces. The buffers will screen views to the street and views of the units, providing separation and privacy.

Each unit type has a typical unit foundation planting design that includes a flowering or shade tree that adds to the streetscape definition. The corner lots within the neo-traditional areas include screen planting and fencing to buffer private back yards from

public views. Tree preservation areas have been incorporated into the landscaping schemes for several areas.

As amended by the conditions, additional landscaping is being provided along the MD27/Ridge Road frontage for screening purposes.

The Applicant is also including the species already selected and installed as well as the spacing of the street trees within the right-of-way for A-305 (Snowden Farm Parkway) as part of the amendment to the site plan. The spacing for the street trees will remain consistent with the original approval at 40-50 feet on center, unless certain physical site constraints affect the location of trees.

The lighting plan includes street lights that are regulated by the Montgomery County Department of Public Works & Transportation (“DPWT”). The styles of the light fixtures proposed are consistent with the light fixtures allowed by DPWT within the Clarksburg Town Center Planning Area. Alleys and private streets will be lit by garage-mounted fixtures with cut-off features to prevent light pollution. The private streets include pole-mounted fixtures spaced according to the street tree setting and driveway locations. Additional fixtures are provided in common areas and gathering areas associated within the community.

Recreation

Recreation demand is satisfied as shown in the recreation calculations table in Appendix D. Recreation areas are dispersed throughout the subdivision, providing local play structures or sitting opportunities in each community area. The recreation areas are designed to be attractive focal points within each community area.

The recreation amenities provide for a variety of outdoor exercise and play opportunities by providing numerous play areas within close proximity to housing. The existing Greenway Trail, constructed by the Applicant, provides for local and regional recreational opportunities.

The recreation facilities have been sited to become part of each neighborhood by their central location and sitting areas. Their attractive design will make the play areas a desirable part of the community and open space systems.

Recreation facilities include 42 picnic/sitting areas, 4 tot lots, 4 multi-age play facilities, 15 open play areas (type I and II), natural areas and trails as well as a community room and swimming and wading pool within the clubhouse area.

Recreation demand is in conformance with the minimum requirements of the M-NCPPC Recreation Guidelines as demonstrated with the site plan amendment application. The Applicant is taking credit for off-site facilities (Ovid Hazen Wells Recreational Park, Big

Pines Local Park and Clarksburg Neighborhood Park) even though the proposal exceeds the demand points set forth by the Guidelines in terms of facilities provided.

Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

The street connections to the site are in accordance with the approved Preliminary Plan and adjoining site plans for Phase I and Greenway Village. The layout provides an interconnected grid throughout the development; however, the street grades for the public roads were revised by DPWT to accommodate site conditions and connections to adjoining developments.

The development proposes to extend Snowden Farm Parkway as a primary spine through the central portion of the site to connect to MD 27/Ridge Road. A small segment of Snowden Farm Parkway will be constructed under Mandatory Referral MR 2008082 and is not part of this application. Little Seneca Parkway traverses north/south to complete the connection from Greenway Village to MD 355. Newcut Road is also being extended from the north to connect to MD 355 as is one additional access point from MD 27/Ridge Road into the development.

Pedestrian paths, including the 8-foot-wide bike paths within the A-305 right-of-way, are provided along the roadways and internally within the development. The pedestrian circulation offers access to all parts of the site and surrounding development. The pedestrian circulation also allows for local and regional connections to off-site development, parks and open spaces.

The open spaces, locations of buildings and structures, access, landscaping, lighting, recreation and site details adequately and efficiently provide a safe and comfortable environment.

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

The various structures, including the residential buildings, clubhouse and retaining walls, are compatible with existing and proposed adjacent development. The residential land uses proposed within the project are compatible with internal land uses.

The height and massing of the buildings is consistent with the compatibility provisions of the PD zone and with the neighboring communities of the Clarksburg Town Center and the Greenway Village community for the various land uses and unit types and with the existing structures in Phase I of Clarksburg Village.

Landscaped earth berms, including noise walls and fencing, are provided to mitigate potential noise levels generated by traffic along the major roadways. Buffer planting further accents the berms and fences, specifically along the major thoroughfares.

The activity associated with the proposed residential uses will not cause any negative effect on neighboring developments.

The Applicant developed Design Guidelines with Phase I independent of Staff review. These will be integrated into the Phase II portion of the development to account for development standards, architectural features and detail site plan elements for the units and structures. Presently, the Town Architect reviews all permits for conformance to the Design Guidelines prior to the applications being submitted for review by the County agencies. Staff is recommending additional language be provided in the Design Guidelines to ensure certain architectural features are reviewed by M-NCPPC Staff and integrated into the design of the multi-family buildings to include building materials and the placement of the structure in relation to the street.

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

The Applicant is proposing an optional method of development for this site. Phase II incorporates approximately 413 acres of the total 784-acre site, containing approximately 81 acres of existing forest, 5.89 acres of wetlands, 55.13 acres of floodplain and 83.24 acres of stream valley buffer. The Phase II portion of the overall development drains directly to Little Seneca Creek.

The Applicant is proposing to remove 32.67 acres of forest which presents a reforestation requirement of 65.34 acres for clearing below the threshold. After the landscape credit has been applied to the total requirement, the Applicant must provide a total of 52.27 acres of reforestation planting, of which 46.03 acres is being provided in Phase II while the remainder is being provided in Phase I.

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). Redundant sediment control facilities are required during construction of the site. This means upland sediment traps will drain to secondary traps downgrade. Several extended detention dry ponds will provide stormwater quantity control. These facilities are designed with a maximum retention time of 12 hours for the one-year storm. Stormwater quality control is provided via a treatment train consisting of vegetated conveyance swales, dry swales (vegetated swales underlain with infiltration structures), bioretention structures, surface sand filters, structural filters and infiltration/recharge structures.

RECOMMENDATION AND CONDITIONS

Staff recommends **Approval** of the Site Plan 820050410 for Phase II of Clarksburg Village for 1,680 residential dwelling units, consisting of 786 one-family detached units, 24 one-family attached (2 over 2's), 426 one-family attached (townhouses), 84 two-over-two's (multi-family) and 360 multi-family garden apartments; and including 266 MPDUs and 234 TDRs. All site development elements as shown on Clarksburg Village-Phase II plans stamped by the M-NCPPC on November 21, 2008, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 12001030C as approved by the Planning Board on February 11, 2007. [Appendix A].

2. Site Design

- a. Provide a minimum 20-foot-wide separation between townhouse sticks and two-over-two units, exclusive of utility closets.
- b. Provide a minimum of 8 feet between end townhouse units.
- c. Cluster mailboxes shall be located in a central area so as not to interfere with pedestrian circulation and shall not disrupt the design of the community spaces in which they are located. The mailbox clusters in the privately maintained areas of the site shall include special paving leading from the street to the mailbox. The mailbox clusters in the public right-of-way shall include special paving, upon approval by the Department of Transportation and/or Department of Permitting Services. The Final location must be determined by the US Postmaster.
- d. Relocate the optional trash enclosures in Parcel E (serving the units in Parcel X) to the east side of the parking lot and in Parcel Y, Block KK (serving the units in Parcel T) to the west side of the parking area. If constructed, the trash enclosures must be built concurrently with the construction of the adjacent units.

3. Design Guidelines

Architectural Guidelines for Phase II must be submitted for staff review and approval prior to certified site plan. Prior to the issuance of use and occupancy permits for the multi-family buildings in Phase II, any changes to the Design Standards must be approved by the Planning Director, with the appeal of any denial to the Planning Board.

The declaration of covenants must require that the Homeowners Association(s) in Phase II hire and maintain a Town Architect who will review building plans for conformance to the Clarksburg Village Design Standards and provide certification of compliance to MCDPS. The portion of the covenant reflecting this requirement must be submitted to M-NCPPC Legal Staff for review and approval prior to approval of the certified site plan.

The Town Architect shall be required to administer the Clarksburg Village Design Standards. The Town Architect must certify that any proposed construction complies with the Clarksburg Village Design Standards, and the certification must accompany each

building permit application. MCDPS must not issue a building permit unless the Town Architect has certified that the construction will comply with the Clarksburg Village Design Standards.

4. Landscaping

- a. Provide special paving (brick pavers or stamped concrete) in Block KK to highlight the recreational amenities.
- b. Provide an alternate plant list for substitutions.
- c. Provide additional landscaping around the retaining walls adjacent to the two-over-two units in Parcel X, Block KK.
- d. Provide fencing around the pool on the Landscape Plan.
- e. Provide additional landscaping along the Ridge Road frontage, south of proposed Apple Orchard Way, in conjunction with the earth berm and noise attenuation fence. Landscaping must consist of a mixture of shade, evergreen and flowering trees and shrubs.

5. Streetscape

Provide street trees within the public right-of-way at a minimum spacing of 40 feet on center and a maximum spacing of 50 feet on center, except where physical site improvements are in conflict with the spacing. Any deviation from the minimum/maximum standards due to physical site improvements may be field adjusted by the appropriate inspectors from DPS, DOT and M-NCPPC. Street lights, signs and utilities may be adjusted in conjunction with any relocation of street trees for public rights-of-way, without necessitating an amendment to the site plan. Documentation of the field adjustments must be provided to M-NCPPC for the public file. The size and species of the street trees must be consistent with the approved certified site plan.

6. Lighting

- a. Provide a revised lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All on-site private light fixtures located within the HOA common areas, exclusive of the public street rights-of-way, shall be cut-off fixtures or equipped with shields, refractors or reflectors.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels for the on-site private light fixtures shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
- e. The height of the on-site private light fixtures and poles shall not exceed 15 feet including the mounting base, except for the multi-family block (Block W), which shall not exceed 20 feet.

7. Multi-family Area

- a. Provide architectural treatments on the multi-family buildings for incorporation into the Architectural Design Guidelines to include details, building materials and treatments.

- b. Materials for the retaining walls and the garages must be comparable and compatible with the exterior of the multi-family units.

8. School Site

The Applicant must provide all required forest conservation attributable to the school, stormwater management quantity control, rough grading as shown on the site plan dated March, 2008 (attached in Appendix B), and seeding and stabilization of the school site. In addition, the Applicant has agreed to provide and install signage on the future elementary school site indicating that it is a future public elementary school.

9. Recreation Facilities

- a. The Applicant shall provide the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant shall provide the following recreation facilities: 42 picnic/sitting areas, 4 tot lots, 3 multi-age play facilities, 6 open play areas (type I), 11 open play areas (type II), a community building/clubhouse with a wading pool, swimming pool and community room, natural areas, a picnic area and trails.
- c. Relocate the play structures in Park 21 to avoid overlapping safe fall zones.
- d. Reconfigure Park 20 in Block BBB to accommodate grading for the adjacent SWM facility.
- e. Renumber Parks 29 and 30 in the Recreation Facilities Chart.
- f. Provide pedestrian access to the multi-age play area for Park 12 in Parcel E, Block XX.

10. Park Development

The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Stewardship, Department of Parks, in the memorandum dated December 22, 2008 [Appendix B]:

- a. Applicant to dedicate to M-NCPPC the property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary. Include in dedication the land identified where the Baltimore Checkerspot Butterfly is located, as Parcel E along the Little Seneca tributary north of Snowden Farm Parkway to the northern boundary of the project property. Exact park dedication boundaries to be clearly set forth on the Certified Site Plan and be acceptable to Department of Parks staff. Land to be conveyed at time of record plat for the lots adjacent to the dedicated property. Dedicated parkland to be conveyed free of trash and unnatural debris, and boundaries between parkland and private properties to be clearly staked and signed.
- b. Applicant to construct an 8-foot wide asphalt hiker/biker trail, with 10-foot wide clear-width for boardwalks and bridges, within the Clarksburg Greenway or within the public right-of-way from Stringtown Road to Newcut Road/Little Seneca Parkway, then north to the Greenway Village (Aurora Hills) development to connect with the portion of trail being constructed as part of that project. Greenway Trail and community access trails to include necessary bridges and boardwalks and be constructed to park standards and specifications. Prior to construction, Applicant to obtain a park permit. Trails to be

- clearly marked or constructed prior to beginning construction on homes adjacent to the Greenway parkland.
- c. Greenway Trail alignment for the portion of the Trail near the confluence of Little Seneca Creek and Town Center Tributary to be determined at the time of permitting for the construction of Little Seneca Parkway/A-302. Trail connection from Phase I to the north/south portion of the Greenway Trail that parallels Little Seneca Parkway to be constructed at the same time as construction of the road. Greenway Trail should be shown by Applicant on all plans with two alternative routes in this stream confluence area. The preferred route would continue through the Bradley Property and would be constructed by Applicant if M-NCPPC can secure, at a reasonable cost, the acquisition of land or easement from the property owner. The alternative route would circumvent the Bradley property and be located on land already owned by Applicant, and would be constructed if the acquisition of the land or easement across the Bradley property cannot be reasonably accomplished by the time permits are needed for construction of Little Seneca Parkway.
 - d. Applicant to provide a safe and adequate Greenway Trail at-grade crossing of Snowden Farm Parkway that is satisfactory to M-NCPPC staff. Applicant to work with staff from M-NCPPC and DOT to determine the safest and best option for this crossing. Crossing details to be set forth on the Certified Site Plan.
 - e. Final trail alignments and construction details to be clearly set forth on the Certified Site Plan. The final construction details must be approved by M-NCPPC Department of Parks staff during the park permit process. Applicant to obtain a park permit prior to construction of any hard surface and natural surface trails located within dedicated parkland.
 - f. The park area designated as a Local Park and located on the north side of Snowden Farm Parkway in the Phase II section of the project area to be graded by Applicant according to the park layout concept plan and as set forth on the Site Plan, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover per park ball field standards and specifications. Applicant to include curb cuts for future parking lot in locations to be agreed to with M-NCPPC Department of Parks staff. Applicant to also include necessary bollards to prevent unauthorized vehicular access and a park sign as approved by M-NCPPC Department of Parks staff at an agreed location near the future parking lot. The park will be dedicated to M-NCPPC at time of record plat for the portion of the property that includes the park area. Applicant to provide quantity and quality stormwater management for the park to sufficiently accommodate the planned park facilities. Quality control may be provided on site if space permits, but quantity control to be provided off the park site. Any park improvements are to be constructed to park standards and specifications after Applicant obtains a Park Permit. Any additional recreation facilities, if constructed by Applicant, and their arrangement on the property must be coordinated with and approved by M-NCPPC Department of Parks staff.
 - g. Minor modifications to the agreed construction of amenities made pursuant to the Park Permit process or as agreed by the parties may be made without the need to revise or amend the approved Site Plan. A memorandum from the Parks Department to the Site Plan supervisor is required for the file.
 - h. Applicant to establish an Easement that grants to M-NCPPC the right to maintain the Greenway Trail, and grants to M-NCPPC and the general public the right to use the

Greenway Trail, in those areas where the trail crosses HOA parcels. Easement language to be acceptable to M-NCPPC staff, including Department of Parks and Legal staff.

11. Transferable Density Rights (TDRs)

Prior to issuance of any building permit for Phase II, the Applicant shall provide verification of the availability of the required 379 transferable development rights (TDRs) for all phases of the proposed development and 234 TDRs for Phase II.

12. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant shall provide 398 Moderately Priced Dwelling Units (15% of the total number of units [2,653] for Phases I and II of Clarksburg Village). Phase II shall include 266 Moderately Priced Dwelling Units (15.8% of the total number of units [1,680] for Phase II), consistent with Chapter 25A and in accordance with the letter from DHCA dated November 5, 2008 [Appendix B].
- b. The MPDU agreement to build shall be executed prior to the release of any building permits in Phase II.
- c. All of the required MPDUs shall be provided on-site.

13. Fire and Rescue

The Applicant must comply with the conditions of approval from the Fire Marshall dated October 16, 2008 [Appendix B].

14. Transportation

The Applicant must comply with the original conditions of approval dated July 26, 2001, except as modified by the following condition of approval from M-NCPPC- Transportation Planning in the memorandum dated June 8, 2006 [Appendix B]:

The Applicant shall verify that the roadway improvements listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in the letter dated August 5, 2002 and confirmed in Transportation Planning's letter dated August 22, 2002.

15. Forest Conservation

The Applicant shall comply with the conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated November 10, 2008 [Appendix B]:

- a. Compliance with the conditions of approval of the Final Forest Conservation Plan received October 23, 2008 (See Attachment A).
- b. All stream buffers, environmental buffers, wetlands and wetlands buffers, and floodplains must be within a category I conservation easement or dedicated to the Parks Department, unless the area is for necessary water and sewer lines, roadways, or stormwater management outfalls.
- c. All reforestation planting material must conform to the survivability requirements as stated in the Forest Conservation Regulations, Section 108-E(3).
- d. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.

- e. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first sediment control/grading permit by the Montgomery County Department of Permitting Services (DPS) for site plan 820050410.
- f. Applicant to enter into an agreement with M-NCPPC for the purpose of withholding building permits for 29 residential lots adjacent to SWM Ponds L, N and V to ensure compliance with previous Planning Board conditions of approval pertaining to permissible encroachment into the SVB for these SWM structures. The 29 lots shall be graphically denoted on both the site and forest conservation plans. A note shall be placed on the record plat restricting issuance of building permits for Lots 114-125, Block "KK"; Lots 86-94, Block "KK"; and Lots 1-8, Block "BBB" pending approval from M-NCPPC Environmental Planning.
- g. Applicant to reference the above agreement on the record plat.

16. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 24, 2005, unless amended and approved by DPS [Appendix B].

17. Development Program

Applicant must construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. The earth berm and noise attenuation fence parallel to Ridge Road shall be constructed prior to the release of the first building permit for those units adjacent to Ridge Road. The landscaping must be installed within 6 months of the completion of the earth berm and noise attenuation fence, but is not tied to issuance of the building permit of those units.
- c. Local Recreational Facilities
 - 1. All Local Recreational Facilities shall be completed prior to the issuance of the 1,176th building permit for the total number of units in Phase II. (This number represents 70 percent of 1,680 units).
 - 2. The recreation facilities in Block W (multi-family block), including the multi-age play area, open play area II and seating areas shall be completed prior to the release of the 256th building permit. (This number represents 70 percent of 366 units located in Block W).
 - 3. The recreation facilities in Blocks X, Y, Z, AA, BB, CC and DD, including seating areas, shall be completed prior to the release of the 73rd building permit. (This number represents 70 percent of 104 units located in this block).
 - 4. The recreation facilities in Blocks EE, FF, JJ, KK (west side of greenway), GG, and II including the picnic area, open play area II and seating areas, shall be completed prior to the release of the 199th building permit. (This number represents 70 percent of 284 units located in these blocks).
 - 5. The recreation facilities in Blocks KK (east side of greenway) and DDD, including the open play area II and seating areas, shall be completed prior to the

- release of the 94th building permit. (This number represents 70 percent of 134 units located in these blocks).
6. The recreation facilities in Blocks WW, XX and AAA, including the multi-age play area, open play areas II and seating areas, shall be completed prior to the release of the 103rd building permit. (This number represents 70 percent of 147 units located in these blocks).
 7. The recreation facilities in Blocks OO and NN, including the multi-age play area, tot lot, open play area II and seating areas, shall be completed prior to the release of the 119th building permit. (This number represents 70 percent of 169 units located in these blocks).
 8. The recreation facilities in Blocks SS (lots 1-21), TT, UU and VV, including the open play areas I and II and seating areas, shall be completed prior to the release of the 59th building permit. (This number represents 70 percent of 84 units located in these blocks).
 9. The recreation facilities in Blocks PP, QQ, RR and SS (lots 22-42), including the tot lot, open play area I and seating areas, shall be completed prior to the release of the 82nd building permit. (This number represents 70 percent of 116 units located in these blocks).
- d. Community-Wide Recreational Facilities
1. All Community-Wide Recreational Facilities shall be completed prior to the issuance of the 1,176th building permit for the total number of units in Phase II. (This number represents 70 percent of 1,680 units).
 2. Community-wide facilities in Block SS, including the pool, pool house and community center, and grading for the local park shall be completed prior the issuance of the 1,174th building permit. (This number represents the total number of permits on the west side of the north south stream valley buffer).
 3. Community-wide facilities including the greenway trail must be completed concurrently with the construction of Little Seneca Parkway.
 4. Community-wide facilities including the natural surface trails must be completed concurrently with the completion of construction of the units adjacent to the natural surface trails.
- e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- f. Phasing of dedications, stormwater management, sediment/erosion control, streetscape, local recreational features, community-wide facilities and paths, trip mitigation or other features.
- g. Provide each section of the development with necessary roads.
18. Clearing and Grading
 No clearing or grading is permitted prior to Certified Site Plan and Final Forest Conservation Plan approval. A pre-construction meeting with M-NCPPC and DPS inspection staff shall occur after approval of the final forest conservation plan and prior to clearing and grading to verify limits of disturbance.

19. Landscape Surety

The Applicant shall provide a surety (letter of credit, performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings by block, or areas otherwise established by Staff and the Applicant to be followed by inspection and bond reduction. Inspection approval starts the one year maintenance period, and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

20. Certified Site Plan

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

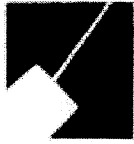
- a. Development program, inspection schedule, and Site Plan Resolution and revised project data table and development standards.
- b. Revised TDR and MPDU calculations.
- c. Limits of disturbance.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. Revise the Overall Park and Recreational Facilities chart.
- f. Revised parking tabulations.
- g. Modify notes to include M-NCPPC Staff approval required for planting plan substitutions.
- h. Include a detail, cross-section, and cut-sheet for retaining walls on the certified site plan.
- i. Include a detail for all fencing, enclosures and gates on the certified site plan.
- j. Include a detail for all exterior handrails on the certified site plan. Label all sidewalks and paths, including their material and width.
- k. Provide a zone of influence (building envelope) for the multi-family buildings to account for modifications to the final building footprint and architectural features. Applicant to provide mailbox details, lighting details and special paver details.
- l. Remove site plan chart and recreation facilities chart from the first page of the landscape plan.
- m. Details of the retaining walls to include materials and height.
- n. Revised details for play areas to include proper drainage techniques, minimum of 12 inches of micro-engineered wood fiber, connections and ADA access from the street to the play area.
- o. Revise the title block on Sheets 44 and 45 of the site plan.

- p. Include “grading and retaining walls on lots” to note number 20 on the cover sheet of the site plan.

APPENDICES

- A. Preliminary Plan Opinion**
- B. Memoranda from Staff and Agencies**
- C. Project Data Table**
- D. Recreation Facilities Table**
- E. Background of Non-Compliance Hearings for Phase I**
- F. Design Guidelines**
- G. Community Correspondence**

Appendix A: Preliminary Plan Opinion



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

JUL 18 2007

MCPB No. 07-91
Preliminary Plan No. 12001030C
Clarksburg Village
Date of Hearing: February 1, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on October 30, 2006, Clarksburg Village, LLC ("Applicant"), filed an application for approval of an amendment to a previously approved preliminary plan of subdivision, and its associated Special Protection Area water quality plan, for property consisting of 776.88 acres of land located on the northeast side of Stringtown Road and extending eastward to Ridge Road (MD 27) along the stream valley of Little Seneca Creek ("Property" or "Subject Property"), in the Clarksburg master plan area ("Master Plan"); and

WHEREAS, the amendments requested the following changes:

- 1) Revision to the preliminary plan lot and roadway layout, including requests for waivers to permit certain road intersections to have less than 25' truncations, and certain lots without frontage on a public road.
- 2) Request to modify certain tertiary street rights-of-way to reduced-width tertiary street standards.
- 3) Revision to the boundary and acreage of the preliminary plan.
- 4) Request to modify previous conditions of approval to reflect:
 - a) items incorporated in the plan in response to the Compliance Program for Site Plan No. 820030020;

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

- b) roadway construction requirements that reflect actual MCDPWT field approvals;
- c) latest approvals for the forest conservation and water quality plans;
- d) flexibility in the location and design of certain road-separated trail crossings, and roadway intersections; and
- e) revision to the preliminary plan validity period and phasing schedule for recordation of lots.

WHEREAS, Applicant's application was designated Preliminary Plan No. 12001130C, Clarksburg Village ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 5, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on February 1, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on February 1, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Bryant, Hanson, Robinson, and Wellington voting in favor, and Commissioner Perdue absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and approves Preliminary Plan No. 12001030C to amend the previous preliminary plan and Special Protection Area water quality plan, including waivers of §50-26(e)(3) pursuant to §50-38(a) to permit non-standard intersection truncations, and §50-29(a)(2) pursuant to §50-38(a) to permit lots without frontage on a public street, as shown on the preliminary plan; and subject to the following revised conditions of the January 23, 2003 and July 6, 2005 Planning Board Opinions. All other previous conditions of these opinions remain in full force and effect.

- 1) Revise condition #1 of the July 6, 2005 Planning Board Opinion as follows:

Approval under this preliminary plan is limited to a maximum of 2,150 lots for a maximum of 2,654 residential dwelling units, 20,000 square feet office/retail use, and a 5,000 square foot daycare facility.

- 2) Revise condition #6 of the January 23, 2003 Planning Board Opinion as follows:

The applicant shall construct the following roads as standard closed section primary residential streets, unless otherwise approved by MCDPWT:

- Street "C" between A-305 and Street "D"
- Street "M" between A-305 and Street "E"
- Street "E" between A-305 and Street "M"
- Street "T" between A-305 and Street "Y"
- Street "Y" between Streets "T" and "Z"
- Street "GG" between its intersections with A-305
- Street "Z" next to school

- 3) Revise condition #7 of the January 23, 2003 Planning Board Opinion as follows:

The applicant shall construct two roundabouts (or otherwise acceptable alternative approved by MCDPWT) on A-305 as shown on the preliminary plan to define the boundaries of the business district portion of this roadway.

- 4) Revise condition #12 of the January 23, 2003 Planning Board Opinion as follows:

At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N and V. Reconfigure Pond Q and adjacent sewer line to maintain most of the environmental buffer as undisturbed area. Eliminate, if possible, or minimize the footprint of Pond J by providing stormwater management quantity and quality controls at alternative location. For remaining stormwater management facilities, any environmental buffer encroachments to be no more than that shown on the concept study, dated April 12, 2001, or on the amended Preliminary Plan drawing.

- 5) Replace condition #13 of the January 23, 2003 Planning Board Opinion as follows:

The Applicant shall comply with the conditions of approval of the final forest conservation plan submitted on December 20, 2006. Applicant shall satisfy all conditions of approval before recording of the record plat(s) or MCDPS issuance of erosion and sediment control permits. Conditions include but are not limited to:

- a) Applicant to post a new financial security instrument for the entire forest planting area that includes the additional 2-2½" caliper trees required as part of the site plan Compliance Program.

- b) Applicant shall honor the limits of disturbance as shown on the April 12, 2005 approved final forest conservation plan between lots 106 and lot 128 of Block U.
- c) Applicant to provide compensation for the loss of 2.14 acres of forest that is shown on the April 12, 2005 approved plan. Compensation must be in addition to areas previously shown as saved or planted.

- 6) Revise condition #14 of the January 23, 2003 Planning Board Opinion as follows:

Conformance to the conditions stated in the MCDPS preliminary water quality plan approval letter, dated July 25, 2001; and the final water quality plan approval letter for the Phase I site plan, dated December 16, 2004, or as otherwise approved by MCDPS.

- 7) Replace existing condition #16 of the January 23, 2003 Planning Board Opinion as follows:

Applicant to construct an 8-foot wide asphalt hiker/biker trail, with 10-foot wide cleared width boardwalks and bridges, within the Clarksburg Greenway from Stringtown Road to Newcut Road/Little Seneca Parkway, then north to the Greenway Village development to connect with the portion of trail being constructed as part of that project. Greenway Trail and community access trails to include necessary bridges and boardwalk and be constructed to park standards and specifications. Prior to construction, Applicant must obtain a park permit. Trails must be clearly marked or constructed prior to beginning construction on homes adjacent to the Greenway parkland.

- 8) Replace existing condition #17 of the January 23, 2003 Planning Board Opinion as follows:

The trail alignment for the portion of the Greenway Trail near the confluence of Little Seneca Creek and Town Center Tributary to be determined at the time of permitting for the construction of Little Seneca Parkway/A-302. The preliminary plan shall be revised to show two alternative routes for the Greenway Trail in this stream confluence area. The preferred route would continue through the Bradley Property and would be constructed by Applicant if M-NCPPC can secure, at a reasonable cost, the acquisition of land or easement from the property owner. The alternative route would circumvent the Bradley property on land already owned by Applicant and be constructed if the acquisition of the land or easement cannot be reasonably accomplished by the time permits are needed for construction of Little Seneca Parkway. The exact delineation and details of these two alignments shall be determined as part of the site plan.

- 9) Revise condition #18 of the January 23, 2003 Planning Board Opinion as follows:

Applicant will construct Foreman Boulevard to allow for a grade separated crossing for the hiker/biker Greenway Trail. The trail crossings should be constructed to accommodate the trail under the roads without changing the natural location, configuration, or composition of the stream channel, and should be located to minimize flooding of the trail and minimize surface water runoff from the paved trail directly to the stream. Applicant to provide a safe and adequate Greenway Trail crossing of Midcounty Highway/Snowden Farm Parkway (either grade separated or at grade) that is satisfactory to M-NCPPC and DPWT staff. Exact configuration of this path shall be determined at site plan.

- 10) Replace existing condition #19 of the January 23, 2003 Planning Board Opinion as follows:

The Applicant shall dedicate to M-NCPPC the property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary. Include in dedication the land along the Little Seneca tributary north of Snowden Farm Parkway to the northern boundary of the project property where the Baltimore Checkerspot Butterfly is located. Land to be conveyed at time of record plat for the lots adjacent to the dedicated property. Dedicated parkland to be conveyed free of trash and unnatural debris, and boundaries between parkland and private properties to be clearly staked and signed.

- 11) Replace existing condition #20 of the January 23, 2003 Planning Board Opinion as follows:

The park area designated as a Local Park and located on the north side of Snowden Farm Parkway in the Phase II section of the project area will be graded according to the park layout concept plan, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. The park will be dedicated to M-NCPPC at time of record plat for the portion of the property that includes the park area. Applicant to provide engineering for the park site that adequately provides for the planned park facilities and includes needed quantity and quality of stormwater management for these facilities. Applicant to provide adequate off site quantity stormwater management for the planned park facilities, and shall construct quantity and quality stormwater management to sufficiently accommodate any park facilities constructed by the Applicant. Any park improvements are to be constructed to park standards and specifications. Specific types of recreation facilities and their arrangement on the property must be coordinated with M-NCPPC staff.

- 12) Replace existing condition #21 of the January 23, 2003 Planning Board Opinion as follows:

The school/park site off of Snowden Farm Parkway in the Phase I section of the project, will be graded, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover. Recreation and parking facilities will be constructed thereon by Applicant in accordance with the Planning Board approved site plan Compliance Program. All athletic fields and practice field areas shall include adequate topsoil and seeding or sodding per park ballfield standards and specifications. Athletic fields, the parking lot, and picnic shelters shall be graded and constructed to park standards and specifications. The entire school/park site to be conveyed to M-NCPPC at time of record plat for the development area that includes the school/park site. If the school is constructed, M-NCPPC to convey the needed portion of the site to the County/Board of Education for such use. If the school is not constructed, the entire school/park site will be owned and managed by M-NCPPC for use as parkland.

- 13) Revise condition #24 of the January 23, 2007 Planning Board Opinion as follows:

Provide a minimum of 600 TDRs pursuant to the objectives of the Clarksburg Master Plan, unless the Planning Board approves a lesser number as part of site plan.

- 14) Replace existing condition #25 of the January 23, 2007 Planning Board Opinion as follows:

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.

- 15) Replace existing condition #26 of the January 23, 2007 Planning Board Opinion as follows:

Final number of MPDUs/TDRs as per condition #25 to be determined at the time of site plan.

- 16) Revise condition #29 of the January 23, 2007 Planning Board Opinion as follows:

The Preliminary Plan will remain valid until July 30, 2015 and shall be phased for recordation of lots as follows:

Phase One:	300 lots by July 30, 2004
Phase Two:	1,000 lots by July 30, 2009
Phase Three:	1,700 lots by July 30, 2012
Phase Four:	All lots by July 30, 2015

Prior to the expiration of the validity periods, a final record plat for all the property delineated in each phase must be recorded or a request for an extension must be filed.

17) The following conditions shall be added:

30) The Applicant shall record new record plats to revise the rights-of-way for the following roads to meet MCDPWT Standard No. mc-210.03 (reduced width tertiary) as required by the site plan Compliance Program:

- ξ Bent Arrow Drive (from station 10+52 to 5+90 (approximate))
- ξ British Manor Drive (from station 1+03 to 0+00 (approximate))
- ξ Granite Rock Road (from station 10+15 to 15+07 (approximate))
- ξ Robin Song Drive (from station 5+90 to 8+11 (approximate))

Applicant shall also record new record plats to modify the square footage of the residential lots abutting these rights-of-way, where necessary, and to show necessary public improvement easements (PIEs).

- 31) The boundary of the preliminary plan shall be expanded to include Outlot C, Block F and Outlot D, Block E in the adjacent Greenridge Acres Subdivision, which were placed in reservation for the construction of A-305 (Midcounty Highway). The Applicant shall file a record plat that dedicates a portion of this land for the right-of-way of A-305.
- 32) Applicant shall submit an amendment to the approved Phase I Site Plan that reflects the revised layouts of blocks F, G, H, K, L, P, T, and V, as shown on the amended preliminary plan and discussed in the site plan Compliance Program. Final design of these areas shall be determined by the amended site plan.
- 33) The boundary of the preliminary plan shall be modified to reflect land swaps between Clarksburg Village and the adjacent Greenway Village Subdivision, as shown on the preliminary plan.
- 34) Applicant shall comply with the conditions of the MCDPWT approval letter, dated December 21, 2006, unless otherwise amended by MCDPWT.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

- 1. *The Preliminary Plan continues to substantially conforms to the master plan.*

- 2. Public facilities will be adequate to support and service the area of the proposed subdivision.*

No additional trips beyond those associated with the previous approval of the preliminary plan are being generated as a result of this amendment. The Board finds that the previously required transportation improvements provide sufficient transportation capacity and meet the Adequate Public Facilities test.

- 3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*
- 4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The revised forest conservation plan shows 2.14 acres less forest saved and planted than on the April 12, 2005 approved plan. The Planning Board finds that this increase in forest loss must be compensated for as part of the approval of the final forest conservation plan. Some of the forest reduction results from the new stormwater management facility in the environmental buffer, extension of stormwater management discharge outfalls, moving a sanitary sewer from outside the environmental buffer to inside the buffer, and the change of a Category I easement area into a Category II easement. The new stormwater management facility will treat runoff from Stringtown Road, which was not previously accounted for in either the Clarksburg Village or Clarksburg Town Center water quality plans. The Planning Board supports the addition of this facility and accepts the proposed encroachment into forested environmental buffer area because it is the only location available to provide the necessary stormwater management for the roadway. The Board also finds that encroachments from stormwater management facility outfalls are unavoidable and accepts them based on the finding that the disturbance has been minimized.

The Planning Board concurs with staff and finds that the proposed sewer line near lots 106 through 128 of Block U is not an acceptable encroachment into forested stream buffer area. The Board finds that limits of disturbance in this section of the development must remain consistent with the previously approved plan that shows the sewer line and LOD outside of the environmental buffer. Final determination regarding the sewer alignment must be made as part of the site plan.

- 5. The Application meets all applicable stormwater management and water quality plan requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") and the Planning Board that the*

Stormwater Management Concept and Water Quality Plan meet MCDPS's standards.

The Planning Board responsibility for water quality plans is to determine if the environmental guidelines for special protection areas, forest conservation requirements, and site imperviousness requirements are satisfied. There is no specific impervious limitation in the Clarksburg Special Protection Area, but impervious surfaces estimated as part of previous approval have been approximately 23 percent. This plan amendment will add impervious surfaces, but the Board finds that the overall site imperviousness remains consistent with other similarly developed properties within Montgomery County.

6. *The Planning Board finds that practical difficulties exist which prevent full compliance with the Section 50-26(e)(3) requirement for minimum 25 foot corner lot truncations at roadway intersections.*

Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements. The Board finds that the proposed truncations of less than 25 feet are necessary to permit houses to be located closer to the road right-of-way and facilitate the community's neo-traditional design. Based upon the determination of staff and other applicable agencies, the Board finds that the intersection sight distance and safety will not be reduced by the design. Therefore, the Planning Board grants the waiver of Section 50-26(e)(3), pursuant to Section 50-38(a) and finds that the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

7. *The Planning Board finds that practical difficulties exist which prevent the development from complying with Section 50-29(a)(2) requirements for lot frontage on a public street.*

Section 50-38(a) authorizes the Planning Board to grant waivers of any part of the Subdivision Regulations based upon a finding that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements. The Board finds that waivers of lot frontage are needed in certain instances based on the practical difficulties associated with implementing neo-traditional design principles within Clarksburg Village if lot frontage is always required. Such a design implements the intent and recommendations of the Clarksburg Master Plan by facilitating a community which has a hierarchy of streets, including a series of alleyways, with a mix of housing types and densities, and green areas dispersed throughout. The Planning Board finds that the proposed neo-traditional

neighborhood design best implements the intent of the Clarksburg Master Plan, particularly with regard to integrating green spaces throughout the development. The waiver facilitates the replacement of certain roads with green spaces that significantly reduce the amount of paving in the development, increases the areas available for treatment of stormwater runoff, and create visible open areas and gathering spaces for the community. The Planning Board finds based on applicable agency approvals that all houses will be adequately served and accessed by proposed private driveways. Therefore, the Planning Board grants the waiver of Section 50-29(a)(2), pursuant to Section 50-38(a) and finds that the waiver is the minimum needed, is not contrary to the recommendations of the General Plan, and is not adverse to the public interest.

Section 59-C-1.628(b) of the Zoning Ordinance permits townhouses to front on public streets, private streets or *a common open space*, when MPDU optional method standards are used. The Planning Board finds that since the proposed development applies these standards, townhouse lots that front on open spaces are acceptable. The Planning Board further finds that where these lots front on private streets, the street will provide access and circulation that will allow them to acquire the status of a public road. Townhouses fronting on green space are accessed by private driveways that will not have the status of a public road. However, the Board finds that fire and rescue access is provided and parking will be available on nearby public roads.

8. *The Planning Board finds that use of reduced-width tertiary streets is acceptable because they will improve compatibility with adjoining properties.*

The standard right-of-way width of a tertiary street is 50 feet. However, Section 50-26(h)(2) states that the Planning Board, as part of a site plan approval, may approve a lesser width. In this instance, the use of certain reduced-width tertiary roads is proposed as part of the site plan Compliance Program to bring setbacks, and in one case size, of several existing one-family detached residential lots into conformance with the minimum standard of the zone. The Board finds, subject to final site plan review, that the reduced-width tertiary streets will improve compatibility with adjoining properties by bringing non-compliant lots into conformance with the zone.

~~BE IT FURTHER RESOLVED~~, that the date of this Resolution is JUL 18 2007 (which is the date that this Resolution is mailed to all parties of record); and

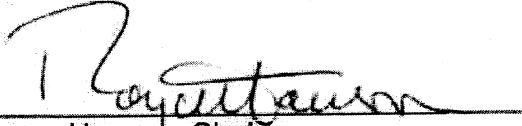
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

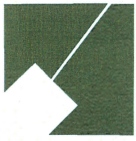
At its regular meeting, held on Thursday, June 28, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, ADOPTED the above Resolution, on motion of Commissioner Wellington, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, and Wellington voting in favor, Commissioner Perdue abstaining, and Commissioner Bryant absent. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 12001030C, Clarksburg Village.



Royce Hanson, Chairman
Montgomery County Planning Board

CAC/CAC

Appendix B: Memoranda from Staff and Agencies



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

MEMORANDUM

TO: Robert Kronenberg, Supervisor, Development Review

FROM: Doug Johnsen, Environmental Planning *dj*

VIA: Stephen D. Federline, Supervisor, Environmental Planning *SA*

DATE: November 10, 2008

SUBJECT: Final Water Quality Plan and Final Forest Conservation Plan
Clarksburg Village, Phase 2
Site Plan 820050410

RECOMMENDATIONS

Final Water Quality Plan:

This recommendation is based upon review of the Final Forest Conservation Plan submitted to MNCPPC on October 23, 2008. Staff recommends approval of the final water quality plan for Site Plan 820050410 subject to the following conditions:

1. 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.
2. Conformance to the conditions as stated in the DPS letter dated September 19, 2008 approving the elements of the SPA water quality plan under its purview.
3. No retaining walls permitted within stream buffers, environmental buffers, wetlands or wetland buffers, or floodplains unless approved by the Planning Board.

Final Forest Conservation Plan:

This recommendation is based upon review of the Final Forest Conservation Plan submitted to MNCPPC on October 23, 2008. Staff recommends approval of the site plan and the final forest conservation plan for Site Plan 820050410 subject to the following conditions:

1. Compliance with the conditions of approval of the Final Forest Conservation Plan received October 23, 2008 (See Attachment A).
2. Compliance with Condition #4 of the approved preliminary plan amendment 12001030C dated July 18, 2008.
3. All stream buffers, environmental buffers, wetlands and wetlands buffers, and floodplains must be within a category I conservation easement or dedicated to the Parks Department, unless the area is for necessary water and sewer lines, roadways, or stormwater management outfalls.
4. All reforestation planting material must conform to the survivability requirements as stated in the Forest Conservation Regulations, Section 108-E(3).
5. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.
6. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first sediment control/grading permit by the Montgomery County Department of Permitting Services (DPS) for site plan 820050410.
7. Applicant to enter into an agreement with M-NCPPC for the purpose of withholding of building permits for 29 residential lots adjacent to SWM Ponds L, N and V to ensure compliance with previous Planning Board conditions of approval pertaining to permissible encroachment into the SVB for these SWM structures. The 29 lots shall be graphically denoted on both the site and forest conservation plans. A note shall be placed on the record plat restricting issuance of building permits for Lots 114-125, Block "KK"; Lots 86-94, Block "KK"; and Lots 1-8, Block "BBB" pending approval from M-NCPPC Environmental Planning.
8. Applicant to reference the above agreement on the record plat.

DISCUSSION

This memorandum contains Environmental Planning staff's review and recommendations on the final water quality plan and the final forest conservation plan for the Clarksburg Village, Phase 2 site plan. The sections below discuss existing conditions, forest conservation, and compliance with environmental guidelines, imperviousness, and stormwater management.

BACKGROUND

The entire 784.90-acre property is located east of I-270 in Clarksburg within the Clarksburg Special Protection Area (SPA). Stringtown Road is the north-western most boundary of the property and Ridge Road (MD-27) the eastern boundary. The property is bordered on the north by the Greenway Village development and on the west and south by older existing developments. The property is zoned R-200/TDR-4, R-200/TDR-3, R-200 and PD-4. The entire

site drains directly to the Little Seneca Creek (Use IV-P SPA stream) which runs through the site within Phase 2. The current land uses include residential development, abandoned agricultural, and forest. The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 419981120, 420011480 and 420013270. Staff approved the first NRI/FSD in 2000 and the remaining two in 2001. All three NRI/FSDs were amended and approved in February 2005. The Planning Board approved a preliminary plan of subdivision and a preliminary forest conservation plan on September 6, 2001.

The Phase 2 development incorporates 412.97 acres of the 784.90 acre site. The Phase 2 subject site contains 81.27 acres of existing forest, 5.89 acres of wetlands, 55.13 acres of floodplain and 83.24 acres of stream valley buffers. The entirety of Phase 2 drains directly to the Little Seneca Creek that is located in the western 1/3 of this Phase. 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 environmental/stream buffers.

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 on top of the aquifer.

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 conditionally approved the elements of the final water quality plan under their purview on September 19, 2008. The Planning Board’s responsibility is to determine if the forest conservation requirements, environmental guidelines for special protection areas, and site imperviousness requirements have been satisfied.

FOREST CONSERVATION

There are 412.97-acres in this phase of the project with 81.27 acres of existing forest. The applicant is proposing to remove 32.67 acres of forest and retain 48.60 acres of forest. The applicant has a reforestation requirement of 65.34 acres for clearing below the conservation threshold in Phase 2. The applicant has claimed a 13.07 acre landscape credit leaving a total reforestation planting requirement of 52.27 acres. The applicant has proposed planting a total of 46.03 acres in Phase 2 and making up the 6.24 acre difference by using surplus planting from Phase 1. 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 Area (SPA) regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. This project lies entirely within the Clarksburg SPA. Therefore, Environmental Planning is requesting a condition on the forest conservation plan requiring the applicant to plant the stream buffers in the first planting season following DPS issuance 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.

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/FSD for the project 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 buffers must be reforested. Where trees do not currently exist in the stream buffers, the applicant will plant new forests where applicable. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas or transfer the ownership of a portion of these areas to MNCPPC Parks.

Stream Buffer Encroachments

The encroachments into the environmental buffers associated with this plan are for necessary stormwater management structures and conveyances, some utilities, natural surface trails and construction of A-305 (Snowden Farm Parkway).

The project site is currently out of compliance with the Planning Board Opinions for the preliminary plan of development 120010300 and the preliminary plan amendments 12001030A and 12001030C. The Planning Board Opinion in each of these resolutions states that “*At site plan, the following stormwater management facilities to be reconfigured to maintain at least half of the environmental buffer widths as undisturbed areas: Ponds B, C, L, N and V.*” (Planning Board Condition #12 of Preliminary Plan 120010300 & 12001030A and Planning Board Condition #4 of Preliminary Plan 12001030C). Currently, in Phase 2 Ponds L and V have portions of their structures and associated control traps which show disturbances greater than one-half the width of the stream valley buffer from buffer edge to stream edge.

SWM Pond L as shown on the currently submitted FFCP received on October 23, 2008 shows the pond to encroach into the SVB by more than ½ the distance between the SVB line and the stream channel. A total of two different locations were measured on the FFCP to verify the encroachment into the SVB. At one measured point on the plan the total distance between the SVB line and the stream channel is 143 feet. At this same point the LOD encroaches into the SVB by 80 feet which is more than ½ the distance to the stream edge. At another measuring point the total distance is 135 feet while the encroachment is 68 feet. In both of these cases the pond is not in compliance with the previous Planning Board conditions of approval.

SWM Pond V as shown on the currently submitted FFCP received on October 23, 2008 shows the pond to encroach into the SVB by more than ½ the distance between the SVB line and the stream channel. A total of three different locations were measured on the FFCP to verify the encroachment into the SVB. At two measuring points on the plan the total distance between the SVB line and the stream channel is 115 feet. At these same points the LOD encroaches into the SVB by 70 feet which is more than ½ the distance to the stream edge. At the third measuring

point the total distance is 120 feet while the encroachment is 70 feet. In both of these cases the pond is not in compliance with the previous Planning Board conditions of approval.

During the review process for Clarksburg Village, Phase 2 staff has continually stressed the need for compliance with the Planning Board conditions of approval for the SWM ponds in written comments, phone conversations and meetings with the applicant and the applicant's engineering firm. To date SWM Pond N is the only pond in which alterations have occurred in order for the structure to be in compliance with the conditions of approval. Since the final design of stormwater management facilities does not occur until after preliminary/site plans are approved Environmental Planning staff requests a condition of approval that 29 residential lots adjacent to SWM Ponds L, N and V be placed in reservation until such time that the final design of the SWM ponds verifies that the encroachment into the SVB complies with the previous Planning Board conditions of approval.

Condition number 10 of the DPS Final Water Quality Plan approval letter dated September 19, 2008 states, in part, "*Surface sand filters K2-4, L-1, M-7, M-9, N-2, V-3A, V-3B and Y must include additional storage and restrictions for the underdrain pipes to provide de-facto C_{pv} control.*" Environmental Planning staff has concerns that the enlargement of these sand filters may impact the nearby stream valley buffers, reforestation and forest retention areas in close proximity to these structures.

Condition number 16 of the DPS Final Water Quality Plan approval letter dated September 19, 2008 states "*Several ponds are shown with embankment grading in very close proximity to the stream valley buffers. As shown, the placement of sediment controls to construct the ponds will likely require some stream valley buffer encroachment.*" 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, otherwise the facility is constructed with undesirable features such as steep slopes from the rear of residential units into stormwater management facilities.

Environmental Planning seeks continued support of the approved preliminary plan conditions dated July 18, 2008 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 buffers and in the case of Ponds L and V that disturbance be kept to no more than one-half the buffer width. Environmental Planning also seeks support for no temporary sediment control facilities being 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 final water quality plan is to protect springs, seeps, and wetlands. DPS is responsible for determining and ensuring the performance goals are achieved. It is M-NCPPC's responsibility to protect seeps, springs, and wetlands through the delineation of stream and wetland buffers. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas or transfer the ownership of a portion of these areas to MNCPPC Parks.

SITE IMPERVIOUSNESS

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

WATER QUALITY PLAN

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

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 in ambient water temperatures.
6. Minimize sediment loading.
7. Maintain stream base flows.
8. Protect springs, seeps and wetlands.
9. Minimize pollutant loading (nutrient and toxic substances).

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). Several extended detention dry ponds will provide stormwater quantity control. These facilities are designed with a maximum retention time of 12 hours for the one-year storm. Stormwater quality control is provided via a treatment train consisting of vegetated conveyance swales, dry swales (vegetated swales underlain with infiltration structures), bioretention structures, surface sand filters, structural filters and infiltration/recharge structures.

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

ATTACHMENT A



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

November 19, 2008

Ms. Kate Kubit
Elm Street Development
6820 Elm Street
Suite 200
McLean, VA 22101

Re: Final Forest Conservation Plan
Property Name: Clarksburg Village, Phase 2
Plan Number: 820050410
Tract size/Net Tract Size: 412.97 acres/411.86 acres
Zone/Land use Category: R200TD, PD4/MPD

Dear Ms. Kubit:

Based on the review by Environmental Planning staff of the Montgomery County Planning Department recommends the Planning Board approve the final forest conservation plan submitted on October 23, 2008 with the following conditions:

1. Planting shall occur in the first planting season after the issuance of the first sediment control permit(s).
2. Financial security of the planting must be posted and approved prior to the first pre-construction meeting.
3. A maintenance and management agreement must be submitted and approved by M-NCPPC prior to the Forest Conservation Inspector accepting the planting areas and the beginning of the maintenance and management period.
4. Inspections must occur consistent with Section 110 of the Forest Conservation Regulations.
5. Compliance with Condition #4 of the approved preliminary plan amendment 12001030C dated July 18, 2008.
6. All stream buffers, environmental buffers, wetlands and wetlands buffers, and floodplains must be within a category I conservation easement or dedicated to the Parks Department, unless the area is for necessary water and sewer lines, roadways, or stormwater management outfalls.
7. All reforestation planting material must conform to the survivability requirements as stated in the Forest Conservation Regulations, Section 108-E(3).
8. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.
9. The applicant shall delineate and make the stream valley buffers (SVB) more legible on all applicable sheets.
10. The applicant shall have the Developer's Certificate signed for final submittal.
11. The applicant shall include lot and block numbers on all plan sheets.
12. The applicant shall classify area P-71 as a Category I FCE not as a Category II as the plan calls out.
13. The applicant shall verify that a portion of area P-71 is not co-located with a SWM easement near Apple Orchard Way and Castle Oak Road on Sheet 5. If this conflict exists

the FFCP must be revised since conservation easements cannot be co-located with any other stormwater management easements.

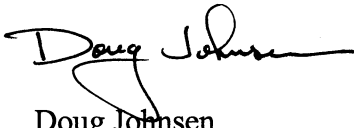
14. The applicant shall remove the 6-foot board fence on the boundary of area P-72 down to SWM Pond W on Sheet 5 and replace with a 3 rail fence. This opens up the area to the neighbor's views and prevents an unwanted hiding place from developing.
15. The applicant shall remove Sheet 7 and Area P-77 from the FFCP set. This sheet is part of a mandatory referral for Snowden Farm Parkway (A-305).
16. The applicant shall revise SWM Pond V on Sheet 8. The LOD for this pond is still greater than $\frac{1}{2}$ the distance from the SVB to the stream channel. The location of the stormwater management facilities conflicts with previous Planning Board approvals including the preliminary plan of subdivision approved in 2001. The area must be reforested to the maximum practical.
17. The applicant shall provide an explanation on why area P-62 has increase to 4.10 acres..
18. The applicant shall revise SWM Pond L on Sheet 14. The LOD for this pond is still greater than $\frac{1}{2}$ the distance from the SVB to the stream channel. The location of the stormwater management facilities conflicts with previous Planning Board approvals including the preliminary plan of subdivision approved in 2001. The area must be reforested to the maximum practical.
19. The applicant shall revise the second sentence in the first paragraph under "Planting Procedures For Reforestation Areas" to read "Planting will occur in the first growing season after the issuance of the first sediment control/grading permit by the Montgomery County Department of Permitting Services.....".
20. The applicant shall increase the planting size of the small stock trees from 3'-4' height (whips) to $\frac{3}{4}$ " to 1" DBH. Whip plantings are no longer accepted for afforestation/reforestation work since historically in the Clarksburg SPA they have a very low survival rate.
21. The applicant shall update the new planting sizes in the reforestation area break-out table; i.e. along the top of the table show 1.5"-2" for one column and $\frac{3}{4}$ "-1" for the other column.
22. The applicant shall revise the number of trees per acre in the Reforestation Requirements based on the alteration in the size of trees.
23. The applicant shall replace the Green Ash (*Fraxinus pennsylvanica*) with Pignut Hickory (*Carya glabra*) in both the large stock and small stock reforestation schedules. There is currently a renewed infestation of the Emerald Ash Borer.
24. The applicant shall replace the Pin Oak (*Quercus palustris*) with Chestnut Oak (*Quercus prinus*) in the large stock reforestation schedule. Oak Wilt is becoming a major problem among Pin Oaks and MNCPPC is curtailing the planting of this tree for reforestation work.
25. The applicant shall remove the Seedling and Whip Planting detail. Whips and seedlings are no longer accepted for reforestation plantings.
26. The applicant shall revise the Root Pruning detail to show the TPF on the outside of the tree and root prune trench not as it is currently shown.
27. The applicant shall remove the reference to the City of Gaithersburg from the Root Pruning detail.
28. The applicant shall remove the Tubex detail and replace it with a tree cage detail.
29. The applicant shall revise the split rail fence detail on Sheet 17 to call out 48" to top of upper rail not 38" to top of post.
30. The applicant shall specify and show how the post is installed for the split rail fence detail on Sheet 17.
31. The applicant shall review and revise the FFCP worksheets. It appears that the area and

reforestation requirements for the Nanna and Clark Meadows properties may not have been factored into the worksheets.

32. The applicant shall deduct the 11.02 acres of reforestation that is owed to the Nanna Property (119930070 & 820030190) and Clark Meadows (119930020) projects from the FFCP Worksheet for Clarksburg Village, Phase 2.
33. The applicant shall revise the Phase 2 FCP worksheet. The Total Tract Area does not match the note underneath the Line A of the worksheet
34. The applicant shall review the numbers within each FCP worksheet and cross-check between worksheets as it seems some of the values don't add up correctly.

If you have any questions regarding these actions, please feel free to contact me at 301-495-4712.

Sincerely,



Doug Johnson
Planner Coordinator
Environmental Planning

Cc: FCP File 820060070
Mr. Les Powell (CPJ, Inc.)
Ms. Sallie Stewart (CPJ, Inc.)
Mr. Robert Kronenberg (MNCPPC)



RECEIVED

NGV 07 2008

DEVELOPMENT REVIEW

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

November 5, 2008

Mr. Robert Kronenberg
M-NCPPC - Development Review Division
8787 Georgia Ave.
Silver Spring, MD 20910

Re: Clarksburg Village Phase 2 – Site Plan #820050410

Dear Mr. Kronenberg:

The following is a review of the October 1, 2008 responses (attached) by the applicant for the above project, Clarksburg Village Investments (CVI) to comments provided by the Department of Housing and Community Affairs (DHCA) at the Development Review Committee (DRC) meeting of September 28, 2007. Additional comments for the applicant are provided below:

Bullet #1: Please show on the “Additional Notes” table that 15% MPDUs are both required and provided in combined Phase 1 and 2.

Bullet #2: The 32 two-over-two MPDUs on Sheet 35 are not shaded. Please shade the MPDUs on Sheet 35 as well as on sheets 1A and 1C.

Bullet #3: Please include a note on the plan that the MPDU condominiums will be formed into two separate condominium associations, with at least 50 units in each association.

Bullet #4: The distribution of the rental MPDUs by building, floor and number of bedrooms will be required at the time of the MPDU Agreement to Build.

Bullet #5: DHCA has received the 1:100 scale plan highlighting MPDU locations. DHCA recommends that an MPDU Exhibit, similar to the one for Clarksburg Town Center, be included in the site plan set, showing the number and location of all of the MPDUs. (This MPDU Exhibit could use the same 1:200 scale base map that was used for Sheets 1A and 1C.) Please also provide a breakdown, either on this Exhibit or on Sheet 1 (cover sheet) showing the breakdown of MPDUs by unit type: 46 townhouses; 108 two-over-two townhouse condominiums (24 single-family attached and 84 multi-family); 24 garden condominiums; and 88 multi-family rental units.

Division of Housing and Code Enforcement

Code Enforcement FAX 240-777-3701	Moderately Priced Dwelling Unit FAX 240-777-3709	Housing Development and Loan Programs FAX 240-777-3691	Landlord-Tenant Affairs FAX 240-777-3691
--------------------------------------	--	--	---

Mr. Robert Kronenberg
November 5, 2008
Page 2 of 2

Bullet #6: On either the MPDU Exhibit or the cover sheet, please indicate the total number of rental units (appears to be 336 – please confirm), the number of MPDU rental units (88), and the percentage that the MPDU rental units comprise of the total rental units (appears to be 26% – please confirm).

Bullet #7: No further comments.

Bullet #8: See response for Bullet #3, above.


Bullet #9: No further comments.

Bullet #10: Please include a note on the plan that all two-over-two MPDU condominiums (both single-family attached and multi-family) will have 3 bedrooms, and provide floor plans at the time of the Agreement to Build.

Bullet #11: Please provide a construction phasing schedule at the time that the Agreement to Build is submitted.

If you need additional information, please contact Lisa Schwartz at 240-777-3786.

Sincerely,


Christopher J. Anderson
Manager, Single Family Programs

cc: David D. Flanagan, Elm Street Development
Kathryn L. Kubit, Elm Street Development
Tedi Osias, HOC
Douglas Lohmeyer, HOC Consultant
Richard Y. Nelson, Jr., Director, DHCA
Joseph T. Giloley, DHCA
Lisa S. Schwartz, DHCA



001 000 000 000

October 1, 2008

Lisa Schwartz
Department of Housing and Community Affairs
100 Maryland Ave., 4th floor
Rockville, MD 20850

RE: Clarksburg Village - Phase 2

Dear Ms. Swartz,

Per our meeting on September 18, 2008, please read our responses to your comments below. This information will be needed for your letter to Robert Kronenberg.

Please let me know if you have any questions.

Regards,

Kate Kubit

Kate Kubit

Cc: Robert Kronenberg

Annapolis

175 Admiral Cochrane Drive, Suite 112
Annapolis, Maryland 21401
Phone: (410) 266-9700
Fax: (410) 266-9165

Main Office

1355 Beverly Road, Suite 240
McLean, Virginia 22101
Phone: (703) 734-9730
Fax: (703) 734-0322

Ellicott City

5074 Dorsey Hall Drive, Suite 205
Ellicott City, Maryland 21042
Phone: (410) 720-3021
Fax: (410) 720-3035

CLARKSBURG VILLAGE – PHASE 2 DHCA COMMENTS

- The plan notes show that 266 MPDU are proposed for Phase II. When combined with the 132 MPDUs in Phase I, the MPDUs represent 15% of the 2,653 units in both phases. (Because final densities had not been determined for Phase II at the time, Phase I was originally treated as a separate project, with a 13.5% MPDU requirement.)
 - Clarksburg Village Investments (CVI) Response: Noted.
- No overall breakdown by type of unit is provided for the MPDUs, and they are not well identified on the plan. Some of the MPDUs are shaded, but not all - all of the MPDUs should be shaded. Plans are updated to include this.
 - CVI Response: All MPDUs are shaded on the plan, except the multi-family rental MPDUs. The multi-family rental MPDUs are not shaded; MPDUs are randomly assigned throughout all existing buildings.
- In several places, the plan does not indicate whether or not the proposed units are 2 over 2 townhouse condominiums - this should be clarified.
 - CVI Response: All two-over-twos are designated as condominiums. These two-over-two MPDUs will be combined with the 24 garden MPDUs to form two separate condo associations, per Rick Nelson's February 4, 2008 letter, with at least 50 units in each association.
- In addition no information is provided about the number and distribution of the proposed rental units, although the plan seems to indicate that 9 of the 26 rental buildings would contain only MPDUs and that none of the other rental buildings would contain any MPDUs. Rental units will be scattered randomly among ALL rental buildings. We do not isolate our rental MPDUs in only certain buildings.
 - CVI Response: MPDUs will be randomly dispersed throughout the entire multi-family community.
- In order to fully evaluate the plan for conformance with 25A of the Montgomery County Code, DHCA needs to see a single sheet (or at most two sheets) that clearly shows the location and type of unit of all of the MPDUs in Phase II, including the total number of MPDUs and market units in each rental building. If this is not already the case, the rental MPDUs

need to be distributed such that each rental building contains no more than 30 percent MPDUs, and ideally they should be distributed among all of the buildings.

- CVI Response: The most recent overall 100 scale plan was provided during the September 18, 2008 meeting. The MPDUs in Phase II were highlighted on this plan in pink. The multi-family rental apartments will contain 88 randomly assigned MPDUs across all multi-family for-rent buildings.
- DHCA has discussed with the developer the possibility of granting an exception under Section 25A-8 (6)(c) of the County Code to allow location of a higher percentage of rental MPDUs in Phase II than would normally be allowed under Section 25A-8(6)(B). However, no final decision has been made on this issue.
 - CVI Response: Per a 2008 DHCA letter, the final percentage of MPDUs cannot be higher than 30% of the total multi-family for-rent apartments. Per the direction of this letter, we will not exceed this threshold.
- The plan proposed 5-12-unit condominium buildings, all of which would be MPDUs. DHCA strongly opposes this proposal for the following reasons:
 1. It would create a concentration of moderate-income households, whereas the MPDU law is intended to promote dispersal of moderate-income households among market units in order to implement County policy, and
 2. our experience has been that condominiums composed solely of moderate-income households are at greater risk of failure due to more limited assets and inexperience in homeownership and building management of these households; and
 3. without detailed floor plans and estimates of the cost of constructing these buildings, it is unclear if the maximum permitted sales price would be sufficient to cover development costs of the buildings.
 - CVI Response - The most recent set of plans submitted to MNCPPC and DHCA eliminated three of the five garden apartment MPDU buildings. Two buildings remain, one on each side of the street to frame the central portion of this neighborhood.
- DHCA requests further information about how the ownership would be structured for the condominium buildings and the townhouse.
 - CVI Response: The two-over-two and garden MPDU condos will be delineated into two separate condo associations with ownership structured as required by law.

- DHCA recommends greater dispersal of MPDUs throughout Phase II, and also recommends that some of the townhouses be fee simple units (it now appears that all are townhouse condominiums).
 - CVI Response: We scattered MPDUs throughout the Phase II neighborhood and included fee simple townhomes in the neighborhood.

- Single-family MPDUs must have at least 3 bedrooms according to Section 25A-5(b) of the Montgomery County Code. DHCA will need to see a copy of a floor plan for any single-family MPDUs in order to confirm compliance with this requirement.
 - CVI Response: We will ensure that all single-family MPDUs have 3 bedrooms.

- The staging plan for the development will need to conform to Section 25A-5(i) of the Montgomery County Code which states:
 1. The staging plan must be sequenced so that:
 2. MPDUs are built along with or before other dwelling units.
 3. No or few market rate dwelling units are built before any MPDUs are built
 4. The pace of MPDU production must reasonably coincide with the construction of market rate units; and
 5. The last building built must not contain only MPDUs
 6. The applicant will need to execute an Agreement to Build with DHCA that complies with Chapter 25A, Section 5(i) of the Montgomery County Code.
 7. We will execute the Agreement to Build per Chapter 25A, Section 5(i).
 8. To the extent possible, do not locate temporary structures (such as sediment traps and soil stockpiles) on MPDU sites.
 - CVI Response: We will make sure that MPDUs construction timeframes adhere to the staging plan outlined in Section 25A-5(i) and execute the Agreement to Build. Whenever possible, we will try to avoid locating temporary structures on MPDUs sites.

- HOUSING OPPROTUNITIES COMMISSION
- HOC requests that the townhouse and condominium MPDUs be distributed among the market units and not clustered together.
 - CVI Response: We worked to further integrate MPDUs throughout the Community. Please see plan submitted to DHCA on September 18, 2008 with this information.
- Please make sure the MPDU units comply with Section 25A-5 of the MPDU law.
 - CVI Response: Noted.
- Please provide HOC with the MPDU floor plans, for their review.
 - CVI Response: Floor plans will be provided once MPDU builders have been determined.
- HPC concurs with DHCA's comments and concerns.
 - CVI Response: Noted.

MEMORANDUM

12/22/08

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

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

RE: Planning Board Conditions for 820050410, Clarksburg Village Phase II Site Plan

Department of Parks staff has reviewed the above referenced Site Plan and requests the following Conditions for approval of the project:

- Applicant to dedicate to M-NCPPC the property within the delineated Clarksburg Greenway along Little Seneca Creek and Little Seneca Tributary. Include in dedication, the land identified as Parcel E along the Little Seneca tributary north of Snowden Farm Parkway to the northern boundary of the project property where the Baltimore Checkerspot Butterfly is located. Exact park dedication boundaries to be clearly set forth on the Certified Site Plan and acceptable to Department of Parks staff. Land to be conveyed at time of record plat for the lots adjacent to the dedicated property. Dedicated parkland to be conveyed free of trash and unnatural debris and boundaries between parkland and private properties to be clearly staked and signed.
- Applicant to construct an 8-foot wide asphalt hiker/biker trail, with 10-foot wide cleared width boardwalks and bridges, within the Clarksburg Greenway from Stringtown Road to Newcut Road/Little Seneca Parkway, then north to the Greenway Village (Aurora Hills) development to connect with the portion of trail being constructed as part of that project. Greenway Trail and community access trails to include necessary bridges and boardwalks and be constructed to park standards and specifications. Prior to construction, Applicant to obtain a park permit. Trails to be clearly marked or constructed prior to beginning construction on homes adjacent to the Greenway parkland.
- Greenway Trail alignment for the portion of the Trail near the confluence of Little Seneca Creek and Town Center Tributary to be determined at the time of permitting for the construction of Little Seneca Parkway/A-302. Trail connection from Phase I to the north/south portion of the Greenway Trail that parallels Little Seneca Parkway to be constructed at the same time as construction of the road. Greenway Trail should be shown by Applicant on all plans with two alternative routes in this stream confluence area. The preferred

route would continue through the Bradley Property and would be constructed by Applicant if M-NCPPC can secure, at a reasonable cost, the acquisition of land or easement from the property owner. The alternative route to circumvent the Bradley property and be located on land already owned by Applicant, and would be constructed if the acquisition of the land or easement across the Bradley property cannot be reasonably accomplished by the time permits are needed for construction of Little Seneca Parkway.

- Applicant to provide a safe and adequate Greenway Trail crossing of Snowden Farm Parkway that is satisfactory to M-NCPPC staff. Applicant to work with staff from M-NCPPC and DOT to determine the safest and best option for this crossing. Crossing details to be set forth on the Certified Site Plan.
- Final trail alignments and construction details to be clearly set forth on the Certified Site Plan and be approved by M-NCPPC Department of Parks staff. Applicant to obtain a park permit prior to construction of any hard surface and natural surface trails located within dedicated parkland.
- The park area designated as a Local Park and located on the north side of Snowden Farm Parkway in the Phase II section of the project area to be graded by Applicant according to the park layout concept plan and as set forth on the Site Plan, surfaced with topsoil, fine graded and seeded as appropriate for ball field cover per park ballfield standards and specifications. Applicant to include curb cuts for future parking lot in locations to be agreed to with M-NCPPC Department of Parks staff. Applicant to also include necessary bollards to prevent unauthorized vehicular access and a park sign as approved by M-NCPPC Department of Parks staff at an agreed location near the future parking lot. The park will be dedicated to M-NCPPC at time of record plat for the portion of the property that includes the park area. Applicant to provide quantity and quality stormwater management for the park to sufficiently accommodate the planned park facilities. Quality control may be provided on site if space permits, but quantity control to be provided off the park site. Any park improvements are to be constructed to park standards and specifications after Applicant obtains a Park Permit. Any additional recreation facilities, if constructed by Applicant, and their arrangement on the property must be coordinated with and approved by M-NCPPC Department of Parks staff.
- Minor modifications to the agreed construction of amenities made pursuant to the Park Permit process or as agreed by the parties may be made without the need to revise or amend the approved Site Plan.
- Applicant to establish an Easement that grants to M-NCPPC the right to maintain the Greenway Trail, and grants to M-NCPPC and the general public the right to use the Greenway Trail, in those areas where the trail crosses HOA parcels. Easement language to be acceptable to M-NCPPC staff, including Department of Parks and Legal staff.



FIRE MARSHAL COMMENTS

DATE: OCTOBER 16, 2008
TO: ALAN BARNEY
FROM: MARIE LABAW
RE: CLARKSBURG VILLAGE, PHASE II

PLAN APPROVED.

1. Review based only upon information contained on the plan submitted 10-16-2008. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services
MNCPPC-MC

Kronenberg, Robert

From: Wilson, MaryPat [MaryPat_Wilson@mcpsmd.org]
Sent: Friday, January 16, 2009 10:02 AM
To: Kronenberg, Robert
Cc: Shuman Jr, Richard C; Les Powell; Turpin, Janice
Subject: Clarksburg Village Phase 2 - Elementary School Site
Attachments: Phase 2 Site Plan March 2008.PDF

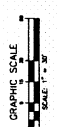
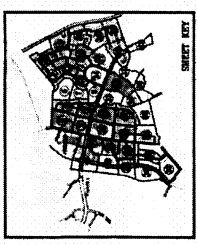
Robert,

As a point of clarification, the recommendations for **Clarksburg Village - Phase 2 Site Plan** should include the following conditions as they affect the elementary school site.

Developer shall provide all required forest conservation attributable to the school, Stormwater management quantity control, rough grading as shown on the site plan dated March 2008 (copy attached) and seeding and stabilization of the school site. In addition the developer has agreed to provide and install signage on the future elementary school site indicating that it is a future public elementary school.

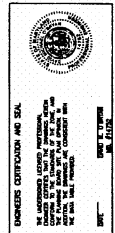
If you have any questions or concerns, please contact me.

Mary Pat Wilson
Real Estate Management Team
Dept. of Facilities Management
240-314-1071



LEGEND

- Dashed line showing location of utility lines.
- Dashed line showing location of easements.
- Dashed line showing location of proposed streets.
- Dashed line showing location of proposed parking areas.
- Dashed line showing location of proposed walkways.
- Dashed line showing location of proposed landscaping.
- Dashed line showing location of proposed site improvements.
- Dashed line showing location of proposed site boundaries.
- Dashed line showing location of proposed site access points.
- Dashed line showing location of proposed site drainage.
- Dashed line showing location of proposed site erosion control.
- Dashed line showing location of proposed site security.
- Dashed line showing location of proposed site safety.
- Dashed line showing location of proposed site maintenance.
- Dashed line showing location of proposed site management.
- Dashed line showing location of proposed site operation.
- Dashed line showing location of proposed site closure.



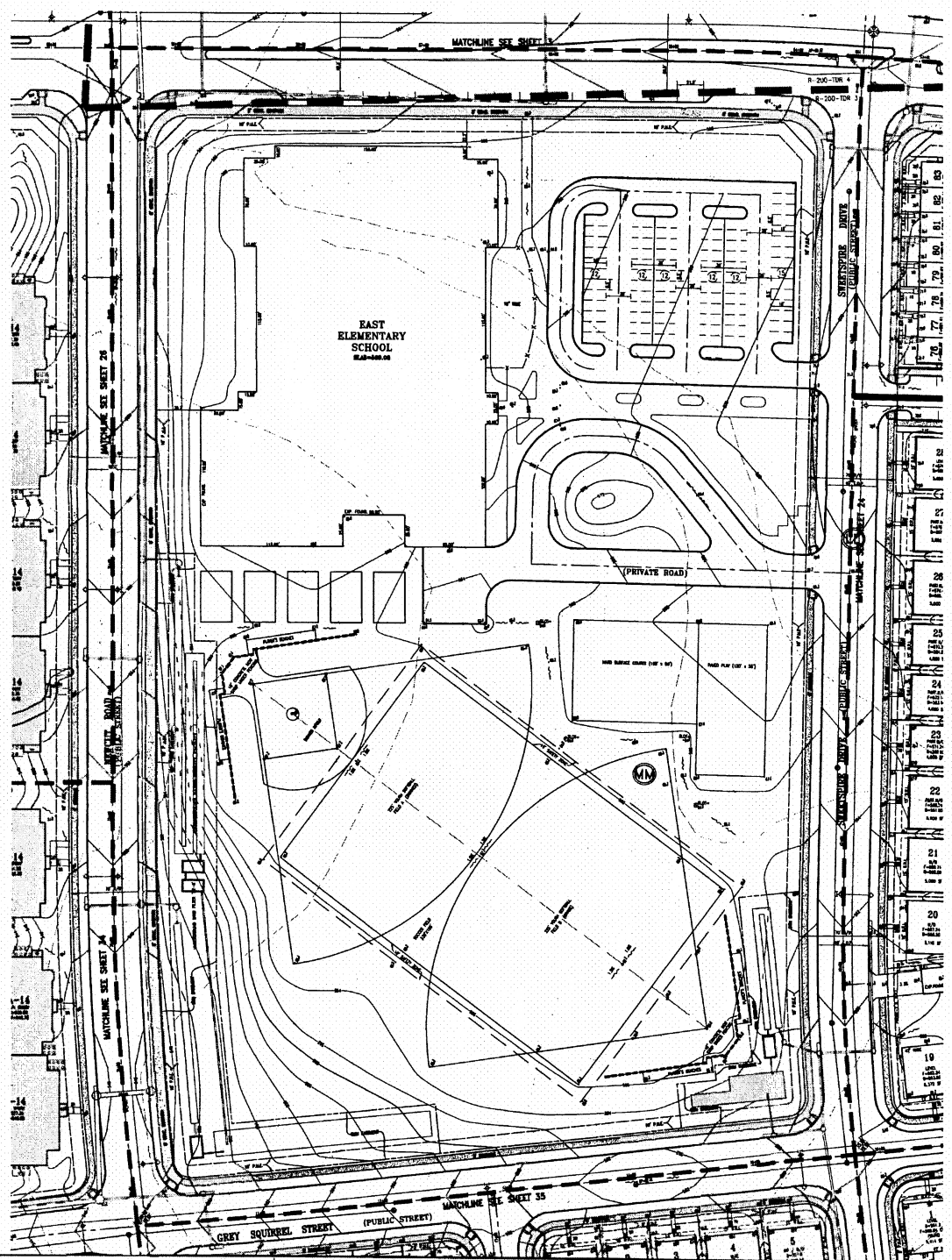
APPROVED SHEET FOR
CLARKSBURG VILLAGE
CLARKSBURG 03rd ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

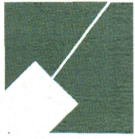
CHARLES P. JOHNSON & ASSOCIATES, INC.
 ENGINEERS
 1100 E. WASHINGTON STREET, SUITE 200
 CLARKSBURG, MARYLAND 20841
 PHONE: (301) 477-1100
 FAX: (301) 477-1101
 WWW: WWW.CPJAN.COM

PHASE 2 SITE PLAN
CLARKSBURG VILLAGE
CLARKSBURG 03rd ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

CPJ
 Charles P. Johnson & Associates, Inc.
 ENGINEERS
 1100 E. WASHINGTON STREET, SUITE 200
 CLARKSBURG, MARYLAND 20841
 PHONE: (301) 477-1100
 FAX: (301) 477-1101
 WWW: WWW.CPJAN.COM

DATE	NO.	DESCRIPTION
11/11/10	1	ISSUED FOR PERMITTING
11/11/10	2	ISSUED FOR PERMITTING
11/11/10	3	ISSUED FOR PERMITTING
11/11/10	4	ISSUED FOR PERMITTING
11/11/10	5	ISSUED FOR PERMITTING
11/11/10	6	ISSUED FOR PERMITTING
11/11/10	7	ISSUED FOR PERMITTING
11/11/10	8	ISSUED FOR PERMITTING
11/11/10	9	ISSUED FOR PERMITTING
11/11/10	10	ISSUED FOR PERMITTING
11/11/10	11	ISSUED FOR PERMITTING
11/11/10	12	ISSUED FOR PERMITTING
11/11/10	13	ISSUED FOR PERMITTING
11/11/10	14	ISSUED FOR PERMITTING
11/11/10	15	ISSUED FOR PERMITTING
11/11/10	16	ISSUED FOR PERMITTING
11/11/10	17	ISSUED FOR PERMITTING
11/11/10	18	ISSUED FOR PERMITTING
11/11/10	19	ISSUED FOR PERMITTING
11/11/10	20	ISSUED FOR PERMITTING
11/11/10	21	ISSUED FOR PERMITTING
11/11/10	22	ISSUED FOR PERMITTING
11/11/10	23	ISSUED FOR PERMITTING
11/11/10	24	ISSUED FOR PERMITTING
11/11/10	25	ISSUED FOR PERMITTING





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

November 24, 2008

MEMORANDUM

TO: Robert A. Kronenberg, Supervisor
Regulatory, Build Division

VIA: Sue Edwards, Team Leader, North Central Transit Corridor (301-495-4518) *SUE*
Vision Division

FROM: Nellie Shields Maskal, Community Planner, North Central Transit Corridor
Vision Division *NH*

Ronald Cashion, Planner Coordinator/Urban Designer, North Central Transit
Corridor, Vision Division *RC*

SUBJECT: Clarksburg Village, Phase 2, Site Plan 82005041

RELATION TO THE 1994 CLARKSBURG MASTER PLAN

Clarksburg Village is located in the Newcut Road Neighborhood District of the 1994 Clarksburg Master Plan Area containing two major roadways: A-305 (Snowden Farm Parkway) and A-302 (Little Seneca Parkway). It is located south of Stringtown and Piedmont Roads, west of Ridge Road (MD 27), and east of MD 355. The Clarksburg Town Center, Highlands of Clarksburg, and Arora Hills (Greenway Village) developments are located nearby.

The Newcut Road Neighborhood includes approximately 1,060 acres, most of which have been approved for development. It is separated from the Clarksburg Town Center and Transit Corridor Districts by Stringtown Road and Little Seneca Greenway and will be traversed by Snowden Farm Parkway.

As shown in Figure 1, the land use recommendations for the Newcut Road Neighborhood propose a mixed-use center (Phase III development) on Little Seneca Parkway, approximately midway between Snowden Farm Parkway and Skylark Road. This will provide a concentration of activity and density in the middle of the neighborhood while promoting lower densities at the edges. This concept also clusters development near the greenway system and enhances public access to the 290-acre Ovid Hazen Wells Recreational Park.

The Clarksburg Master Plan recommends a mixed-use neighborhood with transit-oriented land use patterns for this District. In combination with Arora Hills located directly to the east, these two large projects will provide approximately 3,900 residential units and 109,000 square feet of commercial space.

The Site Plan complies with the Master Plan land use objectives as follows:

1. TDRs and MPDUs

The Planning Board at the time of Preliminary Plan approval recommended that 600 TDR's be provided pursuant to the objectives of the Clarksburg Master Plan based on current dwelling unit approval. This yield is critical to preserving agricultural land in Montgomery County according to the Clarksburg Master Plan and the TDR Status Report.

Staff finds that the site plan is in compliance with the approved number of MPDUs and the required number of TDRs to be purchased.

2. Street-Oriented Buildings

A street-oriented building is one of the major principles of the Master Plan (page 28). The Planning Board at time of Preliminary Plan approval recommended that dwelling unit orientation along all road right-of-ways be addressed at the time of site plan review.

Conformance to the Master Plan's Policy 7, street orientation and specific language in the Newcut Road Neighborhood, page 62, is very important if Clarksburg is to be a neo-traditional community that will make Clarksburg unique and appealing. See Figures 2 and 3.

To assure that rear yards shall not be seen from adjacent roadways, especially at street intersections, unit orientation should be to major streets.

The site plan satisfies this Master Plan objective.

3. Range of Units

The Master Plan (page 39) emphasizes 45-55 percent one-family detached, 35-45 percent one-family attached, and 10-20 percent multi-family dwelling units to allow a diversity of housing types. The Master Plan also recommends a mix of unit types to avoid a large concentration of any single type of housing within each neighborhood.

The site plan provides a range of dwelling unit types that is consistent with the Master Plan recommendation. The proportion of unit types conforms to the Master Plan guidelines for the mix of housing as follows:

Unit Type	Master Plan Guidelines	Clarksburg Village Phase II Unit Count	Clarksburg Village Phase I & II Unit Count	Cumulative Proportion of All Units	Conforms with Master Plan
One-Family Detached	45-55%	736 (45%)	1241 (47%)	47%	Yes
Townhouses	35-45%	484 (29%)	952 (36%)	36%	Yes
One-Family Attached – with connection	-	-	4 (0)	-	-
One-Family Attached (2 over 2's)	-		48 (1%)	1%	-
Multi-Family	10-20%	424 (26%)	424 (17%)	17%	Yes

Vision Division staff has consistently recommended that no more than 20 percent of the units be multi-family. The site plan demonstrates that these Master Plan objectives are attainable.

4. Windows into the Park

The “park bordered by a street” relationship opens up views of the Greenway and is a significant design principle of the Master Plan (pages 62 and 63). This important relationship allows the community to visually experience the beauty of Clarksburg’s stream valley parks and not have the open space hidden behind a row of residential lots. In general, along the Master Plan roadways (A-305 and A-302), there will be significant vistas of the Little Seneca Creek Greenway.

The site plan generally satisfies this Master Plan objective. Staff recommends at key areas, the applicant provide adequate and additional openings at the secondary residential streets to create public vistas to the Greenway (added views to the Greenway are needed).

5. Bikeway Connection

The Master Plan (page 62) emphasizes bikeway access from neighborhoods to shopping and employment areas as well as to key community facilities. The applicant should provide a bikeway connection through the Greenway to the adjacent Arora Hills community, Ovid Hazen Wells Regional Park, and the proposed elementary school. This will improve access to the neighborhoods, school, and the park. An overall Pedestrian and Bikeway Connectivity Plan is needed to determine adequacy of linkages to the Greenway system (e.g., at mid Block of KK residential street).

The Greenway bikeway trail needs to run under A-305 within a structure and continue up to the Arora Hills community. Connections to the Greenway bikeway trail need to be shown from the traffic roundabout.

6. Newcut Road Neighborhood Concept Diagram

The Master Plan recommends a landscaped buffer along Ridge Road (MD 27) the entire length of the property as shown in Figure 3.

The site plan does not satisfy this Master Plan recommendation.

CONCLUSION

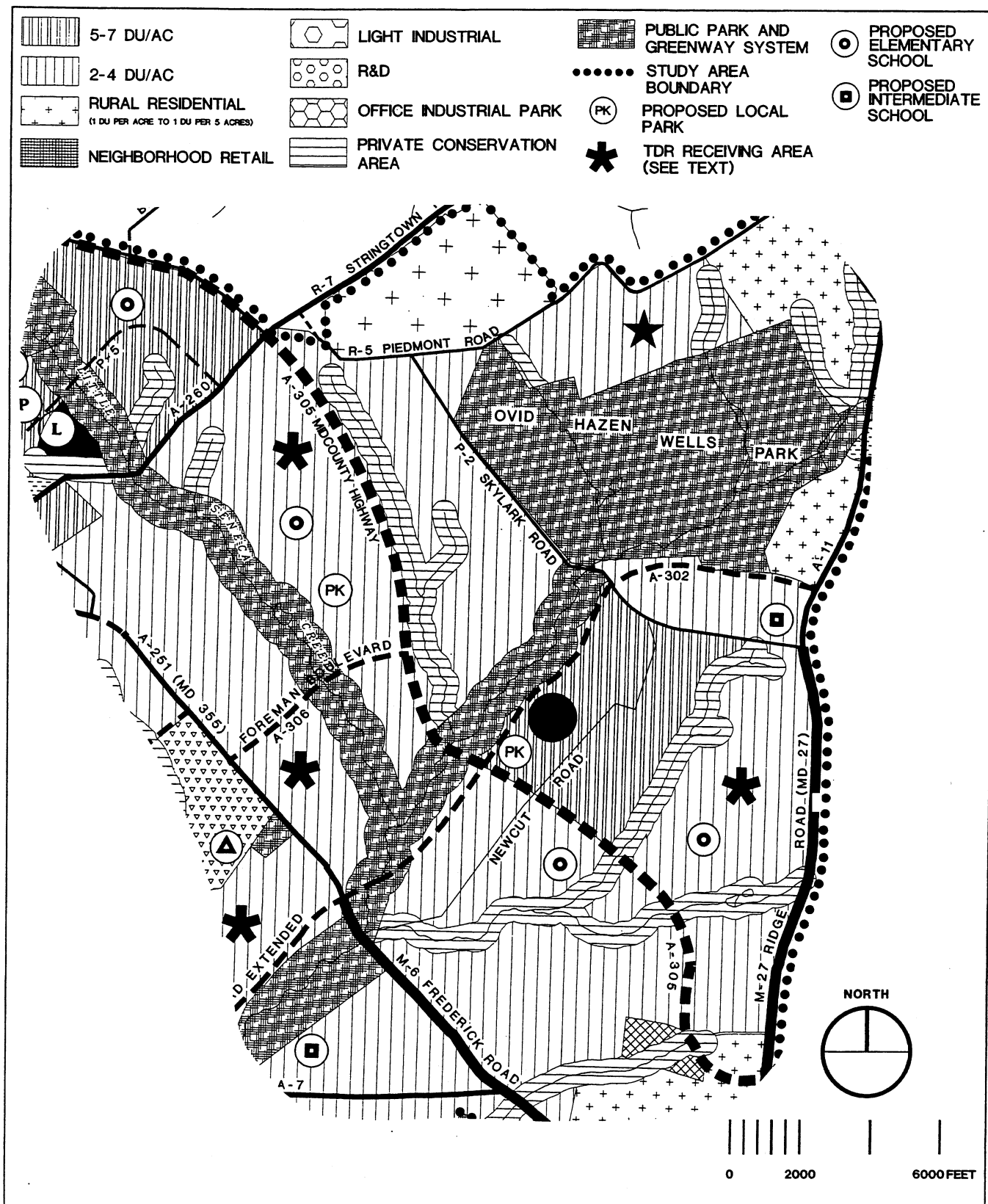
The Master Plan endorses a mix of unit types at the neighborhood level. It avoids large concentrations of any single type of housing within each neighborhood. The proposed site plan conforms to the recommended range of units. Also, it is in compliance with the approved number of MPDUs and the required number of TDRs to be purchased.

NSM:tv: G:/maskal/CVPhase2.doc

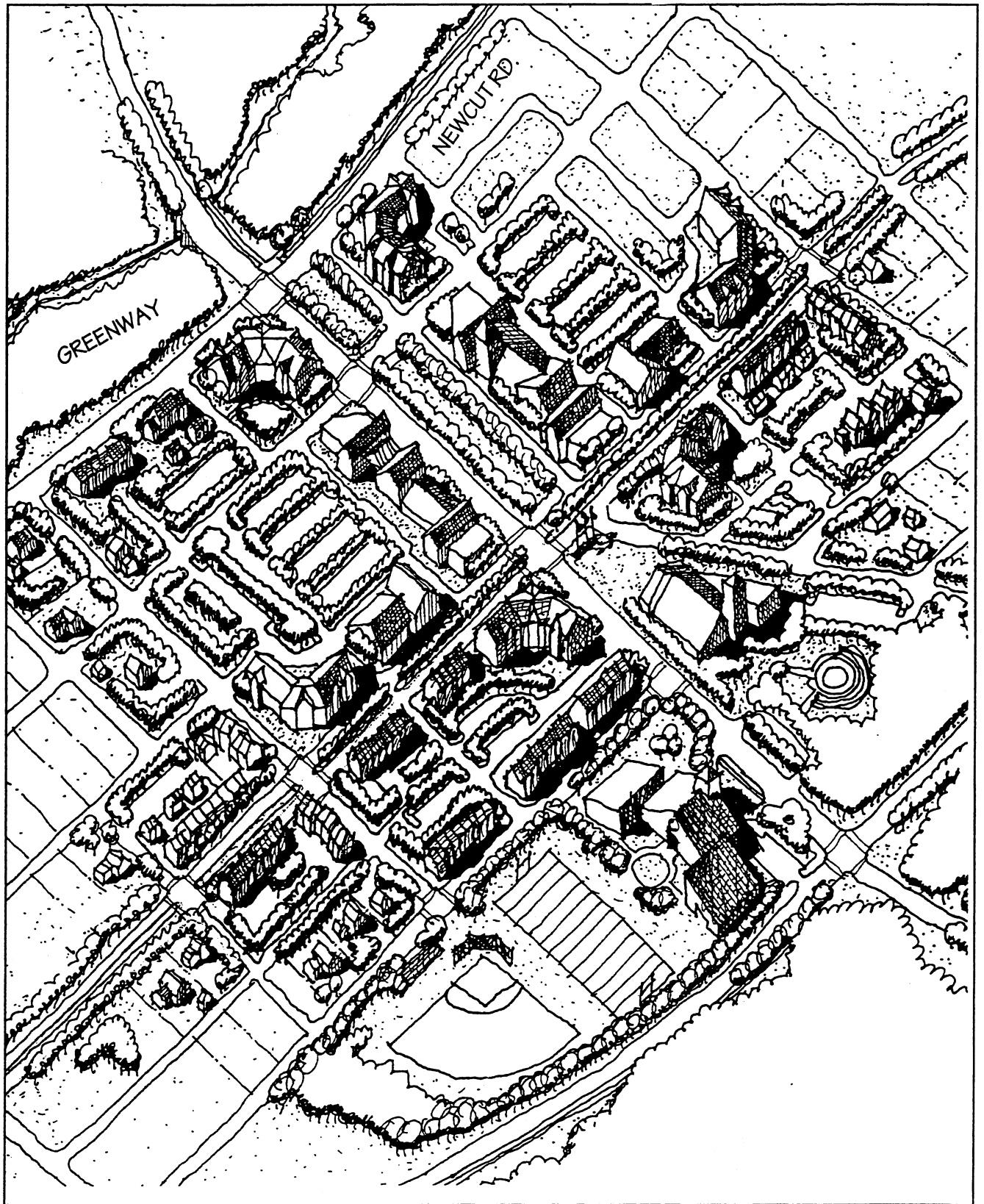
Attachments

Figure 1

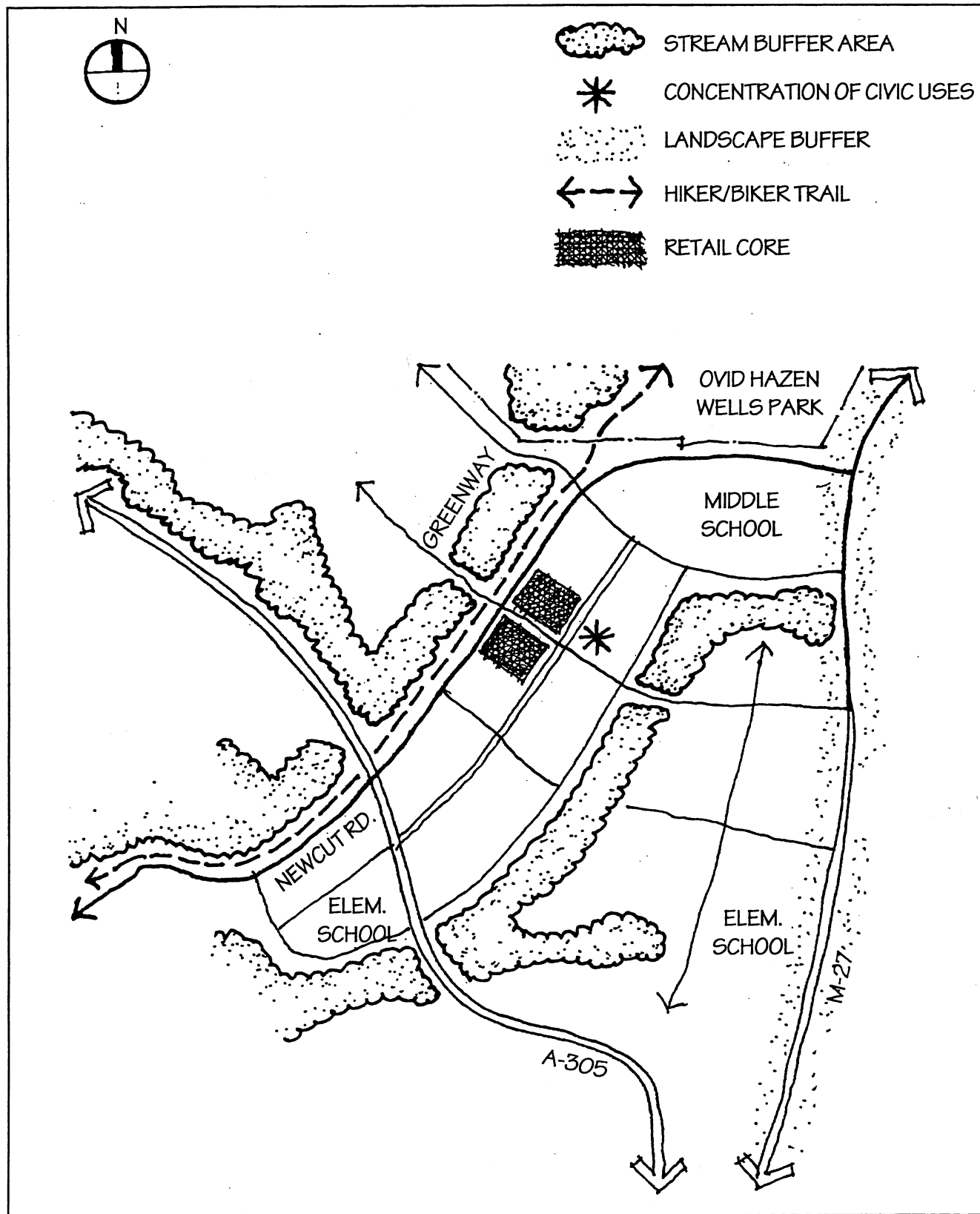
Newcut Road Neighborhood Land Use Plan



Newcut Road Neighborhood Illustrative Sketch



Newcut Road Neighborhood Concept Diagram





RECEIVED

SEP 24 2008

DEPARTMENT OF PERMITTING SERVICES

September 19, 2008

DEVELOPMENT REVIEW

Carla Reid Joyner
Director

Isiah Leggett
County Executive

Mr. Alan Barney
Charles P. Johnson Associates, Inc.
1751 Elton Road
Silver Spring, Maryland 20903

Re: **Final Water Quality Plan for Clarksburg
Village-Phase II**
SM File #: 200006
Preliminary Plan No.: 1-01030
Tract Size, Zone: 402 Ac., R-200/TDR-4
R-200/TDR-3, R-200 and PD-4
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Barney:

Based on a review by the Department of Permitting Services Review Staff, the Final Water Quality Plan (FWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: Phase II of the site consists of 402 acres located on the west side of Ridge Road (MD 27) north of the intersection with Morning Star Drive. The proposed zoning of the site is R-200/TDR-3 & 4, R-200 and PD-4 (high density). The development will consist of mixed residential (single-family detached, townhouses, and multi-family units), a 16 acre commercial shopping area, an elementary school and a community park along with the associated infrastructure. This site is located in the Clarksburg Special Protection Area (SPA) of the Little Seneca Creek Watershed.

Stormwater Management: Water quantity control for this site will be provided via several 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 vegetated conveyance swales, dry swales (vegetated swales underlain with infiltration structures), bioretention structures, surface sand filters, structural filters and infiltration/recharge structures. Non-structural measures for the backs of some lots that are draining to the stream valley buffer have also been used. In areas where open section roads are not feasible, additional water quality measures are required to offset the lost benefits that open section roadways provide. These offsetting measures include providing an additional 25% filtering capacity to the filtering structures (underground and surface), maximizing the sand surface area in the surface sand filters (sand on the entire footprint), providing structural pretreatment prior to all filtering structures and providing additional recharge volume. Areas that are intended for vehicular use are to be pretreated prior to entering filtration and infiltration structures. The water quality structures must be sized to treat a minimum of one-inch over the proposed impervious area without subtracting the recharge volume.

Sediment Control: Redundant sediment control structures are to be used throughout the site. Sediment traps with forebays that provide 125% of the normally required volume will be acceptable.

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 control removal will 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 feed 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 are to be addressed prior to submitting the detailed sediment control/stormwater management plan.
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 and further refined in the Final 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 pollutant loading (nutrient 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). 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. In addition to the Phase I monitoring requirements, monitoring of the largest active sediment trapping system for total suspended solid removal and up to two additional linked stormwater management BMPs for pollution removal efficiency.

The total suspended solid removal monitoring requirements are to last through the construction phase of the development, and the stormwater management BMP monitoring will last for five years after construction is complete.

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the review:

1. Provide clear access to all stormwater management structures from a public right-of-way. Provide driveway aprons and full depth paving in areas where curbs, sidewalks and bike paths must be crossed to access the structures. Access roads are to be no steeper than 15% with mechanical stabilization or 10% without mechanical stabilization. Each cell of the proposed structures must be accessible.
2. Additional recharge areas are to be provided above and beyond the required recharge volume to reduce the effective imperviousness by 15% within any given drainage area to a channel protection volume (Cpv) Pond. Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at all of the proposed recharge locations.
3. All recharge and upland water quality structures must be a minimum of five feet from private property lines.
4. Pond drains will be required for all of the Cpv structures due to the pond depth in relation to the relatively small control orifice.
5. 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.
6. Address stormwater management for the southern most portion of the 8' bikepath along MD Route 27.
7. Add dry wells on lots 130 and 131/Block KK.
8. Structural pretreatment devices are to be sized for their entire contributing drainage area.
9. Due to the large drainage areas of the surface sand filters biofiltration inlets will be required at all of the proposed road inlets for additional pretreatment. These structures are to be designed as flow through structures and will require Department of Transportation approval. If this is not an acceptable option in the final design stage, a parallel underground water quality filtration structure will be required at the main treatment location to effectively split the drainage areas to the water quality filtration systems.
10. Surface sand filters K2-4, L-1, M-7, M-9, M-11, N-2, V-3A, V-3B and Y must include additional storage and restrictions of the underdrain pipes to provide de-facto Cpv control. This is due to the fact that these structures are outfalling directly to the stream valley independently of the main Cpv Ponds.

11. At a minimum, one foot of stone (dead storage) is to be provided below the outlet pipe of the surface sand filters to allow for groundwater recharge.
12. All of the proposed stream crossings are to be constructed using environmentally sensitive design criteria.
13. A dam breach analysis for Ponds K-1, K-2 and W must be approved by MDE prior to detailed plan submittal.
14. Provide verification that the 100 year stream flow will not impact the function of Ponds L, N and V. If any of these structures need to be pushed up slope it will impact lot yield.
15. Drain tile will be required in stormwater management structures where soil borings show that groundwater is present and where deep excavations are required.
16. Several ponds are shown with embankment grading in very close proximity to the stream valley buffers. As shown, the placement of sediment controls to construct the ponds will likely require some stream valley buffer encroachment.
17. The storage depth over surface sand filters is not to exceed two feet without hazard signage or four feet with hazard signage.
18. Remove the "play area" designation from the pond/sandfilter area of Pond W. This area will be needed for maintenance of the adjoining stormwater management facilities.
19. The area of "Future Pond J" will be reviewed as a revision to this plan when the development layout in this location is finalized. Also, joint use agreements will be required for offsite areas sharing stormwater structures if they are under different ownership.
20. 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.
21. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
22. 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 is to be submitted at the detailed sediment control plan stage, and the final document is to be submitted prior to bond release.
23. Due to the size of this development a full-time, third-party, on-site, sediment control inspector is required to assure that the goals of the Water Quality Plan are not being met.

Alan Barney
September 19, 2008
Page 5

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 CN200006

cc: M. Oaks (MNCPPC-DR)
M. Pfefferle (MNCPPC-ED)
D. Johnsen (MNCPPC-ED)
L. Galanko
R. Gauza (MCDEP)
SM File # 200006

Qn on-site 402 ac.
Ql on-site 402 ac.

Appendix C: Project Data Table

PROJECT DATA TABLE (R-200/ MPDU Option and R-200/TDR-3 & TDR-4 Zones)

Gross Tract Area for Phases I and II: 776.88 acres
 Gross Tract Area for Phase I: 363.58 acres
 Gross Tract Area for Phase II: 413.30 acres

Area of Development:

	Phase I	Phase II	All Phases
R-200, MPDU Option (acres)	116.64	49.03	165.67
R-200/TDR- 3 (acres)	246.86	273.99	520.85
R-200 TDR-4 (acres)	none	85.85	85.85
PD4 (acres)	0.08	4.43	4.51
Total:	363.58	413.30	776.88

Development Method: Optional

Permitted Density By Zone

Existing Zoning:	<u>All Phases</u>
R-200, MPDU Option	404.23 dwelling units
R-200/TDR-3	1906.31 dwelling units
R-200/TDR-4	418.95 dwelling units
PD-4	<u>21.65 dwelling units</u>
Total	2751.14 dwelling units

Dwelling Units:

	Phase I	Phase II	All Phases
One Family Detached	515(53%)	786(47%)	1301(49%)
One Family Attached – 2 over 2	108 (11%)	24(1%)	132(5%)
One Family Attached – with connection 4 (1%)		-	4(0%)
Townhouses	322(33%)	426(25%)	748(28%)

Multi-family- 2 over 2	24(2%) ¹	84(5%)	108(4%)
Multi-family-garden style	-	360(21%)	360(14%)
Total:	973(100%)	1680(100%)	2653(100%)

TDR Calculations

<u>Zoning</u>	<u>Acreage</u>	<u>Base Density</u>	<u>Permitted Density with Density Bonus</u>	<u>Permitted Multi-family</u>
R-200/TDR-4	85.85	171.70	418.95	83.79
R-200/TDR-3	520.85	1,041.70	1,906.31	381.26
R-200	165.67	331.34	404.23	0
PD-4	<u>4.51</u>	<u>18.04</u>	<u>21.65</u>	<u>4.33</u>
Total	776.88	1,562.78	2,751.14	469.38

Proposed Density: 2,653
Proposed Multi-family units: 468
Number of MPDUs: 398 (2,653 x 15%)
Non-Density Bonus Units: 2,653 / 1.22 = 2,175
Number of TDRs: 613 (2,175 – 1,562 = 613)
234 [468 / 2 for MF] + 145 = 379 TDRs required

Unit Summary:

Base Density	1,562
# TDRs (1 for1)	145
# TDRs (2 for 1)	468
# MPDUs	398
Bonus Mkt Rate Units	<u>80</u>
Total	2,653
Total Number of TDRs Required:	379 (145 acquired/required with Phase I)
Total Number of MPDUs Required:	398 (132 required with Phase I)

¹ Applied for as townhouses

Parking for Phase II Development:

	<u>Required</u>	<u>Provided</u>
One-family detached (786 x 2 sp./unit)	1,572	1,572
One-family attached (2 over 2) (24 x 2 sp./unit)	48	48
One-family attached (multi-family) (84 x 2 sp./unit)	168	168
Townhouse (426 x 2 sp./unit)	852	852
Multi-family-Garden Apts (360 x 2 sp./unit)	486	<u>570</u>
Residential Subtotal	3,126	3,210
Clubhouse/Pool	39	
School Property (not provided by Applicant)	90	
Park Site (not provided by Applicant)	41	
Visitor Parking	773	
Total Parking Spaces	3,126	4,153

Note: Parking for each garage unit is accounted for in the garage space and in the pad space between the garage and sidewalk as long as the space meets the minimum size requirements by the Zoning Ordinance. The Park and School will provide additional parking to accommodate their future needs as appropriate.

R-200 / MPDU Option

Zoning Ordinance Development Standards	Permitted/Required	Proposed for Approval with Site Plan 820050140 (Phase II)
Div.59-C.1.6		
Max. Building Height (ft.):		
Main building	40 (3 stories)	40
Accessory bldg.	25 (2 stories)	25
Min. Lot Area (sf.):		
One-family detached	6,000	6,000
One-family attached (townhouse)	1,500	1,500
Townhouse	1,500	1,500
Min. Lot width at Street Line for One-family detached (ft.):	Not Specified	25
Min. Setbacks from public street and/or front yard BRL as applicable (ft.):	25	
Min. Yard(ft.):		
<u>One-family detached</u>		
Front along public street	25	25
Front along mews	Not Specified	10 min. from HOA easement

Zoning Ordinance Development Standards	Permitted/Required	Proposed for Approval with Site Plan 820050140 (Phase II)
Front 2 (labeled on individual lot)	15	15
Rear Yard		
Non-alley loaded	Not Specified	20
Alley loaded	Not Specified	3
Side Yard		
Non-alley loaded	Not Specified	4
Alley loaded	Not Specified	3
<u>One-family attached</u> (fee simple market rate units-townhouses):		
Front Yard	Not Specified	3
Rear Yard	Not Specified	3
Side Yard (ft.):		
End Units	Not Specified	3
Interior Units	Not Specified	0
Min. Separation between units	Not Specified	8
Accessory Building Setback (ft.):	Not Specified	0
Max. Lot Coverage (%):	Not Specified	80
Min. Green Area (ac.):	0.51 (2,000 sf for each townhouse or attached unit-11 townhouses)	1.0

R-200 / TDR-3 & 4 Zone

Zoning Ordinance Development Standards	Permitted/Required	Proposed for Approval with Site Plan 820050140 (Phase II)
Div. 59-C-1.395		
Min. Lot Area (sf.):		
One-family detached	Not Specified	3,500
One-family attached (Townhouse)	Not Specified	1,400
One-family attached (condo and multi-family 2-over-2 units)	Not Specified	10,000 for the parcel
Min. Lot width at Street Line for One-family detached (ft.):	Not Specified	25
Min. Yard(ft.):		
<u>One-family detached:</u>		
Front along public street	Not Specified	15 min.
Front along mews, private street, open spaces	Not Specified	10 min. from HOA Easement
Front 2 (where labeled on lot)	Not Specified	8 min.
Rear Yard		
Non-alley loaded	Not Specified	20
Alley loaded	Not Specified	3

Zoning Ordinance Development Standards	Permitted/Required	Proposed for Approval with Site Plan 820050140 (Phase II)
Side Yard		
Non-alley loaded	Not Specified	4
Alley loaded	Not Specified	3
<u>One-family attached</u> (condo and multi-family 2-over-2 units)		
Front Yard	Not Specified	8 min. from curb
Rear Yard	Not Specified	3
Side Yard	Not Specified	0
Separation between buildings (end unit)	Not Specified	20
<u>Multi-family</u> (Garden Apts.)		
Setbacks from Public right-of-way	Not Specified	10
Setbacks from back of sidewalks (not lead walks) and adjacent lot lines	Not Specified	6
Separation between buildings (end unit)	Not Specified	30 excluding utility closets
<u>One-family attached</u> (Townhouse)		
Front Yard	Not Specified	3
Rear Yard	Not Specified	3

Zoning Ordinance Development Standards	Permitted/Required	Proposed for Approval with Site Plan 820050140 (Phase II)
Side Yard (ft.):		
End Units	Not Specified	3
Interior Units	Not Specified	0
Min. Separation between units	Not Specified	8
Accessory Building Setback (ft.):	Not Specified	0
Max. Building Height (ft.):		
One-family detached	Not Specified	Max. 40 (see sheets 44 & 45 of the Certified Site Plan for individual heights of units- Units range from 35-40 with a maximum of 40 feet)
One-family attached (2 over 2)	Not Specified	Max. 40 (see sheets 44 & 45 of the Certified Site Plan for individual heights of units)
Townhouse	Not Specified	Max. 40 (see sheets 44 & 45 of the Certified Site Plan for individual heights of units- Units range from 35-40 with a maximum of 40 feet)
Multi-family	Not Specified	Max. 55 (see sheets 44 & 45 of the Certified Site Plan for individual heights of units-)
Accessory Buildings	25	25
Max. Lot Coverage (%):	Not Specified	80
Green Area (ac.):	145 ac. (35%)	Min. 145 ac. (35%)

Appendix D: Recreation Facilities Table

RECREATION CALCULATIONS

Demand Points Per Population Category
--

Housing Type	No. of Dwelling Units	<i>Tots</i> (D1)	Children (D2)	Teens (D3)	Adults (D4)	Seniors (D5)
SFDII (<7,000 sf) One Family Detached	786	110.0	188.6	196.5	998.2	102.2
TH Townhouses and One-family attached	450	76.5	99.0	81.0	580.5	40.5
Garden Multi-family 4 stories or less	444	48.8	62.2	53.3	523.9	71.0
Total Demand Required	1,680	235.4	349.8	330.8	2,102.6	213.7

Supply Points of On-Site Recreation Facilities

Facility	Quantity	<i>Tots</i> (D1)	Children (D2)	Teens (D3)	Adults (D4)	Seniors (D5)

Bike System	N/A	11.8	35.0	49.6	315.4	21.4
Pedestrian System	N/A	23.5	70.0	66.2	946.2	96.2
Swimming Pool	1	12.9	71.7	67.8	525.7	32.1
Wading Pool	1	35.3	17.5	0.0	105.1	10.7
Community Room	1	23.5	104.9	99.2	630.8	85.5
Subtotal		107.0	299.1	282.8	2,523.2	245.9
Tot Lots (Ages 0-6)	4	36.0	8.0	0.0	16.0	4.0
Multi-Age Play Areas	3	36.0	44.0	12.0	28.0	4.0
Picnic/Sitting Areas	42	42.0	42.0	63.0	210.0	84.0
Open Play Area I	6	36.0	54.0	72.0	180.0	12.0
Open Play Area II	11	27.0	36.0	36.0	90.0	9.0
Subtotal		177.0	184.0	183.0	524.0	113.0
Total Provided On-Site		284.0	483.1	465.8	3,047.2	358.9
<i>Overall Park and Recreation Facilities</i>						

Description	Facility	Park Area SF	Public or Private HOA
Park 1	Open Play Area II (5,000 sf) 2 Picnic/Sitting Areas	19,191	Private HOA
Park 2	Tot Lot 1 Picnic/Sitting Area	1,577	Private HOA
Park 3	Open Play Area I	10,800	Private HOA

	2 Picnic/Sitting Area		
Park 4	Multi-age Play area 1 Seating Area	2,502	Private HOA
Park 5	Open Play Area I 2 Picnic/Sitting Areas	10,450	Private HOA
Park 6	Open Play Area II 2 Picnic/Sitting Areas	5,250	Private HOA
Park 7	Open Play Area I 1 Picnic/Sitting Area	10,084	Private HOA
Park 8	Tot Lot 1 Picnic/Sitting Area	1,959	Private HOA
Park 9	Natural Area Trails through Natural Areas		Public
Park 10	Swimming Pool, Wading Pool Indoor Community Room	52,642 (Parcel B)	Private HOA
Park 11	Open Play Area II 2 Picnic/Sitting Areas	5,034	Private HOA
Park 12	Multi-Age Play Facility Open Play Area I 1 Picnic/Sitting Area	2,555 10,055	Private HOA
Park 13	Open Play Area II 2 Picnic/Sitting Areas	5,150	Private HOA
Park 14	Open Play Area I 3 Picnic/Sitting Areas	10,481	Private HOA
Park 15	Open Play Area II 2 Picnic/Sitting Areas	5,403	Private HOA
Park 16	Natural Area	Parcel C	Private HOA

		124,754	
Park 17	Open Play Area II	5,684	Private HOA
Park 18	Natural Area	Parcels B, C, D, N, U	Private HOA
Park 19	Open Play Area II 1 Picnic/Sitting Areas	5,475	Private HOA
Park 20	Multi-Age Play Facility 2 Picnic/Sitting Areas	2,625	Private HOA
Park 21	Tot Lot	1,500	Private HOA
Park 22	Open Play Area II 2 Picnic/Sitting Areas	5,000	Private HOA
Park 23	Open Play Area II Picnic Areas Natural Area	5,333	Private HOA
Park 24	Natural Area	Parcels A and B	Private HOA
Park 25	Open Play Area I	11,250	Private HOA
Park 26	Natural Area Nature Trail	Parcels Q, S and T	Private HOA
Park 27	Open Play Area II	7,248	Private HOA
Park 29	Multi-Age Play Facility 2 Picnic/Sitting Areas	2,502	Private HOA
Park 30	Open Play Area II Pool	7,360	Private HOA

Park #28 was eliminated from the tabulations.

Appendix E: Non-Compliance Hearings

May 11, 2006 – Continuation of May 4, 2006 hearing

On May 11, 2006, the Planning Board issued a Corrective Order for 83 lots to establish development standards on 83 lots and thereby allow M-NCPPC to resume the review of their building permits. The developer entered into “stipulations of fact” as part of the Corrective Order. The stipulations identify certain matters of fact that are not contested by the developer – and therefore deemed resolved for the purpose of the Planning Board’s decision on the merits – as opposed to any other facts relating to the project that remain open to dispute.

June 29, 2006 – Continuation of May 11, 2006 hearing

On June 29, 2006, the Planning Board conducted a preliminary vote on alleged acts of non-compliance and found non-compliance for all the items identified in the staff report. The Planning Board also rejected the respondent’s proffer and directed staff to determine an appropriate Compliance Program and/or fines.

July 20, 2006 – Continuation of June 29, 2006 hearing

On July 20, 2006, the Planning Board reviewed the respondent’s request to issue an additional Corrective Order for 100 lots to establish development standards for these lots and thereby allow M-NCPPC to resume the review of these building permits. Staff recommended approval of only 65 units and the proposed pool facility on Parcel A of Block P. The Planning Board deferred action on the staff recommendation of approval of an amendment to the corrective order of May 11, 2006 to July 27, so that development standards for the 65 additional units, and the proposed pool facility could be established.

July 27, 2006 – Continuation of July 20, 2006 hearing

On July 27, 2006, the Planning Board approved the staff recommendation for approval of development standards for 65 identified dwelling units, and the proposed pool/club facility on Parcel A of Block P, contingent on Department staff receiving written assurances from the builders concerning content and timing of disclosure documents. The Planning Board also delegated to staff the decision as to the adequacy of the disclosure statements and the appropriateness of the revised layout for the proposed pool and pool house.

October 5, 2006-Continuation of July 27, 2006 Hearing

On October 5, 2006, the Planning Board approved Staff’s recommendation to find acts of non-compliance associated with the site plan. The Planning Board accepted the Applicant’s proffer, including correction of lot sizes and setbacks, a payment of \$50,000 to the HOA, a \$100,000 fine to be paid to M-NCPPC and a re-design of Block T, which originally included multi-family units in a zone that did not permit the use.

Appendix F: Design Guidelines

**Clarksburg Village
Architectural Design Guidelines**

Elm Street Development
Bennett Frank McCarthy Architects Inc.
10 May 2004 Draft

Clarksburg Village Architectural Design Guidelines 4.28.04 Draft

Table of Contents

Site Elements	4
A. Setbacks	4
1. Front Yard Setback.....	4
2. Rear Yard Setback.....	4
3. Side Yard Setback	4
B. Grading.....	5
1. Front Yard Grading / Slope / Stairs / Leadwalk / Stoop	5
C. Facade Alignment.....	5
1. Building Fronts	5
D. Retaining Walls.....	6
1. Permitted Materials	6
E. Fences	6
1. Permitted Materials	6
2. Picket Fences	7
3. Alley Fences.....	8
4. Privacy Fences	8
Building Materials & Elements	9
A. Exterior Walls – Number of Materials	9
B. Exterior Walls – Permitted Materials	9
1. Permitted Materials	9
2. Requirement for Variety:.....	10
3. Masonry Watertable:	11
4. Requirement for Masonry Fronts.....	11
C. Individual House Lot Color and Material Approval	12
D. Porches and Portico – Required Quantities	12
1. Percentage of Houses required to be provided with either a porch or portico shall be:	12
E. Porches	13
1. Dimensions:	13
2. Where Permitted:.....	13
3. Porch Rails:	13

4. Columns:.....	13
5. Porch Eave and Rake Details:.....	14
6. Porch Roof: Porch roofs shall comply with the following.....	14
7. Porch Floors:.....	14
8. Porch Crawlspace:.....	15
F. Architectural Frieze board / Cornice	15
G. Leadwalks, Steps & Stoops.....	15
H. Rear Yard Decks	16
I. Side Entry Stoop.....	17
J. Roof Materials.....	18
K. Roof Architectural.....	19
L. Architectural Elements (not Located on a Porch).....	21
M. Window Trim.....	23
N. Cornerboards.....	23
O. Doors & Windows.....	24
P. Driveways	27
Q. Signage:.....	27
R. Screening of Miscellaneous Items.....	27
S. House Lighting.....	28
T. Areaway & Walkout Stairs:	28
U. Swimming Pools	28
V. Statuary / Bird Baths.....	29
W. Animal Enclosures/ Dog Runs	29
X. Mailboxes / Gangboxes	29
Y. Landscaping	29

Site Elements

A. Setbacks

1. Front Yard Setback

Neo Townhouse: Townhouses shall be setback 10 – 15' as shown on the site plan.

Neo Single Family Detached (40' and 50' lots): Shall be setback 18' –22' as shown on the approved site plan

Small Traditional Single (50' – 65' lots): Shall be setback 18' –22' and larger as shown on the approved site plan

Small Traditional Single (66' and wider lots): Shall be setback 18' –22' and larger as shown on the approved site plan

2. Rear Yard Setback

Setbacks shall be per the site plan

3. Side Yard Setback

Neo Townhouse: Not applicable

Neo Single Family Detached (40' and 50' lots): Shall be setback 4' minimum as shown on the approved site plan

Small Traditional Single (50' – 65' lots): Shall be setback 4' minimum as shown on the approved site plan

Small Traditional Single (66' and wider lots): Shall be setback 4' minimum as shown on the approved site plan

B. Grading

The grading guidelines are stated as goals.

1. Front Yard Grading / Slope / Stairs / Leadwalk / Stoop

These requirements apply to all lot types.

- a. Front yards shall be platform graded. Grading shall be minimized to provide surfaces close to level, ideally 2 – 3%, with positive drainage away from houses. Maximum slope shall be 7 – 8% from the front of the house to the sidewalk. Cross slope across the front of the house and lot shall be 7-8% maximum.
- b. Steeply sloped areas graded 1:3 (rise to run) are permitted in the 5' immediately behind the side walk with the remainder of the front yard graded as noted in a. above. Steeply sloped areas shall be planted with ground cover plantings (pachysandra, vinca minor for example).
- c. Leadwalks shall be graded 2 – 3%. Maximum slope for leadwalks shall be 7 – 8%.
- d. Stair runs shall include a maximum of 6 risers. This will permit an elevation change of 4' if 8" risers are used. Provide a second set of risers where the leadwalk meets the sidewalk if grading requires more than 6 risers.

C. Facade Alignment

The alignment guidelines are stated as goals.

1. Building Fronts

These requirements apply to all lot types.

- a. Building fronts shall align, set backs shall be the same on adjacent lots.
- b. Setbacks shall be as shown on the site plan.
- c. Offsets in alignment shall be permitted for

- i. Site determined conditions
- ii. Curvature of the street
- iii. Special site feature such as a pocket park or special place
- iv. Save a tree or other significant site feature
- v. Grading in special circumstances

D. Retaining Walls

1. Permitted Materials

These requirements apply to all lot types.

- a. Stone: Stone is a permitted material for retaining walls in any location on a site
- b. Masonry: Masonry is a permitted material for retaining walls in any location on a site
- c. Concrete: Concrete is a permitted material for retaining walls provided the retaining wall is not visible from a street. Concrete shall be embossed with a brick pattern to match embossed concrete used on foundation walls.
- d. Timber: Timber is a permitted material for retaining walls provided the retaining wall is not visible from a street

E. Fences

1. Permitted Materials

These requirements apply to all lot types.

- a. Stone: Stone is a permitted material for fences and screen walls in any location on a site
- b. Masonry: Masonry is a permitted material for fences and screen walls in any location on a site
- c. Wood: Wood is a permitted material for fences and screen walls in any location on a site. All wood fences shall be painted Clarksburg / Elm Street White (except as noted below)

- d. **Metal:** Iron and prefinished aluminum are permitted materials for fences and screen walls in any location on a site. Metal fences shall be painted black. Prefinished aluminum fences are permitted subject to review by the Village Architect.
- e. **PVC:** PVC is a permitted fence material in specific locations only (see below). PVC fence material is subject to review and approval by the Village Architect. PVC fences taller than 4 feet shall have a 1' tall lattice section at the top. PVC fences shall be finished white.
- f. **NOT PERMITTED:** Chain link fence is not permitted.

2. Picket Fences

These requirements apply to specific lot types as noted below.

- a. **Fence Height:** Picket fences shall be 32" high minimum and 36" high maximum. Fence heights shall match from lot to lot.
- b. **Permitted Locations:** Picket fences are permitted in front yards and side yards located in the front of lots and may extend toward the rear of a lot to the midpoint of the side of a house.
- c. **Neo Townhouse Lot Picket fences** shall be Metal fence types only.
- d. **Large Traditional Lots** shall not have picket fences.
- e. **Picket Fence Designs:** Picket fences shall be as shown in the attached picket fence designs. Picket fence designs are not solid fences. A picket fence has spaced vertical elements that allow a view through the fence.
- f. **Alternate Designs:** Picket fences designs shall vary from lot to lot.
- g. **Picket Fence Posts:** Picket fences shall have large (6 x 6) posts at all corners and gate posts. Intermediate posts (posts set between any gate and corner) shall be set behind the fence.
- h. **Required Locations:** See Lot matrix for required locations.

- i. Material: All picket fences must be constructed of wood. PVC and similar synthetic materials are NOT permitted.

3. Alley Fences

These requirements apply to specific lot types as noted below.

- a. Fence Height: Alley fences shall be 42" high.
- b. Alley Fence Designs: Alley fences shall be board/butt/board as shown in the attached alley fence design. Alley fence designs are solid fences.
- c. Alley fence Required Location: Alley fence shall be sited along rear lot lines and shall extend from side property line to the driveway. The fence shall return a minimum of 4' back toward the garage.
- d. Privacy Alley Fence: Alley fence may be 6' high adjacent to a house and extend for a distance of 8' toward the rear of a lot. The fence must taper to 42" high within the next 8' section of fence.
- e. Not Permitted Beyond Rear of House: Alley fence shall not be permitted to extend further forward on a lot than the rear corner of a house.
- f. Permitted Locations: Alley fence is permitted on all lot types
- g. Large Traditional Lots: Alley fences are not required to be painted white.
- h. Required Locations: See Lot matrix for required locations.
- i. Alley Fences Facing Streets, Side Streets: Alley fences facing streets, side streets must be constructed of wood. PVC and similar synthetic materials are NOT permitted.

4. Privacy Fences

These requirements apply to specific lot types as noted below.

- a. Privacy fences shall follow the requirements for alley fences.

Building Materials & Elements

A. Exterior Walls – Number of Materials

These requirements apply to all lot types.

1. 2 Primary Building Materials: Each house (regardless of type) shall not have more than 2 primary building materials. For example a house may have brick and siding. A house may have brick and stone. A house may have stone and siding.
2. Accent Materials: Accent materials are permitted as a third material but shall not cover greater than 10% of the exterior.
3. Trim: Trim is not considered a primary building material.
4. Masonry Fronts Shall have Masonry Returns: Masonry front houses shall have masonry return on the side elevations a minimum of 24”.
5. Special Requirements: See Special Lot requirement lists for required brick or stone requirements for side and / or rear locations on lots located in key locations (Exhibit Lists).

B. Exterior Walls – Permitted Materials

1. Permitted Materials

These requirements apply to all lot types.

- a. Stone: Stone is a permitted material for all house types.
- b. Synthetic Stone: Synthetic stone is permitted subject to the following: Materials must be mortared to backup material. Average material thickness shall be 2 1/2”. Material shall be submitted to the Clarksburg Village Architect for Review and approval.
- c. Brick Masonry: Brick masonry is a permitted material for retaining walls in any location on a site
- d. Siding – Wood: Wood siding is a permitted material.
- e. Siding – Cementitious: Cementitious siding is a permitted material.

- f. Siding – Vinyl: Premium vinyl siding is a permitted material. Vinyl siding meeting the following characteristics shall be permitted: Minimum thickness shall be or exceed .042”. Siding shall have a 1/2” shadow line minimum. Suitable sidings include Certainteed Monogram, Carolina Beaded and Mainstreet 160; Alcoa Silhouette Classic Double 4, Double 5 and Charleston Beaded. Equivalent sidings may be submitted for review and approval.

2. Requirement for Variety: Houses shall vary in color as well as design.

- a. Townhouses: Adjacent townhouses shall have different color siding. This requirement shall apply to rears of townhouses – adjacent townhouse shall not have the same color siding.
- b. Variety in House Design: Variety is desired and encouraged among the house designs. Adjacent houses shall not have the same facade design.
- c. Variety in House Color / Material Palette: Variety is desired and encouraged among the house color and material palettes. Adjacent houses shall not have the same color and material palette.
- d. Variety in Houses Opposite (across the street): House will be reviewed to provide alternate facade designs.
- e. Variety in Houses Color / Material Palette Opposite (across the street): House will be reviewed to provide alternate color and material palettes.
- f. Houses within Sight: Houses within sight of each other shall not have the same facade design and color / material palette. This requirement applies to house on the same side of the street as well as houses on the opposite side of the street.

3. Masonry Watertable:

Masonry watertables shall be constructed of stone, synthetic stone or brick as described in 1. a., b. or c as noted above.

- a. Masonry Watertable at Front: All house types shall have a masonry watertable at the front façade.
- b. Masonry Watertable at Side: Masonry watertable shall be required on the sides of lots as required by designation in lot exhibits.
- c. Concrete Watertable at Side and Rear: If a masonry watertable is not required than concrete shall be required. The concrete shall be embossed with a brick pattern. The concrete shall be painted to match finish color of the siding of the house.

4. Requirement for Masonry Fronts

Masonry fronts shall be required as noted below.

- a. Neo Townhouse: 62.5% of townhouse fronts shall be required to be constructed of stone or brick masonry.
- b. Neo Single Family Detached Houses: The percentage of neo single family detached house fronts required to be constructed of stone or brick masonry is at the discretion of the builders.
- c. Small Traditional Single Family Detached Houses: A minimum of 20 % of small traditional family detached house fronts shall be required to be constructed of stone or brick masonry. A maximum of 70 % of small traditional family detached house fronts shall be required to be constructed of stone or brick masonry.
- d. Large Traditional Single Family Detached Houses: A minimum of 50 % of large traditional family detached house fronts shall be required to be constructed of stone or brick masonry.
- e. 50% of Surface to be Masonry Front: 50% or more of the façade shall be surfaced with masonry to count as a masonry front.

- f. Requirement for Variety: Masonry front shall be varied in conformance with item 2 above.
- g. Masonry Sides: Masonry side elevations shall be required on the sides of lots as required by designation in lot exhibits.
- h. Painted Brick: Painted brick shall be permitted. Paint colors shall be permitted subject to review.
- i. Brick Return at Sides: Brick fronts shall return on side elevations 24". A wide vertical trim panel may be provided as an alternate to brick returns subject to review. The wood brick band shall be composed of a pair of vertical 5/4 x 6 boards separated by a 1 x 10 panel.

C. Individual House Lot Color and Material Approval

Color and material selections shall be submitted to the Clarksburg Village architect for review and approval on a house by house (lot by lot) basis.

D. Porches and Portico – Required Quantities

The requirements for houses provided with either a porch or portico is shown below.

1. Percentage of Houses required to be provided with either a porch or portico shall be:
 - a. Neo Townhouse: The percentage of neo townhouse fronts required to be constructed with a porch or portico is at the discretion of the builders.
 - b. Neo Single Family Detached Houses: A minimum of 70% of single family detached house fronts shall be required to be constructed with a porch or portico. A minimum of 33% of single family detached house fronts shall be required to be constructed with a porch.
 - c. Small Traditional Single Family Detached Houses: A minimum of 50 % of small traditional family detached house fronts shall be required to be constructed with a porch or portico.

- d. Large Traditional Single Family Detached Houses: The percentage of large traditional family detached house fronts required to be constructed with a porch or portico is at the discretion of the builders.

E. Porches

The requirements for porches are described below:

1. Dimensions: Porches shall meet the following dimensional requirements.
 - a. Minimum Width: Porches shall cover at least 50% of the width of the front of a house to be counted as a "Full" front porch.
 - b. Minimum Depth: Porches are preferred to be 8' deep to allow them to be useable. The minimum depth for porches shall be 6' deep.
2. Where Permitted: Porches are permitted on all house types.
3. Porch Rails: Porch rails shall comply with the following:
 - a. Porch Rail Profiles: Pickets shall be 5/4 x 5/4 square stock or equivalent. Porch cap rail shall be WM 8840 or equivalent. Alternate rails designs are subject to review by the Clarksburg Village Architect.
 - b. Porch Rails Material: Porch rails shall be constructed of wood. PVC rails of similar profiles may be permitted subject to review.
4. Columns: Columns on Porches shall comply with the following:
 - a. Order: Columns shall be of the Doric or Tuscan Order.

- b. Materials: Columns may be constructed of wood or fiberglass.
- c. Masonry Base: Porch columns shall be provided with masonry bases.
- d. Size: 12" diameter columns are preferred. Columns shall have a minimum diameter of 10". Columns on pedestals may be narrower, subject to review by the Clarksburg Village Architect. Paired columns may be narrower, subject to architectural review.
- e. Square Columns: Square columns will be permitted subject to architectural review

5. Porch Eave and Rake Details: Porch eave and rake details are subject to review.

6. Porch Roof: Porch roofs shall comply with the following.

- a. Painted Metal Porch Roofs: Porch roofs shall be painted metal for all house types except Large Traditional Houses may have porch roofs of asphalt shingles matching the main house roof.
- b. Roof with Balustrade: Roofs provided with an architectural balustrade may have a flat roof. The flat roof may be constructed of any material provided it is not visible from the street.

7. Porch Floors: Porch floors may be constructed from the following materials:

- a. Trex
- b. Pressure Treated Wood
- c. Flagstone
- d. Concrete for Neo Townhouse, Neo Single Family House, Small and Large Traditional House – provided the concrete is not visible from the street and has been detailed/installed to appear as if it were a brick masonry floor.
- e. Concrete on Vertical Surface – Not permitted exposed.

- f. Brick
- g. Tendura
- h. Evergrain Epochwood

8. Porch Crawlspace: The porch crawlspace (undercarriage) shall be detailed and constructed to appear as if it were enclosed. Porches will typically be enclosed with lattice. Wood lattice painted white and PVC lattice shall be permitted.

F. Architectural Frieze board / Cornice

Houses shall be provided with an architectural frieze board at the front elevation. The frieze board shall extend on side and rear elevations as appropriate. The frieze board shall be 12” in depth vertical minimum.

G. Leadwalks, Steps & Stoops

Leadwalks, steps and stoops shall be constructed of consistent materials. Stoop materials shall match watertable materials.

1. Brick Pavers: Brick pavers are permitted on all house types.
2. Flagstone: Flagstone pavers are permitted on all house types.
3. Flagstone Walks with Brick Cheek and Stoops: Flagstone walks shall be permitted with masonry cheek walls and masonry stoops.
4. Combinations: The following material / use combinations are permitted as noted below:

<u>Stoop/Porch/Portico</u>	<u>Steps</u>	<u>Leadwalk</u>
a. Brick	Brick	Brick
b. Brick	Brick	Flagstone
c. Brick	Flagstone	Flagstone
d. Stone	Stone	Stone
e. Stone	Stone	Brick

f. Stone	Brick	Brick
g. Wood	Wood	Brick
h. Wood	Wood	Flagstone
i. Wood	Flagstone	Flagstone

5. Concrete: Concrete is NOT permitted for the paving surface for any house type.

H. Rear Yard Decks

1. Permitted Locations: Permitted locations for rear yard decks are as follows:
 - a. Rear Yards: Decks are permitted in rear yards behind houses only. Decks shall not extend sideways beyond the side lines of the house as they are projected back toward the rear property line.
 - b. Side Yards: Decks are not permitted in side yards, except that side yard entry stoops are permitted provided they are not larger than 25 square feet in plan and project a minimum of 3' and a maximum of 4' from the side of a house. See section I below regarding side entry stoop requirements.
 - c. Front Yards: Decks are not permitted in front yards.

2. Permitted Materials: The following materials are permitted for use in decks.
 - a. Wood: Wood is permitted for use in decks. See notes below regarding handrails.
 - b. Composite Wood: Composite wood is permitted for use in decks. See notes below regarding handrails.
 - c. Vinyl: Vinyl is permitted for use in decks, provided it has a white finish. See notes below regarding handrails.
 - d. Aluminum, prefinished: Aluminum is permitted for use in deck rails, provided it has a white finish. See notes below regarding handrails.

3. Deck Rail: Deck rail shall be painted white or prefinished white in vinyl or aluminum.

4. Deck Bandboard: Deck bandboard shall be painted white or prefinished white in vinyl or aluminum.
5. Stair Stringers: Deck stair stringers shall be painted white or prefinished white in vinyl or aluminum.
6. Privacy Screen: Decks located at corner locations at end of side streets and adjacent alley entrances from the street in the case of neo townhouses shall have privacy screens toward the side street or alley. The privacy screen shall extend from above the rail to 5'-6" above the deck surface and be composed of lattice painted or finished white and shall include a cap and posts of similar construction to deck rail. See sample privacy screen.
7. Maximum Lot Coverage: Decks shall be limited by the following lot coverage restrictions:
 - a. Lot Restriction: Decks shall be limited such that they cover not greater than 10% of the lot area.
 - b. House Footprint Restriction: Decks shall be limited such that they cover not greater than 20% of the house footprint area. The footprint area includes porches and garages.
 - c. Maximum Depth: Decks attached to townhouses shall not be permitted to extend greater than 12' beyond the back of the townhouse.

I. Side Entry Stoop

1. Permitted Locations: Side entry stoops are permitted on the following house types as noted:
 - a. Neo Single Houses: Neo single houses are permitted to have side yard stoops.
 - b. Small Traditional Houses: Small traditional houses are permitted to have side yard stoops.
 - c. Large Traditional Houses: Large traditional houses are permitted to have side yard stoops.
 - d. Neo Townhouses: Neo townhouses are not permitted side yard stoops.

2. Permitted Size: The maximum area for side yard stoops is 25 square feet. Stoops shall project a maximum of 4’.
3. Permitted Materials: Permitted Materials: The following materials are permitted for use in decks.
 - a. Wood: Wood is permitted for use in decks. See notes below regarding handrails.
 - b. Composite Wood: Composite wood is permitted for use in decks. See notes below regarding handrails.
 - c. Vinyl: Vinyl is permitted for use in decks, provided it has a white finish. See notes below regarding handrails.
 - d. Aluminum, prefinished: Aluminum is permitted for use in decks, provided it has a white finish. See notes below regarding handrails.
 - e. Deck Rail: Deck rail shall be painted white or prefinished white in vinyl or aluminum.
 - f. Deck Bandboard: Deck bandboard shall be painted white or prefinished white in vinyl or aluminum.
 - g. Stair Stringers: Deck stair stringers shall be painted white or prefinished white in vinyl or aluminum.
4. Masonry Materials Shall Face Street Side: Masonry materials are required on sides of side yard stoops facing streets. These masonry materials shall match masonry on the house.
5. Roof: Roof enclosures are not permitted on side yard stoops.

J. Roof Materials

The following roof materials are permitted for use:

1. Slate: Natural slate is permitted as a roof material.
2. Cedar Shingles: Cedar shingles are not permitted as a roof material.

3. **Standing Seam/Painted Metal:** Standing seam and painted metal standing seam roofs are permitted as a roof material.
4. **Asphaltic Fiberglass Shingle:** Roof materials must be heavily textured architectural, dimensional fiberglass for asphalt shingles. The colors permitted shall be dark gray, charcoal, black, or a black blend. All asphalt shingle roofs shall be as described above and carry a 25-year warranty.
5. **Bay Window Roofs:** Bay window roofs shall have standing seam/painted metal roofs. The metal shall be finished to match porch or portico roof if standing seam/painted metal. If the house does not have standing seam/painted metal at the porch or portico the bay window shall have a standing seam/painted metal roof finished in black or dark bronze. Other finish colors are subject to review and approval.
6. **Roof Penetrations:** All roof penetrations shall be painted to match the roof finish. Every effort shall be made to keep penetrations behind the ridge of the roof, away from the street.
7. **Chimneys:** Chimneys shall have masonry faces when they are on a side facing a street. This requirement applies to chimneys facing a front or side street. Chimneys on houses on corner lots on the side street shall have masonry on all sides. Vinyl chimneys shall not be permitted to pass through the roofline. If a chimney passes through the roofline it shall be masonry on all sides.

K. Roof Architectural

1. **Roof Pitch:** Roof pitch shall be subject to the following requirements.
 - a. **Minimum Roof Pitch:** Minimum roof pitch shall be minimum 8/12 (rise of 8 in run of 12).
 - b. **Maximum Roof Pitch:** Maximum roof pitch shall be maximum of 14/12 (rise of 14 in a run of 12).
 - c. **Roof Height:** Roof height shall be subject to Montgomery County zoning requirements.

2. **Roof Overhang:** Roofs shall have the following minimum overhangs:
 - a. **Front Overhang:** Roof shall overhang at the front of the houses a minimum of 12” beyond the face of the building.
 - b. **Rear Overhang:** Roof shall overhang at the rear of the houses a minimum of 12” beyond the face of the building.
 - c. **Side Overhang:** Roof shall overhang at the side of the houses a minimum of 8” beyond the face of the building.

3. **Flat Roofs:** Flat roofs are permitted subject to review. Porticos with a flat roof may be permitted subject to review and provided it has an architecturally appropriate entablature and balustrade.

4. **Gable Configuration:** Gable roofs shall be configured as noted below:
 - a. **Neo Townhouse Gable Locations:** Neo townhouses may have a gable facing the street at ends of strips of townhouses. Gable configurations shall not be permitted in the middle of a strip. Gable configurations must be full width of the gable, but may be pulled in 12” at the ends of the unit to allow for drainage.
 - b. **Gable on Bay On Neo Townhouse:** Gables over bays on neo townhouses are permitted provided the width of the bay is less than 35% of the width of the townhouse.
 - c. **Neo Townhouse Gables:** Neo townhouse gables shall typically be located at the ends of strips, with the ridge parallel to the street, except as noted above.
 - d. **Gabled Neo Single, Small Traditional & Large Traditional Houses:** Gabled fronts and sides are permitted on neo single, small traditional and large traditional houses.

5. **Pedimented Gable Over Bays:** Pedimented gables are permitted over bays provided the width of the bay is less than 35% of the width of the townhouse.

6. **Variety of Roof Forms:** Variety of roofs on adjacent houses, houses on the opposite side of street is encouraged. Roof forms

on single family detached houses shall include gable front, shed front, hipped, etc.

7. Shingle Color: Shingle color shall be black as noted above. Please see above for shingle requirements.

L. Architectural Elements (not Located on a Porch)

Architectural elements are subject to architectural review. Elements shall be historically accurate, vertically proportioned and proportioned in accordance to the concepts contained in *The American Vignola, A Guide to the Making of Classical Architecture* by William R. Ware.

1. Columns
 - a. Columns shall be of the Doric or Tuscan Order.
 - b. 12" diameter columns are preferred. Columns shall have a minimum diameter of 10". Columns on pedestals may be narrower, subject to architectural review. Paired columns may be narrower, subject to architectural review.
 - c. Square columns will be permitted subject to architectural review
2. Pilasters
 - a. 12" wide pilasters are preferred. Narrower pilasters may be permitted subject to review.
 - b. Pilasters may be 9" wide on an 11" backer.
3. Porch Columns
 - a. Columns shall be of the Doric or Tuscan Order.
 - b. 12" diameter columns are preferred. Columns shall have a minimum diameter of 10". Columns on pedestals may be narrower, subject to architectural review. Paired columns may be narrower, subject to architectural review
 - c. Square columns will be permitted subject to architectural review
4. Piers Supporting Columns
 - a. Piers shall be wider than columns.

- b. Piers shall be architecturally proportioned.
5. **Materials**
Architectural elements may be constructed of the following materials. Please note excluded materials.
- a. Wood
 - b. Fypon
 - c. Azek
 - d. Synboard and other composite materials subject to approval.
 - e. PVC may NOT be used.
6. **Proportions of Elements, Windows and Openings**
Vertical proportions are required for windows openings and other elements. Windows and doors shall be taller than they are wide.
7. **Proportion of Columns, Pilasters, Entry features, Decorative Elements**
Proportions of columns, pilasters, entry features and other applied decorative elements shall follow the proportional systems described in *The American Vignola, A Guide to the Making of Classical Architecture*.
8. **Window Surrounds and Miscellaneous Details**
Proportions of columns, pilasters, entry features and other applied decorative elements shall follow the proportional systems described in *The American Vignola, A Guide to the Making of Classical Architecture*.
9. **Handrails**
- a. Handrails shall be provided if required by code.
 - b. Masonry Stoops and steps shall be provided with Iron or Powder Coated Aluminum rails. These rails shall be painted or finished black.
 - c. Painted wood rails are permitted on porches detailed of wood construction.

- d. Houses with a front Porch with masonry steps may have painted wood rails to match wood porch rails in lieu of a painted metal rail.
- e. A handrail may be constructed of PVC materials designed as a traditional rail subject to review and approval.

M. Window Trim

1. **Minimum Size:** Window trim shall be 5/4 x 4 as a minimum. Larger profiles are acceptable and encouraged provided they are appropriate to the façade to which they are attached. Decorative head mouldings are encouraged to complement the façade design.
2. **Required Locations:** Trim is required on all windows. Trim is required on windows on front, side and rear facades.
3. **Windows with Shutters:** Windows with installed shutters may omit 5/4 x 4 jamb casing (jamb casing not required to be installed under shutter). Head trim (casing or feature) and sill trim shall extend above and below shutter as if 5/4 x 4 jamb casing was installed.

N. Cornerboards

1. **Minimum Size:** Cornerboard trim shall be 5/4 x 6 as a minimum.
2. **Required Locations:** Cornerboard trim is required on all corners.
3. **Inside Cornerboards:** Inside cornerboards shall be 5/4 x 5/4.
4. **Townhouse Cornerboards:** Townhouses shall have 5/4 x 6 cornerboards between house lots. Cornerboards shall be provided regardless if there is a plane change.

O. Doors & Windows

1. Door Materials: The following door materials are acceptable:
 - a. Wood: Wood doors are permitted.
 - b. Metal: Metal doors embossed to appear as if they were constructed as a panelized door are permitted.
 - c. Fiberglass: Fiberglass doors embossed to appear as if they were constructed as a panelized door are permitted.
 - d. Storm Doors: Full lite storm doors are permitted. (Full lite without dividing lite muntins). The color of the storm door shall be consistent (the same) with either the house trim color or the front door color

2. Window Materials & Other Window Requirements: The following window materials are acceptable. The following window requirements are applicable.
 - a. Wood: Wood windows are permitted
 - b. Vinyl: Vinyl windows are permitted
 - c. Divided Lite: All windows shall have divided lites. Divided lite Configurations shall be:
 - i. 2/2
 - ii. 3/3
 - iii. 4/4
 - iv. 6/6
 - v. 9/9
 - vi. 9/1
 - vii. 6/1
 - viii. 4/1
 - ix. 3/1,
 - x. 2/1.

 - d. Window Proportions: The following window proportions are permitted:
 - i. Square is permitted
 - ii. Rectangular is permitted provide the proportions of the lites is oriented to the vertical.
 - iii. Vertical: All windows must be vertical in orientation.

- iv. **Decorative:** Decorative windows are permitted subject to architectural review.
 - e. **Muntins:** Muntins shall be True Divided Lite (TDL) or Simulated True Divided Lite (STDL). Muntin grilles shall be permitted between glass (GBG). The minimum width of muntins (grille) shall be 5/8".
 - f. **Shutters Shall Be Architecturally Correct:** Shutters shall be architecturally correct if used. Shutters shall be sized to appear to cover the window when closed. Shutters shall be installed to cover (over) the jamb trim. Shutters shall be installed with shutter dogs. Houses located on corner lots shall have shutters installed on side street elevations to match shutters installed on street front elevations.
 - g. **Minimum Quantity of Windows Required on Side Elevation:** Two windows, at a minimum, are required on all side elevations. Elevations in specific key location may be required to have additional windows.
 - h. **Minimum Quantity of Windows Required on Side Elevation on a Corner Lot.** Two windows, at a minimum, are required on all side elevations. Elevations in specific key location may be required to have additional windows.
 - i. **Maximum % of Front Elevation Permitted to be Fenestrated:** No more than 20% of the street front elevation may be permitted to be glazed.
3. **Skylights:** Skylights are permitted subject to the following requirements:
- a. **Located Behind Ridge:** Skylights shall be permitted behind ridge, on the backs of houses, not visible from the street.
 - b. **Skylight Color:** Skylight frame colors shall match roof color.
4. **Garage Doors:** Garage Doors shall be subject to the following requirements:
- a. **Garage Doors Facing Streets:** Garage doors are permitted on front street sides of houses as described below:

- i. Neo Townhouses: Neo townhouses are not permitted to have garage doors facing front street.
 - ii. Neo Single Family Detached Houses: Neo single family detached houses are not permitted to have garage doors facing front street. Garage doors may be installed on side street elevations.
 - iii. Small Traditional Houses: Small traditional lots may have a maximum of 50% of lots that have garages that project beyond the primary building front of the houses.
 - iv. Large Traditional Lots: Large traditional single family house lots are encouraged to have the garage front face setback 4' behind primary building front face away from street or to screen garage with arcade if the garage is located on the street front.
- b. Double Wide Garage Doors are permitted provided they conform to the following location requirements:
- i. Neo Townhouses and Neo Single Family Detached Houses are permitted to have double wide garage doors in the rear only.
 - ii. Small Traditional and Large Traditional Single Family Houses are permitted to have double wide garage doors in the rear. Double wide garage doors installed on the street front are permitted in exceptional circumstances, subject to review by the Clarksburg Village Architect. See items iii, v and vi below.
 - iii. Large traditional lots are encouraged to have individual garage doors (every reasonable effort shall be made).
 - iv. Large traditional lots with side load garages shall have individual garage doors.
 - v. Small traditional lots are encouraged to have individual garage doors (every reasonable effort shall be made).
 - vi. Small traditional lots with garages set back 10' or more from the front façade of a house may have double wide garage doors 16' wide not greater than

8' high. Doors shall have windows and or architectural detail

- c. Single Wide Doors: Single wide garage doors shall be typically be 8' wide maximum and 8' tall maximum.
- d. Materials: The following materials are permitted as noted below:
 - i. Wood: Wood is permitted for use in garage doors.
 - ii. Vinyl: Vinyl garage doors are permitted subject to architectural review for shadow lines.
 - iii. Steel: Steel garage doors are permitted subject to architectural review for shadow lines.
 - iv. Aluminum: Aluminum garage doors are permitted subject to architectural review for shadow lines.
 - v. Fiberglass: Fiberglass garage doors are permitted subject to architectural review for shadow lines.

P. Driveways

- 1. Materials: The following driveway materials are permitted:
 - a. Asphalt: Asphalt driveways are permitted
 - b. Concrete: Concrete driveways are permitted
 - c. Architectural Pavers: Architectural pavers are permitted for driveways subject to review.

Q. Signage: Signage is not permitted unless permitted by Montgomery County sign ordinance. All signage shall be subject to review by the Clarksburg Village HOA.

R. Screening of Miscellaneous Items

Various miscellaneous fixtures and items are subject to screening requirements. Screen walls and landscaping may be used to provide screening.

- 1. Mechanical Equipment Fixtures, etc.: Landscape screening shall be required if visible from a street.

2. Utility Pedestals, Telephone Pedestals, CATV Pedestals, Transformers, Etc.: Landscape screening shall be required if visible from a street

S. House Lighting

Every house shall be provided with a house mounted light fixture on the street side of the house at the entry to the house and alley side (if the house has access from the alley). The lighting is subject to the following requirements:

1. Street Side Light Fixture: The house light fixture must be of an appropriate scale and size to the house façade and its elemental parts.
2. Alley Lighting: One light fixture per garage shall be provided (one light fixture shall be acceptable for double garages). The light shall be unswitched and on a photocell switch to provide illumination during the evening hours and other periods of darkness.

T. Areaway & Walkout Stairs:

Should a house be provided with an areaway or walkout stair the areaway and or walkout stair shall be subject to the following requirements:

1. Location: The areaway and walkout stair may be located in the rear yard only.
2. Orientation: The areaway and walkout stair if provided are preferred to be install perpendicular to the rear of the house.

U. Swimming Pools

Swimming Pools shall be permitted subject to the requirements of the HOA documents.

V. Statuary / Bird Baths

Statuary and Bird Baths shall be permitted subject to the requirements of the HOA documents.

W. Animal Enclosures/ Dog Runs

Animal Enclosures and dog runs shall be permitted subject to the requirements of the HOA documents.

X. Mailboxes / Gangboxes

1. Neo Townhouses shall be provided with mail service via gangboxes.
2. Neo Houses, Small Traditional and Large Traditional houses shall be provided with a "XXX" mailbox and mailbox post installed at the sidewalk of the house.

Y. Landscaping

Landscaping shall be provided in accordance with MNCPPC requirements as shown in the landscape plan and subject to the following requirements.

1. Plants: All plants are subject to review and approval by the Clarksburg Village Architect.
2. Minimum Plant Quantity: Landscape planting plans shall be reviewed for quantity of plants and trees. Landscaping of side of lot on corner lot houses shall match scope
3. Planting At Side of Lot: Landscaping of street side of lot on corner lot houses shall match scope planting for front street side.
4. Landscape Lighting: Landscape lighting is not permitted.

5. Tree Size at Planting: Trees shall be 8' - 10' tall at time of planting.
6. Foundation Shrub Size at Planting: Foundation shrubs shall be 24" - 30" tall at time of planting.
7. Feature Shrub Size at Planting: Feature shrubs shall be 30" - 36" tall at time of planting.

**CLARKSBURG VILLAGE
SECOND AMENDMENT EXHIBIT G
Sample - For Discussion Purposes Only**

<u>Lot</u>	<u>Type</u>	<u>Improvements</u>	<u>Max Height</u>	<u>Builder</u>	<u>Street Address</u>
6/G	40' SFD (NEO)	O,T,V	35'	Ryan	23332 Robin Song Drive
38/G (10/G)	50' SFD (NEO)	O,T,V,Z,a	35'	Ryan	?
39/G (12/G)	50' SFD (NEO)	B,C,G,L,O,S,T,V	35'	Craftmark	?
40/G (21/G)	40' SFA (NEO)	G,O,T,V	35'	Ryan	12623 Granite Rock Road
41/G (22/G)	40' SFA (NEO)	O,T,V	35'	Ryan	12625 Granite Rock Road
42/G (27/G)	50' SFD (NEO)	O,T,V,Z,a	35'	Ryan	?
43/G (29/G)	50' SFD (NEO)	O,T,V,Z,a	35'	Ryan	23322 Robin Song Drive
44/G (30/G)	50' SFD (NEO)	B,C,G,M,O,S,T,V,e	35'	Ryan	23309 Bent Arrow Drive
45/G (31/G)	50' SFD (NEO)	O,T,V	35'	Ryan	?
46/G (32/G)	50' SFD (NEO)	O,T,V	35'	Ryan	?
47/G (34/G)	50' SFD (NEO)	O,T,V	35'	Ryan	?
48/G (35/G)	50' SFD (NEO)	O,T,V	35'	Ryan	?
49/G (36/G)	50' SFD (NEO)	O,T,V	35'	Craftmark	?
16/H (6/H)	40' SFD (NEO)	B,L,O,T,V,e	35'	Ryan	?
17/H (7/H)	50' SFD (NEO)	O,T,V	35'	Ryan	?
18/H (8/H)	50' SFD (NEO)	O,T,V	35'	Craftmark	?
30/K (11/K)	40' SFA (NEO)	G,O,T,V	35'	Ryan	12634 Granite Rock Road
31/K (12/K)	40' SFA (NEO)	G,O,T,V	35'	Ryan	12632 Granite Rock Road
32/K (13/K)	50' SFD (NEO)	B,L,O,S,T,V	35'	Craftmark	12630 Granite Rock Road
31/L (11/L)	50' SFD (NEO)	O,T,V	35'	Ryan	12626 Granite Rock Road
32/L (12/L)	40' SFD (NEO)	O,T,V	35'	Ryan	12624 Granite Rock Road
33/L (13/L)	40' SFD (NEO)	O,T,V	35'	Ryan	12622 Granite Rock Road
34/L (14/L)	40' SFD (NEO)	M,O,S,T,V,e	35'	Michael Harris	12620 Granite Rock Road
2/M	40' SFD (NEO)	O,T,V,Z	35'	Michael Harris	12616 Granite Rock Road
25/M	40' SFD (NEO)	N,O,T,V,Z,a,e	35'	Michael Harris	12517 Blue Sky Drive
49/M	40' SFD (NEO)	N,O,T,V,Z,a,e	35'	Michael Harris	12545 Blue Sky Drive
50/M	40' SFD (NEO)	O,T,V,Z,a	35'	Michael Harris	12547 Blue Sky Drive
51/M	40' SFD (NEO)	O,T,V,Z,a	35'	Michael Harris	12549 Blue Sky Drive
52/M	40' SFD (NEO)	N,O,T,V,Z,a,e	35'	Michael Harris	12551 Blue Sky Drive
5/P	Small SFD	P,T,V	35'	Ryan	23005 Turtle Rock Terrace
6/P	Small SFD	P,T,V	35'	Ryan	23007 Turtle Rock Terrace
7/P	Small SFD	P,T,V	35'	Ryan	23009 Turtle Rock Terrace
8/P	Small SFD	P,T,V	35'	Ryan	23011 Turtle Rock Terrace
9/P	Small SFD	P,T,V	35'	Winchester	23013 Turtle Rock Terrace
10/P	Small SFD	P,T,V	35'	Winchester	23015 Turtle Rock Terrace
11/P	Small SFD	P,T,V	35'	Ryan	23017 Turtle Rock Terrace
12/P	Small SFD	N,O,P,V,T,e	35'	Ryan	23019 Turtle Rock Terrace
13/P	40' SFD (NEO)	C,G,H,S,T,V,e,m	35'	Ryan	23021 Turtle Rock Terrace
18/P	40' SFD (NEO)	C,G,H,Q,T,V,e	35'	Ryan	?
19/P	40' SFD (NEO)	C,G,H,Q,T,V,e	35'	Ryan	?
24/P	40' SFD (NEO)	C,G,N,O,T,V,e	35'	Ryan	23043 Turtle Rock Terrace
25/P	50' SFD (NEO)	C,G,H,S,T,V,e,m	35'	Ryan	23045 Turtle Rock Terrace
28/P	40' SFD (NEO)	C,G,H,S,T,V,e,m	35'	Ryan	?
29/P	40' SFD (NEO)	C,G,H,S,T,V,e,m	35'	Ryan	?
38/P (30/P)	40' SFD (NEO)	C,G,H,S,T,V,e,m	35'	Ryan	?
39/P (31/P)	40' SFD (NEO)	C,G,H,S,T,V,e,m	35'	Ryan	?

**CLARKSBURG VILLAGE
SECOND AMENDMENT EXHIBIT G
Sample - For Discussion Purposes Only**

<u>Lot</u>	<u>Type</u>	<u>Improvements</u>	<u>Max Height</u>	<u>Builder</u>	<u>Street Address</u>
25/Q	Large SFD	S,T,V,d,e	35'	Winchester	12501 Flint Tavern Terrace
26/Q	Large SFD	+R,T,V,d	35'	Winchester	12503 Flint Tavern Terrace
27/Q	Large SFD	+R,T,V,d	35'	Winchester	12505 Flint Tavern Terrace
28/Q	Large SFD	+R,T,V,d	35'	Winchester	12507 Flint Tavern Terrace
29/Q	Large SFD	+R,T,V,d	35'	Winchester	12509 Flint Tavern Terrace
30/Q	Large SFD	+R,T,V,d	35'	Winchester	12511 Flint Tavern Terrace
31/Q	Large SFD	+Q,R,T,V,d,e	35'	Winchester	12513 Flint Tavern Terrace
23/R	Large SFD	+R,T,V,X,d,n	35'	Winchester	12432 Foreman Boulevard
24/R	Large SFD	+R,T,V,X,d,n	35'	Winchester	12434 Foreman Boulevard
79/U	Small SFD	T,V	35'	Ryan	23048 Turtle Rock Terrace
80/U	Small SFD	T,V	35'	Ryan	23046 Turtle Rock Terrace
81/U	Small SFD	T,V	35'	Ryan	23044 Turtle Rock Terrace
82/U	Small SFD	T,V	35'	Ryan	23042 Turtle Rock Terrace
83/U	Small SFD	R,T,V	35'	Ryan	23040 Turtle Rock Terrace
84/U	Small SFD	R,T,V	35'	Ryan	23038 Turtle Rock Terrace
85/U	Small SFD	+B,R,T,V,e	35'	Ryan	23036 Turtle Rock Terrace
86/U	Small SFD	+B,R,T,V,e,n	35'	Ryan	23024 Turtle Rock Terrace
87/U	Small SFD	+B,R,T,V,e,n	35'	Ryan	23022 Turtle Rock Terrace
88/U	Small SFD	+B,R,T,V,e,n	35'	Winchester	23020 Turtle Rock Terrace
89/U	Small SFD	+B,R,T,V,e,n	35'	Winchester	23018 Turtle Rock Terrace
90/U	Small SFD	+B,R,T,V,e,n	35'	Ryan	23016 Turtle Rock Terrace
91/U	Small SFD	+B,R,T,V,e,n	35'	Ryan	23014 Turtle Rock Terrace
92/U	Small SFD	+B,R,T,V,e,n	35'	Ryan	23012 Turtle Rock Terrace
93/U	Small SFD	+B,R,T,V,e,n	35'	Winchester	23010 Turtle Rock Terrace
94/U	Small SFD	+B,R,T,V,e,n	35'	Winchester	23008 Turtle Rock Terrace
95/U	Small SFD	+B,R,T,V,e,n	35'	Winchester	23006 Turtle Rock Terrace
96/U	Small SFD	+B,R,T,V,e,n	35'	Ryan	23004 Turtle Rock Terrace

**RESIDENTIAL DEVELOPMENT PROGRAM
RECREATIONAL FACILITIES**

Site Plan Name: Clarksburg Village Phase 2

**THE RECREATIONAL FACILITIES OF THESE UNFINISHED BLOCKS WILL BE
DEVELOPED AS SET FORTH IN THIS DEVELOPMENT PHASING PLAN**

Blocks	Total Number of Lots/Units	Rec Facilities Must Be Completed Prior to the Release of this Building Permit for these Blocks	Recreational Facility Type	Recreational Facilities
W (Multi-Family Rentals Only)	300	231	Local (Rental Community Only)	<ul style="list-style-type: none"> • Pool Facility • Clubhouse • Multi-Age Play Area • Open Play II • 2 Seating Areas
X, W (For Sale Units)	97	68	Local	<ul style="list-style-type: none"> • Seating Area
Y, Z	43	30	Local	<ul style="list-style-type: none"> • 4 Seating Areas
AA, BB, CC, DD	30	21	Local	<ul style="list-style-type: none"> • 2 Seating Areas
EE, FF, JJ, KK (Lots 117-129)	94	66	Local	<ul style="list-style-type: none"> • 1 Picnic Area • 2 Seating Areas • Open Play II
GG, II, KK (Lots 95-116)	72	51	Local	<ul style="list-style-type: none"> • 3 Seating Areas
HH, KK (Lots 86-94), LL	118	83	Local	<ul style="list-style-type: none"> • 2 Seating Areas
KK (1-85)	135	95	Local	<ul style="list-style-type: none"> • 2 Tot Lots • Open Play II • 6 Seating Areas

**RESIDENTIAL DEVELOPMENT PROGRAM
RECREATIONAL FACILITIES**

Blocks	Total Number of Lots/Units	Rec Facilities Must Be Completed Prior to the Release of this Building Permit for these Blocks	Recreational Facility Type	Recreational Facilities
KK (Lots 132-140), BBB (Lots 14-91), CCC, ZZ	138	97	Local	<ul style="list-style-type: none"> • Open Play – Type II
			Community Wide	<ul style="list-style-type: none"> • Jean Ounfry Local Park – Grading and Seeding
XX, AAA	97	68	Local	<ul style="list-style-type: none"> • 5 Seating Areas • Open Play II
			Community Wide	<ul style="list-style-type: none"> • Multi-age Play • Open Play I
WW	50	35	Local	<ul style="list-style-type: none"> • Open Play II • 2 Seating Areas
YY (Lots 1-9, 33-40), BBB (Lots 1-13)	30	21	Local	<ul style="list-style-type: none"> • 2 Seating Areas
YY (Lots 12-32)	23	16	Local	<ul style="list-style-type: none"> • 1 Seating Area
SS (Lots 1 – 21)	21	15	Community Wide	<ul style="list-style-type: none"> • Swimming Pools • Community Center
TT (Lots 1-24), UU, VV	53	38	Local	<ul style="list-style-type: none"> • 4 Seating Areas • Open Play II
TT (Lots 25-67)	43	31	Local	<ul style="list-style-type: none"> • 3 Seating Areas • Open Play I
NN	61	43	Local	<ul style="list-style-type: none"> • 3 Seating Areas • Open Play I • Multi-age Play
OO	108	76	Local	<ul style="list-style-type: none"> • 6 Seating Areas • 2 Open Play II • Open Play I • Tot Lot

**RESIDENTIAL DEVELOPMENT PROGRAM
RECREATIONAL FACILITIES**

Blocks	Total Number of Lots/Units	Rec Facilities Must Be Completed Prior to the Release of this Building Permit for these Blocks	Recreational Facility Type	Recreational Facilities
PP, QQ,	29	21	Local	<ul style="list-style-type: none"> • 2 Seating Areas • Open Play I
RR, SS (Lots 22 – 42)	87	61	Local	<ul style="list-style-type: none"> • 2 Seating Area • Tot Lot
			Community Wide	<ul style="list-style-type: none"> • Natural Surface Trail

Kronenberg, Robert

From: Prophet, Duane
Sent: Monday, January 05, 2009 9:00 AM
To: Kronenberg, Robert
Cc: Cary, Steve
Subject: Hansen Notification – Assign Reviewer

Importance: High

Hansen created a staff review for the below referenced applications and the reviewer is not assigned. Please open these applications, locate the review for your section and assign the staff person responsible for this review. Thanks

Application:

820060130 - PRE-DRSP
120080240 - PRE-DRSP
120080230 - PRE-DRSP
82004029A - POST-DRSP
82003033A - POST-DRSP
82005003A - PRE-DRSP
82005024C - POST-DRSP
11999100A - PRE-DRSP
120080250 - PRE-DRSP
82001010D - PRE-DRSP
120080270 - PRE-DRSP
820080020 - POST-DRSP
82003029A - PRE-DRSP
82000006B - PRE-DRSP
120080260 - PRE-DRSP
120080280 - PRE-DRSP
82001010C - PRE-DRSP
820080120 - POST-DRSP
120080340 - PRE-DRSP
120080390 - PRE-DRSP
820070050 - POST-DRSP
120080370 - PRE-DRSP
820070130 - POST-DRSP
81988032A - PRE-DRSP
82000017C - POST-DRSP
82004011A - PRE-DRSP
820060110 - POST-DRSP
82004015C - POST-DRSP
82005022A - PRE-DRSP
120080430 - PRE-DRSP
82003032B - POST-DRSP
720080240 - PRE-DRSP
720080250 - PRE-DRSP
720080190 - PRE-DRSP
820060240 - PRE-DRSP
820060180 - PRE-DRSP
820050370 - PRE-DRSP
820050330 - PRE-DRSP

820050300 - PRE-DRSP
820050150 - POST-DRSP
82006007A - PRE-DRSP
720080270 - PRE-DRSP
81975016A - POST-DRSP
820030030 - PRE-DRSP
820030030 - POST-DRSP
82007001A - PRE-DRSP
81989049G - POST-DRSP
81987011D - POST-DRSP
820070140 - PRE-DRSP
81988066A - POST-DRSP
120080400 - PRE-DRSP
120080420 - PRE-DRSP
81974005C - PRE-DRSP
120090020 - PRE-DRSP
81973005A - PRE-DRSP
720090010 - PRE-DRSP
11998092B - PRE-DRSP
720080160 - PRE-DRSP
720080140 - PRE-DRSP
82002031B - POST-DRSP
720080150 - PRE-DRSP
720080200 - PRE-DRSP
720080210 - PRE-DRSP
12002056A - PRE-DRSP
120090060 - PRE-DRSP
820090050 - PRE-DRSP
820080060 - POST-DRSP
820080170 - POST-DRSP
81999024E - PRE-DRSP
720090020 - PRE-DRSP
11999043C - PRE-DRSP
82004015B - POST-DRSP
82005040A - POST-DRSP
82005009B - POST-DRSP
82005016B - POST-DRSP
720090030 - PRE-DRSP
92005002A - PRE-DRSP
920070010 - PRE-DRSP
92007004A - PRE-DRSP
120090040 - PRE-DRSP
820090080 - PRE-DRSP
82006002A - PRE-DRSP
82004022C - PRE-DRSP
81984118A - PRE-DRSP
92007007A - PRE-DRSP
82006012A - PRE-DRSP
120090050 - PRE-DRSP
120090130 - PRE-DRSP
120090150 - PRE-DRSP
120090170 - PRE-DRSP

120090110 - PRE-DRSP
120090100 - PRE-DRSP
820090070 - PRE-DRSP
S2737 - PRE-DRSP
S2735 - PRE-DRSP
S2740 - PRE-DRSP
S2743 - PRE-DRSP
S2742 - PRE-DRSP
S2744 - PRE-DRSP
S2741 - PRE-DRSP
S2738 - PRE-DRSP
S2734 - PRE-DRSP
S2739 - PRE-DRSP

Appendix G: Community Correspondence

Handwritten initials

January 15, 2009

Charles and Margaret Clinton
12622 Blue Sky Drive
Clarksburg, MD 20871
(301) 916-9303
margieclinton@yahoo.com
charlesclinton2003@yahoo.com

Montgomery County Planning Board
8787 Georgia Avenue
Sliver Spring, MD 20910

Dear Planning Board:

As residents of Clarksburg Village, we would like to voice our support for approval of the second phase of Clarksburg Village. We have been residents of Clarksburg since 2002 and moved to Clarksburg Village in the spring of 2008. We are very pleased with our new neighborhood and we very much look forward to the completion of the remaining phases. Specifically, we feel that phase two will enhance the existing neighborhood by completing key portions of the road network and the greenway trail system. It will also provide the infrastructure for the greatly anticipated retail areas of our neighborhood. In closing, we feel the forward progress of construction in Clarksburg Village will be a very positive move towards completion of the neighborhood and ask that the planning board approve phase two of Clarksburg Village.

Please feel free to contact us with any additional questions.

Sincerely,

Charles Clinton
Margaret Clinton

Charles and Margaret Clinton

