

ATTACHMENT A

Development Plan Resolution dated September 9, 2003

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

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

By: County Council

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

OPINION

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Master Plan objectives for the Cabin Branch Neighborhood are outlined below.

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

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

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

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

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

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

Tables from Page 18 of HE Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ACTION

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

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

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

This is a correct copy of Council action.

Mary A. Edgar

Mary A. Edgar, CMC
Clerk of the Council



ATTACHMENT B

Preliminary Plan Opinion dated June 22, 2004

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: June 22, 2004
Action: Approved Staff Recommendation
Motion of Comm. Wellington, seconded by
Comm. Bryant with a vote of 4-0;
Comms. Berlage, Bryant, Robinson and
Wellington voting in favor; Comm. Perdue
absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION



Preliminary Plan 1-03110A
NAME OF PLAN: CABIN BRANCH

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

Approval of Phase I, Subject to the Following Conditions:

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

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

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

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

- Location and types of stormwater management facilities for quality and quantity controls that comply with the MCDPS - Preliminary Water Quality Plan including appropriate geotechnical studies
 - Location of major onsite water and sewer lines
 - Details of grading including location and typical structural detail of retaining walls
 - School sites and Park sites
 - Recreational guideline concept plan
 - Proposed schedule for clearing and grading of site →
- 22) At least sixty (60) days prior to submission of a complete Site Plan application the applicant shall submit a "Infrastructure - Roads only Site Plan" for Planning Board Review. This plan shall include:
- Final widths of all public and private right-of-ways
 - Cross sections of all roads
 - Median breaks
 - Intersection spacing
 - Any special features to be allowed in public right-of-ways
- 23) Access and improvements along Clarksburg Road (MD 121) and I-270 as required by the State Highway Administration.
- 24) No clearing, grading or recording of plats prior to site plan signature set approval.
- 25) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 26) No encroachment into stream buffers for stormwater management or sediment control facilities, except for necessary outfalls and temporary sediment control facilities in unforested buffers, without prior approval by the Planning Board.
- 27) Applicant to work with MNCPPC staff before individual Site Plan approvals to reduce onsite cut and fill from that shown on the preliminary plan, and minimize the height of retaining walls wherever possible.
- 28) Maintenance of common open space facilities, including retaining walls and historic structure to be addressed prior to approval of any and all subsequent Site Plan approvals.
- 29) A landscape and lighting plan must be submitted as part of the Site Plan application for review and approval by technical staff.
- 30) Phase I of the Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion. Record plats may be recorded in phases based upon the following schedule:
- Stage I (expires 37 months from the date of mailing of the Planning Board Opinion): 420 dwelling units, 125 senior housing units and 380,000 square feet commercial.
 - Stage II (expires 73 months from the date of mailing of the Planning Board Opinion): 404 dwelling units, 250 senior housing units and 380,000 square feet commercial.
 - Stage III (expires 109 months from the date of mailing of the Planning Board Opinion): 388 dwelling units, 125 senior housing units and 380,000 square feet commercial.
 - Stage IV (expires 145 months from the date of mailing of the Planning Board Opinion): all remaining development.
- Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for extension must be filed.
- 31) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion. 12 YEARS
- 32) Other necessary easements shall be shown on the record plats. ↳ 2016

ATTACHMENT C

Letter from Rick Brush to Irene Carrato dated February 22, 2007

FEB. 23. 2007 5:01PM
Feb 23 07 10:48a

DPS LAND DEV. DIVISION

240-777-6256 NO. 137 P.3/8 p.2



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

February 22, 2007

Reginald Jetter
Acting DirectorMs. Irene Carrato
Loiederman Soltesz Associates, Inc.
1390 Piccard Drive, Suite 100
Rockville, Maryland 20850Re: Final Water Quality Plan and Stormwater
Management Concept for Cabin Branch
Infrastructure
SM File #: 207133
Tract Size/Zone: 535.4 Ac/MXPD, RMX-1/TDR
Tax Plate: EV 32
Parcels: P505, P888, P333, P150 and P900
Montg. Co. Grid: 9B8,7 and 8
Watershed: Little Seneca Creek/Cabin Branch

SPECIAL PROTECTION AREA

Dear Ms. Carrato:

Based on a review by the Department of Permitting Services, the Final Water Quality Plan (FWQP) and the stormwater management concept 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. This approval is based on geotechnical assumptions that will require additional study and testing prior to the approval of subsequent internal Final Water Quality Plan submittals to assure that the required recharge can be provided.

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

Stormwater Management: Channel protection measures for this site will be provided via thirteen extended detention dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment train that consists of recharge structures, surface sand filters in series, structural water quality inlets (both filtering and flow through) and vegetated buffer filtering. Since open section roads will not be feasible for the majority of the site, additional water quality volume will be provided in the proposed end of outfall large surface sand filters. This will be done by sizing these structures to treat the entire drainage area regardless of the upland area that is already providing full treatment. Areas that are intended for vehicular use are to be pretreated prior to entering any water quality filtering structures. Recharge is to be provided below the outlet pipe of all of the proposed (non-structural) water quality structures.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850-4166 • 240/777-6300, 240/777-6256 TTY

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DPS LAND DEV. DIVISION

240-777-6NO.137

P.4/8 p.3

Irene Carrato
February 22, 2007
Page 2

Sediment Control: Redundant sediment control structures are to be used throughout the site. The use of sediment traps with forebays will be acceptable. The total storage volume is to be 125% to 150% of the normally required volume.

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

1. The earth dikes that 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 will be addressed in the subsequent Internal Final Water Quality Plans or the detailed sediment control/stormwater management infrastructure plan if that construction proceeds ahead of the internal Final Water Quality Plans.
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 still applicable. They are as follows:

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

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

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DPS LAND DEV. DIVISION

240-777-8 NO. 137 P.5/8 P.4

Irene Carrato
February 22, 2007
Page 3

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

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. All of the conditions not addressed from previous approvals are still applicable. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Provide clear access to all stormwater management structures from a public right-of-way. It's still unclear how ponds #11 and #13 will be accessed. 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 geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at the proposed locations. It is likely that groundwater will be encountered below some of the end of line sand filters. In this case additional upland recharge areas will be required. This may affect lot yield. Note that extra recharge volume was required in the Preliminary Water Quality Plan approval (150% of MDE requirement) due to the lack of open section roads and the deep cuts and fills that are proposed.
3. The end of line water quality cells are to be as evenly sized as possible. The upper cell for Pond #15 appears to be much smaller than the lower cell.
4. Curb openings with aprons need to be provided at all curbed areas for pond maintenance access. Also, full depth paving of sidewalks and bike paths is required where the stormwater management access easement crosses or uses the bike path/sidewalk for maintenance access.
5. Pond drains will be required for all of the Cpv structures due to the pond depth over the relatively small control orifice.
6. Formal dam breach studies must be submitted for ponds #1, #2 and #9. It appears that the existing culverts in West Old Baltimore Road will have to be replaced prior to Pond construction.
7. The water quality structures along West Old Baltimore Road that don't drain to a Cpv structure must be sized to treat and control the one year storm.
8. 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.
9. Due to the large cut/fill areas, provide loggers on each of the four required groundwater monitoring wells to provide a continuous record of groundwater elevations.
10. The interim water quality structures must have safe conveyance to the proposed Cpv structures. This may require additional storm drain.
11. The untreated drainage areas to the proposed end of line surface sand filters must not exceed ten acres. The storage depth over surface sand filters is not to exceed two feet without hazard signage or four feet with hazard signage. The drainage area for the underground water quality structures is to be limited to two acres.

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DPS LAND DEV. DIVISION

240-777-6NO. 137

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Irene Carrato
February 22, 2007
Page 4

12. 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.
13. 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.
14. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
15. 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.

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 Galenko at (240) 777-5242.

Sincerely,



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

RRB:dpm:CN207133

cc: D. Janousek (MNCPPC-DR)
M. Pfeffert (MNCPPC-ED)
M. Sommerfield (MCDEP)
L. Galenko
SM File # 207133

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

FEB. 23. 2007 5:02PM
Feb 23 07 10:48a

DPS LAND DEV. DIVISION

240-777-6000 NO. 137

P. 7/8 p. 6



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County ExecutiveFariba Kassiri
Acting Director

MEMORANDUM

February 21, 2007

TO: Richard Brush, Manager
Sediment and Stormwater Plan Review, Department of Permitting Services

FROM: Daniel Harper, Manager *DZ/H*
Watershed Restoration Program, Department of Environmental Protection.

SUBJECT: Cabin Branch Water Quality Plan

The placement of underground stormwater management (SWM) facilities within the public right-of-way for the Cabin Branch project and the placement of street trees near or on top of the stormwater management facilities is acceptable if the following conditions are met:

1. Manholes for underground SWM facilities to be maintained from the roadway must be located within twenty (20) feet perpendicularly to a roadway. Structures not meeting this requirement must be located out of the right-of-way and be located within twelve (12) feet of a pull off access or twenty (20) feet of a parallel access road. Access routes to structures outside of the right-of-way must be capable of supporting a minimum load of 65,000 pounds.
2. Trees shall be spaced so that there is twenty (20) feet clear as measured from the street tree trunk to the stormwater facility manhole rim provided on the left side of the manhole. No street tree trunk shall be located closer than ten (10) feet to the outside edge of a manhole rim.
3. Root direction material/ barrier fabric shall be installed around SWM device gaskets and joints to prevent root penetration into the SWM facilities.
4. Tree limbs are to allow for a twenty (20) foot horizontal radial swing by the boom trucks from the truck mid-point to access the manholes. The truck boom only swings from the front of the truck to the right side of the vehicle. There shall be a twelve (12) foot clear vertical distance between grade and the nearest tree limb.
5. The Maryland National Capital Park and Planning Commission is requiring that the tree species selected shall be of a major type. In addition, the selected trees shall have a shallow root system or short tap root as to not interfere with the SWM device. DEP's

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DPS LAND DEV. DIVISION

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Richard Brush
February 21, 2007
Page 2

arborist recommends that only Sweetgum, American Elm and Japanese Zolкова be planted on top of the stormwater structures because of the shallow soils.

6. DPS's inspector has the ability to move any street tree location as a field change at the time of installation as long as the stormwater management facility maintenance access requirements are met.

These conditions should be made part of the Water Quality Plan approval. If you have any questions regarding access and maintenance requirements for these SWM facilities, please contact me.

DH:qh

Co: Leo Galanko
Greg Leck
Robert Kronenberg

ATTACHMENT D

Memoranda from Agencies



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

April 25, 2007

Mr. Michael J. Conley
Vice President, Development
Winchester Homes, Inc.
6905 Rockledge Drive, Suite 800
Bethesda, Maryland 20817

RE: Cabin Branch

Dear Mr. Conley: *Mike*



I appreciate your taking the time to meet last Thursday to discuss the history of the Cabin Branch project. As promised, I am getting back to you with a response to your question concerning the current position of the Department of Housing and Community Affairs (DHCA) on the location and distribution of the MPDUs in the project.

I understand the following from our conversation last week and from other discussions and correspondence:

- Phase I of the development will include 427 total units, of which 71 (16.6 percent) are proposed to be MPDUs;
- Phase II of the project may include anywhere from 384 to 484 total units, and therefore the number of MPDUs has yet to be determined;
- Phase III of the project is currently planned to have 151 total units, all of which would be single-family detached dwellings, and none of which are proposed to be MPDUs. Based on prior conversations with DHCA staff, you had planned to locate all of the MPDUs that would be required for Phase III in Phase I of the project, due to your preference for locating the MPDUs in townhouse units near the commercial core of the project.
- Your counsel has taken the position that the overall development (Phases I, II, and III) requires less than 12.5 percent MPDUs.


Office of the Director

Mr. Michael J. Conley
April 25, 2007
Page 3

- 2) Move ten (10) of the 71 MPDUs from Phase I into Phase III of the development, which would maintain 14.3 percent MPDUs in Phase I.
- 3) If Phase III is constructed before Phase II, the total number of MPDUs in Phase I and Phase III should equal 12.5 percent of the total number of residential units in Phases I and III. Assuming a unit count of at least 151 in Phase III, some additional MPDUs beyond the ten (10) that would be moved from Phase I would be required in Phase III to reach a threshold of 12.5 percent MPDUs in Phases I and II. However, if Phase II is constructed before Phase III, Phase III may be built with only ten (10) MPDUs, provided that additional MPDUs are built in Phase II such that the overall development attains 12.5 percent MPDUs upon build-out. MPDUs in Phases II and III should be dispersed as much as possible.

I appreciate your willingness to work with us on this matter as we all work together toward the goal of providing more affordable housing for the residents of Montgomery County.

Sincerely,



Richard Y. Nelson, Jr.
Director

RYN:ls

cc: Rose Krasnow, Chief, Development Review Division, M-NCPPC
Robert Kronenberg, Development Review Division, M-NCPPC
Joseph T. Giloley, Chief, Division of Housing and Code Enforcement, DHCA
Christopher J. Anderson, Manager, Single Family Housing Programs, DHCA
Lisa S. Schwartz, Senior Planning Specialist, Single Family Housing Programs, DHCA



DEPARTMENT OF FACILITIES MANAGEMENT
Montgomery County Public Schools

2096 Gaither Road, Suite 200, Rockville, MD 20850 · 240-314-1060 · (FAX) 240-314-1073

March 22, 2007



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

Re: Cabin Branch Site Plans—School Site
Site Plan No: 820005020

Dear Mr. Kronenberg:

Staff with the Montgomery County Public Schools (MCPS) has completed our review of the Cabin Branch Site Plan particularly pertaining to the school site plan described within both the Infrastructure Detailed Site Plans (Site plan No. 820005020) and Winchester -1 Site Plans (Site Plan No. 820060290). We have met with the applicant's representatives and requested a grading only plan as well as modifications to the original submittal. The latest layout of the school site plan which we recommend for approval is as shown on the enclosed plans entitled "School Rough Grading Plan" and "School Grading Plan," dated January 2, 2007, (rev. 1/25/07) as prepared by Loiederman Soltesz Associates.

As requested by MCPS, the following items are now incorporated to the aforementioned plans:

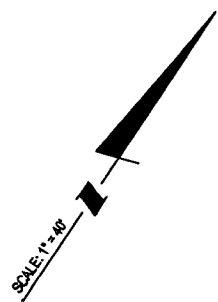
- The Clarksburg Road (MD 121) public right-of-way has been enlarged to include the bikeway and Bryne Park Drive bikeway placed in the homeowners association parcel resulting in a reduced school site size from 9.956 acres to 9.6 acres.
- Access to the underground storm water management filters is to be achieved from an easement from Bryne Park Drive rather than from the school site bus loop.

Thank you for the opportunity to review these plans. If you have any questions or comments regarding this letter, please contact Mary Pat Wilson, site administration specialist, Real Estate Management Team, at (240) 314-1071.

Sincerely,

Richard G. Hawes, Director
Department of Facilities Management

RGH:mpw
Enclosures
Copy to:
Ms. Turpin
Mr. Shpur
Mr. Aldridge
Mr. Brundage



ROCKVILLE OFFICE
 2 Research Place, Suite 100
 Rockville, MD 20850
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AS APPROVED BY MCPS		JLB	01/25/07
NO.	DATE	BY	DATE
1	JANUARY 2, 2007	JLB	01/25/07
DESIGNED	DATE	CHECKED	DATE
CL		JLB	

Copyright AEC The Map People Permitted Use Number 2081100	
Map 89	Grid
Tax Map W-182, E-1&2 BV-562 & FV-122	Zoning Category:
M-NCPPC 200 Sheet	
WSSC 200 Sheet	
231 NW 14	

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST OBTAIN THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DRIVING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION CONTACT WITH UTILITY AT 1-800-287-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THE PLAN.

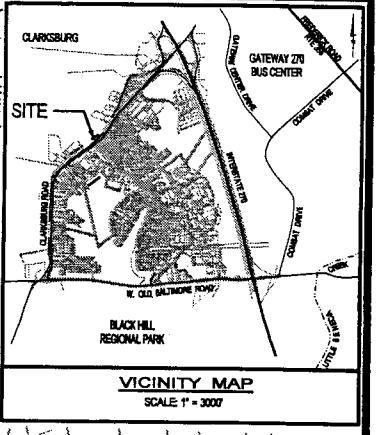
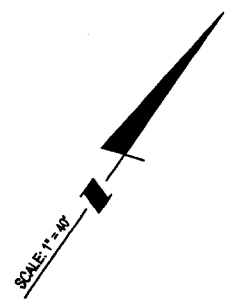
SCHOOL GRADING PLAN
CABIN BRANCH
CLARKSBURG, MARYLAND

CLARKSBURG (2nd) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND



1"=40'
 SHEET 1
 OF 1

PROJECT NO.
 0582-58-00



SCHOOL ROUGH GRADING PLAN

**CABIN BRANCH
CLARKSBURG, MARYLAND**

CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND



1" = 40'

SHEET
1
OF
1

PROJECT NO.
0582-58-00

LSA Loiederman
Soltész Associates, Inc.
Rockville Office
2 Research Place, Suite 100
Rockville, MD 20850
t. 301.948.2750 f. 301.948.9067
www.LSAAssociates.net

1	AS APPROVED BY MCPS	JLB	01/25/07
REVISIONS		BY	DATE
Date:	JANUARY 2, 2007	CAD Standards Version:	Microstation V8 Std.2004
Drawn:	CT	Technician:	OR
Checked:	JLB		

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Map No. 8.9 Grid
For Map: W-1A.2; B-1A.2 BY-562 & FV-122
Zoning Category: M-NCPPC 2007 Street
WSSC 2007 Sheet 231 NW 14

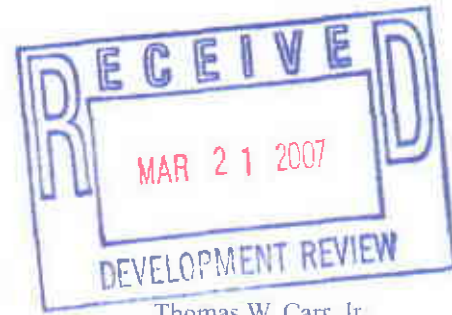
MISS UTILITY NOTE
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MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive



Thomas W. Carr, Jr.
Fire Chief

March 7, 2007

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

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

Dear Mr. Kronenberg

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

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

Fire Code Enforcement Section

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

www.montgomerycountymd.gov/firerescue

Serving with dedication, courage and compassion

Robert Kronenberg

March 7, 2007

Page Two

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

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

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

Sincerely,



Michael Donahue, Assistant Chief

Office of the Fire Marshal

Montgomery County Fire and Rescue Services

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



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 1, 2007

MEMORANDUM

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

VIA: Sue Edwards, I-270 Team Leader *Sue*
Community-Based Planning Division

FROM: Nellie Shields Maskal, Community Planner *NM*
Community-Based Planning Division

SUBJECT: Cabin Branch Infrastructure/Roads Site Plan No. 820050150; Clarksburg Master Plan

CONFORMANCE TO THE CLARKSBURG MASTER PLAN

Master Plan Land Use Plan Recommendations

The subject property is located within the Cabin Branch Neighborhood of the 1994 Clarksburg Master Plan area. It is located west of I-270, east of Clarksburg Road (MD 121), and north of West Old Baltimore Road adjacent to the Ten Mile Creek Area. It is also close in proximity to the 1,780-acre Black Hill Regional Park that offers an opportunity to establish a strong neighborhood-park relationship.

The Master Plan describes the characteristics of Cabin Branch which has led to its designation as a mixed use neighborhood center including: proximity to the Boyds MARC commuter rail station; roadway access from MD 121, I-270 and a future I-270 interchange at Newcut Road; land ownership consolidated among several large parcels; proximity to Black Hill Regional Park; and property frontage and visibility from I-270.

The Master Plan states that the opportunity to provide a transit-oriented residential neighborhood is one of the most important public policy objectives. A summary of the Master Plan objectives listed on pages 67 to 70 is as follows:

- Provide a mix of uses including employment.
- Encourage an employment pattern that is supportive of I-270 as a high-technology corridor.
- Create a transit-oriented land use pattern which will facilitate bus access and circulation within the neighborhood and which will place all residents within convenient walking distance (one-quarter mile) of a bus stop. The

design concept proposes a neighborhood core to be located so that bus service will link the area to the transitway to the east, and the Marc station to the southwest.

- Maximize access to the proposed open space system. A local park, an elementary school, and other civic spaces are all proposed to be located in close proximity to each other as well as to the stream valley to provide a contiguous system of public open space. A hiker/biker trail is proposed along the eastern stream valley.
- Provide an interconnected roadway system. It is the intent of the Master Plan that roads within the neighborhood are of a scale and character supportive of pedestrian movement and transit service.
- Create a strong neighborhood focal point by concentrating public and retail uses in the same general area.
- Place special emphasis on protection of the west fork of Cabin Branch because of its water quality and tree cover.

The Land Use Plan for the Cabin Branch Neighborhood is shown in Figure 2 and shown on page 65 of the Plan.

The Master Plan design elements of a Transit- and Pedestrian-Oriented Neighborhood are listed on pages 28 and 29 of the Plan and shown in Figure 3 are as follows:

- **Mix of Uses** to provide a pattern of development that provides for retail uses, employment opportunities, open space, schools, and housing units.
- **Interconnected Streets** to provide more direct access for pedestrians, bicyclists, and vehicles to all areas of the neighborhood.
- **Diversity of Housing Types** (such as multi-family, attached houses, and single-family detached units with a variety of lot sizes)
- **Street-Oriented Buildings** that proposes buildings to be clustered along streets.

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

The Master Plan states the recommended mix of uses for this neighborhood as follows:

Residential	1,950 dwelling units plus MPDU units
Employment	2.4 million square feet
Public Uses	Places of worship, childcare, community building, elementary school, and park

Approximately 175 acres of the Cabin Branch Neighborhood fronts I-270. This acreage offers an opportunity for a large, comprehensively planned employment center in close proximity to a residential neighborhood and associated retail and support services. The subject property was rezoned to the MXP Zone in accord with the recommendation of the Master Plan to foster an integrated plan, which could include residential units. The MXP Zone would also allow more intensive office uses on the northern portion of the Cabin Branch property than would be allowed under the RMX base zone.

A major Master Plan concern is that the employment uses become an integral part of the overall Cabin Branch Neighborhood and that strong interrelationships be established among residential, employment, retail, and public facility uses. To encourage this, proposals for development should include a discussion of how individual plans will relate to the Master Plan's overall vision for the Cabin Branch Neighborhood.

In 2004, the Planning Board approved Preliminary Plan No.1-03110A for 1,600 dwelling units, a 500-unit senior center facility, 16,000 square feet of public use, and 1.5 million square feet of employment for Phase 1 development of Cabin Branch. The preliminary plan for Phase 2 development that includes the remaining 286 dwelling units and 898,000 square feet of employment uses has not been scheduled for Planning Board review.

Development District Funding of Infrastructure

The Clarksburg Master Plan promotes "the formation of development districts (or other financing mechanisms) to implement the Plan's staging policies" (page 193). To date, the Clarksburg Town Center Development District has been formed by County Council resolution. Two other districts have been proposed for the Newcut Road Neighborhood located east of I-270; these districts are still under review by the County Executive.

The applicants propose to use development districts to satisfy the infrastructure needs of the Cabin Branch Neighborhood. Recent inquiries by the County Council, Inspector General, and civic organizations have questioned whether development districts will be implemented in Clarksburg. The Planning Board, to date, has not considered how infrastructure will be funded when the Planning Board determines developer obligations at the Preliminary Plan of Subdivision.

CLARKSBURG STREETScape PLAN

The Clarksburg Streetscape Plan calls for the Cabin Branch center to receive a more intensely developed streetscape treatment than outer lying "edges". High pedestrian areas need responsive streetscapes that meet pedestrian needs for shade, seating, safe lighting, and attractive paving. Such areas are the gathering places for community life. Outlying areas need sidewalks, bikeways and more open views of the surrounding vistas. These "edges" offer scenic views of Clarksburg's natural rolling farmland and wooded stream valleys. The streetscape concept calls for the following:

- Provide a traditional "Main Street" character within the center.
- Achieve a parkway character for roadways that run adjacent to stream valleys and parkland.
- Provide a rural, rustic character for roadways that form the border of Clarksburg with the surrounding rural areas within the Agricultural Preserve.
- Achieve a special landscape treatment along I-270 that screens undesirable views, enhances vistas, and accents the interchanges.
- Design intersections that facilitate safe and convenient pedestrian crossings as well as vehicular access.
- Allow waivers of corner setback requirements in order to achieve street oriented development.

COMMUNITY CONCERNS

The Clarksburg Civic Association and existing residents who live on the north side of West Old Baltimore adjacent to the Cabin Branch development voiced concern about what the impact of the proposed improvements to West Old Baltimore Road would be to the community. Mr. John Cook, one of the existing residents, recommends that the Planning Board consider the following solutions:

1. Relocate the portion of West Old Baltimore Road between A-304 and A-307 onto A-304/Newcut-Little Seneca/A-307, with this existing portion of West Old Baltimore Road terminated at one end or the other (near A-304 or near A-307) to become a service road for local traffic only.
2. Allow no connections from the site to West Old Baltimore Road until Newcut Road/Little Seneca Parkway is constructed to A-307 for proper traffic circulation and staging.
3. Do not allow construction traffic on West Old Baltimore Road.
4. Allow connection to water to existing community at no cost to residents.
5. Provide sewer connection (at no cost to the residents), if required easements or construction activity impact existing residents' septic system(s).
6. Minimize impact in the design and extent of any improvements to West Old Baltimore Road on the existing community, adjoining properties, and the environment.

7. Delete any bike path along West Old Baltimore Road Between A-304 and A-307 that greatly impacts existing residents.
8. Do not approve the part of the Infrastructure Plan south of the Newcut Road/Little Seneca Parkway (including West Old Baltimore Road) until detailed information is available for review and evaluation and significant planning and implementation issues are resolved.
9. Do not allow gasoline service stations, auto service/repair, and cleaners with onsite potential of environmental contamination respecting the site's sensitive environmental character.

STAFF FINDINGS

The proposed Infrastructure Plan conforms to the Clarksburg Master Plan objectives if the following Master Plan objectives are addressed:

1. *Transit-oriented land use pattern, which places all residents within a convenient walking distance (one-quarter mile) of a bus stop. The design concept proposes a neighborhood core to be located so that bus service will link the area to the transitway to the east and the MARC station to the west. The core should consist of a cluster of higher density residential uses, retail services, office uses, and civic uses.*

The core, as shown in the Infrastructure Plan, will not incorporate the range of residential, retail, office, and civic uses desired in the Master Plan. The civic uses (park and school sites) are not within walking distance of the core. Office uses are segregated along MD 121 and fronting on I-270. There is a limited range of residential housing types located at the core.

The Master Plan envisioned a town square or commons located in the core in proximity to a vertical mix of three and four story buildings. The Plan encourages street-oriented buildings throughout the neighborhood such that retail and office uses in the core would face streets with parking fields located behind the buildings.

These design concepts will be addressed through specific site plans that will be reviewed in the upcoming months.

2. *Provide an interconnected roadway system. It is the intent of the Master Plan that roads within the neighborhood are of a scale and character supportive of pedestrian movement and transit service.*

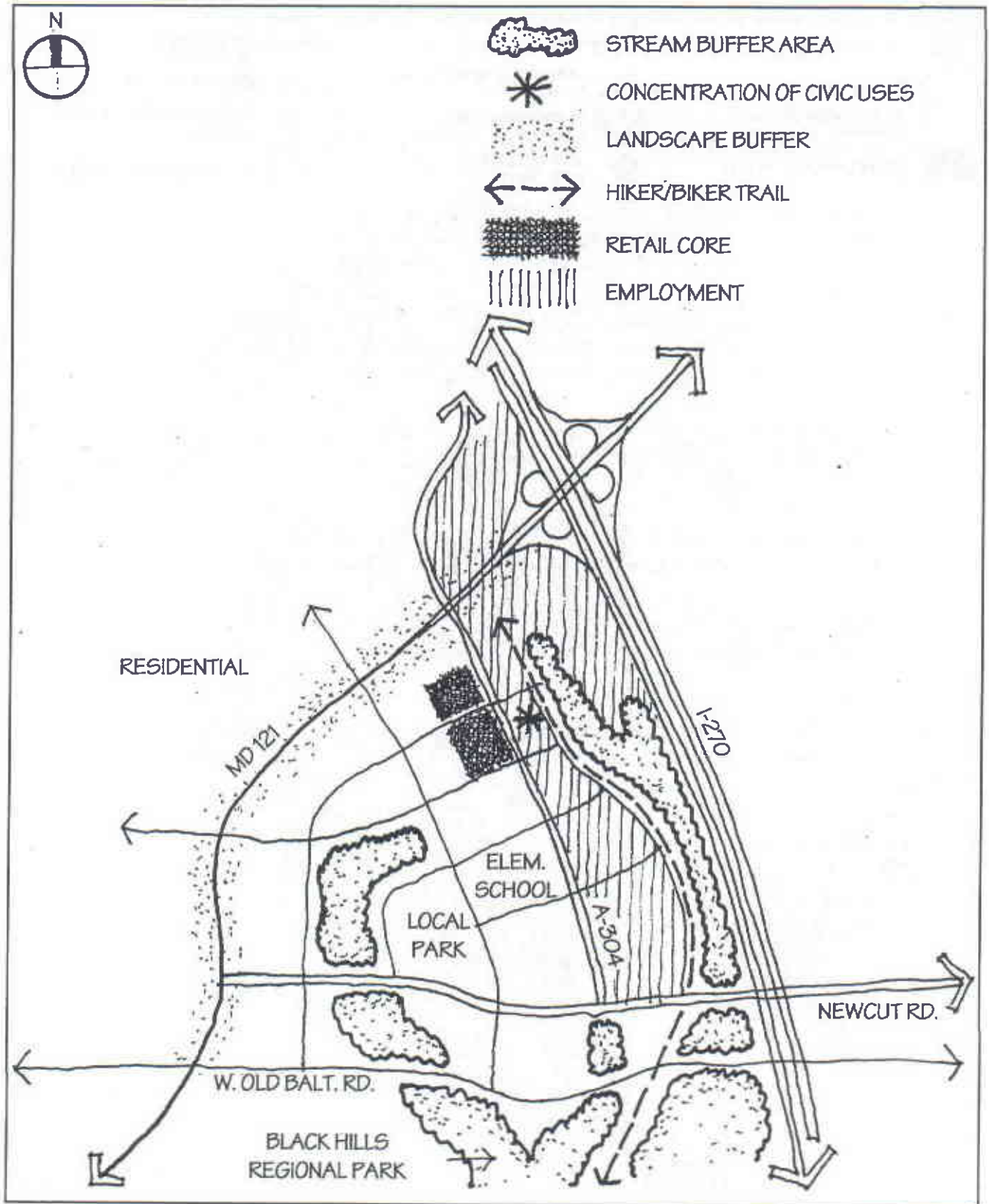
West Old Baltimore Road, an attractive rural road that provides access to Black Hill regional Park, is designated as an arterial by the Master Plan. It will continue to provide an important link between the east and west sides of I-270 but the Master Plan do not support widening the road. Instead, the Plan

proposes the extension of Newcut Road across I-270 north of West Old Baltimore Road.

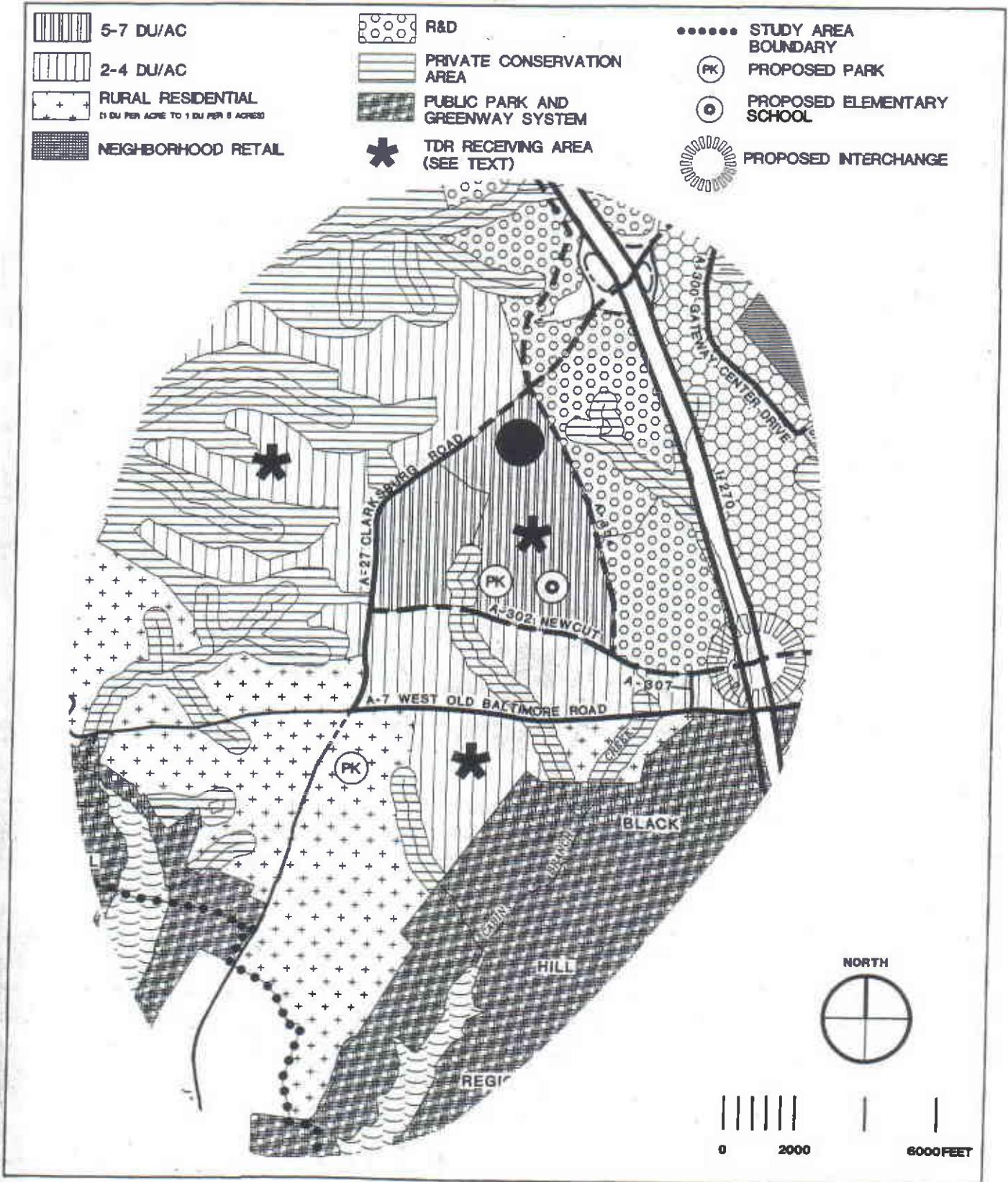
The Plan depicts West Old Baltimore Road as an arterial roadway with two travel lanes and a Class I bikeway within the 80' right-of-way. Details of the road cross section between the I-270 overpass and the roundabout planned for the MD 121 intersection show utility and grading easements that exceed the 80' right of way. Adjoining property owners are adversely affected by this design, which is inconsistent with the Master Plan intent that the road not be widened.

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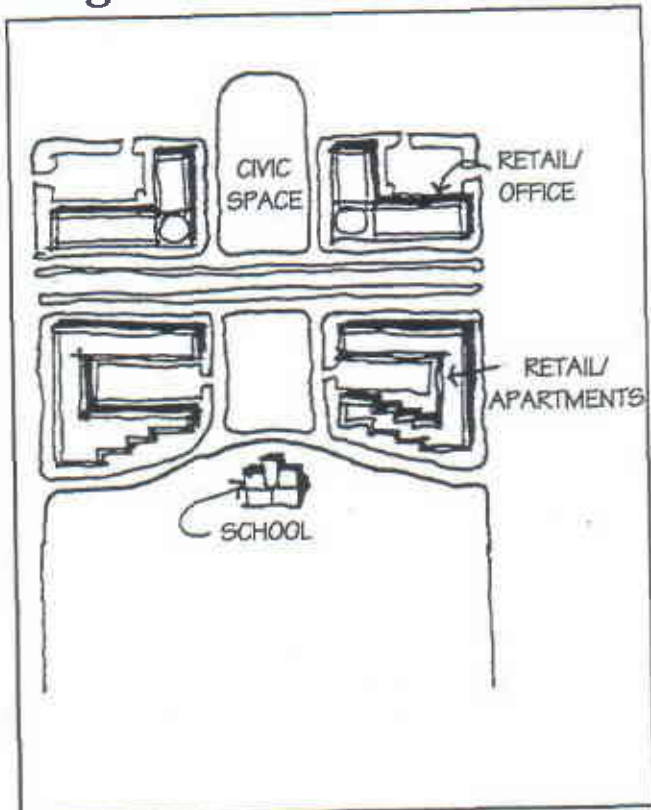
Cabin Branch Neighborhood Concept Diagram



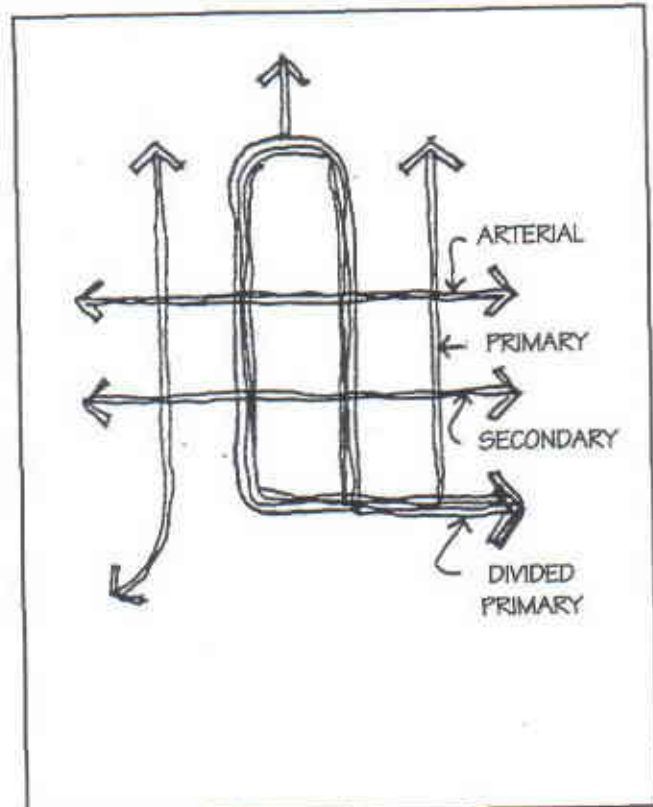
Cabin Branch Neighborhood Land Use Plan



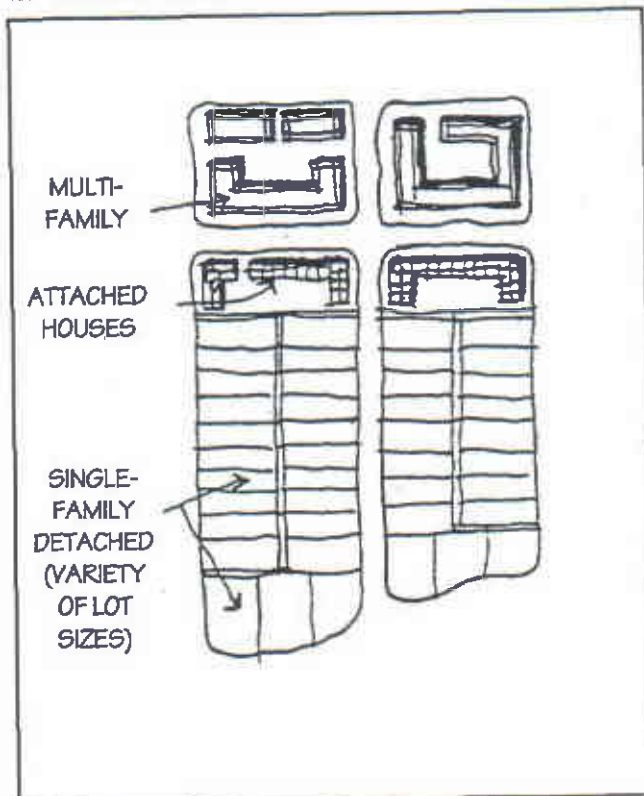
Transit- and Pedestrian-Oriented Neighborhoods



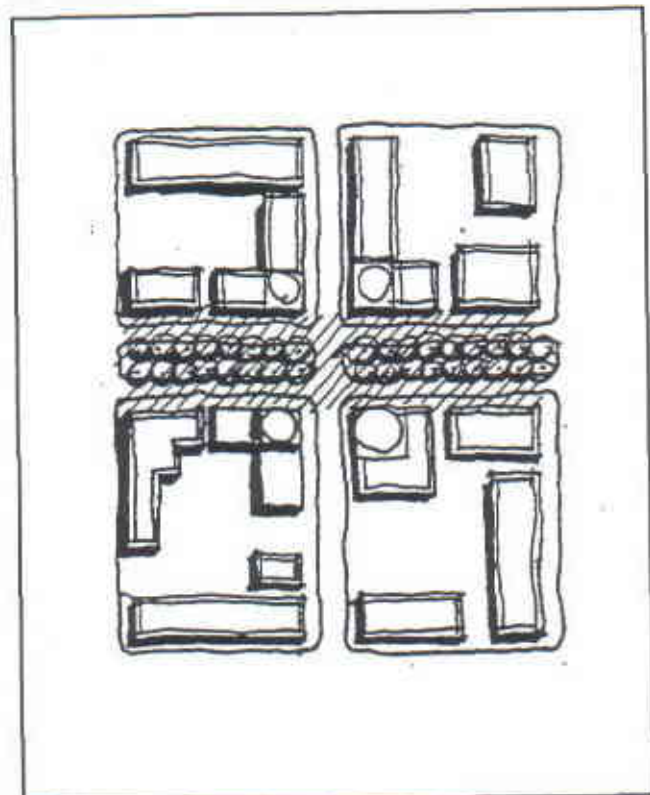
1. Mix of Uses



2. Interconnected Streets



3. Diversity of Housing Types



4. Streets Oriented Buildings



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MEMORANDUM

May 18, 2007

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

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

SUBJECT: Cabin Branch Subdivision, Plan # 820060290

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

BACKGROUND

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

Clarkmont Local Park was intended in the Plan as a 10-15 acre community-use park that would include badly needed recreational facilities such as playing fields, hard surface courts, playgrounds, picnic areas, pathways and parking. Because this part of Clarksburg currently has no community-use parks, it is considered important by Park Planning and Stewardship staff that needed recreational facilities be provided at the time of construction of the planned development of the Cabin Branch area to provide the needed park amenities for the new residents.

The Applicant has agreed to provide adequate land for the park and to construct the most needed park facilities to immediately serve the needs of the community. These facilities were enumerated in the approved Preliminary Plan Opinion. It was represented to staff that the needed facilities could be adequately positioned in the proposed park area and a conceptual drawing was included in the Preliminary Plan approval that set forth the park layout (See attached conceptual park layout sketch from Preliminary Plan approval). This park plan envisioned a pedestrian entrance to the park directly from the terminus of Tribute Parkway through an attractive entrance feature. This portion of the park would have large multi-age play areas and sufficient safe open play areas. Ballfields were to be located to the west of this open play area. The proposed pool was located to the east of this open play area and playgrounds. The entire area of contiguous land suitable for active recreation to be dedicated for parkland was to be "sufficiently large and suitable for active recreation in order to accommodate the agreed active recreation facilities and park amenities". Additional environmentally sensitive land suitable for some types of low impact passive recreation was also to be dedicated along the stream valley to the south of the active recreation portion of the park.

ANALYSIS

The approved Preliminary Plan parkland and park layout has proved to be problematic in a number of ways that is unacceptable to M-NCPPC park staff. These problems include the following:

- 1) Applicant has determined that an HOA recreation center/pool, that appears approximately twice the size of the originally envisioned facility, was needed to adequately service the community. This larger facility was located in a way that bifurcated the parkland. The usable size of the park presented by the Applicant at Preliminary Plan was very minimal, at best, and the greatly expanded size of the proposed HOA pool/recreation center rendered the remaining usable park space inadequate for the proper layout and spacing of park facilities. The larger pool forced the playground to be located behind the pool, which in turn required the parking to be pushed further from the ballfields. It also required the soccer field to be located too close to the historic house and circular driveway.
- 2) The required parking was insufficient and located too far away from many of the facilities it is to serve. The Applicant was further relying on the park parking areas or no parking for the HOA pool and recreation facility, however, park staff believed that the park parking located adjacent to the pool and recreation center facility would be used by pool and recreation center users thereby further limiting the amount of parking available for the park facilities. The Preliminary Plan Conditions require 140 parking spaces for park users, including 80 on site. Because of the enlarged pool/recreation center, the 80 on site spaces were all forced quite a distance south of the pool in an area convenient only to the proposed playground. This parking was a minimum of 900 feet (300 yards) from the spectator/player area of the softball field.

- 3) The proposed grading, retaining walls and fencing made the softball field space too restricted and created unsafe conditions. The right field foul line ended up very close to the hiker/biker path.
- 4) The soccer field was located too close to the street and adjacent trail thereby creating an unsafe condition.
- 5) Trails connecting the park facilities were sometimes located between fences or too close to fences next to sizable retaining walls. The trail was also located such that it alternated between parkland and HOA property and was often within 10 feet of sizable retaining walls. This could create maintenance and use conflicts.
- 6) Too many park facilities were located so close to large and high retaining walls that if the wall(s) fail, the facility will likely be compromised as well. In addition, there was no available space adjacent to the retaining walls to allow wall repairs and maintenance to be done by the HOA without disturbing the park facilities. There needs to be a sufficient HOA owned buffer between the walls and the beginning of the parkland and its facilities.
- 7) The close proximity of fields, trails and other park facilities to one another and to adjacent roads and retaining walls forces the park design to need an excessive number of fences and walls. For over 250 feet along side of the softball field, the trail runs between two fences. More distance between facilities prevents the need for excessive fencing.
- 8) The park did not work as a unified whole. On site parking was all concentrated south of the playground and a significant distance from the ballfields. The enlarged HOA pool and recreation center dominated the center of the site and eliminated the user friendly and visible direct park pedestrian entrance from Tribute Parkway as envisioned in the Preliminary Plan. The user friendly two level playground with open play space adjacent to it that comprised the entrance to the park was relegated to behind the back wall of the pool, buried between the back wall of the pool, the parking lot and the road. Tribute Parkway led directly to the pool/recreation center facility and the park entrance was only a trail along side the pool/recreation center. The pedestrian trying to use the playground would have to walk about 450 feet along the path from this entrance to the play area hidden behind the pool facility.

SOLUTIONS

- a) The Applicant has agreed to relocate the pool and recreation center to a separate location. This has allowed the park acreage to increase to an acceptable size to adequately accommodate all the needed park facilities. The soccer field will be located across from the terminus of Tribute Parkway and the playground areas will be located a safe distance from the field, roads and parking areas and convenient to the park entrance. This will allow the playground and open space areas to be entered directly from Tribute Parkway Boulevard and provide a pleasant and visible pedestrian park access from the community.

b) A large open play area for informal play such as volleyball, sledding, Frisbee, and the like, will be substituted for the softball field. This will provide a more natural and aesthetic setting for the front of the historic house and will also prevent possible user conflicts such as balls landing on adjacent trails or on cars or visitors at the historic house area. One of the fences along the field's original foul line will therefore be eliminated and the land in this area can be graded to reduce the size of the retaining walls along the parkland.

c) The soccer field will be constructed by the Applicant at the corner of proposed Fulmer Avenue (Street H) and Stilt Street (Street J) and located at least 40' from each of these roads for safety.

d) The playgrounds and two (2) picnic shelters will be located a safe distance from the soccer field, roads and sufficient distance from the historic house to offer a safe and easily accessible play area and offer shelter and picnic opportunities for those using the soccer field and playground facilities.

f) The hard surface trail (minimum 8' and 10' where needed for park or HOA facility maintenance) will be located a reasonable distance from retaining walls and the soccer field to allow appropriate HOA retaining wall and stormwater facility maintenance and prevent interference with, or damage to, park facilities when repairs are necessary. The trail will be located entirely within dedicated parkland for convenient maintenance and policing.

g) Needed HOA stormwater facilities will be located outside of parkland and needed utilities will be located to prevent interference with park facilities and maintenance easements provided to the utilities for maintenance purposes.

h) The Park property line can be located a sufficient distance back from the retaining walls to allow for HOA maintenance of the wall and geo-grid wall support system. Park property distance from walls to be acceptable to M-NCPPC park staff.

i) On site parking can be reduced somewhat since the softball field is being eliminated and the pool is being relocated. Recommended spaces to be at least 60 and to be located just south of the soccer field and entered off of Street J.

CONDITIONS

Park Planning and Stewardship Division would therefore request the following Conditions of Approval:

- Applicant to dedicate to M-NCPPC the agreed area of contiguous land that is located between the proposed elementary school site and proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continues

south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland to be conveyed by time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.

- Within the dedicated local park acreage, Applicant to provide, at Applicants expense, the park's most needed active recreational facilities and amenities to include at least one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, an open grass play area, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10' wide where needed for maintenance access), a drinking fountain, park signage and information kiosks, portable restroom pad and enclosure, appropriate fencing for safety purposes along the retaining wall (acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated parkland. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users. Park dedication and facility layout to be substantially as set forth on the attached Park Site Exhibit, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to site plan signature set approval. Facilities to be constructed to park standards and specifications after procurement by Applicant of appropriate park permit. Copies of applicable standards and specifications will be provided to Applicant by time of site plan signature set approval.
- No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to site plan signature set approval to establish exact locations of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

May 30, 2007

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

RE: Site Plan No. 8-20050150
Cabin Branch Subdivision

Roads-Only Infrastructure Plan
Design Exceptions Notebook

Dear Mr. Kronenberg:

This letter is to confirm that the Department of Public Works and Transportation has conditionally approved the Design Exceptions (to DPWT design standards, policies, and/or procedures) proposed in the applicants' notebook.

Our review of this notebook has tried to focus on the major "policy" related elements of the document with the understanding that decisions on the less significant Design Exceptions (such as the use of non-standard tree species in the County-maintained rights-of-way, tree locations, streetscaping, street lighting fixtures, etc.) would be handled during the future location-specific individual Site Plan reviews.

We recommend approval of the Roads-Only Infrastructure Plan subject to the following comments:

A. Modifications to adopted DPWT cross-section design standards

- o We support the applicant's proposal to grant Public Improvements Easements (PIEs) in those areas where the proposed right-of-way will not be sufficient to construct all of the proposed public amenities. The PIEs should extend at least 2 feet behind any proposed sidewalks or shared use paths. The overlapping Public Utility Easements should extend at least 10 feet beyond the outside edges of the PIEs.
- o The transitions between two adjacent typical sections and at intersections will be addressed in greater detail during the review of the location-specific individual Site Plans.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
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Site Plan No. 8-20051050
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A. Modifications to adopted DPWT cross-section design standards (cont.)

- We support the applicant's proposed typical sections with the following comments:
 - Clarksburg Road (MD 121): no comments; not under DPWT's operational or maintenance jurisdiction.
 - West Old Baltimore Road between I-270 and Clarksburg Road (MD 121): this section of roadway will be the subject of a separate review to adjust the roadway cross-section and/or profile (to reduce, where feasible, the impact on the abutting properties), recommend future traffic controls, and consider the need for auxiliary turn lanes at the County-maintained intersections. These evaluations have not been completed at this time. For these reasons, we recommend West Old Baltimore Road (and the sections of Broadway and Kittiwake Avenues south of Little Seneca Parkway) be deferred to future Site Plan review(s).
 - Goldeneye Avenue between the proposed entrance to the hospital and the street terminus: construct a monumental entrance southeast of the hospital driveway for the transition between the divided and undivided typical sections.
 - Dunlin Street between Clarksburg Road (MD 121) and Woodcock Way: construct the proposed 36 foot wide pavement with on-street parking restrictions to facilitate inbound and outbound turning movements of school buses; limits and terms of those restrictions to be determined at the Signs and Marking Stage.
 - Tribute Parkway (northern and southern sections) between Fulmer and Cabin Branch Avenues: provide intersection and mid-block chokers, at appropriate locations to be determined during the Site Plan review, to identify pedestrian crossing locations.

B. Spacing of median breaks on the internal divided public streets

We have accepted the applicants' queuing analysis and recommend approval of the proposed median breaks on the internal divided public streets. We reserve the right to adjust the proposed parking restrictions – particularly near intersections - as necessary to meet traffic safety and operational needs.

C. Reductions of the 100 foot tangent separation between driveways and public streets

We have accepted the applicants' queuing analysis and conditionally recommend approval of the proposed entrance locations – with the caveat that access and directional operations should be evaluated as part of the location-specific individual Site Plans.

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D. Tree plantings in the public right-of-way and above stormwater management structures within the development

The location and species of street tree plantings in the County rights-of-way are addressed in the Landscaping section ("MC-700" series) in the DPWT Book of Design Standards. Additional planting guidelines have been loosely applied for use in other Clarksburg neo-traditional developments based on streetscaping guidelines prepared for use in the various Central Business Districts throughout the County.

Street trees should be located no closer than 30 feet to an intersection and spaced 40 to 50 feet on center (typical) while satisfying the DPWT standard minimum distance triangles and separations from other facilities in the right-of-way (driveways, storm drain inlets or manholes, streetlights, fire hydrants, utilities, etc.). As noted previously, we are willing to consider specific design exceptions (for species and/or locations) during the review of the location-specific individual Site Plans.

DPWT conditionally approved allowing the installation of "stormfilter" stormwater management structures in the County rights-of-way within the development in an April 12, 2006 letter. Since that time there has been considerable discussion between the applicants and affected agencies regarding the placement of street trees over the proposed stormwater management structures. We note that the Department of Environmental Protection conditionally approved the planting of street trees over those stormwater management structures in a February 21, 2007 memorandum. We support the additional comments contained in the DEP conditional approval letter.

E. Tree Plantings in the medians of the internal divided public streets

We support approval of the applicants' proposal to construct 8 inch high MSHA Type "A" combination curb and gutter on the eight foot wide medians of the internal divided public streets and grade those 8 foot wide medians on a 3:1 cross-slope.

We will allow the applicants to plant minor street species (4 inches or less in caliper at maturity). Those trees are to be spaced no closer than 50 feet to the noses of the medians and planted no closer than 40 feet on-center (typical) while satisfying the DPWT standard minimum sight distances triangles and separations from other facilities in the rights-of-way (driveways, storm drain inlets or manholes, streetlights, fire hydrants, utilities, etc.). As noted previously, tree species and spacing can be addressed in greater detail on the location-specific individual Site Plans.

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F. Parking restrictions on County-maintained streets for emergency vehicle access

This issue appears to have been conceptually resolved, as discussed in the March 7, 2007 letter from the Montgomery County Fire and Rescue Service. We have conditionally agreed to this concept as follows:


- o The locations of specific parking restrictions will be addressed in greater detail on the location-specific individual Site Plans.
- o Divided roads which have parking restrictions on one entire side should be considered for intersection (and possibly mid-block) chokers to calm traffic and facilitate pedestrian crossing movements.
- o Our Area Traffic Engineer, Ms. Marcy Katzman, will need to participate in any meetings to establish the limits of the proposed parking restrictions.
- o We do not support the installation of Fire Lanes on County-maintained roadways. We believe we should implement our current range of restriction options (No Parking Any Time, No Standing Any Time, or No Stopping Any Time), as appropriate, to provide a consistent message to the traveling public, provide reasonable accommodation to the future residents, and minimize opportunities for willful violations of the restrictions.
- o Applicants' engineer will be responsible for the development of Signs and Marking Plans, as well as DRAFT Traffic Orders, to implement these restrictions and appropriate traffic controls at the permit stage.

G. Double rows of street trees on Little Seneca Parkway and Spoolbill Street

We support the applicants' request to plant double rows of street trees on these streets. Those trees are to be spaced no closer than 50 feet to the noses of the medians and planted no closer than 40 feet on-center (typical) while satisfying the DPWT standard minimum sight distances triangles and separations from other facilities in the rights-of-way (driveways, storm drain inlets or manholes, streetlights, fire hydrants, utilities, etc.). As previously noted, tree species and spacing can be addressed in greater detail on the location-specific individual Site Plans.

Thank you for the opportunity to review and comment on this document. If you have any questions regarding this letter, please call me at 240-777-2197 or e-mail me at greg.leck@montgomerycountymd.gov.

Sincerely,



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

M:\sub\mldoc\pp\B-20050150, Cabin Branch Design Exceptions Notebook

- CC: Michael Conley; Winchester Homes
- Stan Aldridge; Winchester Homes
- James Soltesz, PE; Loiederman Soltesz Associates, Inc.
- John Brundage; Loiederman Soltesz Associates, Inc.
- Carole Mahady; Loiederman Soltesz Associates, Inc.
- Stephen Schmidt; Wells & Associates, LLC
- Craig McClure; Parker Rodriguez
- Robert R. Harris; Holland & Knight
- Benson Klein; Ward-Klein
- John Cook
- Catherine Conlon; M-NCPPC Development Review
- Shahriar Etemadi; M-NCPPC Transportation Planning
- Karen Kumm Morris; M-NCPPC Community Based Planning
- Raymond A. Burns; MSHA Engineering Access Permits
- John Feissner; Montgomery County Fire & Rescue Service
- Dan Harper; Department of Environmental Protection
- Leo Galanko; DPS Water Resources Management
- Joseph Cheung; DPS Right-of-Way Permitting & Plan Review
- Sarah Navid; DPS Right-of-Way Permitting & Plan Review
- Brett Linkletter; DPWT Highway Maintenance
- Emil Wolanin; DPWT Traffic Engineering & Operations
- Fred Lees; DPWT Traffic Engineering & Operations
- John Riehl; Marcy Katzman; DPWT Traffic Engineering & Operations
- Marcy Katzman; DPWT Traffic Engineering & Operations
- Tommy Shoemaker; DPWT Traffic Engineering & Operations
- Sam Farhadi; DPWT Traffic Engineering & Operations



HISTORIC PRESERVATION COMMISSION

Ike Leggett
County Executive

Julia O'Malley
Chairperson

December 22, 2006

Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

On Wednesday, November 15, 2006, the Montgomery County Historic Preservation Commission (HPC) reviewed a portion of the Cabin Branch site plan (#8-05015), which focused on the development of the land located at 22415 Clarksburg Road in Clarksburg. The subject property identified as Parcel 747, contains the *Master Plan* Site #13/24, Byrne-Warfield House.

The subdivision proposes to create two (2) parcels. The result being a small, panhandle, shaped parcel around the historic house to be owned by the future development's Homeowners Association (HOA) and the remaining acreage to be dedicated to the new, local park being developed around the historic site.

The HPC is recommending that the Planning Board support this proposed subdivision with the following conditions:

1. Parking lots will not be constructed within the environmental setting of the historic resource.
2. The circle drive around historic house will be maintained in gravel.
3. A tree 6" in diameter (DBH) or larger proposed to be removed within the environmental setting of the historic site will require approval by the Historic Preservation Commission.



4. The proposed changes within the 5-acre environmental setting (i.e. new construction, grading changes, tree removal, fence installation, retaining walls, and alterations to the historic house) will require review and approval through the Historic Area Work Permit process (HAWP).
5. The environmental setting of the historic resource remains the original boundaries of Parcel 747, which is 5.31 acres in size.
6. The installation of activity lighting on the ball fields is prohibited.
7. The owner of the property will remove non-historic elements and rehabilitate the house. The applicant will receive approval from the HPC for applicable projects.

If you have any questions, please feel free to contact Historic Preservation Section staff.

Sincerely,

Julia O'Malley, Chairperson
Historic Preservation Commission

Cc: Doug Powell, M-NCPPC
Robert Kronenberg, M-NCPPC
Bob Harris, Holland and Knight
Stan Aldridge, Winchester Homes
Cielo Lopez, Loiderman Soltesz Associates
John Brundage, Loiderman Soltesz Associates



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

MEMORANDUM

TO: Robert Kronenberg, Development Review

FROM: Mark Pfefferle, Environmental Planning

A handwritten signature in blue ink, appearing to read 'MP'.

DATE: May 22, 2007

SUBJECT: Final Water Quality Plan
Cabin Branch Infrastructure Site Plan
Site Plan 820050150

RECOMMENDATION

Staff recommends approval of the final water quality plan for Site Plan 820050150 subject to the following conditions:

1. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (DPS).
2. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.
3. No encroachment into stream buffers for stormwater management facilities, or sediment control facilities, is allowed without permission of the Planning Board, except for necessary outfalls and temporary sediment control facilities in non-forested portions of 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.
4. Conformance to the conditions as stated in the DPS letter dated February 22, 2007 approving the elements of the SPA water quality plan under its purview.
5. Amendments to the forest conservation plan must be submitted and approved by the Planning Board with all future site plans, mandatory referrals, and special exceptions prior to any clearing and grading.
6. All on site environmental buffers/stream buffers must be planted prior to any off-site forest planting or off-site forest conservation credits can applied to meet the overall planting requirements of this forest conservation plan.

7. All off site reforestation must occur within the Clarksburg Special Protection Area unless specifically approved by the Planning Board.
8. No conservation easements permitted on any residential lots.
9. 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.
10. No retaining walls permitted within stream buffers, environmental buffers, wetlands or wetland buffers, or floodplains unless approved by the Planning Board.
11. Applicant to submit a revised “Sycamore Tree Removal Study”, prior to approval of the appropriate site plan. Revised tree removal study to be consistent with the infrastructure site plan and the appropriate site plan.
12. Applicant to conduct additional geotechnical study and evaluation to determine the feasibility of groundwater recharge at the proposed locations prior to approval of individual site plans.

DISCUSSION

This memorandum contains Environmental Planning staff’s review and recommendations on the final water quality plan for the Cabin Branch Infrastructure site plan. The sections below discuss existing conditions, forest conservation, and compliance with environmental guidelines, imperviousness, and stormwater management.

Background

The 540-acre property is located west of I-270 in Clarksburg. The area, also known as the Clarksburg Triangle and is within the Clarksburg Special Protection Area (SPA). West Old Baltimore Road is the southern most boundary of the property, I-270 the eastern most boundary, and MD-121 the western and northern boundaries. The property is zoned RMX and MXPD. The site includes drainage areas to Little Seneca Creek (Use IV-P SPA stream), Cabin Branch (Use I-P non-SPA stream), and Ten Mile Creek (Use I-P SPA stream). The current land uses include active agricultural, abandoned agricultural, and forest. The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 4-02007, 4-02008, 4-02009, 4-02010, and 4-03340. Staff approved the NRI/FSDs in 2003. The Planning Board approved a preliminary plan of subdivision and preliminary water quality plan in 2004.

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

Pods were designated as part of the SPA because they were identified as the most sensitive areas for groundwater contamination.

The subject site contains 130 acres of forest, 11 acres of wetlands, 33 acres of floodplains and 104 acres of stream buffers. There are steep slopes (> 25%) on the property and highly erodible soils. Not all steep slopes and erodible soils are hydraulically connected to Waters of the United States. Those that are hydraulically connected to Waters of the United States are included in the environmental/stream buffers.

Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS conditionally approved the elements of the final water quality plan under their purview on February 22, 2007. The Planning Board responsibility is to determine if the forest conservation requirements, environmental guidelines for special protection areas, and site imperviousness requirements have been satisfied.

Forest Conservation

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

Planting Requirements

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

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

is within the Clarksburg Special Protection Area all off site reforestation areas should be directed to planting unforested areas within the SPA.

Tree Save

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

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

The applicant submitted “Sycamore Tree Removal Study” in June 2006 but has not updated that submission. The plan submitted in 2006 shows the tree in a stormwater management facility. The infrastructure site plan shows the tree in a median between a parking lot and a roadway. Therefore, Environmental Planning requests a new study that reflects the layout on the infrastructure plan. This revised study should be reviewed currently with the appropriate site 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/FSDs for the various properties included in this final plan identified the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream buffers. As part of the *Environmental Guidelines*, the stream buffer must be reforested. Where trees do not currently exist in the stream buffers, the applicant will plant new forests. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas.

Stream Buffer Encroachments

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

Environmental Planning has concerns with encroachment of ever enlarging stormwater management facilities and temporary sediment control traps into stream buffers even after the approved water quality/stormwater management concept plans indicate no encroachment. The final design of stormwater management facilities does not occur until after preliminary/site plans are approved and often after plats are approved locating roadways and individual lots. The

applicant submits grading/stormwater management plans to DPS for review and approval. If more space is required for stormwater management because of ponds incorrectly sized during the water quality/stormwater concept stage, Environmental Planning receives requests to allow encroachment into the buffers. Many times the encroachment can be avoided by reconfiguring the stormwater management facilities but sometimes there is no alternative but to allow the encroachment or the facility is constructed with undesirable features such as steep slopes from the rear of residential units into stormwater management facilities.

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

Protection of Seeps, Springs and Wetlands

One of the performance goals for this final water quality plan is to protect springs, seeps, and wetlands. The applicant has not provided DPS with sufficient information to determine what impacts deep cuts and fill areas will have on groundwater recharge and stream base nor does Environmental Planning believe sufficient information is submitted to protect springs, seeps and wetlands. Condition of approval 2 of the May 13, 2004 DPS approval of the preliminary water quality plan requires the applicant to *“Provide a geotechnical study/evaluation of the potential effect that the proposed deep cut and fill areas will have on groundwater recharge and stream base flow.”* DPS is responsible for determining and ensuring the performance goals are achieved. It is M-NCPPC’s responsibility to protect seeps, springs, and wetlands through the delineation of stream and wetland buffers.

The applicant has not addressed condition 2 of DPS approval of the preliminary water quality and this is reflected by condition 2 of the DPS February 22, 2007 approval of the final water quality plan which states *“Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at the proposed locations. It is likely that groundwater will be encountered below some of the end of lines sand filters. In this case additional upland recharge areas will be required. This may affect lot yield. Note that extra recharge volume was required in the Preliminary Water Quality Plan approved (150% of MDE requirement) due to the lack of open section roads and deep cuts and fills that are proposed.”* Environmental Planning requests a Planning Board condition requiring the applicant to address this comment prior to the approval of individual site plans when there is still opportunity to provide the upland recharge.

Site Imperviousness

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

than 45 percent. The impervious amount will be refined with the submission and approval of individual site plans. Impervious data is not available for sites of this size and mixture of units and square foot of commercial/office space.

Site Performance Goals

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

Stormwater Management

To help meet these performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). Thirteen extended detention dry ponds will provide stormwater quantity control. These facilities are designed with a maximum retention time of 12 hours for the one-year storm. Stormwater quality control is provided via a treatment train consisting of recharge structures, surface sand filters, bio-filtration structures, dry swales, structural water quality inlets and vegetated buffer filtering.

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



May 31, 2007

MEMORANDUM

To: Robert Kronenberg, Acting Supervisor
Development review Division

Via: Shahriar Etemadi, Supervisor
Transportation Planning

From: Ki H. Kim, Coordinator
Transportation Planning *KHK*

Subject: Cabin Branch Infrastructure Site Plan
Site Plan No. 8-2005015

This memorandum represents the Transportation Planning staff's review and recommendations on the subject Cabin Branch Infrastructure site plan application.

RECOMMENDATIONS

The Transportation Planning staff recommends the following conditions for transportation requirements related to approval of this application:

1. The applicant must comply with the current and future State Highway Administration (SHA) and Department of Public Works and Transportation (DPWT) requirements.
2. Implementation of the infrastructure plan must be tied to the phasing of the roadway improvement plan to be determined at the time of preliminary plan review for Phase 2 of the proposed development.
3. The applicant must either obtain a waiver from DPWT to allow street trees in a panel less than six feet wide or make adjustments to their plan in order to provide for a minimum of six feet wide planting areas.

4. The applicant must provide at least one handicapped-accessible crosswalk for pedestrians and bicyclists crossings between the adjacent land uses.
5. The applicant must design all roundabout in accordance to FHWA/MSHA guidelines.
6. The applicant must provide curb return radii of 30' on arterials, 25' on commercial/industrial, primary and secondary, 20' on tertiary and 15' on alleys, adjust as necessary for local conditions such as trucks and school buses.
7. The applicant must identify and obtain waivers from the Planning Board for horizontal curves that are less than minimum standard.
8. The applicant must participate with DPWT for acquisition of right-of-way and upgrading of West Old Baltimore Road between Broadway Street and Street "W".
9. The applicant must provide pedestrian connection between the intersection of Streets O and J to the intersection of Streets T and H.

DISCUSSION

The Cabin Branch development was proposed for 1,886 total residential dwelling units and 2,420,000 square feet of commercial space. Phase 1 development was approved for 1,600 dwelling units and 1,538,000 square feet of commercial space with a number of roadway improvement conditions. One of the off-site roadway improvements requires modification to the existing I-270/MD 121 interchange. SHA is conducting a Project Planning Study for this interchange as a breakout project of the SHA's I-270/US 15 Multi-Modal Corridor Study.

The proposed Phase 2 development that includes an additional 286 dwelling units and 882,000 square feet of commercial space has not been approved yet. As part of the Phase 2 preliminary plan application, the applicant proposes additional roadway improvements and an overall roadway phasing plan. The Phase 2 roadway improvements package includes the improvements at the I-270/MD 121 interchange in addition to the Phase 1 conditioned improvements. The applicant's proposed improvements are currently under review by SHA staff and have not yet been approved as a component of the I-270/MD 121 Project Planning Study. The proposed roadway package for full Cabin Branch build-out does not include construction of the master planned I-270/Newcut Road interchange.

We recommend that the Planning Board consider an independent phasing mechanism for improving the I-270/MD 121 interchange that conditions incremental interchange improvements to issuance of building permits. This recommendation is offered due to the conclusion of a traffic study assessing the impact of Newcut Road interchange on area traffic circulation if it is built. The study indicated that if Newcut Road interchange is built, about 70 percent of the traffic from Cabin Branch development and other area developments will use it to travel to and from areas south of this interchange. High demand for using this interchange makes it an essential part of the roadway network facilitating the area traffic circulation.

The applicant's estimated total cost (reviewed and approved by SHA) of the interchange improvement to meet the full-built out condition is approximately \$11 million in the year 2006 dollar value. The SHA and FHWA still need to approve the proposed interchange construction. We propose that the State defer a decision on choosing an alternative for I-270/ MD 121 interchange reconstruction until the Planning Board has reviewed and commented on the interchange reconstruction concurrent with review of the Cabin Branch Preliminary plan for Phase 2.

The Phase 2 preliminary plan should have the flexibility to allow the applicant be relieved from the remaining condition of un-built I-270/ MD 121 interchange in exchange for contributing an equal amount of funding for design and/or construction of Newcut Road interchange at such time that the Newcut Road interchange is included in the CTP.

General Statements:

The followings are comments on Cabin Branch Infrastructure Plan in which our recommendation of conditions are based on. Comments not related to our recommendation of conditions will be addressed at the individual site plan review. Our review is based on the Infrastructure Plan dated May 2005.

1. Reductions in the landscape panel are proposed in certain to gain extra space for the proposed bikeways. Either a waiver from DPWT will be needed to allow street trees in a panel less than six feet wide or some other adjustment should be made in order to plant street trees.
2. At "T" intersections, a minimum of one handicapped-accessible crosswalk must be provided and shown on the plan. Handicap ramps are required by ADA to be perpendicular to the curb. Dual ramps in each quadrant are recommended by ADA. Using dual ramps should help avoid what is proposed at some intersections where the end of the median is located away from the crosswalk, leaving the crosswalk and the pedestrian unprotected and seemingly floating in the middle of the intersection. The

end of the median should be as close to the center of the intersection as possible while still accommodating turning traffic.

3. On the individual plan sheets, all streets should be labeled.
4. Driveways on public streets should use the County's standard driveway treatments and not treat these driveways as intersections. The pedestrian has the right-of-way at driveways and needs to have the level-walking surface required by ADA. In order for the sidewalk/bikeway to have an uninterrupted level surface, it must be offset at least five feet from the curb to meet the County's requirement for a 10% maximum grade on the driveway. The driveway standards should also be used on private streets if any significant pedestrian activity is anticipated.
5. All roundabouts should be designed to FHWA/SHA guidelines.
6. Curb return radii should be 30' on arterials, 25' on commercial/industrial, primary and secondary, 20' on tertiary and 15' on alleys, adjust as necessary for local conditions such as trucks and school buses.
7. Median noses must accommodate turning paths of SU-30 design vehicles and pulled back accordingly. Pedestrian crossings should be thru median (behind 7' median nose) or placed in front of median if 7' nose cannot be provided.
8. Two curb ramps should be provided at each corner where feasible.
9. The applicant should participate with DPWT for acquisition of Right-of-Way and upgrading West Old Baltimore Road between Broadway Street and Street "W".
10. The symbol shown in the legend for sidewalks is not used on the plan on sheet 3.
11. Narrow islands are shown separating right turn traffic from the rest of the roundabout traffic, but breaks need to be shown in these islands to accommodate the proposed crosswalks on sheet 10.
12. The proposed circular crosswalks should not be used. All crosswalks should be straight on sheet 11.
13. Offsets of the intersections with public alleys should be avoided where possible on sheet 12.
14. All parking lots must be provided with appropriate sidewalks on sheet 16.

15. Additional crosswalks are needed at the ends of the traffic oval. It is unlikely that pedestrians will make three street crossings when they really only need to make one on sheet 17.
16. Sidewalks are needed along the frontage of all homes. On sheet 18, for example, no sidewalks are shown in front of lots 14-23.
17. The horizontal alignment of the path between the restrooms and the pool house should be modified so that it ties directly into the ramp at the crosswalk on sheet 23.
18. The offset between the alley and Street O at Street H should be eliminated on sheet 32.

KK:tc

ATTACHMENT E

Letter from Robert Harris to Robert Kronenberg dated July 5, 2005

Letter from Robert Harris to Charlie Loehr dated July 5, 2005

Email from Robert Harris to Gwen Wright, Rose Krasnow and Robert Kronenberg dated May 17, 2007

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

May 17, 2007

Via: E-Mail & U.S. Mail

Dr. Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910



Re: Cabin Branch Management, LLC (Preliminary Plan No. 1-03110A)

Dear Chairman Hanson:

We represent Cabin Branch Management, LLC, the Developer of this Project. By Opinion dated June 22, 2004, the Montgomery County Planning Board approved this Preliminary Plan for 1600 residential dwelling units, 1,538,000 square feet of non-residential space and 500 elderly housing units. The approval provided for the development to proceed in four, roughly equivalent stages, with the first stage expiring 37 months from the date of the Opinion (i.e., July 22, 2007) and the remaining three stages expiring in successive three-year periods. In order to validate the various stages of development, the Preliminary Plan Opinion calls for record plats to be recorded for each stage, and the recording of plats first requires approval of both an Infrastructure Site Plan covering the entire property as well as individual, detailed Site Plans for the actual development with each such area.

By letter of January 2, 2007, we requested a three-year extension for the Preliminary Plan. That letter explains that Applicant and staff have been working diligently since approval of the Preliminary Plan to complete the requirements for validating each stage of the development, including filing the Infrastructure Site Plan Application in October, 2004. Despite the best efforts of all parties concerned, this matter has moved forward at a very slow pace and the Infrastructure Site Plan is now potentially scheduled for Planning Board review on June 7, 2007. Obviously, this will not enable detailed Site Plans to be filed, approved and signed and for plats to then be recorded by July, 2007, thus requiring a Preliminary Plan extension. We are submitting this letter in order to provide more detailed supporting information for the requested three-year extension.

To begin, this is a large project in nearly every respect. It covers 540 acres and includes a large number of units and considerable non-residential space. As such, the planning, engineering and review processes necessarily have taken much longer than for a small project. Additionally,

this is one of a few development projects where the Planning Board called for submission of an Infrastructure Site Plan prior to actual Site Plans. In this case, that Infrastructure Site Plan step was added for the review of roads, water and sewer, the public school site and park and recreation areas. Given that part of the Property is located within a Special Protection Area, the Infrastructure Site Plan also includes a review of the Final Water Quality Plan for the project. This alone has been a massive engineering effort resulting in a plan with numerous water quantity and quality control devices located throughout the 540-acre property, each of which required Montgomery County Department of Permitting Services review. Much to the disappointment of all parties, the review of this Water Quality Plan took more than two and a half years but is finally complete. Without the review and recommendation of approval by DPS, however, Applicant has not been able to proceed with approval of the Infrastructure Site Plan or the detailed Site Plans and record plats that will follow it.

Additionally, the Plan for Cabin Branch has included engineering and design solutions intended to reflect the most contemporary practices of community building and the most environmentally sound design. This included the sewer line that is now under construction, site specific roadway designs including planted medians and traffic calming devices, and new fire access standards. We have attached to this letter a list of meetings and reviews with all of the agencies who reviewed these features. These include the Washington Suburban Sanitary Commission, the State Highway Administration, the Montgomery County Department of Public Works and Transportation, DPS, the Montgomery County Fire and Rescue Service, Montgomery County Public Schools, as well as the various divisions within Park and Planning including, most significantly, the Parks Department and the Environmental Planning Division. As reflected in the attached list of meetings, it would be an understatement to say that coordinating the support of all of these various branches of government, given the interplay of the various issues, has taken a huge amount of time both by the Applicant and the consultants, and by the various government staff. Cabin Branch Management alone has invested more than 6 million dollars in engineering, design and review for the Infrastructure Plan not including the 1.5 million dollars spent on construction of the nearly complete sewer line, and we can only assume that the various government agencies have invested similarly through their devotion of staff time in their review. Suffice it to say that we are thrilled to have support from the various County and State government offices and are anxious to present the Infrastructure Site Plan to the Board for approval in June.

As noted above, however, that approval is but the next step in the process towards final approvals for the Project needed to validate the Preliminary Plan. In fact, the Infrastructure Site process is a step not even specified in the Zoning Ordinance or the regulations that provide the validity period for Preliminary Plans. In retrospect the three year validity period to record plats for Stage I was unrealistic given the addition of such a comprehensive Infrastructure Site Plan step into the process. Assuming the Infrastructure Site Plan is approved by the Planning Board in June, Cabin Branch Management can then begin to process the detailed Site Plans for the Project itself and then the record plats required for validation of the Preliminary Plan. In other words, once the Infrastructure Site Plan is approved, we finally will be at the point where most projects are immediately after approval of their Preliminary Plans. We are ready to proceed with the

Chairman Hanson

May 17, 2007

Page 3

entire Site Plan process including review and approval of the Site Plans, issuance of the Site Plan Resolution, preparation and review of the signature set Site Plans, review of the final street grades and then recordation of the plats. Even on a small project, these procedures alone can take between one and two years to complete. As reflected in the second attachment, we are assuming it will take three years to do so here. Therefore, we are requesting that Stage I be extended for three years and that each of the following stages be extended similarly so that they can follow the first stage. As described above, delays, subsequent to approval of the Preliminary Plan, essential to Applicant's ability to perform the terms and conditions of the Plan, have materially prevented Applicant from validating the Plan. It is apparent that significant, unusual and unanticipated events have occurred beyond Applicant's control which have impaired Applicant's ability to validate the Plan within the time initially allotted and exceptional or undue hardship would result to Applicant if the Plan were not so extended. This request is consistent with the provisions of Section 50-35(h)d of the Subdivision Regulations, providing for such an extension.

Thank you for your continued support of this major project.

Sincerely,

Holland & Knight LLP



Robert R. Harris

cc: Gwen Wright
Rose Krasnow
Robert Kronenberg
Rich Weaver
Mike Conley
Stan Aldridge

4551486_v1



Process Summary

April, 2007

Pre-Application	2000-2002
WSSC Clarksburg Stage 3 and 4 Area Facility Plan	2000-2005
MXPD Zoning	2002-2003
Preliminary Plan- Phase I	2003-2004
Preliminary Plan- Phase II	7/04-Present
Infrastructure Site Plan	5/04-Present

Pre-Application	
Item	Date
Phase III Staging Release	Spring, 2000
Clarksburg Civic meeting	12/13/2001
Flood plain study submitted to County	1/18/2002
State Highway meeting	2/8/2002
M-NCPPC coordination, Art Holmes meeting	2/13/2002
Adventist settlement on the Gussin Property	2/25/2002
Pre DRC date	3/6/2002
DRC Meeting	3/25/2002
Cabin Branch Neighborhood Open House	4/4/2002
SHA 1-270, MD 15 Public Hearing Open House	6/25/2002
Sewer Outfall, walk with WSSC	6/26/2002
M-NCPPC Planning Board Hearing	6/27/2002
Update on Staging Ceiling letter and meeting with Ron Welke	9/13/2002
Clarksburg Civic Association meeting Rob Jepson with Adventist	9/23/2002
Draft Facility Report meeting with Gonzalez, DPW&T	10/9/2002
Preliminary Water Quality Plan meeting with DPS	10/11/2002
Clarksburg Civic Association 250th meeting	10/19/2002
Wells and Associates meeting Ron Welke	10/30/2002
Wells & Associates meets to review interchange details	11/4/2002
Streetscape, lighting meeting with M-NCPPC at Civic Association	11/7/2002
Meeting with M-NCPPC, Ron Welke	12/18/2002
Pre application Plan to Planning Commission	June, 2002

WSSC Clarksburg Stage 3 and 4 Area Facility Plan	
Item	Date
Project Description Forms for Cabin Branch CIP's, WSSC Proposed Six-Year Capital Improvements Program, Fiscal Years 2003-2008	9/26/2001
Letter from Beth Forbes, Development Project Manager, Development Services Group, WSSC to Randall D. Frey, Rodgers and Associates, Inc.	2/20/2002
Meeting between WSSC and Rodgers Consulting	10/9/2002
Comment response letter from James S. Schlisser, PE to WSSC	1/29/2003
Interoffice memorandum from Kenneth Dixon to Distribution List	1/27/2003
Memorandum from Mark Pfefferle, M-NCPPC	2/20/2003
Memorandum from Alan Soukup, Montgomery County, DEP	4/25/2003
M-NCPPC comment response letter from James M. Schlisser, PE	4/30/2003
MC DEP comment response letter from James M. Schlisser, PE	4/30/2003
Public Outreach Meeting at the Clarksburg Recreational Park	6/9/2004
WSSC Meeting Minutes	6/16/2003
Clarksburg Civic Association Planning Committee- Discuss WSSC facilities for West Side of 270, Ultimate build out of water and sewer facilities, Location of new water tower	7/24/2003
Letter to Germantown Public Library concerning Public Outreach Meeting	8/14/2003
WSSC Meeting Agenda and Minutes	8/19/2003
Clarksburg Public Outreach Meeting Letter	8/28/2003
Correspondence on Water Tower Issues for Alternative 15-J, Ken Dixon and Bob Eisenger	6/17/2004
Clarksburg Public Outreach Meeting Minutes	6/17/2004
Updated CIP Project Description Forms, WSSC Adopted Six-Year Capital Improvements Program, Fiscal Years 2005-2010	6/30/2004
Clarksburg Stage 3 & 4 Area Facility Plan- Final Selection of Alternatives for Water and Sewer CIP Projects	5/23/2005

MXPD Zoning	
Item	Date
MXPD Draft MXPD Zoning/Local Map Amendment Submittal	12/4/2002
Meeting with MNCPPC Director Charles Loehr	5/12/2003
Planning Commission Recommends Approval of zoning map amendment G-80	5/15/2003
Clarksburg Civic Association Meeting	5/19/2000
Marty Klauber meeting at MMC	5/23/2003
Clarksburg Civic Association Letter of Support	5/26/2003
Rodgers Team Meeting/Preparation for Planning Board	5/27/2003
Planning Board for MXPD Zoning	5/29/03 or 6/5/03
Zoning Hearing	6/9/2003
Council Approves MXPD Zoning	Sep-03

Preliminary Plan- Phase I	
Item	Date
Preliminary Plan Submitted	6/26/2003
RMX preliminary plan was accepted	6/30/2003
Annual Growth Policy Testimony	7/10/2003
Meeting at Hyattstown Fire Station, Clarksburg Civic Planning Committee to discuss the WSSC Facility Plan	7/24/2003
Development Review Committee (DRC) meeting at MNCPPC	7/28/2003
Submit Rte 121 Bridge Concept , traffic study and preliminary plan to SHA	8/5/2003
SHA Roundabout Peer Review	9/1/2003
Amended Preliminary Plan Submittal	9/17/2003
MNCPPC Preliminary Plan Staff Report	10/14/2003
Development Review Committee (DRC) meeting at MNCPPC	10/20/2003
Clarksburg Civic Association Planning Committee Meeting	10/23/2003
Meeting with MNCPPC to discuss the school, park and RMX roads.	10/28/2003
Meeting with SHA and Transportation at MNCPPC to discuss Rte 121 and Newcut Road	11/3/2003
Clarksburg Civic Association Planning Committee Meeting	11/20/2003
School & Park DRC Review	11/24/2003
School & Park DRC Review	12/4/2003
Clarksburg Planning Committee Meeting- DAC/AGP/Preliminary Plan	1/22/2004
Preliminary Plan Phasing Correspondence with MNCPPC	2/11/2004
Clarksburg Planning Committee Meeting- Preliminary Plan	3/25/2004
Clarksburg Civic Association Recommendation for Preliminary Plan Approval	3/28/2004
Meeting with MCDPW&T	3/30/2004
Development Review recommends approval of the preliminary plan	5/28/2004
Environmental Planning recommends approval of the preliminary plan	5/28/2004
Environmental Planning recommends approval of the preliminary water quality plan for Preliminary Plan #1-03110 with conditions.	5/28/2004
Clarksburg Civic Association letter of support	6/1/2004
Preliminary Plan Approved	6/23/2004
Preliminary Plan Mylar Submitted to Richard Weaver	7/2/2004

Infrastructure Phase I	
Item	Date
Meet with WSSC	5/26/2004
Preliminary Planning Board Meeting	6/3/2004
M-NCPPC re: Site Plan requirements and rough grading information	7/21/2004
MCDPS re: water quality devices	7/28/2004
MCDEP re: water quality monitoring	9/2/2004
SHA re: MD121 upgrade issues	9/15/2004
SHA Roundabout Peer Review	9/1/2003
M-NCPPC - Mark Pfefferle re: forest conservation requirements	9/17/2003
M-NCPPC re: Infrastructure Site Plans	10/6/2004
MCPS regarding School site	10/12/2004
M-NCPPC - Robert Kronenberg re: Initial submission of Infrastructure Plans	10/18/2004
M-NCPPC - Angela Brown re: Infrastructure Site Plan Submission	10/29/2004
WSSC re: water tower & 24" water line	11/3/2004
M-NCPPC - Angela Brown re: Infrastructure Site Plan Submission	11/4/2004
MCDPS - Leo Galanko, Dan Harper, Doug Marshall, mark Sommerfield re: stream restoration requirements	11/17/2004
MCDPS Final Water Quality Plan meeting with Leo Galanko	12/2/2004
M-NCPPC - DRC Meeting	1/18/2005
Clarksburg Civic Association Meeting	1/18/2005
Information to Clarksburg Civic Association per request	1/26/2005
M-NCPPC - Mark Pfefferle to discuss Final Forest Conservation comments	2/16/2005
MCDPS - Sarah Navid, Wells Associates (Chris Turnbull) re: roundabouts	4/13/2005
MCDPS - Final Water Quality Plan meeting with Leo Galanko and Blair Lough	6/13/2005
MCDPS, MCDPW&T, M-NCPPC to discuss SWM in R/W, FWQP, Infrastructure Plan Processing	8/4/2005
SHA (Baltimore) - re: MD121/I-270 Interchange	9/2/2005
SHA - Steve Foster re: MD121/I-270 Interchange	9/2/2005
Conference call with SHA	9/9/2005
SHA, KCI, Winchester re: MD121/I-270 Interchange	9/15/2005
MCDPS - Final Water Quality Plan meeting with Leo Galanko	9/16/2005
SHA - Greg Cooke re: MD/121 design	9/22/2005
MCDPS, MCDPW&T, M-NCPPC - Sarah Navid, Robert Kronenberg, Greg Leck, Mark Pfefferle re: road revision issues	9/2/2005
M-NCPPC - re: density shifting on the site	9/27/2005
DPS, MCFRS, Greg Leck, Christina Contreras re: Public road width	10/7/2005
Clarksburg Civic Association Meeting	10/10/2005
M-NCPPC - re: development and preliminary plan	10/25/2005
M-NCPPC - re: Phase 2 Preliminary Plan	11/10/2005
M-NCPPC- Mark Pfefferle & Robert Kronenberg re: Forest Conservation Plan	11/30/2005
Conference call with SHA	9/9/2005
SHA, M-NCPPC, DPW&T, CBMLLC re: Clarksburg Road	12/1/2005

M-NCPPC re: park site	1/18/2006
M-NCPPC re: Overall Cabin Branch Issues	1/25/2006
DPW&T re: SWM in right of way	2/00/2006
SHA & DPW&T re: R/W issues on Route 121	2/3/2006
SHA	2/8/2006
DPW&T re: SWM in right of way	2/13/2006
SHA re: Round about	2/15/2006
M-NCPPC re: Hammer	2/15/2006
WIN 1 DRC	2/27/2006
M-NCPPC re: Stream valley buffers	3/00/2006
M-NCPPC - Mark Pfefferle re: stream valley buffer	3/14/2006
MCDPS - Sarah Navid re: streets for infrastructure plan	4/7/2006
Clarksburg Civic Association Meeting	4/18/2006
M-NCPPC - Robert Kronenberg re: road improvements	4/20/2006
SHA and KCI	5/10/2006
WSSC - Beth Forbes re: LOF four part plan	5/11/2006
SHA re: superelevation	5/18/2006
M-NCPPC - Mark Pfefferle re: Stream Valley Buffer by Pond 1	5/22/2006
SHA re: Route 121 10' shoulders and bikeways	5/22/2006
DPS (Leo Galanko)	6/2/2006
DPS (Sarah Navid, Joseph Cheung, Atiq Panjshiri) re: street grades and storm drain plans submission	6/9/2006
M-NCPPC - Karen Kumm re: Infrastructure site plan	6/14/2006
MCDPS - Leo Galanko & Blair Lough	6/28/2006
County Council staff re: zoning map errors	7/20/2006
MC - Jennifer Russell re: Project intro	8/3/2006
M-NCPPC (Karen Kumm) re: Infrastructure site plan	8/14/2006
MCDPS - Leo Galanko re: FWQP	8/14/2006
DPW&T re: SWM in right of way	8/25/2006
M-NCPPC - Doug Powell regarding local park	9/6/2006
Open Clarksburg Community Meeting	9/26/2006
MCDPW&T - Greg Leck re: waivers	9/28/2006
M-NCPPC - Doug Powell re: park layout	10/3/2006
MCFRS (John Feisner)	10/4/2006
MCDPW&T (Greg Leck, Sarah Navid)	10/19/2006
M-NCPPC (Gabe)	10/23/2006
MCDFRS, MCDPS - John Feisner & Sarah Navid re: Street width	10/30/2006
M-NCPPC - Mark Pfefferle re: FFCP	10/31/2006
MC Multi-agency meeting at LSA	11/1/2006
Utility Companies	11/2/2006
SHA re: infrastructure plan approval letter	11/2/2006
M-NCPPC - Historic Preservation	11/15/2006
M-NCPPC: to discuss the Planning Board for Phase 2	11/27/2006
MC Multi-agency meeting at LSA	11/28/2006
MCDPS - Leo Galanko re: FWQP	12/11/2006
MCPS - Regarding school site	12/27/2006

M-NCPPC - Robert Kronenberg re: trees in islands and major/minor tree discussion	1/3/2007
DEP (Dan Harper and Leo Galanko)	1/12/2007
MCPS - Regarding school site	1/17/2007
MCDFRS	1/17/2007
DEP (Dan Harper and Leo Galanko)	1/23/2007
MCDFRS	1/25/2007
MCDPS - Teleconference with Leo Galanko and Blair Lough re: FWQP	1/00/2007
MCDPS - Rick Brush, Leo Galanko	1/00/2007
Meeting with multiple utility companies	1/29/2007
SHA Public Hearing	1/30/2007
MCDPW&T - Edgard Gonzalez	2/20/2007
Meeting with Washington Gas	2/26/2007
Meeting with Verizon	2/27/2007
Meeting with Allegheny Power	3/8/2007
MCDPW&T re: Binder Review	3/20/2007

CABIN BRANCH VALIDATION TIMELINE

Task	Start Task	Submit Plans	1st Review	2nd Review	Approval
INFRASTRUCTURE SITE PLAN	Completed	10/29/04	1/18/05	On-Going	6/7/07
Site Plan Option	6/7/07				9/7/07
Signature Set	9/10/07	10/8/07			4/11/08
Street Grades		5/13/05	On-Going	N/A	4/11/08
Record Plats	4/11/08	10/10/08			2/13/09
BUILDERS SITE PLAN	Completed	1/17/06	2/27/06	On-Going	9/27/07
Opinion	9/27/07				12/14/07
Signature Site Plan	12/17/07	2/15/08			8/15/08
Street Grades	9/27/07	11/16/07	1/16/08	4/16/08	5/16/08
Record Plats	8/18/08	1/16/09	11/18/08		5/15/09

This timeline is only for use as a guide. The dates shown are based on typical agency review times, current workload, and client scope and program at the time of preparation. ISA, Inc. is not responsible for variation in agency or client driven date impacts.

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Memorandum

Date: May 21, 2007

To: Ms. Gwen Wright
Ms. Rose Krasnow
Mr. Robert Kronenberg

Cc: Mike Conley
Stan Aldridge

From: Robert R. Harris

Re: Cabin Branch – Retaining Walls

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



VIA UPS

At our meeting last week, you asked for some additional information concerning the retaining walls that are being proposed as part of the Infrastructure Site Plan for this property. By this letter, we are transmitting to you a set of plans showing the size and location of the retaining walls related to the Infrastructure Site Plan along with some background information regarding the walls.

As you are aware, the planning for this project goes back a long way. The Pre-Application Plan in 2002 established the basic site layout and that plan was further refined in the Development Plan, approved in 2003. In 2004, the Preliminary Plan provided more specific approval. In connection with the retaining wall question, all three plans contemplated a series of retaining walls throughout the property in order to help accomplish the land use and design objectives of the Master Plan. Most significantly, the plan incorporates traditional design features of which a modified grid street system is perhaps the most important with respect to grading. As you can appreciate, in order to provide for street connections while, at the same time, remaining within the maximum permitted grades for the streets, the site requires re-grading and retaining walls. Traditional neighborhood home design with smaller lots and a maximum 5% grade between such lots reinforces this requirement. The Park site has to be flat over a large area as do the school and retail sites. Additionally, the requirement to install a large number of stormwater management facilities outside of stream buffers (and indeed under Staff's requirements, maintaining an additional setback even from the stream buffer itself), added to the requirement for retaining walls to pick up natural grades on the property.

As a result of these circumstances, grading issues have been studied throughout the approval process, most specifically at the time of Preliminary Plan approval when actual grades were shown and considered as part of the Preliminary Water Quality Plan and the overall subdivision plan. At the time of Preliminary Plan review, Park and Planning Staff reviewed the issue of grading and retaining walls extensively. The Staff Report observed:

Ms. Gwen Wright, Ms. Rose Krasnow
Mr. Robert Kronenberg
May 21, 2007
Page 2

Given the existing topography on the subject property and the fixed elevations of the I-270 Interchange and existing MD-121, the options for significantly reducing grading on the proposed plan, while still meeting the overlapping objectives of the master plan, are limited. The proposed plan provides a grid pattern street network, neo-traditional layout of the residential development areas, local park and school sites and commercial/office/retail areas which have been determined to be in conformance with the master plan goals and the schematic development plan.

They noted that MCPS and Park Staff accepted the sites devoted to those uses, including the proposed retaining walls to be constructed by the developer and maintained by the homeowners association. Staff agreed that the Applicant should not be required to regrade or relocate the public use sites and instead recommended that applicant work with Staff to reduce on-site cut and fill from that shown on the Preliminary Plan while minimizing the height of retaining walls "wherever possible." Applicant and its engineers have done exactly that over the past three years since the Preliminary Plan was approved. The grading reflected in the attached plan includes changes made to the elementary school site at the request of MCPS and changes to the Park area requested by the Parks Division. The walls have been divided in most areas and eliminated in some places (e.g. along MD-121 at the school site). We believe the Plan now accomplishes the various competing objectives for road design design, park and school grading, stormwater management, and overall site planning. It is consistent with the Infrastructure Site Plan on which all of us have been working for the past 2 1/2 years. As reflected in the Final Water Quality Plan that the Montgomery County Department of Permitting Services supports, and in the Infrastructure Site Plan itself, applicant has accomplished the proposed goal. Total cut on the property has been reduced by 1.5 million cubic yards and total fill has been reduced by nearly 600,000 cubic yards.

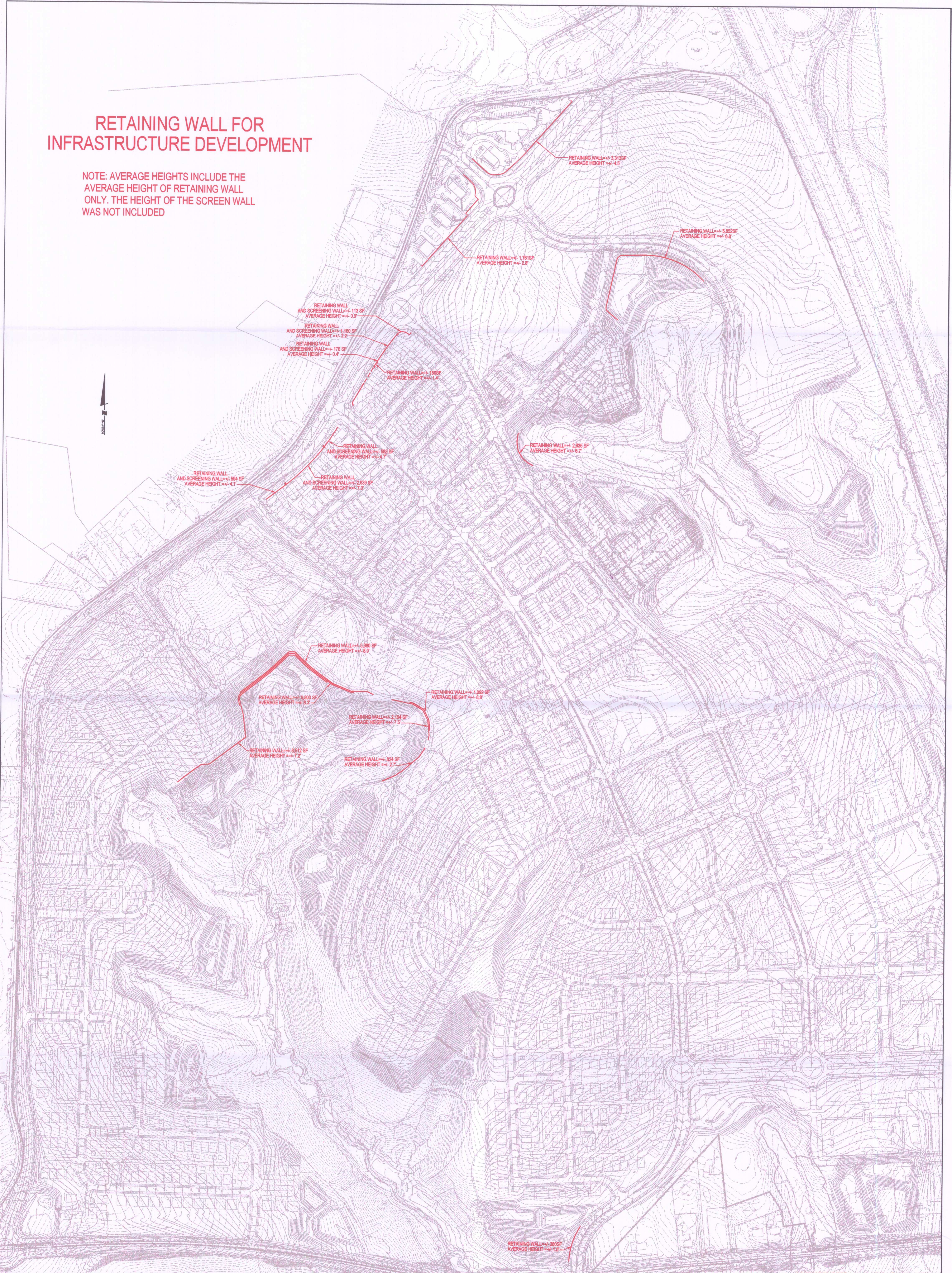
As a related issue, you have asked for a confirmation that maintenance of the walls will be accommodated. In this respect, you should recognize that there will be a master association for the entire Cabin Branch community, applicable to all 1,886 dwelling units, 2,000,000 square feet of non-residential space and 500 elderly units. Considering the extent of the development that will support the maintenance of these walls and the durability of poured in place concrete retaining walls (75 years or more), the cost for the wall repairs reserve to the various property owners at Cabin Branch will be a minor portion of their master association dues. We believe this will compare favorably with, for example, the constant maintenance of private roads in various communities, including Montgomery Village where most of the roads are private roads, and with the maintenance of retaining walls in many other communities including Kentlands/Lakelands, Fallsgrove and others.

We hope to have your support as we continue with the approval process for this project.

Attachment

RETAINING WALL FOR INFRASTRUCTURE DEVELOPMENT

NOTE: AVERAGE HEIGHTS INCLUDE THE AVERAGE HEIGHT OF RETAINING WALL ONLY. THE HEIGHT OF THE SCREEN WALL WAS NOT INCLUDED



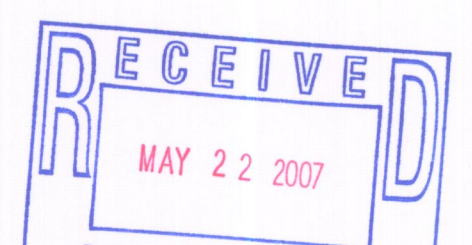
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 Rockville, MD 20850
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 www.LSAassociates.com

DESIGNED	IC	
DRAFTED	OR	
CHECKED	IC	
PROJ. ENG.	IC	
OFFICE	ROCKVILLE	
DATE	FEBRUARY, 2007	

NO.	REVISIONS	BY	DATE

RETAINING WALL FOR INFRASTRUCTURE SITE PLAN
 CABIN BRANCH
 CLARKSBURG, MARYLAND
 CLARKSBURG (2nd) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND

SCALE
 NO SCALE
 SHEET
 1 OF 1 SHEETS
 JOB NO.
 6982-98-00





Loiederman
Soltesz Associates, Inc.



October 11, 2006
Revised October 26, 2006
Revised February 6, 2007

MCDPW&T
101 Orchard Ridge Drive
2nd Floor
Gaithersburg, MD 20878

Attn: Greg Leck

Re: Cabin Branch – Street Tree Planting
LSA No: 0582-58-01

Dear Mr. Leck:

I am writing this letter to kindly request that DPW&T reconsider the recent decision about planting street trees over the underground stormfilters located in the right-of-way planting strips.

As you recall, last January LSA provided DPW&T a justification study for constructing stormfilters in the right-of-way planting strips. DPW&T approved the study on March 21, 2006. This past spring, LSA designed storm drain and stormfilter profiles showing that a minimum 3 feet of earth cover could be achieved for root balls while maintaining a maximum 4 feet deep access manhole requirement from DPS. We have been requested by MNCPPC and DPW&T to provide street tree planting at 30 to 40 foot intervals in the planting strips. It is our understanding that DEP has concerns over the accessibility of the structures for maintenance, resulting in DPW&T's "no planting" comment.

The design of the underground stormfilters will include access manholes placed halfway between the street trees, allowing approximately 12 feet of boom swing for filter removal. This is sufficient space for filter removal without damaging the street trees. We concur with MNCPPC that the 3 foot root ball depth is sufficient for tree growth. In addition, we do not believe that the planting of the trees over a structurally designed vault is any different than trees growing over storm drain pipe in the right-of-way, which has happened for many years.

Attached please find an 8 ½ x 11 Concept Plan showing the typical street tree planting and manhole access points with street trees and maintenance truck location. We have also shown the radius of the truck mounted boom swing. In addition, we have provided a list of street trees to be utilized at Cabin Branch.

Mr. Leck
October 11, 2006
Revised Febraury 6, 2007
Page 2 of 2

Please direct any questions or concerns to my attention at 301-948-2750.

Sincerely,

LOIEDERMAN SOLTESZ ASSOCIATES, INC.



John L. Brundage, RLA
Senior Associate

Enclosures

Cc: Stan Aldridge, Winchester Homes
Mike Conley, Winchester Homes
Craig McClure, Parker Rodriguez
Robert Kronenberg, MNCPPC
Robert Harris, Holland & Knight
Jim Soltesz, LSA

PLANTING SCHEDULE

Cabin Branch

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION COMMENTS
STREET TREES					
AR	100	Acer rubrum	Red Maple	3 - 3 1/2" cal	B & B
FB	2	Fagus grandiflora	American Beech	3 - 3 1/2" cal	B & B
GB	72	Ginkgo biloba	Ginkgo	3 - 3 1/2" cal	B & B
LS	23	Liquidambar styraciflua	Sweetgum	3 - 3 1/2" cal	B & B
PAB	229	Platanus x acerifolia	London Planetree	3 - 3 1/2" cal	B & B
QP	574	Quercus phellos	Willow Oak	3 - 3 1/2" cal	B & B
QR	103	Quercus rubra	Red Oak	3 - 3 1/2" cal	B & B
TP	28	Tilia petiolaris	Pendent Silver Linden	3 - 3 1/2" cal	B & B
UA	281	Ulmus americana 'Valley Forge'	Hybrid American Elm	3 - 3 1/2" cal	B & B
ZS	85	Zelkova serrata	Japanese Zelkova	3 - 3 1/2" cal	B & B

ATTACHMENT F

Letters from Community/Resident

04/27/07 FRI 15:26 FAX 202 775 0819

EPI

002

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

April 27, 2007

Mr. Robert Kronenberg
Acting Site Plan Supervisor
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Cabin Branch Infrastructure Plan, Site Plan # 820050150

Dear Mr. Kronenberg:

I'm writing to follow up on our conversation April 19th regarding the pending Cabin Branch development in Clarksburg, since I've not yet received the information or plans you said you were forwarding to me that week.

The following will review and prepare for the public record the main points of that conversation with you, summarizing my initial concerns as an adjacent property owner who is undeniably impacted by this development project as currently proposed and who also to date has been completely left out of the planning process from even an informational perspective.

As we discussed the first direct contact I've had from the developer (on a project for which the preliminary plan was approved in 2004 and engineering has been ongoing since) was a "Letter of Notice" sent February 27, 2007 indicating that their representative wanted to meet with me to discuss "road right of way and associated easements across" my home for proposed improvements to West Old Baltimore Road. I responded that I needed to review the specifics of what right of way or easements they were seeking, as well as detailed plans of the proposed improvements to determine their impacts on our property and home. Despite responses asking the developer's designated representative for those detailed improvement plans on March 8th, 9th and 14th and receiving an assurance they were forthcoming nearly a month ago on March 29th (all of which correspondence is documented in writing) I've never received the improvement plans from the developer. In fact, the next (and only further) correspondence I've received since their last assurance the plans were coming was a letter from the developer's agent dated April 10th (attached) stating that my property is now subject to "condemnation under eminent domain", which led to my contacts with you and others at the county.

04/27/07 FRI 15:27 FAX 202 775 0819

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As we discussed, I'm not aware that the County (or State law) allows private parties to initiate condemnations of other parties' property, nor have I been informed of such proceedings by the County, nor have I been provided even an opportunity to review or have input on a plan (that is not yet approved) which could result in my family and/or our neighbors losing their homes or property. I find it incomprehensible that developers can be working with the county for years on plans that will deprive families of their homes and property without those parties that are impacted being given a full and fair opportunity to have meaningful input, or to even get a look at the plans in question while they're being prepared. Something is clearly wrong with this process. I won't speculate on the developers' motives for withholding distribution of plans that are (or will be) a matter of public record, since that seems quite transparent.

I must therefore reiterate my request to you for a full set of both the infrastructure plans for the Cabin Branch development that were required by the preliminary plan approval and are, as we discussed, now already scheduled for the Planning Board's agenda.

I must at this point also note a critical flaw in the overall planning process which stems from the fact that impacted adjacent property owners only receive mailed notice of development related actions about a week before the final hearing itself, accompanied in recent instances for this property by an 8-1/2" by 11" reduction of plans for activities on a 500+ acre site. There is no way anyone can form meaningful conclusions or even have a reasonable chance to participate in the planning process if that is the extent of citizen's notification and their only opportunity to voice their concerns. It is very difficult to even rearrange schedules to come to a hearing, let alone get to your offices to obtain legible copies of the materials and come back again for a hearing, all with only a week's notice, more or less. This of course leaves aside the fact that numerous private meetings and conversations between the developer, developer's representatives, and county agencies have occurred and that the staff recommendations would already of necessity be fully formed before the impacted owners would even get notice that a plan is about to be approved. There is no equity in a process that allows developers unlimited, nearly exclusive access while only providing very short notice to impacted parties that they may come to a final hearing intended to approve what transpired before they were even given notice it was in the works. This does the Planning Board itself a tremendous disservice, not to mention the staff, adjacent owners, the larger community, and in many cases future residents of the planned projects.

As further illustration I'll also reiterate that although I was provided with the names of two different people at the Montgomery County Department of Public Works & Transportation (an agency that the developer's letter explicitly stated they've been working with) to get information from about the plans, project, and condemnation process, after nearly two weeks I have yet to get any response from the messages I've left there (they don't answer their phones).

We've already seen what happens (in Clarksburg itself) when developers control the information flow and have unbalanced or exclusive input into all phases of the planning and development processes. Expecting developers to notify and fully communicate with residents is akin to expecting the fox to notify the chickens before it raids the henhouse. I'd hoped some improvements would have been made as a result of the abject failures evident so far in the development of Clarksburg, but am not encouraged by this particular experience to date.

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This letter also serves as a formal request to meet directly with yourself and relevant staff to review the concerns of existing residents and impacted property owners regarding this project. This is critical to our interests being reflected and fully considered throughout the process and not just left to be aired at the last possible moment in the public hearing before the Board (or worse not heard at all). A number of adjacent residents to this project have retained attorneys and will be monitoring the process closely from this point forward. We've sought a collaborative relationship with the developer and have been rebuffed, ignored, or kept in the dark by them (to wit, they won't even send any of us a plan that should be public record and that I gather they've been working on since at least 2005). Please take this as notice that we seek to be engaged in a productive and equitable planning process and that we expect full consideration of our interests where they are threatened.

Thank you for your assistance with this matter and your offer to provide the documents we need. Please let me know when I can expect them and when we can schedule a meeting to review this project.

Sincerely,



John Cook

cc:

Royce Hanson, Planning Board Chairman
Wendy Perdue, Planning Board Member
John Robinson, Planning Board Member
Meredith Wellington, Planning Board Member
Allison Bryant, Planning Board Member
Faroll Hamer, Acting Director, Planning Department
Rose Krasnow, Division Chief, Development Review, Planning Department
Nellie Maskal, Clarksburg Planner
Arthur Holmes, Director, Montgomery County Dept. of Public Works & Transportation
Mike Knapp, Montgomery County Councilmember, District 2
Marilyn Praisner, Montgomery County Council, Planning, Housing & Economic Development Committee
Nancy Floreen, Montgomery County Council, Planning, Housing & Economic Development Committee
Marc Elrich, Montgomery County Council, Planning, Housing & Economic Development Committee
Kathie Hulley, Clarksburg Civic Association

Philip R. Lamb & Co., Inc.

Real Estate Appraisers & Consultants



David N. Lamb, MAI
Philip R. Lamb, MAI(ret.)
Members - Appraisal Institute

6533 Garden Grove Way
Laytonsville, MD 20882-1281
(301) 924-5517 (301) 924-5518 FAX

David N. Lamb, MAI
President
Laura G. Lamb
Vice-President

April 10, 2007

Dear Property Owner:

Re: Cabin Branch
Old Baltimore Road, Boyds, MD

My company has been selected to provide a real estate appraisal to Hudson Land, LLC in connection with Montgomery County Department of Public Works and Transportation and the Cabin Branch subdivision. An appraisal will be prepared to estimate the just compensation that should be paid to you as a result of this condemnation under eminent domain.

The appraisal will not require an interior inspection of any improvements but I will take exterior photographs along the roadway, where the proposed acquisition(s) will take place. I will be visiting the property during the next week, so please don't be alarmed if you see a redhead guy taking photographs.

Lastly, feel free to contact me if you have questions relating to the appraisal process. Questions regarding the project itself should be directed to Thomas Hudson at 202-244-5031. If you see me in the area and wish to contact me while I'm inspecting the property, my cell phone number is 240-498-0691.

Thank you for your cooperation.

Sincerely,

David N. Lamb, MAI
MD Certified General Appraiser #04-1340

ATTACHMENT G



Development Review Division
Montgomery County Department of Park and Planning

CHECKLIST Site Plan / Project Plan Review

Plan # B20050150 Name: CABIN BRANCH INFRASTRUCTURE
 Zone: RMX-VTDR & MXP Tract Area: 535. Proposed Use: MIXED-USE
 Number of Units: 1,886 Square Footage: 2,436,000
 Development Method: STANDARD Other: _____

Referral Comments:

M-NCPPC

	Staff	Date
Transportation	<u>KK</u>	<u>5.31.07</u>
Environmental	<u>MP</u>	<u>3.22.07</u>
Community Planning	<u>NM</u>	<u>6.1.07</u>
Historic Planning	<u>JO</u>	<u>12.22.06</u>
Park Planning	<u>DP</u>	<u>5.18.07</u>
Research/Housing	<u>RN</u>	<u>4.25.07</u>

Other Agencies

	Staff	Date
SHA	<u>RB</u>	<u>1.31.07</u>
DPS (SWM)	<u>RS</u>	<u>2/22/07</u>
DPS (Traffic)	<u>SN</u>	<u>5.10.07</u>
Public School	<u>RH</u>	<u>3.22.07</u>
Utility	_____	_____
Fire & Rescue	<u>MD</u>	<u>3.7.07</u>
DPW & T	<u>GL</u>	<u>5.30.07</u>

Development Standards / Requirements

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Zoning Requirements | <input checked="" type="checkbox"/> MPDU Calculation | <input type="checkbox"/> Building Restriction Lines |
| <input checked="" type="checkbox"/> Development Data Table | <input checked="" type="checkbox"/> TDR Calculation | <input type="checkbox"/> Building Height |
| <input type="checkbox"/> Recreation Calculation | <input type="checkbox"/> Timing/Phasing Conditions | <input checked="" type="checkbox"/> Master Plan Conformance |

Prior Approvals

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Development Plan | <input checked="" type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Prior Site Plan Approvals |
| <input type="checkbox"/> Record Plat | | |

Community Input

Civic Association CTACE
 Individuals JOHN COOK
 Supervisor Review 6.4.07 RAK
 Chief Review _____