



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Item #
MCPB 6-14-07

MEMORANDUM

DATE: June 1, 2007
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Development Review Division
 FROM: Robert A. Kronenberg, Acting *RAK*
 Supervisor
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Site Plan Review**
 CASE #: **820050150**
 PROJECT NAME: **Cabin Branch Infrastructure Plan**
 APPLYING FOR: Approval of an Infrastructure and Roads Only Site Plan to accommodate a maximum of 1,886¹ residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment, including 635 TDRs and 236 MPDUs on 535.04 acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance Section 19-64 for Final Water Quality Plan
 ZONE: MXPD, RMX-1/TDR
 LOCATION: Northwestern quadrant of the intersection of Interstate 270 and West Old Baltimore Road
 MASTER PLAN: Clarksburg Master Plan
 APPLICANT: FFTM 1, Limited Partnership, Winchester Homes, Inc., King Farm Partnership, Concordia Group and Adventist Healthcare, Inc.
 FILING DATE: November 4, 2004
 HEARING DATE: June 14, 2007

The following staff report outlines the conditions of approval for the Final Water Quality Plan and Infrastructure and Roads Only Site Plan with a discussion of issues pertinent to the Cabin Branch development.

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

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Attachments

- A. Development Plan G-806
- B. Preliminary Plan Resolution
- C. Final Water Quality Plan Approval Letter from DPS
- D. Memoranda from Agencies
- E. Letters from the Applicant
- F. Letters from the Community and Residents
- G. Site Plan Checklist

Summary

Proposal

The Preliminary Plan required the Applicant to submit an Infrastructure Plan to address major elements of a site intended to provide for a mix of uses. The purpose of an Infrastructure Plan is to establish a road network for future development, identify primary site features that would be integral to the plan, such as stormwater management, and set up the framework for construction and phasing of the roads. The application proposes an Infrastructure and Roads Only Site Plan that intends to clearly address major components of a composite plan, including the road network, stormwater management facilities, grading, a park and school site for future facilities, a concept recreational facility plan and an overview of the disbursement of MPDUs. The public road network has been reviewed and approved by the various state and county agencies for rights-of-way, intersection spacing and improvements.

Issues

The issues addressed during site plan review included possible encroachment into the existing stream valley buffers, stormwater management facilities within the county and state rights-of-way, extensive grading concerns throughout the site and design of the community park facility. Staff has held numerous meetings to discuss all of the pertinent issues and has held an internal charette with the various departments and divisions of the agency to integrate the design issues. Additionally, Staff believes there is an issue of approving an Infrastructure Plan prior to Phase II Preliminary Plan, although the Development Plan approved and envisioned the additional units and non-residential square-footage.

The Applicant has been working with staff, including the county agencies, to address issues pertaining to the overall road network and grid pattern, stormwater management, modifications to the right-of-way standards, overall management of the development and constraints associated with the park and school sites. Concerns have been raised over the type of development and uses proposed in concert with the road network, and whether or not the type of development is the most appropriate on this site and in this region of the county. However, in order to accommodate the future development, a grid network is needed for a TND development, requiring extensive grading, retaining walls and tighter alley widths.

Community Outreach

The collective Applicants presented all of the Cabin Branch development plans and the Infrastructure and Roads Only plans to the Clarksburg Civic Association Planning Committee, and held numerous public outreach meetings for an overview and update of the development. Staff attended the meetings to assist with questions pertaining to the Master Plan, status of the Infrastructure Plan and the site plan process.

Concurrent Review

The Applicant has filed five additional Site Plan applications for the retail, health care, employment and residential components in the northeastern quadrant of the overall Cabin Branch neighborhood. The Infrastructure and Roads Only Site Plan must be approved by the Planning Board prior to approval of the detailed Site Plans. Additionally, each detailed Site Plan application must obtain final water quality approval from the Montgomery County Department of Permitting Services prior to review by the Planning Board.

Background

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

The Preliminary Plan for Phase I of the development was approved on June 22, 2004 by the Planning Board for 1,600 residential dwelling units, 1,538,000 square feet of non-residential space and 500 elderly housing units. Phase II of the Preliminary Plan has been submitted to M-NCPPC but is not yet approved. It would increase the total number of dwelling units and non-residential square footage within the overall boundaries of the development approved by the original preliminary plan.

STAFF RECOMMENDATION FOR FINAL WATER QUALITY PLAN: Approval of Final Water Quality Plan for Site Plan 820050150 as described in the letter dated February 22, 2007 [Attachment C], including the Stormwater Management Concept, with the following conditions:

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

STAFF RECOMMENDATION FOR THE INFRASTRUCTURE SITE PLAN: Approval of the Infrastructure and Roads Only Site Plan, to accommodate 1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs), on 535.04 acres. All site development elements as shown on the Infrastructure and Roads Only Site and Landscape Plans stamped by the M-NCPPC on April 16, 2007 shall be required, except as modified by the following conditions:

1. Development Plan Conformance
The proposed development shall comply with the binding elements listed in Local Map Amendment G-806 and the associated Development Plan [Attachment A].

2. Preliminary Plan

The proposed development shall comply with the conditions of approval for Preliminary Plan 12003110A (formerly 1-03110A) as listed in the Planning Board opinion dated June 22, 2004 [Attachment B].

3. Site Design

- a. Each detailed site plan application shall be reviewed and evaluated for the specific uses proposed to create the proper design character appropriate for the type of development. The Infrastructure Plan and grid system may be modified at the request of Staff or the Planning Board during the review of the detailed site plans to include urban design elements, such as street walls, street alignment, unifying architectural treatments, pedestrian friendly environments and landscape treatments.
- b. The Applicant shall retain a town architect to oversee the design characteristics of Cabin Branch, including review of architectural treatments for individual residential units and commercial building design and layout.

4. Amendments

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

5. Streetscape

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

6. Pedestrian Circulation

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

7. Recreation Facilities

- a. Provide a Local Park site to include the facilities as described in condition 8 below.
- b. Remove the community facility (pool/clubhouse) from the future Park site and relocate the facility to a more centralized location convenient to the residents and overall community. The location of the pool/clubhouse shall be identified with the first residential detailed site plan.
- c. Provide the community-wide open space and a trail system as part of the minimum recreational concept for the overall Cabin Branch development. The exact locations, dimensions and sizes of these facilities will be determined with the corresponding site plan.

- d. Each detailed site plan application shall update the overall recreational concept to provide for individual facilities and a cumulative reporting of the community-wide facilities within the Cabin Branch development.

8. M-NCPPC Park Facility

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

- a. Applicant to dedicate to M-NCPPC the agreed upon area of contiguous land that is located between the proposed elementary school site and proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continuing south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation is to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland to be conveyed by time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
- b. Within the dedicated local park acreage, Applicant to provide, at Applicants expense, the park's most needed active recreational facilities and amenities to include at least one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10' wide where needed for maintenance access), a drinking fountain, park signage and information kiosks, portable restroom pad and enclosure, appropriate fencing for safety purposes along the retaining wall (acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated parkland. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users. Park dedication and facility layout to be substantially as set forth on the attached Park Site Exhibit, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to certified site plan approval. Facilities to be constructed to park standards and specifications after procurement by Applicant of appropriate park permit. Copies of applicable standards and specifications will be provided to Applicant by time of certified site plan approval.
- c. No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- d. Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, the elementary school and parkland together in an accessible, pedestrian friendly manner. Applicant to work with M-NCPPC staff prior to certified site plan approval to establish exact locations of needed trails in order to provide recreational opportunities for the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.

9. Maintenance Responsibility

The applicant shall be responsible for maintaining community-wide amenity features such as HOA playgrounds, HOA open spaces, retaining walls, parking facilities, streetscape elements and natural features.

10. Transfer Development Rights (TDRs)

Prior to recording of plat, the applicant shall provide verification that 635 TDRs have been acquired for the proposed development.

11. Moderately Priced Dwelling Units (MPDUs)

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

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

12. School Site

The applicant shall comply with the conditions of approval from the Montgomery County Public Schools in the memorandum dated March 22, 2007 [Attachment D]:

13. Transportation

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

- a. The applicant must comply with the current and future State Highway Administration (SHA) and Department of Public Works and Transportation (DPWT) requirements.
- b. 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.
- c. The applicant must either obtain a waiver from DPWT to allow street trees in a panel less than six feet wide or make adjustments to their plan in order to provide for a minimum of six foot wide planting areas.
- d. The applicant must provide at least one handicapped-accessible crosswalk for pedestrians and bicyclists crossings between the adjacent land uses.
- e. The applicant must design all roundabouts in accordance to FHWA/MSHA guidelines.
- f. The applicant must provide curb return radii of 30' on arterials, 25' on commercial/industrial, primary and secondary roads, 20' on tertiary roads and 15' on alleys, adjusted as necessary for local conditions such as trucks and school buses.
- g. The applicant must identify and obtain waivers from the Planning Board for horizontal curves that are less than minimum standard.
- h. 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".
- i. The applicant must provide a pedestrian connection between the intersection of Streets O and J to the intersection of Streets T and H.
- j. The Applicant shall submit a detailed site plan for West Old Baltimore Road for the section identified as Area D on the Development Plan to address concerns with respect to grading, clearing, impacts to septic systems and wells and vehicular and pedestrian connections to Black Hill Regional Park.

14. Forest Conservation

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

- a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. No clearing or grading is permitted with the infrastructure plan.
 - b. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.
15. Historic Preservation
 The proposed development is subject to the following conditions of approval from the Historic Preservation Commission dated December 22, 2006 [Attachment D].
- a. Parking lots will not be constructed within the environmental setting of the historic resource.
 - b. The circular drive around the historic house will be maintained in gravel.
 - c. Any tree 6" in diameter (DBH) or larger proposed to be removed within the environmental setting of the historic site will require approval by the Historic Preservation Commission.
 - d. The proposed changes within the 5-acre environmental setting (i.e. new construction, grading changes, tree removal, fence installation, retaining walls, and alterations to the historic house) will require review and approval through the Historic Area Work Permit process (HAWP).
 - e. The environmental setting of the historic resource remains the original boundaries of Parcel 747, which is 5.31 acres in size.
 - f. The installation of activity lighting on the ball fields is prohibited.
 - g. The owner of the property will remove non-historic elements and rehabilitate the house. The applicant will receive approval from the HPC for applicable projects.
16. Fire and Rescue
 The proposed development is subject to the conditions of approval from the Montgomery County Fire and Rescue Service dated March 7, 2007 [Attachment D].
17. Stormwater Management
 The proposed development is subject to Stormwater Management Concept approval conditions dated May 13, 2004, unless amended by the Department of Permitting Services [Attachment D].
18. Common Open Space Covenant
 Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff during the detailed site plan process to insure that Applicant's recorded Homeowners Association Documents are incorporated by reference in the Covenant.
19. Development Program
 Applicant shall construct the proposed development in accordance with a Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. A development program for each detailed site plan shall include a phasing schedule to incorporate the following site plan elements: street tree planting, community-wide pedestrian pathways and recreation facilities, other pedestrian pathways and seating areas, clearing and grading, necessary roads and phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

The Development Program for the Infrastructure Plan shall include a phasing schedule as follows:

- a. Phasing of MPDUs.
- b. Grading and timing for the construction of the Local Park.
- c. Prior to the release of the 650th residential building permit, the Applicant shall obtain a building permit for the community pool and center.

20. Clearing and Grading

No clearing or grading is permitted with this site plan application. The Applicant may begin clearing and grading activities with the subsequent certified site plan approvals for each development site plan submittal.

21. Certified Site Plan

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

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

Summary of Issues Reviewed during the Site Plan

There were many issues discussed during the review of the Infrastructure Site Plan, some of which surfaced during the review of the detailed site plans. The following issues are not necessarily in order of importance to the project or a summation of all of the issues, however, the issues discussed are relevant to the Infrastructure Plan as well as the determinations made that may impact the subsequent detailed site plans:

I. Local Park

The Clarksburg Master Plan, approved and adopted in 1994, provides for a local park, referred to as Clarkmont Local Park by the Master Plan, within 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. The Linthicum property, where the other master planned park will be located, is situated on the south side of West Old Baltimore Road. Clarkmont Local Park is intended to adequately accommodate the active recreational needs of the communities west of Interstate 270 and north of West Old Baltimore Road. Clarkmont Local Park was intended in the Master 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. The park was approved as a 10-acre site by the Preliminary Plan. The reduced size of the park was deemed sufficient to satisfy active recreation needs as long as the requirements for stormwater management and reforestation were met off-site. The nearby Black Hill Regional Park has considerable passive recreational opportunities but does not include ball fields.

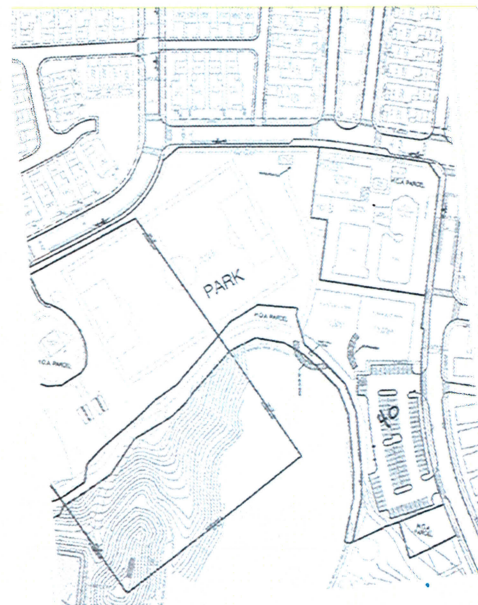


Revised Park Plan Exhibit

The park facilities were enumerated in the approved Preliminary Plan Opinion and shown graphically on the Preliminary Plan. It appeared 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. 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. Ball fields 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.



Original layout of ball field and pool/clubhouse pool/parking/ Approved as part of Preliminary Plan



Revised layout of ball field and clubhouse submitted as part of Infrastructure Site Plan

Applicants Position

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. The Applicant believes that the originally proposed location and design of the proposed community pool and clubhouse was appropriately sited and sized to accommodate the needs of the neighborhood and would have been well-integrated within the framework of the parking, playgrounds and ball fields. The clubhouse would also have created a terminus from the primary road network, linking the stream valley to the east. The Applicant has worked with Staff to address concerns and the need for adequate parking, play area and design considerations, while trying to maintain the overall design theme for the community and design considerations for the park and community site. However, the applicant has agreed to relocate the community building outside of the park site area and within the future residential development.



Applicants illustrative of the proposed clubhouse/pool and park site as submitted

Staff Position

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 size and design of the local park has a direct impact on the total community and facilities provided with the residential and non-residential uses, with respect to use and programming. Additionally, the proposed park must be able to sustain a series of users within the overall Clarksburg area, further emphasizing the importance of the design, space and layout of facilities.

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 included the increased size of the proposed HOA pool/recreation center, which rendered the remaining usable park space inadequate for the proper layout and spacing of park facilities. The proposal also had insufficient parking spaces for the facilities, and the relationship of the spaces to the facilities. Other issues included the proposed grading, retaining walls and fencing that made the softball field space and soccer field too restricted and created unsafe conditions. Staff was concerned about the future maintenance of the walls by the HOA and the location of trails connecting the park facilities. 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 compromising of the use of the facilities with respect to the design considerations of the community facility.

Staff offered a number of solutions and recommendations to address physical limitations and design considerations on this site. 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, as depicted in the graphic below. 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.

The softball field, which is the least needed of the park amenities, will be eliminated from this park area to allow more open play area and provide a more natural and aesthetic setting for the front of the historic house. This will also prevent possible user conflicts such as balls landing on cars or visitors at the historic house area or on adjacent trails. One of the fences along the field's original foul line can therefore be eliminated and the land can perhaps be graded to reduce the size of the retaining walls along the parkland.

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

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.

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 will be provided to the utilities for maintenance purposes. 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.

On site parking can be reduced somewhat since the softball field is being eliminated and the pool is being relocated. At least 60 spaces are recommended, and to be located just south of the soccer field and accessed off of Street J.

The proposed park is a deviation just with respect to the elimination of the ball field from the approved conditions of approval from the preliminary plan; however, the changes are consistent with the intent and purpose of a local park for this community.



Illustrative of the proposed park site without the pool and clubhouse

II. Moderately Priced Dwelling Units

The MPDU calculation was discussed in early phases of the development plan and preliminary plan. In fact the number of MPDUs was shown on the development plan as a binding element that states: “the project would consist of 1,676 market rate units plus 210 moderately priced dwelling units (12.5%) for a total of 1,886 units. However, this number represents 12.5 percent of the base market rate units, but MPDUs should be calculated as a percentage of the total units. The total number of MPDUs required for 1,886 dwelling units would equal 236.

Aside from the total number of MPDUs to be provided, Staff and the Applicant, with assistance from DHCA, reviewed the placement of MPDUs, with respect to the overall phasing of the development. The Applicant has asked to frontload (provide additional units in the early stages of the project) the MPDUs in Phase I so that the MPDUs are being built closer to the initial stages of a development and to integrate better with the construction of the market rate units.

Applicants Position

The Applicant believes the numbers represented at the zoning case and with the Preliminary Plan are consistent with previous discussions. However, after receiving documentation from DHCA and Staff that the total number of MPDUs needs to represent 12.5 percent of the total number of dwelling units associated with the total site, the Applicant has agreed to provide the additional 26

MPDUs on the site, according to a phasing plan established by the Department of Housing and Community Affairs.

The Applicant also requested permission to “frontload” the units in Phase I, in order to have no MPDUs in Phase III of the community, which includes primarily one-family detached houses. This would enable them to still provide MPDUs at the same rate as market-rate units.

DHCA Position

DHCA has requested that the Applicant provide the 12.5 percent MPDUs on the total number of units provided in the development. DHCA has agreed to frontloading the MPDUs in Phase I, but not to the numbers requested by the Applicant. DHCA is allowing 14.3 percent of the proposed MPDUs to be built in Phase I and requiring the minimum 12.5 percent to be built in the Phases II and III.

Staff Position

M-NCPPC Staff did not believe the calculation for the lower number of MPDUs was correct. Staff believes that the overall number of MPDUs, at a minimum, must be calculated on 12.5% the total number of units provided, not on the base density, in order to comply with Chapter 25A. The Applicant has agreed to provide the required 12.5% MPDUs on site, based upon the total number of dwelling units, excluding the elderly housing units. The number of MPDUs required for the 1,886 dwelling units equals 236, which represents 26 additional MPDUs to be located on the site.

Staff believes the phasing prescribed by DHCA, which calls for “frontloading” MPDUs in Phase I while dispersing the remaining units throughout the other phases, is appropriate.

III. Cabin Branch Management

Since the Cabin Branch community will be one of the largest mixed-use neighborhoods on the west side of I-270, it will need to be managed throughout the design and construction phases to insure adherence to conditions, phasing and design characteristics. Staff and the community have expressed concerns over the number of parties involved in the development and the responsibility of each of the parties. Further, one contact needs to be on record as the point person to oversee all of the aspects of the development, from a cohesive design of the units and buildings to the details associated with materials and treatment of site elements.

Applicants Position

The applicant confirms that there will be a master association for the entire Cabin Branch community for all of the residential, elderly housing, and commercial and non-residential development. The Applicant has appointed a point person to oversee management, operations and address concerns that arise during the review process.

A town architect will be retained by the Applicant to oversee building design for architectural treatments.

Community/Resident Position

CCA has expressed concern about the integral management of a community this large to insure compatibility within the development and with the surrounding region. Concerns have also been expressed with respect to management of the collective parties that combine to form Cabin Branch. The CCA recommends a master developer to insure quality throughout the design and construction process.

Staff Position

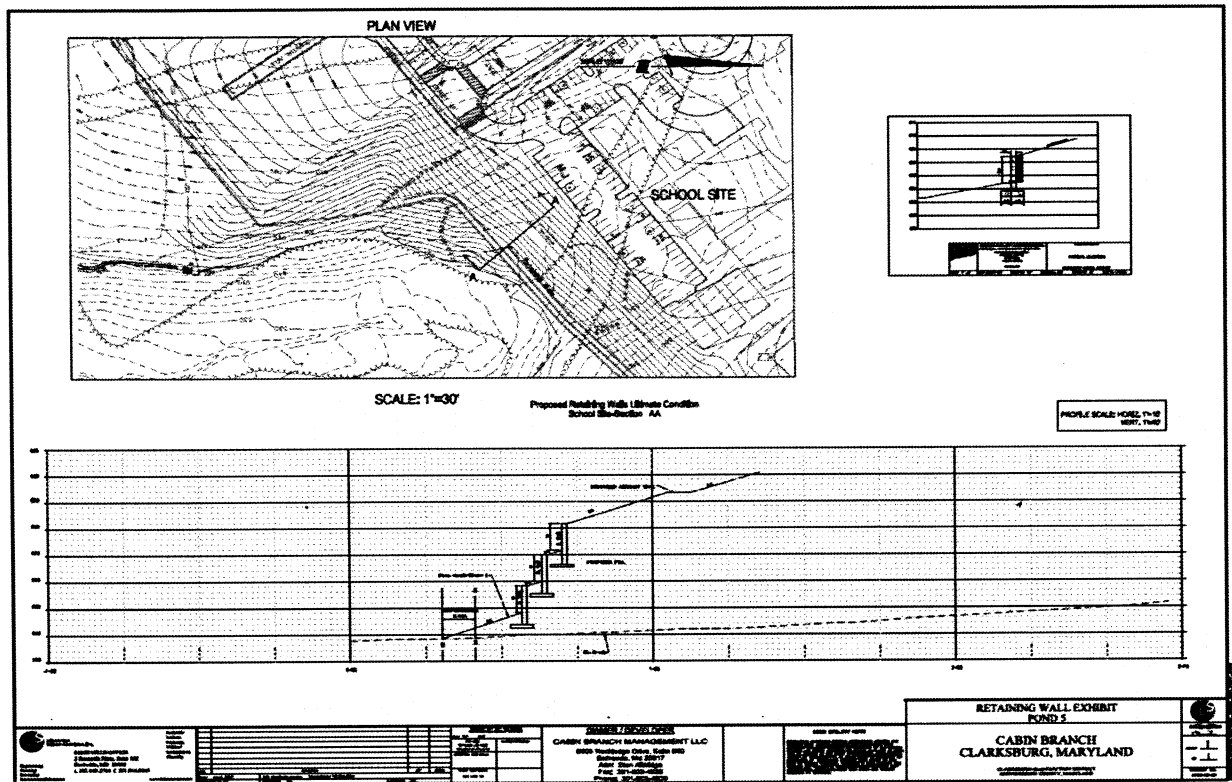
Staff has been concerned about the overall management of Cabin Branch and voiced their concern on numerous occasions. The developer has committed to a master developer and town architect who will oversee the building design, quality and character of the community. A condition requiring such has been placed in the staff recommendation section of the report.

IV. Retaining Walls and Grading

The Preliminary Plan established a basic site layout for the overall development and the retaining walls necessary to allow a grid system to be established as part of the envisioned neo-traditional community. There is approximately 110-150 feet of grade difference from MD 121 to West Old Baltimore Road, depending on the location of the roadway. The amount of grading needed to account for the rolling terrain and integrated stream valleys leads to the need for the extensive retaining wall system. During the preliminary plan process, the applicant was required to minimize the grading and extent of the retaining walls for the development. The original concept-grading plan was analyzed by the Applicant and engineered to eliminate the amount of cut/fill that exacerbated the height and mass of the retaining walls near the park and school sites. Nevertheless, the amount of grading and height of walls is extensive.

Applicants Position

Retaining walls have been shown on the Infrastructure site plan and minimized to the extent possible to address grading concerns with the preliminary plan approval. A retaining wall exhibit was submitted and reviewed with the Infrastructure and Roads Only Site Plan. The retaining walls on the west side of the park property have decreased in height from 50 feet to three tiered, 30-foot-tall retaining walls at the highest point since the preliminary plan approval. The series of walls are expansive when taking into account the terrain and fixed points of elevation, such as the major roadways and location of stream valleys. The applicants' plan incorporates traditional design features of a modified grid system to allow for street connections and maximum permitted grades for the streets, while minimizing cut/fill operations and excessive grading, where possible. The applicant notes in their letter dated May 21, 2007 (Attachment F), "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".



Retaining wall exhibit indicating cross-section of area, south of the proposed school site and the detail of the three-tiered wall proposed.

Community Position

The community is concerned about the size, length and number of retaining walls throughout the overall development and maintenance of those structures once turned over to the homeowners association. The community is also concerned that the type of development is not conducive to natural features of the site, which lends to the overall problem that too much development is being forced on a site that is physically limited.

Staff Position

Staff has been concerned about the location, size and maintenance of the retaining walls.

However, Staff believes that given the Master Plan vision, these walls are necessary and recognizes that the applicant have modified the overall grading on the site has been modified to the extent possible to permit proper road grades, adequate area for the park and school site and protection of the natural features. Additionally, the applicant has tiered the primary retaining walls around the park and school site and lowered the original height by approximately 20 feet.

V. West Old Baltimore Road

The preliminary plan required the Applicant to “upgrade West Old Baltimore Road to two-lane arterial standards” in anticipation of the Cabin Branch development and the Linthicum development directly opposite Cabin Branch on the south side of West Old Baltimore Road. The

County is considering a CIP project for the stretch of West Old Baltimore Road directly adjacent to the proposed community.

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 does 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.

Applicants Position

The Applicant provided information for review on West Old Baltimore Road to indicate total right-of-way, potential grading for a two-lane arterial, open section roadway and utilities involved with infrastructure improvements. The county road was shown to provide a contextual relationship and establish grades for the connections from the proposed neighborhood as well as the improvements at the I-270 interchange. The Applicant acknowledges grading impacts to the affected properties and has provided a plan indicating the grading easements, right-of-way and public utility easements needed to accommodate an arterial roadway.

Community/Resident Position

The community and residents along the north side of West Old Baltimore Road, across from Black Hill Regional Park have expressed concern about impacts to their property frontage and the impacts to the existing wells and septic systems. Residents are not supportive of the widening, grading, clearing and potential impacts that the road improvements would have on the affected properties.

Staff Position

Staff is concerned about the amount of clearing and grading associated with proposed future improvements to West Old Baltimore Road, specifically in the areas of the Black Hill Regional Park frontage and entrance and along the frontage of the resident properties. Staff is also concerned about the process required for reviewing the impacts to adjacent properties, including the residents and park property. Staff is opposed to a CIP project, which would require a mandatory referral and advisory input by M-NCPPC, but is supportive of a condition requiring the Applicant and Staff to address the future improvements to West Old Baltimore Road at the time of site plan for the respective development adjacent to the roadway.

VI. Design Considerations

The Clarksburg Master Plan vision for Cabin Branch is one of a neo-traditional, mixed-use community on a site bounded by three major roadways with intentional emphasis being placed

upon retail frontage on MD 121, medical office buildings at the primary intersection of the site and a large concentration of residential uses throughout the community.

Applicants Position

The Applicant has stated that there will be the potential of changes to the individual site plans in order to accommodate recommendations by Staff and to address changing market needs for the multi-phased, mixed-use community. However, the Applicant also notes that the primary reason for the Infrastructure Plan was to implement the years of design efforts involved in the Development Plan application and the Preliminary Plan.

Community/Resident Position

With the first submittals to the Planning Board and the County Council, the applicants proffered to treat and develop the entire Cabin Branch community as single-plan development with residential, employment, retail and public service uses. The current plans as presented to the community lack cohesiveness and neither appears as to be a single development nor to function as such, but rather individual parcels developed discretely, such as would be the case for infill development. This is extremely alarming to the community and further jeopardizes the intent and vision of the Master Plan for Clarksburg. Most concerning is the refusal to abide by the integrated design concepts for the neighborhood core and the lack of adherence to providing the maximum access to proposed open space and public uses (to include places of worship, childcare, a community building, a park and an elementary school (detailed in Master Plan pages 67, 68, 69 & 70). Cabin Branch is the largest development west of I 270 in Clarksburg, and as such, affords a final opportunity to regain some of what has been already lost from the Clarksburg vision.

Staff Position

Staff has voiced their concerns over the possible inability to recommend design changes to the detailed site plans once the Infrastructure plan and road grid system is in place. Staff recommends language in the conditions of approval to provide Staff, the applicant and the Planning Board with the opportunity to respond to urban design principles, market demands and new initiatives for creating community design character. Some of the principles the Applicant needs to aspire toward include: an inviting street wall for the retail and commercial frontage, adequately spaced and proportioned public open spaces and HOA open spaces and recreational opportunities, a pedestrian friendly environment and continued protection and preservation of the existing natural resources. Staff also acknowledges, by virtue of conditions of approval, that a town architect is needed to oversee and provide quality control over architectural treatments and site design.

VII. Stormwater Management within the County Rights-of-Way

The Applicant pursued the initiative to locate stormwater management facilities within the county rights-of-way in the Cabin Branch community. The purpose of the alternative placement of stormwater facilities was to implement new methods of treatment within the special protection area guidelines, create visual enhancement of unsightly facilities along major roadways, and provide for better maintenance and access to the structures.

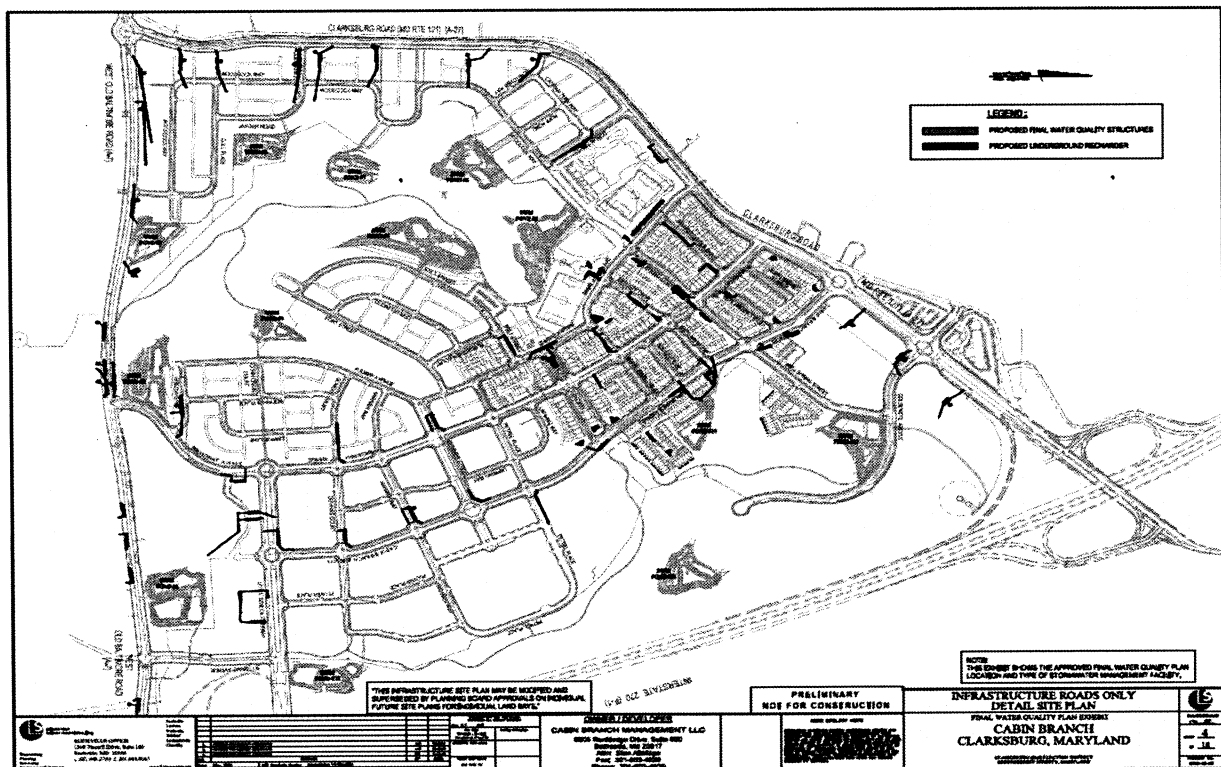
The agencies needed to understand and coordinate linkages between water quality structures, maintenance and streetscape elements; identify guidelines for locating water quality structures in a manner that accommodates access for maintenance and the provision of streetscape and achieves overall compatibility within a residential setting; and review proposed plans and identify any conflicts for access and streetscape.

There was a general discussion of DPWT’s approval of such structures in the ROW and their maintenance/access needs. Park and Planning staff asked questions about the specific characteristics of the structures and explored the question of how to plant trees in the vicinity of these elements. Both street trees and water quality structures have to be coordinated in a manner that works for both elements.

It became apparent that if the structure and pipe area were lined up with the edge of the sidewalk, set back approximately 5 ½ feet from the curb line, there would be sufficient room for storm drain pipes, street light conduits, and a line of street trees between the curb and the water quality structures. The longitudinal location of the tree will need to be adjusted to ensure maintenance access for the structures and pipe areas.

Applicants Position

The Applicant pursued the viability of structures within the right-of-way to alleviate impervious coverage, visibility of unappealing structures, ease of maintenance and provide best management practices within a Special Protection Area. The Applicant has coordinated with many county and state agencies, as well as M-NCPPC, to collaborate on the functional aspects of the proposed facilities as well as the integration of those facilities with streetscape elements.



Overall plan of the stormwater management structures within the right-of-way

DEP/DPS/DPWT Position

DEP explained the maintenance and access needs for the structures. Trucks need to pull up to the curbside adjacent to the structures and have at least 12 feet clear on either side to enable movement of the boom with the vacuum pipe that will remove accumulated pollutants and lift up the filter for media replacement. The underground detention pipe area, the larger rectangular area shown on plans, needs truck access also but only at the ends of the pipes, not in the middle unless the pipes exceed 100'-150' in length. DPS expressed the need to be sure that other elements such as the street lighting and fire hydrants also fit within the curbside.

DEP reaffirmed the intra-agency agreement to maintain SWM function within parklands. The group agreed upon the following parameters or guidelines and it was felt that the applicant would need to resubmit landscape plans that adhere to these parameters:

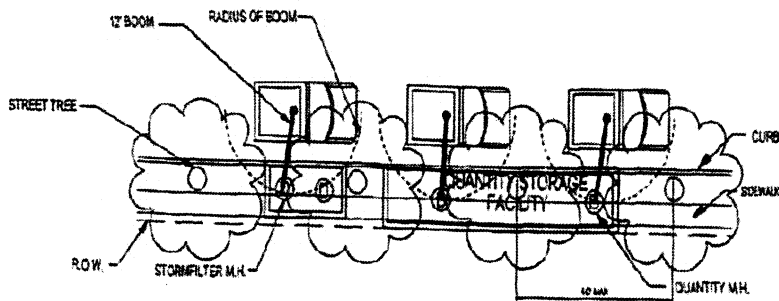
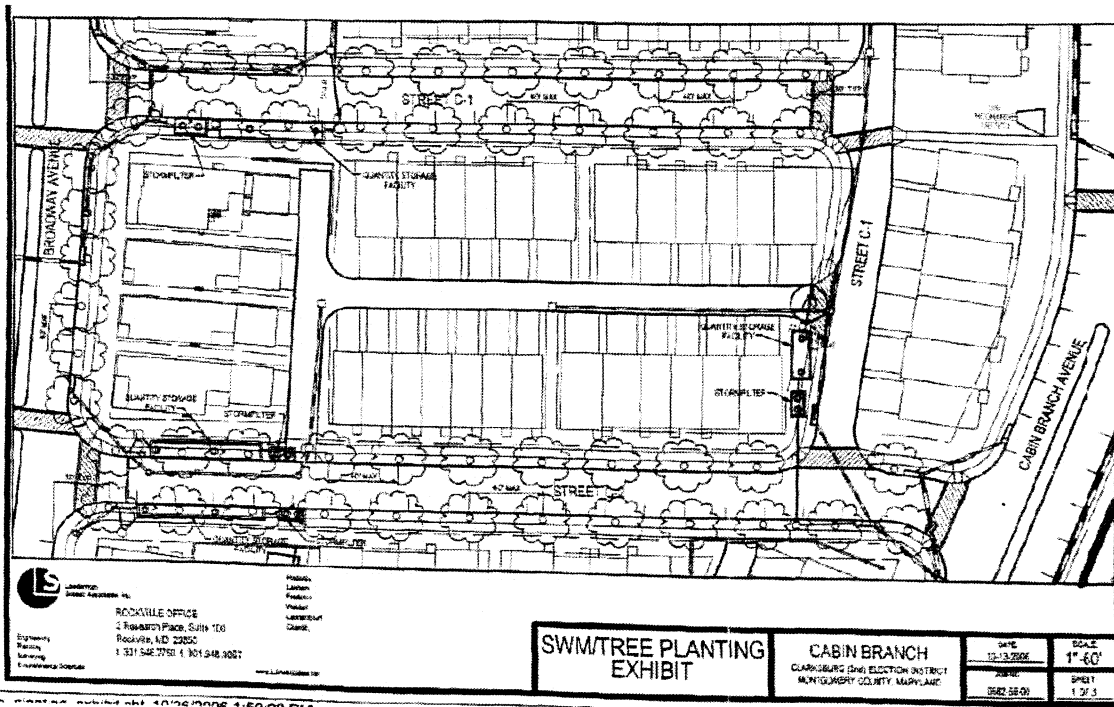
Guidelines for water quality structures within the ROW:

- 1) Water quality structures must be within the right-of-way or in an outlot. They cannot be placed on private property or in the PUE.
- 2) Such structures must not be located adjacent to the fronts of residential lots due to compatibility concerns.
- 3) Water quality structures can be within a PUIE, a combined PUE and PIE, but must not be further than 20 feet from the street curb, unless a driveway apron is provided.
- 4) Trees may be planted along the curbside but longitudinally located to ensure access to the structure and to the pipe area. In general, an area 12 ft. to either side of the structure access points must be clear of trees and at the end of the pipe areas. The best location for a street tree, therefore, would be in the longitudinal middle of the pipe area.
- 5) Coordinate streetlights and fire hydrants with streetscape and water quality structures and ensure adequate space for footings.
- 6) No water quality structures will be permitted on school property or parkland.

M-NCPPC Staff Position

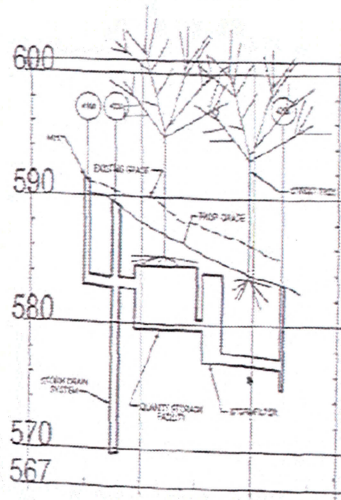
Park and Planning expressed a need to achieve a streetscape treatment with trees planted approximately 30 to 40 feet on center given the high density and townscape character of the proposal. In fact, the achievement of a townscape character is why the applicant proposes the water quality structures for the project. The proposed plan is striving for a townscape character within a residential area of the plan. The Applicant also addresses the visual and aesthetic characteristics by providing a consistent streetscape.

Park and Planning also expressed a need to be able to plant grass between the curb and sidewalk area to emphasize the residential character.

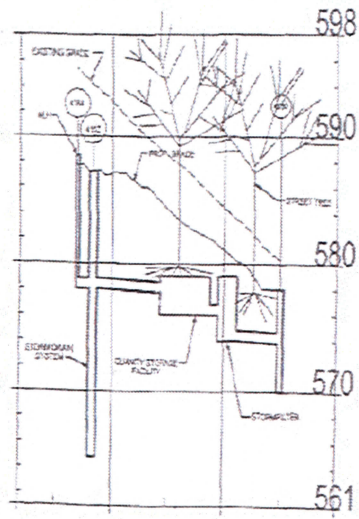


TYP. STORMFILTER AND QUANTITY STORAGE FACILITY
 1"=20'

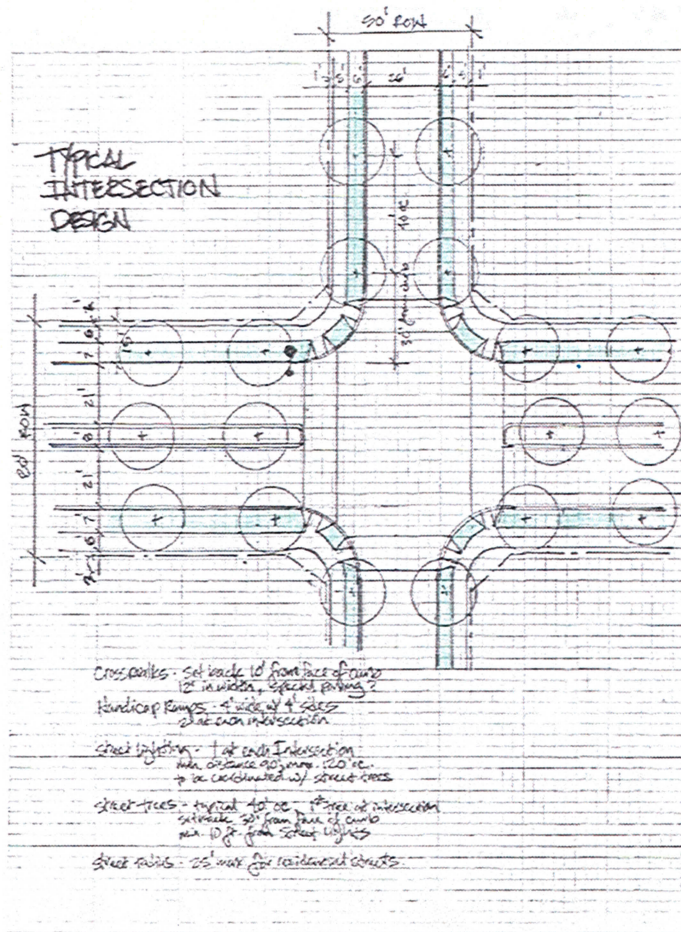
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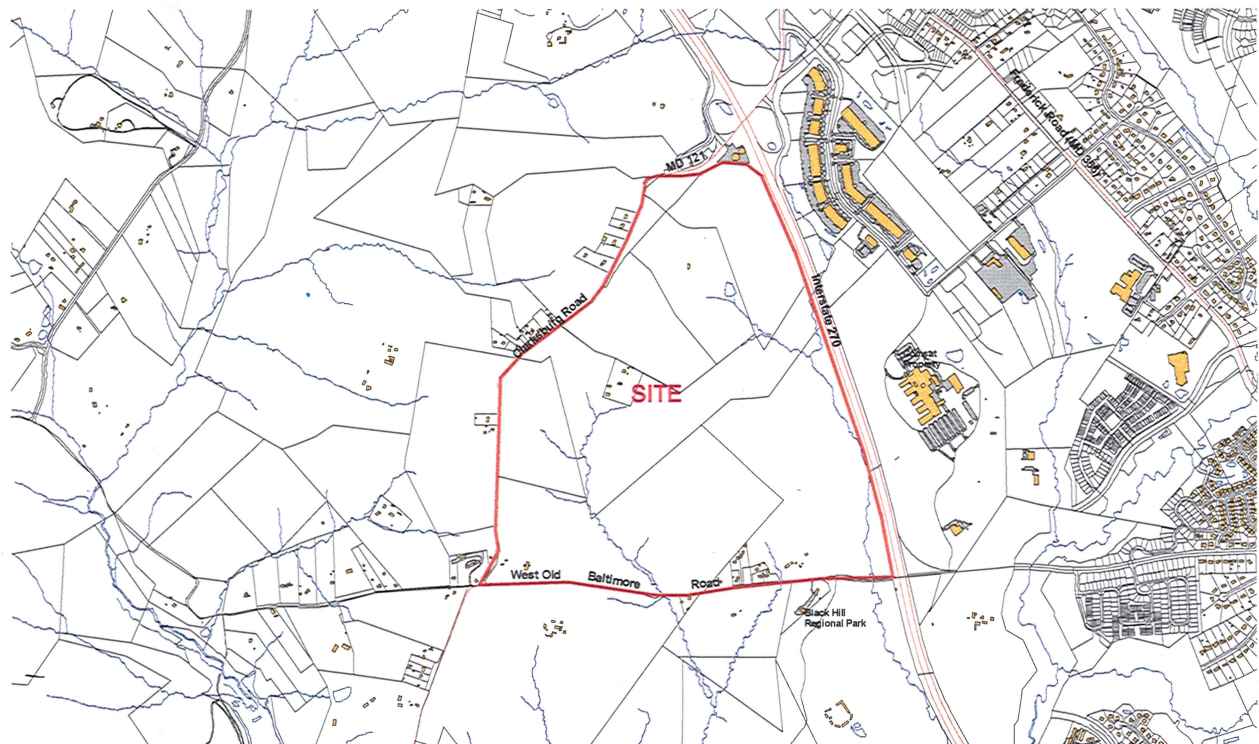
VERT 1"=5'



PROJECT DESCRIPTION: Site Vicinity

The subject property is located in the northwest quadrant of the intersection with I-270 and West Old Baltimore Road. The entire tract is bounded by I-270 to the east, West Old Baltimore Road to the south and Clarksburg Road (MD 121) to the north and west. The properties along West Old Baltimore Road include a number of one-family detached homes, primarily on the north side, as well as the entrance to Black Hill Regional Park via Lake Ridge Drive, near the intersection with I-270. There are also numerous one-family detached homes fronting Clarksburg Road surrounded by working farms, such as the Linthicum Property. Both roads are rural in character with narrow pavement, forest edges opening up to hedgerows and farm fields. The commercial properties across I-270 are comprised of the Gateway 270 Business Center and Comsat. Clarksburg Road and West Old Baltimore Road connect with Frederick Road (MD 355), which runs generally parallel to I-270 toward the east. West Old Baltimore Road can be accessed from MD 355 while Clarksburg Road is accessed via an interchange from I-270.

Ten Mile Creek, a class IV stream to the west of the site, flows south into Little Seneca Lake, which is surrounded by Black Hill Regional Park. Ten Mile Stream Valley Park is also located west of the site on the north side of West Old Baltimore Road. Little Bennett Regional Park is located north and east of the site at the intersection with Comus Road and Frederick Road. Clarksburg Town Center is approximately 1.5 miles north and east of the site on the east side of Frederick Road.

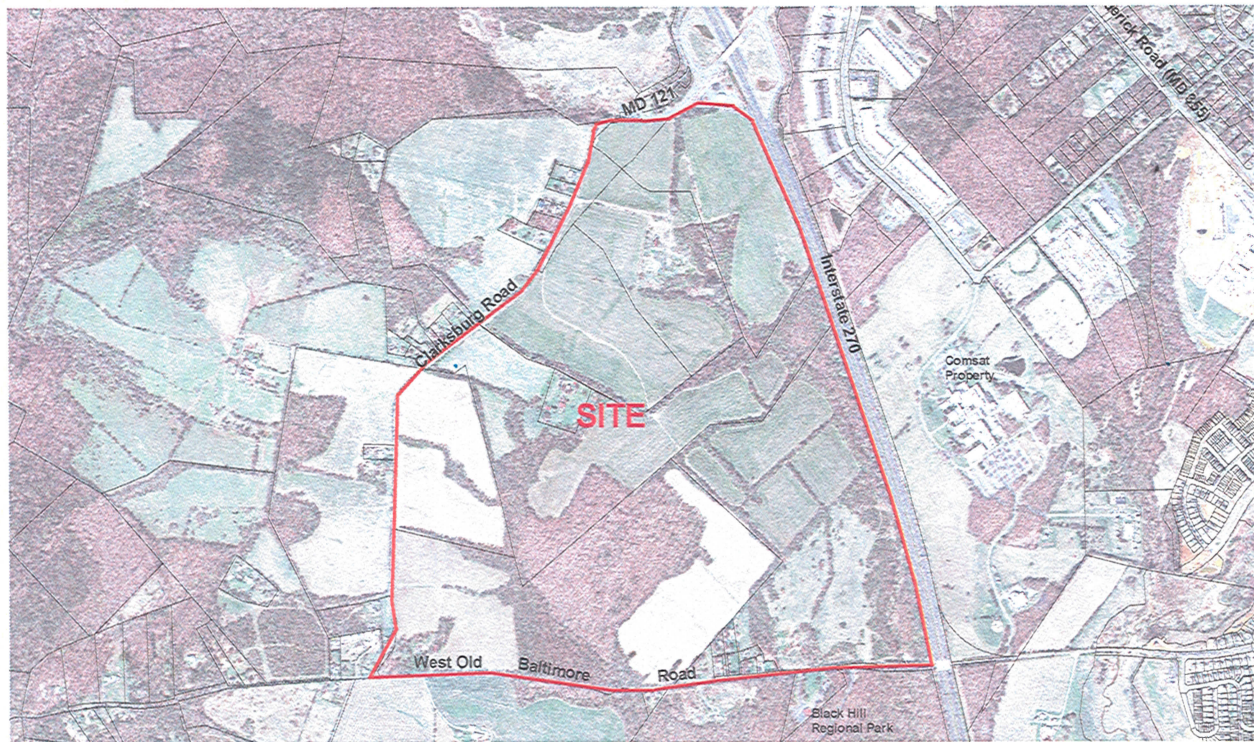


PROJECT DESCRIPTION: Site Description

The subject property consists of 535.04 acres of existing farmland and forested stream buffers. The entire tract is owned by five different property owners, all of which comprise the overall Cabin Branch community. This area, also known as the Clarksburg Triangle, includes approximately 243 acres within the Clarksburg Special Protection Area in the Little Seneca Creek watershed. Two major stream buffers exist on the site: one of which parallels the majority of the western boundary of I-270; and the other encumbers the western portion of the site south of Clarksburg Road to West Old Baltimore Road. There are eight parcels or lots on the north side of West Old Baltimore Road that contain one-family detached dwellings and are not part of this application.

Much of the site is active farmland separated in blocks by forested buffers and hedgerows to accommodate runoff and best management practices for cultivation. The farming activity is prevalent along Clarksburg Road and visible from I-270 and West Old Baltimore Road. Much of the forest is encompassed within the two stream valley buffers on the site.

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



PROJECT DESCRIPTION: Proposal

The proposal for the Cabin Branch Infrastructure and Roads Only Site Plan recommends approval of an overall framework for physical elements to accommodate a large mixed-use, multi-phased site plan. The Preliminary Plan established a number of conditions related to the overall development; however, two focused directly on the application for the Infrastructure and Roads Only Site Plans. The two conditions read as follows:

Condition No. 21 states:

“At least 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 on-site 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

Condition No. 22 states:

“At least 60 days prior to the submission of a complete Site Plan application, the applicant shall submit an ‘Infrastructure-Roads Only Site Plan’ for Planning Board Review. The plan shall include but not be limited to”:

- Full widths of all public and private rights-of-way
- Cross section of all roads
- Median breaks
- Intersection spacing
- Any special features to be allowed in public rights-of-way

The proposed Infrastructure and Roads Only Site Plan address all of the previous conditions of approval as well as other preliminary plan conditions of approval that have a development timetable associated with site plan review. In addition to addressing the above conditions, the Infrastructure Plan has expanded to include an MPDU phasing plan. The following items of approval are outlined and discussed in detail in accordance with the respective condition:

Condition No. 21

Stormwater Management and Final Water Quality Plans

A Stormwater Management Concept was approved by the Department of Permitting Services on May 13, 2004 and included in Appendix C of this report. The approval is conditioned on approval of the Final Water Quality Plan approval for sites within a Special Protection Area. The concept is providing channel protection measures via thirteen extended detention dry ponds. These structures will provide channel protection volume for up to a one-year storm with a

maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment trail that consists of recharge structures, surface sand filters, biofiltration structures, dry swales, structural water quality inlets and vegetated buffer filtering. Additional large surface sand filters are being provided to address water quality volume for closed section roadways. Recharge is to be provided below the outlet pipe of all of the proposed (non-structural) water quality structures.

A Preliminary Water Quality Plan was approved for the preliminary plan submittal that included performance goals to address protection of streams and aquatic habitat, maintenance of natural stream channels, minimization of runoff, erosion and bank control, protection of natural environmental features as well as control of toxic substances. The Final Water Quality Plan was approved February 22, 2007 and contains a number of conditions that will need to be addressed with the submittal and approval of each development site plan. Each new development site plan will be required to obtain a Final Water Quality Plan approval prior to a Planning Board hearing.

A geotechnical study and report was prepared by Geo-technical Technologies Associates, Inc. that analyzed the site grading, subsurface conditions, foundations for the proposed residential structures, surface and subsurface drainage, utility pipe systems, establishment of the roadway systems and the stormwater management facilities. Recommendations for the stormwater management facilities included infiltration, groundwater recharge facilities, material requirements and basin excavation and embankment construction. The report also outlined limitations for the site based upon the limited observation and testing of the surface materials. Additional testing will be required for all aspects of the study during each site plan phase and throughout construction of the roads and development.

Location of Major On-site Water and Sewer Lines

The overall site requires the plan to extend water and sewer service down West Old Baltimore Road and MD Rte 121. A new water tower will be constructed by the Applicant in the northeast quadrant of the site to accommodate the overall development. A mandatory referral is required to address this requirement. A 24" waterline is being extended along West Old Baltimore Road from Ridge Road to the intersection of MD 121, which will provide service at various points into the site. The sewer alignment is based upon the drainage divides associated with the future development. The majority of the site east of the central stream buffer is served by gravity sewer, which includes a line that follows the stream buffer that parallels the Interstate and crosses over West Old Baltimore Road, following into Black Hill Regional Park and continuing down the interstate corridor. The western drainage divide will be serviced by a pump station on the south side of West Old Baltimore Road.

Details of grading and retaining walls

The original concept-grading plan was analyzed by the Applicant and engineered to eliminate the amount of cut/fill that exacerbated the height and mass of the retaining walls near the park and school sites. The discussion of grading and retaining walls is covered in the summary of issues section on page 17.

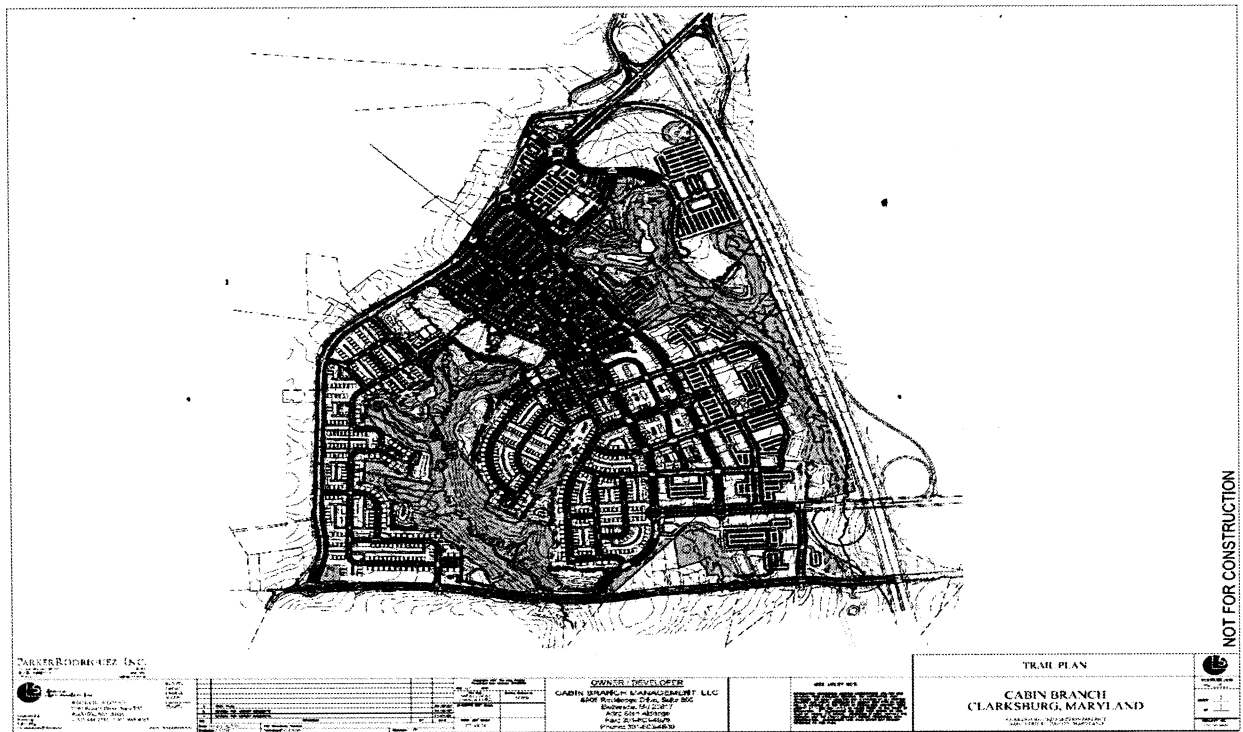
School and Park sites

The overall property contains a 10.0-acre school site dedicated to the Montgomery County Board of Education (“BOE”) and a 10.0-acre park site to be dedicated to M-NCPPC. The Applicant will provide for stormwater management quantity control and any forest conservation requirements attributable to each site off the respective properties.

Montgomery County Public Schools has reviewed the school site and offered design considerations pertinent to grading and siting of the proposed school building on the site. Conditions have been inserted into the staff recommendation based upon their review of the application.

Recreational guide concept plan

The Applicant has submitted an overall recreation plan outlining the placement and types of community-wide recreational facilities that would be incorporated by the Infrastructure Plan, such as the HOA open space parcels, locations of the ball fields on the Park and School site and the trail system within the stream valley buffers. The 8-foot-wide hiker/biker trails have been incorporated into the road network, primarily within the rights-of-way for MD 121, 2nd Avenue, West Old Baltimore Road and on the boundary of the park and school site.



Proposed Schedule for Clearing and Grading of Site

The Applicant has indicated that the infrastructure plan sets the parameters of the public road network, stormwater management facilities and utilities pertinent to the grading operations of the development. Staff has conditioned that no clearing or grading would occur with the infrastructure plan; rather each site plan would build certain portions of the road network and necessary infrastructure improvements. However, the Applicant intends to file a mass grading

plan to start implementing sediment control measures relating to the stormwater management operations and utility connections. Final forest conservation plans will need to be reviewed and approved with any clearing and grading activities.

Condition No. 22

Full widths for all public and private rights-of-way

The Applicant submitted a Roads-Only site plan that established the rights-of-way, widths and street cross-sections for all public roads within the development. The private streets or “non-regulatory roads” were provided on the plan to establish intersection spacing and overall design continuity. The public road rights-of-way range in hierarchy from the major state roads (i.e. MD 121) to the major connecting county roads (i.e. West Old Baltimore Road and Little Seneca Parkway). The internal county public roads also include major spines such as 1st and 2nd Avenues that contain divided medians, to the more community oriented public roads within the development areas.

The rights-of-way established for the public roads are as follows:

Proposed
For Approval

Rights-of-Way Established with this Plan:

<p>MD 121 (Clarksburg Road) from Street A to I-270 (Standard No. MC-218.02) 150-foot right-of-way (Includes two 38-foot-wide travel lanes, with a 32-foot-wide median and sidewalk on both sides, 8-foot-wide alternate bike path)</p>	<p>Road Classification: Major Dual Highway 120-foot right-of-way (Includes two 26-foot-wide travel lanes with a 28-foot-wide median and sidewalk on both sides, 8-foot-wide alternate bike path)</p>
<p>MD 121 (Clarksburg Road) from Street A west toward Street G And Little Seneca Parkway (Standard No. MC-217.03)</p>	<p>Road Classification: Arterial Dual Road 120-foot right-of-way (Includes two 26-foot-wide travel lanes with a 28-foot-wide median and sidewalk on both sides, 8-foot-wide alternate bike path)</p>
<p>MD 121 (Clarksburg Road) from Street G to West Old Balt. Road (Standard No. MC-213.04)</p>	<p>Road Classification: Arterial Road, Open Section with Sidewalk, Bikepath and Street Trees 80-foot right-of-way (Includes two 26-foot-wide travel lanes with a 28-foot-wide median and sidewalk on both sides, 8-foot-wide alternate bike path)</p>
<p>West Old Baltimore Road (Standard No. MC-213.04)</p>	<p>Road Classification: Arterial Road, Open Section with Sidewalk, Bikepath and Street Trees 80-foot right-of-way (Includes two 12-foot-wide travel lanes with a 28-foot-wide median and sidewalk on both sides, 8-foot-wide alternate bike path)</p>
<p>1st Avenue (MD 121 to Street D)</p>	<p>Road Classification: Arterial Road</p>

(Standard No. MC-213.01)

1st Avenue (Street D to Little Seneca Parkway)
and **Street A** (from MD121 to Street D)
(Standard No. MC-219.01)

2nd Avenue (MD 121 to Little Seneca Parkway)
(Standard No. MC-219.01)

2nd Avenue (Little Seneca Parkway to West Old Baltimore Road)
(Standard No. MC-213.01)

M, Q and R Streets (East of 2nd Avenue)
(Standard No. MC-212.01)

P Street
(Standard No. MC-21.01)

A Street (South of D Street) and **B, C and D Streets**
(Standard No. MC-214.02)

Z Street
(Standard No. MC-21.01)

A Street (South of D Street) and **B, C and D Streets**
(Standard No. MC-214.02)

80 foot right-of-way (Includes two 22-foot-wide travel lanes with no median and sidewalk on both sides)

Road Classification: Commercial/Industrial Dual Road

80 foot right-of-way (Includes two 22-foot-wide travel lanes with 8-foot-wide median and sidewalk on both sides)

Road Classification: Commercial/Industrial Dual Road

80 foot right-of-way (Includes two 22-foot-wide travel lanes with 8-foot-wide median and sidewalk on both sides)

Road Classification: Arterial Road

80 foot right-of-way (Includes two 25-foot-wide travel lanes with no median and sidewalk on both sides)

Road Classification: Primary Residential Road

70 foot right-of-way (Includes two 20-foot-wide travel lanes with no median and sidewalk on both sides)

Road Classification: Commercial/Industrial Dual Road

100 foot right-of-way (Includes two 22-foot-wide travel lanes with 26-foot-wide median and sidewalk on both sides)

Road Classification: Commercial/Industrial Road

60 foot right-of-way (Includes 32 feet of paving and sidewalk on both sides)

Road Classification: Commercial/Industrial Dual Road

100 foot right-of-way (Includes two 22-foot-wide travel lanes with 26-foot-wide median and sidewalk on both sides)

Road Classification: Commercial/Industrial Road

60 foot right-of-way (Includes 32 feet of paving and sidewalk on both sides)

The cross section of all the public roads, including any median breaks, intersection spacing and special features to be allowed in public rights-of-way were reviewed and commented on by DPWT during the site plan review for the Infrastructure Plan and along with the design exceptions for modifications within the rights-of-way. DPWT's memo dated May 30, 2007 addresses the design standards and any requested modifications.

PROJECT DESCRIPTION: Prior Approvals

Zoning/Development Plan

The subject property was rezoned from the RE-1/TDR, RMX-1/TDR and I-3 Zones to the MXPB Zone by Local Map Amendment G-806 by the District Council on September 9, 2003. The rezoning was accompanied by a Development Plan and approved on September 9, 2003, with the following Binding Elements:

1. Transferable Development Rights and Moderately Priced Dwelling Units
The Property that is subject to this application (283.5 acres) is part of a larger, mixed-use community planned for 535 acres shown on the Development Plan, of which the Applicants are also owners. The portion of the property not being rezoned MXPB, is zoned RMX-1/TDR and will require the purchase of Transferable Density Rights (TDR's) for the development planned by Applicants. Based on calculations developed with M-NCPPC staff, the total Master Plan residential density for the 535-acre community is 1,676 market rate units plus 210 Moderately Priced Dwelling Units. Assuming this density and the mix of unit types called for in the Master Plan for the entire Cabin Branch Neighborhood (including a maximum of 20% multi-family) the 535-acre project will require 635 TDR's. The Preliminary Plan of Subdivision application(s) for the MXPB area and the remaining RMX-1/TDR area shall require the purchase of TDR's in conformance with this calculation.
2. Off-Site Amenities and Features
By the time of issuance of building permits for the 100th dwelling unit in the Cabin Branch Community, which consists of the larger, mixed-use community of 535 acres shown on the Development Plan for an elementary school, a local park and a recreation facility. The school site will be rough-graded at a time determined at the earliest Preliminary Plan of subdivision application for the Cabin Branch Community, subject to Montgomery County Public School approval.
3. Trip Reduction Measures
At the time of Preliminary Plan of Subdivision, the Applicant, M-NCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.
4. Street Network
A network of public streets shall be provided, supplemented by private streets, in a grid pattern that promotes interconnectivity. Public streets will consist of Master Plan streets and additional business and residential streets to form blocks that, with the exception of Area D defined on the Development Plan, are substantially similar to the street system shown in the Road Hierarchy Plan of the Development Plan and that are subject to MNCPPC and DPWT approvals.
5. Area D Street Network
Area D will be designed with a public or private street connecting First Avenue (Route A-304) in a grid pattern with a particular emphasis on a building line to frame Newcut Road Extended, with parking in the rear.
6. Street Character

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

7. Special Roads

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

8. Service/Public Uses

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

9. On-street Parking

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

Preliminary Plan

Preliminary Plan 12003110A (formerly 1-03110A) was approved by the Planning Board on June 3, 2004 for 1,600 residential dwelling units, 1,538,000 square feet of retail and 500 dwelling units of senior housing.

Site Plans in the Queue

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

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

Additional site plans are expected for other portions of the development, including the elderly housing. Each site plan will need a final water quality approval from the Montgomery County Department of Permitting Services and will need to account for previous approvals to provide a cumulative reporting for the total development.



ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (MXP/DMX-1/TDR Zones)

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

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

Recreation facilities for the overall Cabin Branch development at the Infrastructure Plan include the facilities located within the Local Park to contain at least one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10' wide where needed for maintenance access), a drinking fountain, park signage and information kiosks, portable restroom pad and enclosure, appropriate fencing for safety purposes along the retaining wall (acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated parkland. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users. Park dedication and facility layout to be substantially as set forth on the attached Park Site Exhibit, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to certified site plan approval. Facilities to be constructed to park standards and specifications after procurement by Applicant of appropriate park permit. Copies of applicable standards and specifications will be provided to Applicant by time of certified site plan approval.

ANALYSIS:

Conformance to Master Plan

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 provides an opportunity to establish a strong neighborhood-park relationship.

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

The Master Plan describes the characteristics of Cabin Branch which have 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.

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 on 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 MXPDP Zone in accord with the recommendation of the Master Plan to foster an integrated plan, which could include residential units. The MXPDP 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.

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, only 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 does not consider how infrastructure will be funded when the Board determines developer obligations at the Preliminary Plan of Subdivision.

Transportation Review

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.

Phase II Development

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 the Newcut Road interchange were built, about 70 percent of the traffic from the Cabin Branch development and other area developments would 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 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 to be relieved from the remaining condition of un-built I-270/ MD 121 interchange in exchange for contributing an equal amount of funding for design and/or construction of the Newcut Road interchange at such time that the Newcut Road interchange is included in the CTP.

Historic Preservation

The Byrne/Warfield house is considered a significant historical site and is listed as Parcel 747 in the locational atlas for historic structures. The site area surrounding the house contains two known gravesites. The environmental setting for this house is the entire 5.3-acre parcel, although the outbuildings are not considered significant features.

The Applicant is required to present any changes to the house to the Historic Preservation Commission. Any modifications or renovations to the historic structure will require a Historic Area Work Permit.

FINDINGS: For Site Plan Review

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

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

The nine binding elements from Development Plan G-806 are listed numerically and in italics, followed by the response from Staff in bold:

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

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

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

2. *Off-Site Amenities and Features*

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

This binding element does not apply to the Infrastructure Plan since development standards and actual units are not proposed at this time. Additionally, the Applicant is not permitted to grade or commence with construction until the approval of the first detailed site plan. However, the timing in the binding element will be part of the development program and phasing in the first detailed site plan.

3. Trip Reduction Measures

At the time of Preliminary Plan of Subdivision, the Applicant, M-NCPPC Transportation Planning staff, and Department of Public Works and Transportation (DPWT) staff will consider mutually acceptable trip reductions measures. The parking ratios for non-residential uses in the Cabin Branch Community will be determined at Site Plan, considering trip reduction goals.

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

4. Street Network

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

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

5. Area D Street Network

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

Area D, between future A-302 (Newcut Road), Second Avenue and West Old Baltimore Road will be reviewed in more detail when the site plan for this portion of the site is submitted.

6. Street Character

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

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

7. Special Roads

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

A-307 has been designed as an open-section 80-foot-wide arterial road with green edges that line up with the entrance to Black Hill Regional Park. West Old Baltimore Road was not reviewed with the Infrastructure Plan in terms of impact to adjacent properties, including Black Hill Regional Park, but will be reviewed. The road is proposed as a two-lane arterial roadway with changes to vertical and horizontal alignment.

8. Service/Public Uses

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

This binding element does not apply to the Infrastructure Plan.

9. On-street Parking

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

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

II. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the MXPDP and RMX-1/TDR Zones as demonstrated in the project Data Table on page 35. No development information is required or being provided with the Infrastructure and Roads Only Site Plan for numbers and types of units, setbacks, building height, green area and number of parking spaces. The first development site plan will establish the minimum setbacks and building restriction lines, maximum building heights and coverage requirements in terms of lot area, open space and green space for the respective zones.

III. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Buildings and Structures

No buildings have been proposed with the Infrastructure and Roads Only Site Plan. Each development site plan will show the location of each building and

structure. The historic building (#13/24) remains as a dominant structure in the center of the overall site that bifurcates the proposed park.

Retaining walls have been shown on the Infrastructure site plan and minimized to the extent possible to address grading concerns with the preliminary plan approval. A retaining wall exhibit was submitted and reviewed with the Infrastructure and Roads Only Site Plan. The retaining walls on the west side of the park property have decreased in height from 50 feet to three tiered, 30-foot-tall retaining walls at the highest point since the time of preliminary plan approval. The series of walls are expansive but have been minimized to the extent possible for safety and efficiency of the grading on the site.

b. Open Spaces

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

c. Landscaping and Lighting

The proposed landscaping and lighting consists of a varying treatment within the public rights-of-way, as outlined in the Thematic Street and Park Character guidelines (“Thematic Plan”) presented by the Applicant. All of the agencies have had an opportunity to review the placement, types and species and spacing of the street trees to avoid conflicts in the design phase and during construction. The Thematic Plan also identifies the type of plant material appropriate within the medians and roundabouts, as well as acceptable lighting and accent material for crosswalks and sidewalks. However, the exact species and location of street trees will be identified with each individual site plan, and will stress the character of the species and spacing associated with the particular use.

d. Recreation

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

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

e. Vehicular and Pedestrian Circulation

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

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

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

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

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

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

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

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

- a. **Water Resource Protection**

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.

b. 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 with each future site plan to properly depict the forest conservation plan including the final grades, infrastructure, lot layouts, and building locations.

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

Under 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 were located within the Clarksburg SPA. Therefore, Environmental Planning is requesting conditions on the forest conservation plan requiring that the applicant 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.

c. 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.

d. 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.

e. 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 though the approved water quality/stormwater management concept plans indicate there will be 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, adhering to the reconfiguring of the lots/roadways outside the stream buffers or results in a loss in developable area approved by the Planning Board.

f. 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 while there is still opportunity to provide the upland recharge.

g. Site Imperviousness

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

h. Site Performance Goals

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

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

i. Stormwater Management

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

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

The proposed stormwater management concept and preliminary water quality plan consists of on-site channel protection measures via thirteen extended detention dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a treatment train that consists of recharge structures, surface sand filter (in series), biofiltration structures, dry swales structural water quality inlets (both filtering and flow-through) and vegetated

buffer filtering. Since open-section roads will not be feasible for the majority of the site, additional water quality volume will be provided in the proposed end of outfall large surface sand filters.