



**MONTGOMERY COUNTY PLANNING DEPARTMENT**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Staff Report: Site Plan 820060290, Cabin Branch Winchester I**

ITEM #: \_\_\_\_\_

**MCPB HEARING DATE:** June 19, 2008

**REPORT DATE:** June 9, 2008

**TO:** Montgomery County Planning Board

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

**FROM:** Robert Kronenberg, Supervisor *RAK*  
Development Review Division  
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**APPLICATION DESCRIPTION:**

Construction of 428<sup>1</sup> residential dwelling units, consisting of 150 one-family detached, 182 one-family attached (townhouses) and 96 two-over-two multi-family units, including 64 MPDUs and 128 TDRs, as well as a local park and future school site, in the MXPd and RMX-1/TDR Zone; located west of I-270 and bounded by Clarksburg Road to the north and west and West Old Baltimore Road to the south, in the Clarksburg Master Plan area

**APPLICANT:** Cabin Branch Management c/o Winchester Homes, Inc.

**FILING DATE:** November 6, 2007

**RECOMMENDATION:** Approval with conditions

**EXECUTIVE SUMMARY:**

The Cabin Branch development is envisioned as a residential and commercial mixed-use center. This detailed site plan is the first to implement the purposes of the Infrastructure Plan. This site includes residential uses; however, the local park, historic house and site for a future elementary school are also part of this application. Design Guidelines are incorporated into the approval of the site plan and provide oversight for the remaining development.

<sup>1</sup> The application was submitted for 427 dwelling units; however, the historic house was added as a one-family detached unit bringing the total to 428 dwelling units and noticed accordingly

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THE PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY.

PARSONS BRINCKERHOFF, INC.  
AUG. 17 - 2012

# CABIN BRANCH

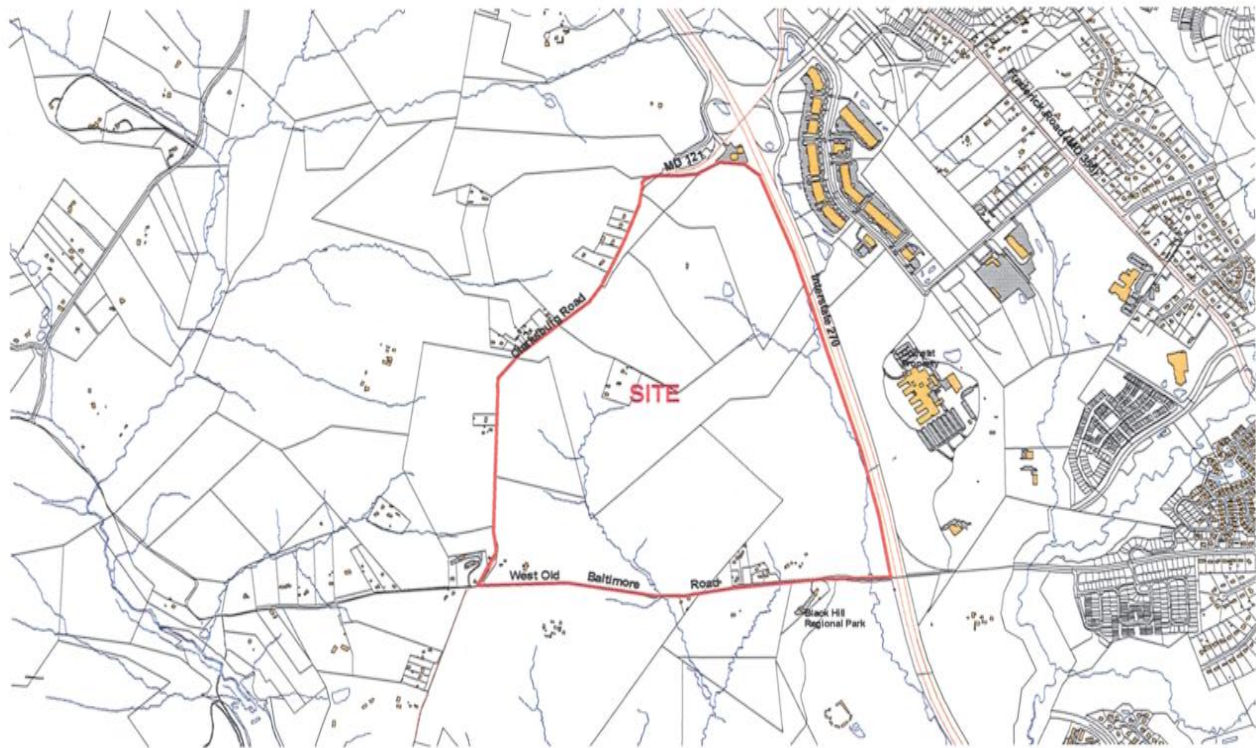
MONTGOMERY COUNTY, MARYLAND  
215-1-1222

**Illustrative Plan for the overall Cabin Branch Development**

## SITE DESCRIPTION

### Vicinity

The subject property is located in the northwest quadrant of the intersection of 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. To the east of I-270 are the Gateway 270 Business Center, Comsat, Little Bennett Regional Park and the Clarksburg Town Center. Clarksburg Road and West Old Baltimore Road connect with Frederick Road (MD 355), which runs generally parallel to I-270 to the east. 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.

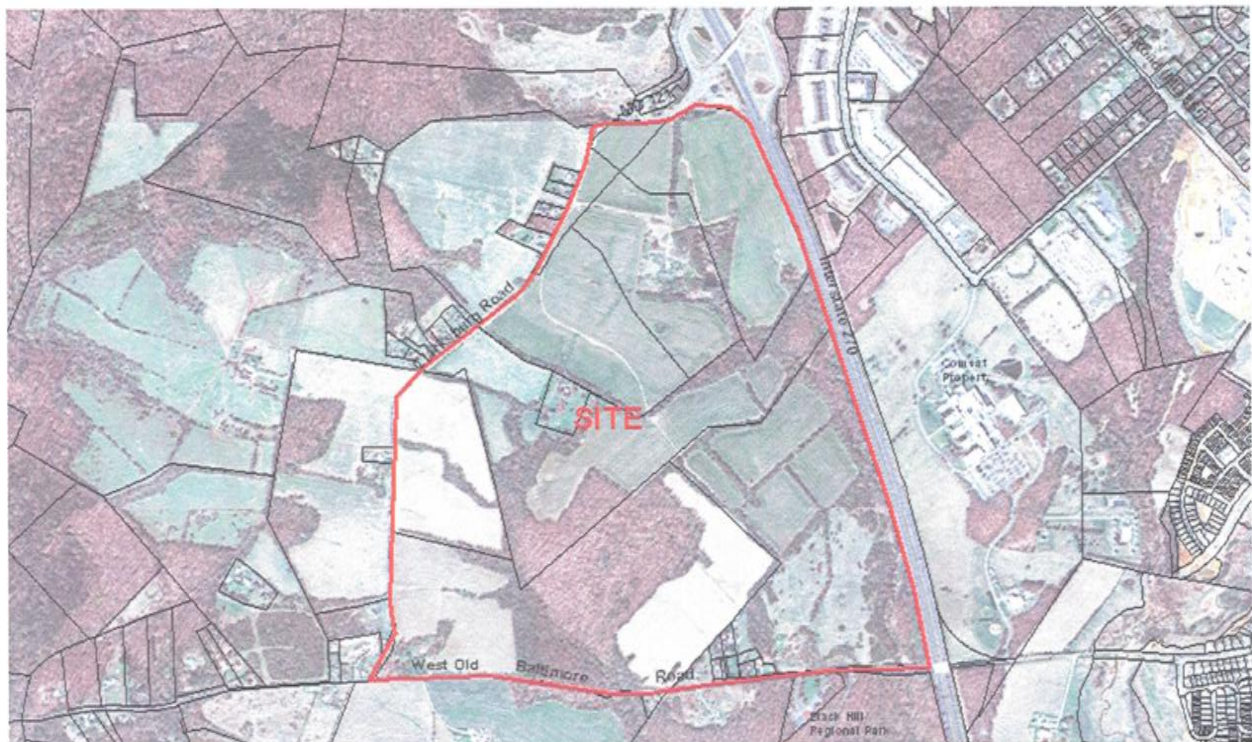


## Site Analysis

The overall Cabin Branch development consists of 535.04 acres of existing farmland and forested stream buffers. The Winchester I development is situated in the north central portion of the site along the south side of Clarksburg Road (MD 121) and consists of 141.26 acres. The site is located within the Clarksburg Special Protection Area and 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.

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**

### **Previous Approvals**

#### Zoning/Development Plan

The Cabin Branch Project is a 535-acre, multi-phased, mixed-use community involving several developers and owners. 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 MXPB zoning request and Development Plan application 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.

#### Preliminary Plan

The Preliminary Plan for the development was approved on June 3, 2004 by the Planning Board (Opinion dated June 22, 2004) for 1,600 residential dwelling units, 1,538,000 square feet of non-residential space and 500 elderly housing units, based upon adequacy of public facilities. The remaining residential and non-residential densities required an amendment to the Preliminary Plan based upon key transportation improvements. The Amended Preliminary Plan (previously called the Phase II Preliminary Plan) was approved on April 3, 2008 by the Planning Board for an additional 286 dwelling units and 882,000 square feet of non-residential uses within the overall boundaries of the development. The increase in density associated with the amended Preliminary Plan is the same maximum density approved by the Development Plan.

#### Infrastructure and Roads Only Site Plan

The Infrastructure and Roads Only Site Plan was approved by the Planning Board on June 14, 2007 (Planning Board resolution approved September 19, 2007) 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 the framework for construction and phasing of the roads. An amendment was filed on August 17, 2007 in accordance with the original approval that specifically relates to the improvements along West Old Baltimore Road. This amendment was approved by the Planning Board on April 3, 2008 concurrently with the amended Preliminary Plan and Mandatory Referral for the Water Tower. The modifications are directly related to the design standards for West Old Baltimore Road, especially as they relate to the surrounding properties directly affected by the improvements and to the Cabin Branch Neighborhood.

### Mandatory Referral for the Water Tower

A Mandatory Referral (MR 08001-WSSC-1) for a Clarksburg elevated water storage tank to serve the Cabin Branch Neighborhood and surrounding area was reviewed concurrently with the limited site plan amendment and preliminary plan amendment and was approved on April 3, 2008.

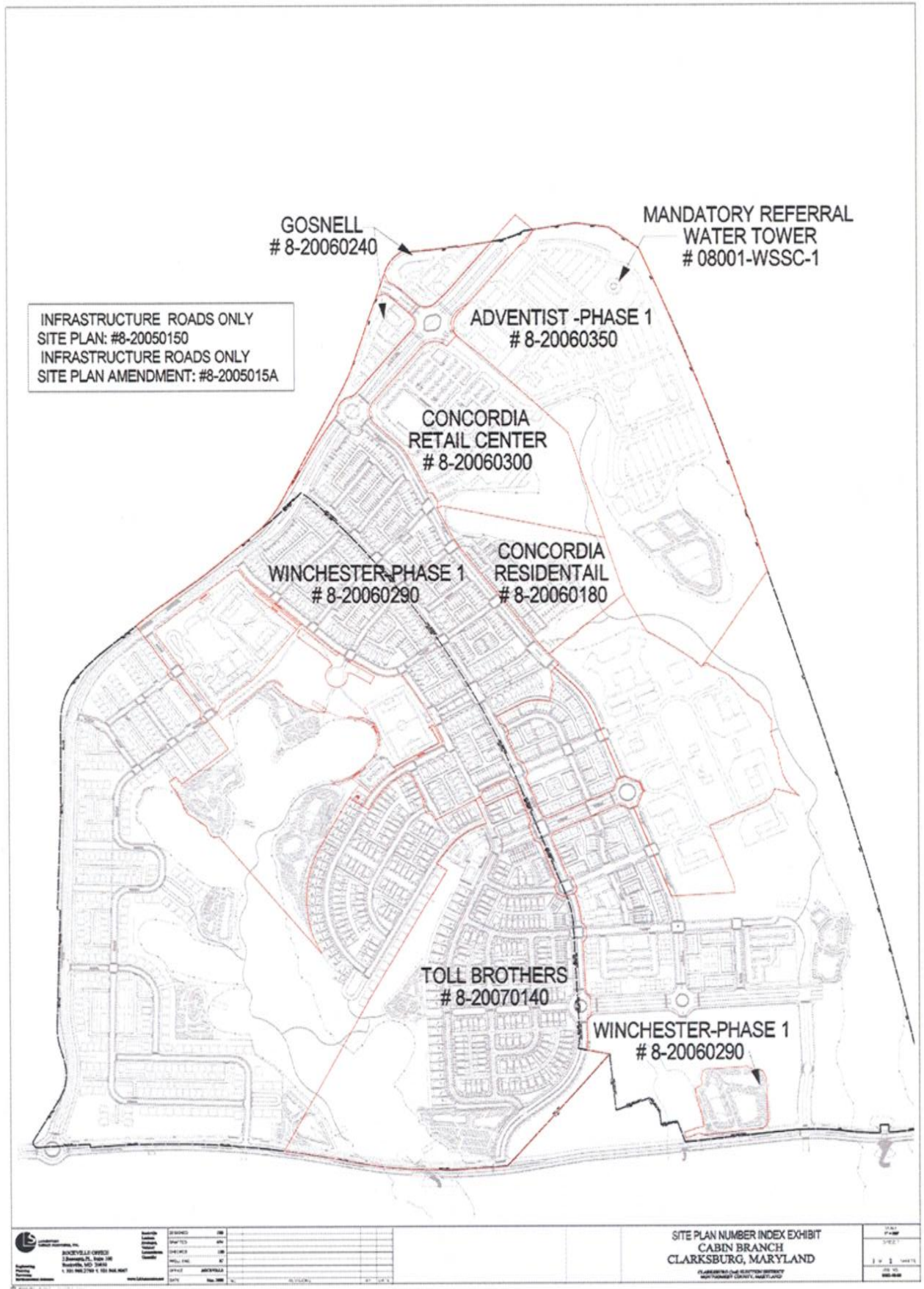
### Site Plans in the Queue

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 820060300-Concordia Retail for 87,878 square feet of commercial retail and 4,387 square feet 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. Each site plan will conform to the Design Guidelines incorporated into the approval of the subject site plan for Winchester I.

The site plans in the queue have been reviewed and analyzed in context with the subject Winchester I site plan. The overall planning of the Cabin Branch development is consistent with the uses proposed in the Development Plan, Preliminary Plan and Infrastructure Plan.



Boundaries of Site Plans in the Queue



## Discussion of Issues

### Cabin Branch Design Guidelines

The inclusion of the Design Guidelines is a requirement of the Infrastructure Plan (Condition 3(b) and (c) that states:

*“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. The architect shall be a registered architect with experience in town planning, and shall develop design guidelines to provide for thematic consistency of architectural design for Cabin Branch. These will include but are not limited to architectural form, relationship to the street, pedestrian walkability and a focus on public space.”*

*“Design guidelines shall be submitted and approved by the Planning Board with the first detailed site plan, and shall be binding upon the developer and builder.”*

The Design Guidelines provide an overview of treatment and architecture components for the various units and uses within the neighborhood. Traditionally, design guidelines have not been reviewed by M-NCPPC and have been builder/developer monitored, controlled and enforced. Design guidelines are typically prepared by the builder/developer, in conjunction with the design of the community. In larger planned communities, such as Clarksburg Village and Greenway Village, a town architect has been retained by the developer/builder to review for design consistency and monitor/evaluate the builder products for conformance to the guidelines.

Design guidelines are integral to planned communities such as Cabin Branch in order to maintain quality, design control and an overview of the products being constructed by numerous builders over a large area. Implementation of the guidelines is just as important to ensure the intent and quality of the development.

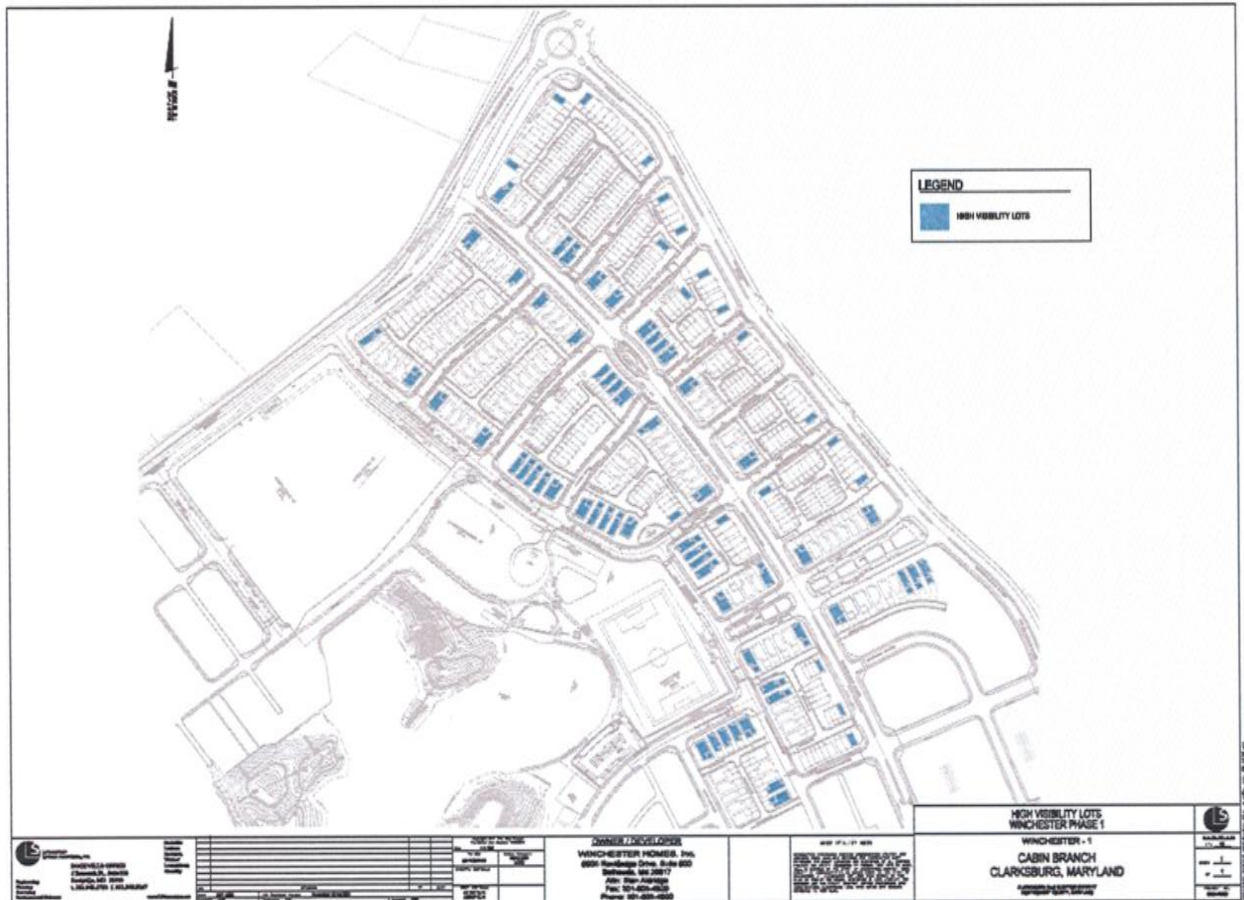
#### Applicant position

The Design Guidelines have evolved since the approval of the Infrastructure Plan to include architectural treatments, specific materials to be used, and definition of the building edge. The guidelines focus on the relationship of the proposed uses to the street and public spaces, providing definition of the streetscape and experience being created for residents and others in the community.

The Design Guidelines for New Construction set the design intent and character of the community for use and approval of site plan applications. The guidelines provide the design professionals associated with the project the flexibility in the design of public spaces, home styles and uses as the community evolves. The Design Guidelines will be supplemented by

“Architectural Guidelines” for use in the design of individual buildings and subsequent changes to the buildings.

The Applicant believes the intent of the design guidelines were to provide a basis for site plan review of the key elements associated with the development and not an exhaustive review of the architecture of every building. Further, the Applicant believes that the role envisioned by the Planning Board for the Town Architect was to oversee the details of architecture and ensure compatibility and conformance with the overall theme of the development.



Applicant’s illustration for the location of high-visibility lots that will contain additional architectural features to signify importance of the space.

### Staff position

Staff has reviewed the Design Guidelines for inclusion of all types of uses and for the various components of the neighborhood, such as residential, commercial center, hospital and employment areas. The design guidelines may need to be updated during the review of each section to account for changes to the market and improvements to site layout and design.

The Design Guidelines provide detailed information to assist Staff in the review of the site plan (site plan guidelines) and planning; however, the guidelines need to provide more detailed information with respect to the architecture, and more illustrations to convey the intent of the key elements. Enforcement and administration of the guidelines has been a key concern to provide

assurances of conformance and quality. Currently, conditions of approval allow the Planning Board decision-making authority on all building permits and any variations to ensure complete conformance to the design guidelines.

Compliance with the Design Guidelines, unless waived by the Planning Board, is necessary for Site Plan approval, but not necessarily sufficient to justify Site Plan approval. In other words, the Planning Board retains full authority to reject a Site Plan even though it may fully comply with these guidelines.

## Proposal

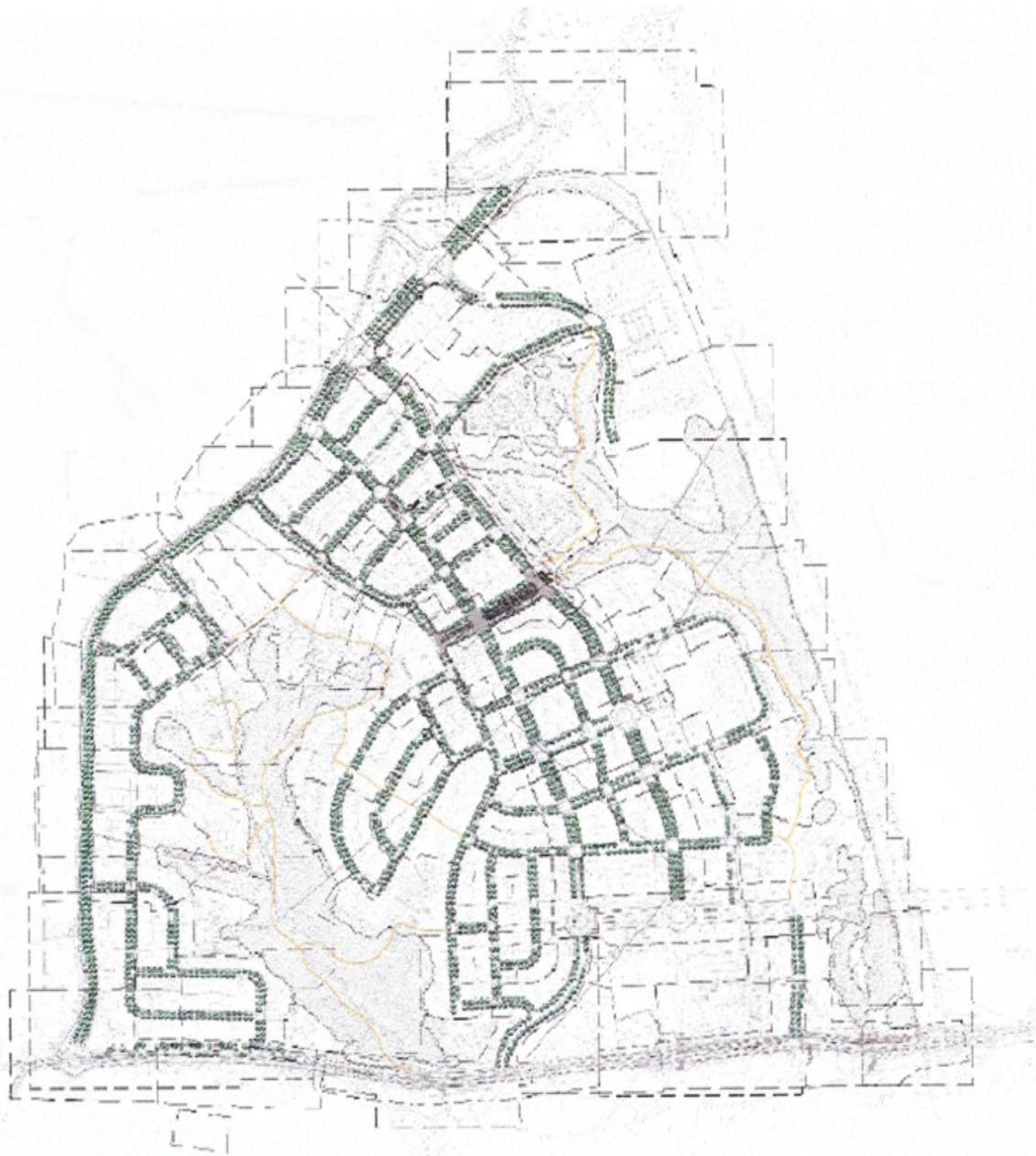
The proposed development is for 428 residential dwelling units, including 150 one-family detached units, 182 one-family attached (townhouses) and 96 2/2 multi-family units. The historic house was added to the total number of one-family detached units by the Applicant as a market-rate unit. The breakdown of units within each zone is provided in the project data table. This application is also providing 64 MPDUs, representing 15 % of the total number of units for the Winchester I site area, as well as acquisition of 128 TDRs. The MPDUs will be “frontloaded” in the first phases while being evenly distributed throughout the development. The total development is required to provide 236 MPDUs (12.5%) and 609 TDRs, based upon ultimate yield.<sup>2</sup>



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<sup>2</sup> Assuming the total yield of 1,886 dwelling units including the 236 MPDUs, the number of required TDRs is decreased from 635 to 609. MPDUs were not calculated for the senior housing component but will be included with the submittal for that site plan.

Four access points are proposed from Clarksburg Road (MD 121); one of which (Cabin Branch Avenue) is the primary boulevard serving the residential component and future mixed-use center. Cabin Branch Avenue intersects with MD 121 via a round-a-bout. Broadway Avenue is the central spine through the site, connecting MD 121 and West Old Baltimore Road. Byrne Park Drive becomes the access point and frontage to the local park. Dunlin Street is the furthest access point west providing service to the school property.



Applicant's illustration of the proposed green street network (major public roads) and the trail network (in brown) within the stream valley buffers.

The road network was established with the Infrastructure Plan and includes boulevards to connectors, all of which are pedestrian-friendly and walkable with sidewalks and a streetscape that defines the public space. All of the residential units within the Winchester I development are served by private streets for vehicle parking and access.



Applicant's illustrative of Tribute Parkway and the interactive open play area with the proposed pavilions marking the entrance to the local park in the foreground.

The pedestrian network includes master planned biker/hiker routes (8-foot-wide asphalt paths) within the right-of-way for Cabin Branch Avenue, Tribute Parkway, Bryne Park Drive/Fulmer Avenue and MD 121.

Additional pedestrian connections are provided from Bryne Park Drive to Dunlin Street between the Park/School site and along the stream valley buffer.



The Applicant's perspective of the interactive open play areas within Tribute Parkway.

The local park, Clarkmont Local Park, will contain a regulation size soccer field, 60 parking spaces, play areas for children and an open field for play and community events and gatherings. The historic house is located in the center of the park site but is not part of the park property, it is to be sold as a market-rate unit, in-lieu-of being owned and maintained by the future homeowners' association. Grading for the park and school site, although still significant, was minimized during the hearing for the Infrastructure Plan and further refined during the review and analysis of this site plan.



Applicant's illustration (view to the north) of Clarkmont Local Park and future school with Tribute Parkway in the foreground to the right.

Landscaping and lighting for the streetscape conforms to the Cabin Branch design guidelines and streetscape standards. Amenity landscaping and lighting has been incorporated into the public open spaces, entry features and individual lots. Storage vaults will be integrated into the public right-of-way to address stormwater management. The vaults have been coordinated for placement with respect to location of trees, lights, driveways and meters.



Overall map of the proposed green space and open space network. The dark green areas are the stream valley buffers being preserved in the community.



Design guidelines were developed with this initial application that provide an overview of the architectural details, treatment of the facades and experience within the areas. The focus of the guidelines is to provide the maximum attractiveness for one of the largest planned communities on the west side of I-270. The subject site has been reviewed in context with the five other submitted site plan applications including the retail, commercial and employment areas.

## PROJECT ANALYSIS

### 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 so there is an opportunity to establish a strong neighborhood-park relationship.

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 and future Corridor Cities Transitway; 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

The Cabin Branch development makes up the largest portion of the neighborhood and consists of a total of 1,886 dwelling units and 500 elderly housing units, as well as the entirety of the

employment/non-residential square footage and a school and park site. The chart below indicates the unit mix as outlined in the Master Plan followed by the unit mix proposed with the development:

	Master Plan Unit Mix	Winchester I Unit Mix
Multi-family	10-20%	22%
One-family attached	35-45%	43%
One-family detached	45-55%	35%

Each site plan that incorporates residential in their proposed development will need to update the chart. The final mix of unit types including the senior housing will need to fall within the prescribed ranges.

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.

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 initiated 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 have not yet proposed 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. However, whether or not the development districts are initiated, the Applicant is aware that the infrastructure will be constructed in accordance with the conditions of approval and staging outlined in the Infrastructure Plan and Preliminary Plan.

## **Transportation**

The Cabin Branch development is proposed for 1,886 total residential dwelling units, 500 elderly housing units and 2,420,000 square feet of commercial space. The first Preliminary Plan (previously known as Phase 1), which was approved for 1,600 dwelling units and 1,538,000 square feet of commercial space, had a number of roadway improvement conditions. One of the off-site roadway improvements requires modification to the existing I-270/MD 121 interchange. SHA is conducting a Project Planning Study for this interchange as a breakout project of the SHA's I-270/US 15 Multi-Modal Corridor Study.

The proposed traffic mitigation measures required by the Applicant are not in response to any APFO requirement, nor to any specific trip reduction goal or target. The Applicant must provide transit information to both residents and employees, in the form of permanent transit information kiosks/displays in office buildings and community centers, to display bus route maps/schedules/information (and eventually CCT map and info) and other non-SOV transportation options. These kiosks/displays must be installed at least three months prior to initiation of Ride On bus service to and through the project. Locations and designs of the kiosks/displays must be identified in coordination with, and approved by, DPWT Commuter Services.

## **Environment**

Significant environmental protection is being afforded to the Cabin Branch development with respect to protection of stream valley buffers, water resource protection and forest conservation management. The Cabin Branch neighborhood is located within the Clarksburg Special Protection Area with a corresponding emphasis on water quality and best management practices.

Approximately 243-acres of the 540-acre site are within the SPA, including two sections 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 underlies 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 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.

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.

## **Historic Preservation and Park Facilities**

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 historic house is planned to be preserved and utilized as a market-rate unit where the property and structure will be maintained in a more protective manner without burdening the future homeowners' association for maintenance of a structure that was not intended to be a community feature or resource.

The Applicant is providing adequate land for the park and will construct the park facilities needed to serve the needs of the community as set forth in the proposed conditions. The active recreational portion of the parkland will surround the historic house and the park facility layout has fully considered the historic resource and included conditions that incorporate certain limitations to protect the environmental setting of the historic house.

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

### **Development Standards**

The subject site is split-zoned MXPDP (Mixed Use Planned Development Zone) and RMX-1/TDR (Residential-Mixed Use, Community Center/Transferable Development Rights).

The purpose of the MXPDP Zone is to implement master planned recommendations for "comprehensively planned, multi-use centers located outside central business districts and transit station development areas. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use centers than the procedures and regulations applicable under the various conventional zoning categories and other planned development zones". Additionally, the intent of the zone is to "encourage orderly, staged development of large-scale, comprehensively planned, multi-use centers"..." higher density residential uses integrated into the overall multi-use center" and by providing a suitable environment to ensure compatibility of uses.

The purpose of the RMX-1/TDR zone focuses on the integration of residential and commercial uses within a community oriented center, while utilizing the transferable development rights to increase the density.

The proposed development is utilizing the standard method of development within the provisions of the RMX-1/TDR and MXPDP zones to provide for a mix of residential unit types. The

commercial sections will follow with subsequent plans addressing the commercial aspects of the overall development.

The following data table indicates the proposed development's compliance with the Zoning Ordinance and the respective zones.

**Project Data Table for the MXPB & RMX-1/TDR Zones  
Winchester I Site Area Only**

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
<b>Gross Site Area (Ac.):</b>		
MXPB (59-C-7.5)	20.0	56.42
RMX-1/TDR (59-C-10.1)	Not Specified	84.84
Total Winchester I Site Area		141.26
<b>Area of Dedication (Ac.):</b>		
Public Streets		32.57
Park (Dedicated to M-NCPPC)		10.63
School Site (Dedicated to MCPS)		9.61
Total Dedication Provided		52.81
<b>Net Site Area (Ac.):</b>		88.45
<b>Density</b>		
<u>MXPB Zone (59-C-7.5)</u>		
Non-Residential (59-C-7.54)		
Max. Commercial Density	0.75 FAR	Not Applicable
Max. % Retail Commercial	20% of gfa (Gross Floor Area)	Not Applicable
Residential (59-C-7.53)		
Residential w/commercial/industrial area)	75 d.u./acre	
Maximum allowable density	10.5 d.u./ac (1,026 d.u.) <sup>3</sup>	4.23 d.u./ac. (238 d.u.)
Maximum allowable employment	2,300,000 s.f.	Not Applicable
Maximum allowable retail	120,000 s.f. <sup>4</sup>	Not Applicable
<u>RMX-1/TDR Zone (59-C-10.1)</u>		
Residential	3.22 d.u./ac. (860 d.u.) <sup>5</sup>	2.23 d.u./ac. (190)

<sup>3</sup> Density as calculated in Preliminary Plan No. 12003110A.

<sup>4</sup> Includes 2,000 sf. Of retail in the RMX-1/TDR zone and 118,000 sf. Of retail in the MXPB.

<sup>5</sup> Actual maximum acreage in RMX zone is 3.42 d.u./ac. Density is calculated in the Preliminary Plan 12003110A.

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
<b>Number of Dwelling Units</b>		
<u>MXPD Zone (59-C-7.56)</u>		
One-family detached	Not specified	38
One-family attached (townhouse)		128
2/2-multi-family		72
Live/Work (multi-family)		Not applicable
Total number of units in the MXPD Zone		238
<u>RMX-1/TDR Zone</u>		
One-family detached		112
One-family attached (townhouse)		54
2/2-multi-family		24
Live/Work (multi-family)		Not applicable
Total number of units in the RMX-1/TDR zone		190
<b>Building Height (feet)</b>		
MXPD Zone (59-C-7.56)	Area A-up to 12 stories <sup>6</sup> Area B-up to 6 stories Area C-up to 8 stories Area D-up to 8 stories	Building height is the same as the proposed units in the RMX-1/TDR zone for the one-family detached, one-family attached (townhouse) and multi-family (two-over-two) See Below
<u>RMX-1/TDR Zone</u>		
One-family detached	2-4 stories <sup>7</sup>	
24' wide unit		30' w/in-ground basement 35' w/English basement 39' w/Walk-out basement
30' wide unit		30' w/in-ground basement 35' w/English basement 39' w/Walk-out basement

<sup>6</sup> The maximum height limitations approved with Development Plan G-806 include heights that range from 6-12 stories and also include the commercial/retail portions, which are not subject to this application.

<sup>7</sup> The Development Plan approved a mix of heights ranging from 2-4 stories, with cottages ranging from 3-4 stories, 32'-44' wide one-family units (with rear garage) ranging from 2-3 stories and the remainder of the one-family detached at 2 stories.

Development Standard	Permitted/Required	Proposed for Approval
36' wide unit		31' w/in-ground basement 35' w/English basement 39' w/Walk-out basement
One-family attached (townhouse)	3-4 stories <sup>8</sup>	
16' wide unit		35' mid point roof to basement slab 31' w/English basement
20' wide unit		35' mid point roof to basement slab 31' w/English basement
22.7' wide unit		35' mid point roof to basement slab 31' English basement
23' wide unit		37' mid point roof to basement slab 38' w/English basement
2/2-multi-family	4 stories <sup>9</sup>	
		48' mid point roof to basement slab 49' to typical grade (8" below basement slab)
<b>Minimum Building Setbacks (feet)</b> <sup>10</sup>		
<u>MXPD Zone (Sect. 59-C-7.55)</u>		
Buildings other than one-family detached dwelling units must be set back from property developed with one-family detached homes	100	100+
From adjoining properties	10	10+
Commercial or Industrial buildings from adjoining property recommended for residential zoning and land use on master plan or sector plan	100	Not Applicable

<sup>8</sup> The Development Plan approved two-over-two townhouses can be 4 stories. All other townhouses range from 3-4 stories.

<sup>9</sup> Approved with the Development Plan. Multi-family units other than the two-over-two units have a range in height from 2-5 stories.

<sup>10</sup> Individual building setbacks are established during the site plan review.

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
Commercial/Industrial	10	Not Applicable
<u>Individual Building Setbacks for units within the MXPB and RMX-1/TDR Zones</u>		
<b>One-family detached</b>		
Front	10	10
Rear	0	0
Side (Street side)	10	10
Side (Interior Lot)	3	3
Side (Alley)	3	3
R/W Truncation	0	0
<b>One-family attached (townhouse)</b>		
Front	10	10
Rear	0	0
Side (Street side)	10	10
Side (Interior Lot)	3	3
Side (Alley)	3	3
R/W Truncation	0	0
<b>2/2-multi-family</b>		
Front	10	10
Rear	0	0
Side (Street side)	10	10
Side (Interior Lot)	3	3
Side (Alley)	10	10
R/W Truncation	0	0
<b>Moderately Priced Dwelling Units (MPDUs)</b>		
MXPB Zone	30	50
RMX-1/TDR Zone	24	14
Total number of MPDUs	54	64
<b>Transfer Development Rights (TDRs)</b>		
MXPB Zone	Not Applicable	Not Applicable
RMX-1/TDR Zone		
Maximum No. of TDRs Required	635 <sup>11</sup>	609 <sup>12</sup>

<sup>11</sup> Maximum number of TDRs required for the RMX-1/TDR zone consistent with the Development Plan, Preliminary Plan and Infrastructure Plan and were calculated on the overall density and site.



<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
Min. No. of TDRs Required for Winchester I application		128 <sup>13</sup>
<b>Green Area (% &amp; Ac.):</b>		
MXPDP Zone (59-C-7.56)		
Commercial portion	Not Applicable	Not Applicable
Residential portion	50% (56.42 ac.)	10% (10.71 ac.) <sup>14</sup>
RMX-1/TDR Zone (59-C-1.394)		
Residential portion		30.26 ac.
School		9.61 ac.
Park		10.56 ac.
HOA/Common Areas		52.06 ac.
Total Green Space Required	50% (42.42 ac.)	
Total Green Space Provided		121% (102.49 ac.) <sup>15</sup>
<b>Parking Facility Internal Landscaping (%)</b>		
	5	5
<b>Parking (Sect. 59-E)</b>		
MXPDP & RMX-1/TDR		
One-family detached (150 d.u.s @ 2 spaces/unit including garage)	300	
One-family attached (townhouse) (182 d.u.s @ 2 spaces/unit including garage)	364	
2/2-multi-family		
96 units total		

<sup>12</sup> MPDUs are deducted from the total number of TDRs provided (635 – 26 = 609 TDRs)

<sup>13</sup> Applicant will be acquiring 128 TDRs for this site plan. The difference in number of TDRs for this section will be made up through the following site plans (635 -128 = 507).

<sup>14</sup> Applicant is providing 10% (10.71 acres) of green space in the MXPDP zone. Future site plans in the MXPDP zone will need to account for the difference in required green space (56.42 ac. – 10.71 ac. = 45.71 ac.) for the residential portion.

<sup>15</sup> Applicant is providing 121% of their required green space in the RMX-1/TDR zone. Future site plans in the RMX-1/TDR zone will be able to use the remaining green space allocated to this site plan 102.49 ac. - 42.42 ac. = 60.07 ac.)

<b>Development Standard</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
72-2 bedroom @ 1.5 spaces/unit	108	
24-3 bedroom @ 2 spaces/unit	48	
<b>Total Parking Required</b>	815	
<b>Total Parking Provided</b>		1,130 (includes 694 garage spaces, 160 tandem spaces & 276 additional spaces/visitor)

RECREATION CALCULATIONS

Demand Points

Total Number of Units 428

	<u>Tots</u>	<u>Children</u>	<u>Teens</u>	<u>Adults</u>	<u>Seniors</u>
SFIII <7,000 (149 units)	20.86	28.31	34.27	189.23	19.37
TH (182 units)	30.94	40.04	32.76	234.78	12.74
<u>Garden MF (96 units)</u>	<u>10.56</u>	<u>13.44</u>	<u>11.52</u>	<u>113.28</u>	<u>15.36</u>
Total Required Points	62.36	81.79	78.55	537.29	47.47

Supply Points

Open Play Area I (1)	16.0	9.0	12.0	30.0	2.0
Pedestrian System	4.2	11.0	10.6	168.3	16.2
Picnic/sitting (36)	36.0	36.0	54.0	180.0	72.0
Natural Areas	2.1	5.5	7.95	56.1	5.4
Nature Trails	2.1	5.5	7.95	56.1	5.4
Bike System	2.1	5.5	7.95	56.1	3.6
Tot Lot (2)	18.0	4.0	0.0	8.0	2.0
Play Lot (1)	0.0	9.0	3.0	4.0	1.0
Soccer Field-Regulation (1)	2.0	15.0	20.0	40.0	2.0
Total Supply Points	72.5	100.50	123.45	598.6	109.6
% of demand met on-site	116.2	122.9	157.2	111.4	231



Winchester I site plan with the location of the recreation areas.

## **COMMUNITY OUTREACH**

The Applicant sent a notice and copy of the proposed plan to Adjacent and Confronting Property Owners, Homeowner and Civic Associations and Parties of Record on January 18, 2006. The File of Record contains a copy of this Notice of Application.

The application was filed prior to the pre-submittal meeting and posting requirements currently outlined by the Development Review Manual. However, numerous meetings were held with the

property owners and the CAC (Clarksburg Civic Association) during the course of the review period. The Winchester I site plan was discussed in context with the other submitted plans, including the retail and employment sections.

**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:

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 MXP, 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 MXP 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 (TDRs) initially required for the overall site, assumed a maximum density, mix and number of MPDUs to be provided for the portion of property zoned RMX-1/TDR and the total number of units. The TDRs are proportional to the number of MPDUs provided and have been recalculated to account for the increase in MPDUs. The number of TDRs provided for the Winchester I site is 128, which is proportional to the total number of units in the subject development. The number of MPDUs for the entire development provided is in excess of the binding element by 26 for a maximum of 236 MPDUs, which was approved with the Infrastructure Plan (820050150). This application is providing 64 MPDUs or 15% with this application.

The 500 proposed senior housing units will need to provide MPDUs equal to 12.5%, which is not currently calculated in the total number of units. The use will be considered a multi-family use and calculated toward the maximum 20% requirement consistent with the binding elements and the master plan.

2. Off-Site Amenities and Features

*By the time of issuance of building permits for the 100<sup>th</sup> 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.*

The timing associated with this binding element is part of the development program and phasing for the subject site plan. The proposed local park and elementary school will be rough graded prior to the issuance of the 100<sup>th</sup> building permit.

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 were further analyzed during the amendment to the preliminary plan and current site plan application. This application includes only residential uses. Parking ratios and Trip Reduction goals for the non-residential uses will be determined during the review of future, non-residential applications.

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 develop 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.

The Infrastructure and Roads Only Site Plan was approved by the Planning Board on June 14, 2007 (Planning Board resolution approved September 19, 2007) 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 the framework for construction and phasing of the roads. An amendment was filed on August 17, 2007 in accordance with the original approval that specifically relates to the improvements along West Old Baltimore Road. The modifications approved by the Board on April 3, 2008 are directly related to the design standards for West Old Baltimore Road, especially as they relate to the surrounding properties directly affected by the improvements and to the Cabin Branch Neighborhood.

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 that 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 MXPB 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, and to promote active streets that interact with the streetscape plan. The design guidelines submitted as part of the subject site plan application define the street elements, architectural elements, parking and the streetscape associated with the entire development according to the type of use and relationship to other uses and the street.

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 reviewed as a Limited Site Plan Amendment as a condition of the Infrastructure Plan. The amendment analyzed alternatives for the roadway including impact to adjacent properties, including Black Hill Regional Park, safety considerations, design speed and grade. The road is proposed as a two-lane arterial roadway.

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 subject site 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 for this application including streets adjacent to the local park. On-street parking will be further evaluated with the retail and mixed-use component during the site plan reviews for those sections.

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 MXP and RMX-1/TDR Zones as demonstrated in the project Data Table on page 21, with respect to numbers and types of units, setbacks, building height, green area and number of parking spaces.

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

The historic building (#13/24) remains as a dominant structure in the center of the overall site that bifurcates the proposed local park. The house and area surrounding the house was originally proposed to be owned and maintained by the future homeowners' association; however, the Applicant has retained the house as a market-rate unit, which is preferable.

Design and placement of the proposed units are all oriented toward the public and private streets creating a strong street front and building edge. MPDUs have been integrated with the market-rate units and dispersed throughout the community.

Retaining walls have been shown on the Infrastructure site plan and minimized to the extent possible to address grading concerns voiced 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.

The remaining uses have been designed as an integral part of the entire development. The design guidelines cover the public realm and serve as a document for architectural treatments and highly visible areas.

b. Open Spaces

The plan proposes a significant amount of open space, which consists primarily of stream buffers, stormwater management facilities and the proposed Local Park and school site. The future site plans will have to provide the required green area consistent with the requirements of the RMX-1/TDR and MXPD zones. 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, and incorporated into the Infrastructure Plan and Winchester I site plan. 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 Landscape 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.

Lighting consists of standard overhead fixtures within the public right-of-way and colonial-style fixtures with the alleys and private streets. Lighting is not proposed as part of the park facility.

d. Recreation

A major portion of the recreational component for the Winchester I site plan includes the facilities within the local park and future school site. Recreation facilities in the park and on the school site include a regulation soccer field, 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. The Applicant is providing facilities within the

common areas such as a tot lot, seating areas and an interactive open play area along Tribute Parkway. Recreation facilities are based upon a calculation of the number and type of units 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.

As a condition of the Infrastructure Plan, the Applicant has identified the location of the future community center and clubhouse on the site plan for Toll Brothers (#820070140) at the intersection of Fulmer Avenue and Skimmer Street.

e. Vehicular and Pedestrian Circulation

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

The primary access points to the Cabin Branch development include MD 121 (Clarksburg Road), West Old Baltimore Road and future Newcutt Road extended.

The access points to the site are from multiple locations along MD 121 (Clarksburg Road), including Cabin Branch Boulevard. 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 Bryne Park Drive, which follows the eastern boundary of the school and park site, and Dunlin Street, which is the primary access to the school. Dunlin Street 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 and on the east side of Clarksburg Road (MD 121). Internally, the 8-foot-wide bike path follows Dunlin Street on the west side of the proposed school site, and bifurcates the school and park site to connect with the alignment on Bryne Park Drive. The path follows the west side of Bryne Park Drive and Fulmer Drive.

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.*

Each proposed structure is compatible with the existing and proposed adjacent development. The site plan also complements the site plans currently in the queue demonstrating a comprehensive approach for the community. The design guidelines assist in coordinating the overall appearance of the community, with a focus on the architectural treatments, the building edge, features that define the street edge, such as porches, front yards and entry ways.

The proposed uses are in scale with the overall development pattern envisioned with the Development Plan. Higher density uses and heights are planned toward MD 121 and the future commercial center. The massing transitions south, with an emphasis primarily on residential uses to create a more compatible edge to the existing residential properties along West Old Baltimore Road.

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

The site plan application satisfies the forest conservation requirements of Chapter 22A and applicable water resources protection requirements of Chapter 19.

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.

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 has 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.

The Winchester 1 project limit contains 11.92-acres of forest, 0.78-acres of wetland, 2.22-acres of floodplain and 11.95-acres of stream buffer. 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.

As part of this site plan, the Applicant, Cabin Branch LLC, is proposing to remove 3.04-acres of forest, retain 8.85-acres of forest and plant 3.47-acres of forest. The Applicant is also providing 1.25-acres of landscape credit through the planting of street trees. 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. Environmental Planning is 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, the applicant must plant all onsite planting areas prior to being allowed to use offsite mitigation credits.

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

The proposed stormwater management concept and final water quality plan consist 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.

## RECOMMENDATION AND CONDITIONS

**STAFF RECOMMENDATION FOR FINAL WATER QUALITY PLAN:** Approval of Final Water Quality Plan for Site Plan 820060290 as described in the letter dated December 24, 2007 [Attachment A], including the attachment to the letter dated December 18, 2007 from the Department of Environmental Protection (DEP), unless amended and approved by DEP, with the following conditions:

1. Provide clear access to all stormwater management structures from a public right-of-way. Provide driveway aprons and full depth paving in areas where curbs, sidewalks, and bike paths must be crossed to access structures. Access roads are to be no steeper than 15% with mechanical stabilization or 10% without mechanical stabilization. Each cell of the proposed structures must be accessible.
2. Additional recharge must be provided in the drainage area of Pond #13. The Preliminary Water Quality Plan required that 150% of the MDE required recharge volume be provided due to the lack of open section roadways in this sensitive watershed and the deep cuts and fills that are proposed. Although the overall site is providing nearly 150%, the area draining to Pond #13 is well below the normal (100%, the minimum for this area) requirement. Since a large portion of this drainage area is to be private (sidewalks, bike paths, alleys, driveways, and streets), the use of porous pavement would negate the impact on lot yield while spreading recharge of a large area.
3. Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at all of the proposed locations.
4. All recharge and upland water quality structures must be a minimum of five feet off of private property lines (including future phases).
5. Pond drains will be required for all of the Cpv structures due to the pond depth over the relatively small control orifice.
6. A formal dam breach study must be submitted for Pond #1. It appears that the existing culverts in West Old Baltimore Road will have to be replaced prior to pond construction. Additionally, the outfall from Pond #1 must be revised so that it won't adversely impact the proposed culvert wing walls.
7. Several ponds are shown with embankment grading in very close proximity to the stream valley buffers. As shown, the placement of sediment controls to construct the ponds will likely require some stream valley buffer encroachment.
8. Add an outfall flow spreader trench to the outfall of Recharge Structure RET-1102.
9. The untreated drainage areas to the proposed end of line surface sand filters must not exceed ten acres. The storage depth over surface sand filters is not to exceed two feet without hazard signage or four feet with hazard signage. The drainage area for the underground water quality structures is to be limited to two acres.
10. Surface water quality structures that are to be used for sediment control must have minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
11. Provide level spreaders and/or plunge pools at all of the quantity pond outfalls. Also, pond outfalls are to be located at non-erosive (down slope) areas. This may require additional stream valley buffer encroachment.

12. Drain tile will be required in stormwater management structures where soil borings show that groundwater is present and where deep excavations are required.
  13. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
  14. Due to the size of this development a full-time, third-party, on-site, sediment control inspector is required to assure that the goals of the Water Quality Plan are being met.
- 

**STAFF RECOMMENDATION FOR SITE PLAN 820060290: Approval** of Site Plan 820060290, to accommodate 428 residential dwelling units, consisting of 150 one-family detached, 182 one-family attached (townhouses) and 96 two-over-two (multi-family) units, including 128 Transfer Development Rights (TDRs), and 64 Moderately Priced Dwelling Units (MPDUs), on 141.26 acres. All site development elements as shown on the Winchester I Site and Landscape Plans stamped by the M-NCPPC on May 21, 2008 shall be required, except as modified by the following conditions:

1. Development Plan  
The proposed development shall comply with the binding elements listed in Local Map Amendment G-806 (resolution dated September 9, 2003) and the associated Development Plan [Attachment B].
2. Preliminary Plan  
The proposed development shall comply with the conditions of approval for Preliminary Plan 12003110A (formerly 12003110A) as listed in the Planning Board opinion dated June 22, 2004, or as amended [Attachment C].
3. Infrastructure and Roads Only Site Plan  
The proposed development shall comply with the conditions of approval for the Infrastructure Plan 820050150 as listed in the Planning Board opinion dated September 19, 2007 [Attachment D], or as amended.
4. Site Plan Amendments
  - a. Minor modifications to landscaping, lighting, recreation and paving materials may be approved by M-NCPPC and documented with M-NCPPC and DPS Site Plan Enforcement. These minor modifications include substitution of materials (planting, lighting, recreation facilities), relocation due to placement of utilities and modifications to grading. Minor modifications can be adjusted in the field only with the approval of M-NCPPC. Minor modifications shall be considered “Administrative” or “Director Level” amendments in accordance with the Development Manual procedures.
  - b. Major modifications to the site plan must follow the procedures outlined in Development Manual.

5. Design Guidelines

- a. The proposed development shall comply with the Design Guidelines dated June, 2008, or as amended and approved by the Planning Board [Attachment E].
- b. A letter from the Town Architect shall accompany each site plan application stating that the proposed development complies with all of the aspects of the Cabin Branch Design Guidelines.
- c. An approval form from the Town Architect shall accompany each building permit application stating that the proposed building is in conformance with the approved certified site plan and with all of the aspects of the Cabin Branch Design Guidelines.
- d. Each building permit shall be reviewed by the Planning Director or "designee" for conformance to the approved Design Guidelines. The Director shall have 10 business days to review the building permit application. If the building permit application is regarded as not in conformance with the guidelines, then the Director and Town Architect shall meet to discuss the discrepancy. If the two parties cannot agree on a suitable approach to provide conformance to the guidelines, then the Planning Board will decide the resolution.
- e. The Design Guidelines for the NC/RC Commuter/General Retail and Healthcare/Office and Employment will be reevaluated with each respective site plan covering these areas, with respect to architectural features, site design, layout and circulation.
- f. The administration of the Design Guidelines shall be the responsibility of the Town Architect and the Cabin Branch Management, with the exception of variations or exceptions to the guidelines, which shall be approved by the M-NCPPC Planning Director or designee. If acceptable, variations can be approved as a minor amendment to the site plan.

6. Site Design

- a. Cluster mailboxes shall be located in a central area so as not to interfere with pedestrian circulation and shall not disrupt the design of the community spaces in which they are located. The mailbox clusters in the privately maintained areas of the site shall include special paving leading from the street to the mailbox. The mailbox clusters in the public right-of-way shall include special paving, upon approval by the U.S. Postal Service, Department of Public Works and Transportation and/or Department of Permitting Services.
- b. Retaining walls not associated with the stormwater management facilities shall be no taller than 5 feet in any segment (grade to grade) and tiered for heights above 5 feet with a five foot planting strip between tiered segments.
- c. Identify the location of wayfinding signs for bike paths, walkways, community features, retail center attractions and amenities, including the park site and clubhouse.
- d. Identify the high visibility lots/units that require additional architectural treatments as indicated in the Design Guidelines.

7. Landscaping

- a. Provide the final streetscape guidelines for the overall development.
- b. Provide an alternative plant list for recommended substitutions.
- c. Plant material selections may be substituted according to the alternate plant list to address issues with availability of material, replacements and site considerations during construction.

- d. Locations of plant materials for the individual residential units may be adjusted with approval by M-NCPPC Staff. Any change in plant material related to foundation planting is required to be documented in the form of an as-built and shall be provided to M-NCPPC and DPS Site Plan Enforcement. An amendment to the site plan is not required for modifications to foundation planting associated with residential units.
  - e. Provide street trees at a minimum spacing of 40 feet on center and a maximum spacing of 50 feet on center, except where physical site improvements do not allow for the spacing. Any deviation from the minimum standards needs to be approved in writing by DPS, DPWT and M-NCPPC, if the spacing cannot conform to the minimum/maximum standards due to physical site improvements.
8. Lighting
- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
  - b. All on-site light fixtures, exclusive of those lights within the public right-of-way shall be semi cut-off fixtures.
  - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
  - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
  - e. The height of the private on-site light poles (Old World Post top light or equal), exclusive of those within the public right-of-way shall not exceed 15 feet in the common areas and private streets and 20 feet for those associated with Tribute Parkway, including the mounting base.
  - f. Lighting in the public right-of-way shall conform to the DPWT and/or DPS standards for spacing, location and fixture type.
9. Pedestrian Circulation
- a. Provide an 8-foot-wide path (asphalt) within the public right-of-way on the west side of Bryne Park Drive/Fulmer Avenue, east side of Dunlin Street, south side of MD 121 and east side of Cabin Branch Avenue.
  - b. Provide an 8-foot-wide path (asphalt) between the future school site and Local Park from Dunlin Street to Bryne Park Drive and along the stream valley buffer to the Local Park parking lot. A public utility easement (PUE) shall be provided for paths not within the public right-of-way.
10. Recreation Facilities
- a. The Applicant shall meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
  - b. The Applicant shall provide the following recreation facilities: 36 picnic/sitting areas, 2 tot lots, 1 play lot, 1 open play area (type I), natural areas and trails as well as a regulation soccer field in the local park.
  - c. Identify the location of the community center/clubhouse on the plans.
11. M-NCPPC Park Facility
- The Applicant shall comply with the following conditions of approval from M-NCPPC-Park Planning and Stewardship in the memorandum dated May 20, 2008 [Attachment F]:



- a. The Applicant to dedicate and convey to M-NCPPC in fee simple, the agreed area of contiguous land that is located between the proposed elementary school site and proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland to be conveyed in fee simple by deed acceptable to M-NCPPC staff at time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
- b. The Applicant to work with M-NCPPC staff to finalize and clearly delineate on the Certified Site Plan, exact park dedication boundaries that are acceptable to Parks Department staff and are easy to identify, sign and manage, and that clearly distinguish between Parkland, HOA property, and private lots.
- c. No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- d. The Applicant shall provide, within the dedicated local park acreage, and at Applicants expense, the park's active recreational facilities and amenities to include one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, an open grass play area, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10' wide where needed for maintenance access), a drinking fountain, park signage, information kiosks and decorative features, portable restroom pad and enclosure, appropriate fencing for safety purposes along any retaining wall or steep slopes (as acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated parkland. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users. Park dedication and facility layout to be substantially as set forth on the Site Plan, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to certified site plan approval.
- e. 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 and incorporated into the Certified Site Plan.
- f. The open grass play area adjacent to the historic house to include some relatively flat area(s), substantially as set forth on the Site Plan, suitable for informal ball type play.

Final grading plan to incorporate this flat play area as acceptable to M-NCPPC Parks Department staff.

- g. The playground areas to be sized and located as set forth on the Site Plan and to include suitable play equipment that is typically constructed of 5 ½ inch diameter metal posts (powder coated) with a sufficient equipment assortment to substantially fill the playground area inside the safety zones. One area is to contain equipment suitable for very young children and the other play area to contain equipment suitable for school age children. Edging for play areas to be concrete. Equipment choice and layout to be acceptable to M-NCPPC park staff.
- h. Picnic shelters are not to be located as entrance features to the park from the end of Tribute Parkway. Park entrance features details to be coordinated with M-NCPPC park staff and be acceptable to staff.
- i. Final details including general arrangement and species choice for plantings on parkland to be substantially established by time of Certified Site Plan, with some final minor alterations to be allowed in the Local Park area during the park permitting process without site plan amendment.
- j. Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Trails in the local park area to be substantially as set forth in the Site Plan and Applicant to work with M-NCPPC staff prior to certified site plan approval to establish exact locations and surfacing of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.

12. Maintenance Responsibility

The Applicant and future Cabin Branch Homeowner's Associations ("HOA") shall be responsible for maintaining community-wide amenity features such as HOA playgrounds, HOA open spaces, historic house and environmental setting, retaining walls, parking facilities, streetscape elements and natural features.

13. Transfer Development Rights (TDRs)

- a. Prior to recording of each residential plat for the Winchester I site plan, the Applicant shall provide verification that the proportional number of TDRs relevant to that plat have been acquired for the proposed development.
- b. The Winchester I site plan is required to acquire 128 TDRs.
- c. The total development for Cabin Branch will be required to provide 609 TDRs, assuming approval of the mix and density approved in the Development Plan and Infrastructure Site Plan.

14. 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 F]:

- a. The Applicant shall provide 64 Moderately Priced Dwelling Units (15% of the total number of units) for the Winchester I site plan, consistent with Chapter 25A. The minimum number of MPDUs required for the Winchester I site plan is 54 (12.5% of the total number of units), with the additional 10 MPDUs counting toward the requirement for future sections.
- b. The total development for Cabin Branch must provide 12.5 percent (236 MPDUs assuming the density approved in the Development Plan and the Preliminary Plan) for the total number of dwelling units.
- c. The MPDU agreement to build shall be executed prior to the release of the first building permit.
- d. All of the required MPDUs shall be provided on-site.

15. School Site Dedication

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

- a. The dedication of the school site parcel to Montgomery County Public Schools shall be completed prior to recording the plat(s).
- b. Realign the stormwater management vehicular access easement through the area where a team bench will be installed next to the softball field. The access alignment will need to be shifted to avoid the bench, as there is no room to shift both the bench and softball field. Should a retaining wall be necessary to support the re-alignment, the cost of construction and future maintenance would be the responsibility of the HOA. The certified site plan must reflect that the access for the HOA swm parcel along Clarksburg Road be from the school bus loop and remain unpaved. Use of that access must not preclude or hinder the operation of the bus loop. The plan must also reflect that the vehicular access to the swm facility be solely from Bryne Park Drive so no vehicular access of any type will be needed on this portion of the school property.
- c. 95% of the site is constructed on fill and the depth of that fill is very deep across the majority of the site. Neither infiltration nor groundwater recharge are permitted in fill. At a minimum, upon the construction of an off-site facility that provides the recharge required for the school site, a system for the adequate and safe conveyance of runoff from the school site to this off-site facility must be provided. The Applicant shall provide written certification stamped and signed by an appropriately licensed Maryland Professional Engineer that fill placed on this site meets the criteria as outlined in the email Mary Pat Wilson to Robert Kronenberg dated May 30, 2008 [Attachment F].

- d. The record plat(s) need to reflect grants of storm drainage easements to the Board of Education in the area that is to be dedicated to M-NCPPC in the vicinity of structures numbered 5100 and 5012 to provide access to the 42 inch storm drain pipe.

16. Transportation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated May 29, 2008, the State Highway Administration letter dated January 31, 2007 and the Department of Permitting Services letter dated November 13, 2007 [Attachment F]:

- a. Develop and maintain a ride share bulletin board on the Cabin Branch intranet website, available to all residents and employees at Cabin Branch. This website must be operational prior to issuance of the first building permit for the initial project phase.
- b. Facilitate carpool and vanpool matching for all residents and employees at Cabin Branch site.
- c. Install permanent transit information kiosks/display areas in all office buildings and community centers to display bus route (and eventually Corridor Cities Transitway) schedules and maps. Locations and designs of the kiosks/diplays must be identified in coordination with, and approved by, DPWT/DOT Commuter Services and installed prior to issuance of use and occupancy permits for each applicable building.

17. Forest Conservation

The Applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated March 11, 2008 [Attachment F]:

- 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.
- b. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.
- c. Conformance to the conditions as stated in the DPS letter dated December 24, 2007 approving the elements of the SPA water quality plan under its purview, or as amended and approved.
- d. Applicant to conduct additional geotechnical study and evaluation to determine the feasibility of groundwater recharge at the proposed locations prior to approval of individual site plans.

18. Historic Preservation

The proposed development is subject to the following conditions of approval from the Historic Preservation Commission dated May 20, 2008 [Attachment F].

- a. The approximately 5-acre environmental setting for the historic house must be clearly delineated on the Certified Site Plan. Any proposed alterations within the 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).

- b. Parking lots will not be constructed within the environmental setting of the historic resource.
- c. The circular drive around the historic house will be maintained in gravel.
- d. 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.
- 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, unless approved by the Historic Preservation Commission.
- g. The applicant will remove non-historic elements and rehabilitate the exterior of the house. The applicant will receive approval from the HPC for applicable projects.

19. Stormwater Management

The proposed development is subject to the Final Water Quality Plan and the Stormwater Management Concept approval conditions dated December 24, 2007, unless amended and approved by the Montgomery County Department of Permitting Services. [Attachments A and F]

20. Fire and Rescue

The proposed development is subject to the conditions of approval from the Montgomery County Fire and Rescue Service dated November 1, 2007 [Attachment F].

21. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant shall provide verification to M-NCPPC staff prior to issuance of the 301st building permit that Applicant's recorded Homeowners Association Documents incorporate by reference this Covenant.

22. Development Program

The Applicant shall construct the proposed development in accordance with the Development Program. The Winchester I Site Plan will be developed in two Phases. Phase I includes approximately 233 dwelling units and Phase II includes approximately 195 dwelling units. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program applicable to the area contained within the Winchester-1 Site Plan shall include a phasing schedule as follows:

- a. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the units or park and school facilities adjacent to those streets.
- b. Local Recreational Facilities

- i. All Phase I Local Recreational Facilities shall be completed prior to the issuance of the 163<sup>rd</sup> building permit for the units in Phase I, with the exception of the greenway along Wellspring Street which is addressed separately. (This number represents 70 percent of 233 units located in Phase I). The recreation facilities in Phase I include integral sitting and picnic areas, and bike system paths within this Phase. Landscaping and lighting associated with the Recreational Facilities shall be installed no later than 6 months after the completion of those facilities.
  - ii. The greenway along Wellspring shall progress with construction of the adjacent residential units, but no later than six months after completion of the last adjacent units.
  - iii. All Phase II Local Recreational Facilities shall be completed prior to the issuance of the 135<sup>th</sup> building permit for the units in Phase II. (This number represents 70 percent of the 195 units located in Phase II). The recreation facilities in Phase II include the HOA Park surrounded by Tribute Parkway, integral sitting and picnic areas, and bike system paths within this Phase. Landscaping and lighting associated with the Recreational Facilities shall be installed no later than 6 months after the completion of those facilities.
- c. Community-Wide Recreational Facilities
- i. In accordance with the Preliminary Plan approval, the future school site and local park will be graded prior to the issuance of the 150<sup>th</sup> building permit.
  - ii. The community entrance features located at Clarksburg Road and Cabin Branch Avenue, Broadway Avenue, and Bryne Park Drive as well as the ellipse located on Broadway Avenue between Wellspring Street and Estuary Drive shall all be constructed prior to the issuance of the 428<sup>th</sup> building permit, subject to plan and permit approval by DPW&T and/or DPS.
  - iii. In accordance with the Infrastructure Site Plan approval, a building permit shall be obtained for the community pool and center prior to the issuance of the 650<sup>th</sup> residential building permit.
  - iv. The local park including all of the park facilities and amenities, and parking facilities shall be constructed prior to the issuance of the 650<sup>th</sup> residential building permit, or construction of the homes adjacent to the park site, whichever comes first.
- d. Future Community-Wide Recreational Facilities  
Development Programs to be determined as subsequent detailed site plans are approved.
- e. On-site landscaping and lighting associated with the construction of private roads and common areas shall be installed no later than 6 months after the completion of those roads and common areas.
- f. Provide each section of the development with necessary roads
- g. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
23. Clearing and Grading  
No clearing or grading prior to M-NCPPC approval of the certified site plan except as specified in the conditions of approval for the Infrastructure Plan.

The Applicant is required to rough grade the local park and school site prior to the release of the 100<sup>th</sup> building permit, according to the approved sediment and erosion control plans and forest conservation plans.

24. Landscape Surety

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

- a. The amount of the surety shall include plant material, on-site lighting, recreational facilities, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which will establish the initial bond amount.
- c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

25. Green Building Certification

The Applicant shall achieve a whole-house certification for the one-family detached and multi-family 2-over-two units (buildings), Energy Star rating under the national energy performance rating system by either the performance or prescriptive path options. The rating certifications shall be provided to staff upon final inspection.

26. Certified Site Plan

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

- a. Development program, inspection schedule, and Site Plan Resolution.
- b. Undisturbed stream buffers, except where approved outfalls are located.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. MPDU, TDR, and revised recreation facility calculations.
- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. Environmental setting protecting the historic resource or site.
- i. Details of the outdoor useable areas for the one-family attached units.
- j. Location of mailbox clusters and improvements (lead walk, paving, landscaping)
- k. Details and locations of the wayfinding signs.
- l. Alternate plant list.
- m. Identify the phasing lines consistent with the Development Program.

## ATTACHMENTS

- A. Final Water Quality Plan Approval letter dated February 22, 2008.
- B. Development Plan Opinion
- C. Preliminary Plan (1200311A) Opinion dated June 22, 2004.
- D. Infrastructure Plan (820050150) Resolution dated September 19, 2007.
- E. Cabin Branch Design Guidelines dated May 2008.
- F. Memoranda from Agencies
- G. Correspondence from Applicant



# **ATTACHMENT A**

Final Water Quality Plan Approval letter dated December 24, 2007



## DEPARTMENT OF PERMITTING SERVICES

December 24, 2007

Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

Ms. Irene Carrato  
Loiederman Soltesz Associates, Inc.  
1390 Piccard Drive, Suite 100  
Rockville, Maryland 20850

Re: Final Water Quality Plan and Stormwater  
Management Concept for Cabin Branch  
Infrastructure  
SM File #: 223702  
Tract Size/Zone: 109.0 Ac/Mixed Residential  
Tax Plate: EV 32  
Mont Co Grid: 9B6, 7, & 8  
Watershed: Little Seneca Creek

**SPECIAL PROTECTION AREA**

Dear Ms. Carrato:

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

**Site Description:** The site is bounded by West Old Baltimore Road, Clarksburg Road and I-270 and is approximately 109.0 acres. This area is partially within the Little Seneca Creek Watershed that is a designated Special Protection Area. This proposal is for a mixed use residential development.

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

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

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

1. The earth dikes that feed the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.
2. The site grading shall be phased whenever possible to limit disturbance and immediate stabilization is to be emphasized. The details of the phasing sequence will be addressed in the subsequent internal Final Water Quality Plans or the detailed sediment control/stormwater management infrastructure plan if that construction proceeds ahead of the internal Final Water Quality Plans.
3. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.

**Performance Goals:** The performance goals that were established at the pre-application meeting are still applicable. They are as follows:

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

**Monitoring:** The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). The requirements from DEP's predevelopment monitoring memorandum, dated June 3, 2003 still apply. Additionally, the construction and post construction monitoring requirements are described in the "Attachment to the Water Quality Plan" memorandum, dated December 18, 2007.

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

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

1. Provide clear access to all stormwater management structures from a public right-of-way. Provide driveway aprons and full depth paving in areas where curbs, sidewalks, and bike paths must be crossed to access structures. Access roads are to be no steeper than 15% with mechanical stabilization or 10% without mechanical stabilization. Each cell of the proposed structures must be accessible.
2. Additional recharge must be provided in the drainage area of Pond #13. The Preliminary Water Quality Plan required that 150% of the MDE required recharge volume be provided due to the lack of open section roadways in this sensitive watershed and the deep cuts and fills that are proposed. Although the overall site is providing nearly 150%, the area draining to Pond #13 is well below the normal (100%, the minimum for this area) requirement. Since a large portion of this drainage area is to be private (sidewalks, bike paths, alleys, driveways, and streets), the use of porous pavement/concrete should be investigated. The use of porous pavement would negate the impact on lot yield while spreading recharge of a large area.
3. Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at all of the proposed locations.
4. All recharge and upland water quality structures must be a minimum of five feet off of private property lines (including future phases)
5. Pond drains will be required for all of the Cpv structures due to the pond depth over the relatively small control orifice.
6. A formal dam breach study must be submitted for Pond #1. It appears that the existing culverts in West Old Baltimore Road will have to be replaced prior to pond construction. Additionally, the outfall from Pond #1 must be revised so that it won't adversely impact the proposed culvert wing walls.
7. Several ponds are shown with embankment grading in very close proximity to the stream valley buffers. As shown, the placement of sediment controls to construct the ponds will likely require some stream valley buffer encroachment.
8. Add an outfall flow spreader trench to the outfall of Recharge Structure RET-1102.
9. The untreated drainage areas to the proposed end of line surface sand filters must not exceed ten acres. The storage depth over surface sand filters is not to exceed two feet without hazard signage or four feet with hazard signage. The drainage area for the underground water quality structures is to be limited to two acres.
10. Surface water quality structures that are to be used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.
11. Provide level spreaders and/or plunge pools at all of the quantity pond outfalls. Also, pond outfalls are to be located at non-erosive (down slope) areas. This may require additional stream valley buffer encroachment.
12. Drain tile will be required in stormwater management structures where soil borings show that groundwater is present and where deep excavations are required.
13. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
14. Due to the size of this development a full-time, third-party, on-site, sediment control inspector is required to assure that the goals of the Water Quality Plan are being met.

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

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

Sincerely,



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

RRB:dpm:CN223702

cc: R. Kronenberg (MNCPPC-DR)  
D. Johnson (MNCPPC-ED)  
R. Gauza (MCDEP)  
L. Galanko  
SM File # 223702

On: on-site 109.0 ac.  
O1: on-site 109.0 ac.  
Recharge provided



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Fariba Kassiri  
Acting Director

**Attachment to the Final Water Quality Plan for Cabin Branch  
Description of BMP Monitoring Requirements**

SM: #207133

Date: December 18, 2007

The purpose of this attachment is to add specificity to the standard monitoring requirements and procedures contained in the BMP monitoring protocols. Some supplemental QA/QC, data analysis, reporting and record keeping tasks will be explained in this attachment.

This BMP monitoring is being done to document the achievements of these site performance goals:

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

The purpose of the data analysis and reporting is to describe quantitatively how performance goals are met. Monitoring efforts and reports must employ scientific methods in an attempt to determine effectiveness of BMPs. Monitoring is to be done according to DEP BMP Monitoring Protocols. Consistent methods are to be used so results can be compared with other BMP monitoring projects. Some supplemental requirements are provided in this attachment. Prior to initiation of monitoring, consultants must contact DEP and DPS to review monitoring locations, procedures, and requirements. Thorough and careful analysis of data is required. Methods of data analysis may vary depending on the results obtained. Methods and assumptions should be detailed. DEP BMP Monitoring Protocols are available at the following web site.  
<http://www.montgomerycountymd.gov/content/dep/spa/pdf%20files/bmpprotocols.pdf>

1 of 5

## Watershed Management Division

### Monitoring Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site. (Groundbreaking, clearing, grading, sediment control construction, sediment control maintenance, BMP conversion, pond maintenance, etc.)
2. Water quality sampling of surface water is required at one flow logger location. DEP, in cooperation with USGS, has installed a stream flow gage in Cabin Branch (westernmost tributary on the site) at a location downstream of West Old Baltimore Road. This gage will be used to assess changes in stream hydrology related to development of the Cabin Branch Neighborhood. The flow rating curves and other stream flow data should be obtained from the USGS gage. Sampling for water quality should occur during both storm flow and base flow conditions, and the frequency of sampling is to be quarterly (i.e. one storm sample and one base flow sample per quarter). All sampling is to be done using automated sampling equipment working in concert with the flow loggers so pollutant loading calculations can be made. Base flow samples are to be flow-weighted 24 hour composites and storm samples are to be flow-weighted composites collected throughout the duration of a storm. Parameters are to include: nitrate, nitrite, TKN, ortho-phosphorus, TSS, lead, zinc, copper, cadmium, BOD and COD (table 1). Effective 8/19/2004, total phosphorus and total nitrogen will not be required parameters as part of this sampling and BOD and COD were added. The purpose behind the water quality sampling is to test the hypothesis that BMPs and site design features will mitigate pollutant loadings to the stream. Reporting should reflect the hypothesis by comparing results from the pre-construction (baseline) sampling with during- and post-construction results.
3. A total of two (2) water temperature loggers are required. One should be installed in Cabin Branch upstream of West Old Baltimore Road. The other should be placed in a tributary of Little Seneca Creek upstream of West Old Baltimore Road. This monitoring is to occur from June 1 through September 30. Equipment accuracy is to be checked prior to use in spring. An accuracy check after retrieval in fall may be necessary depending on results obtained. Consult with equipment manufacturer or DEP for appropriate procedures. All accuracy checks are to be submitted with data analysis and reports. Temperature loggers should be set to take readings as frequently as possible. Consult with DEP if readings will be taken less frequently than every 30 minutes. Data from the loggers during the pre-construction period is to be closely compared to identify patterns in the temperature regime of the stream. Difference in water temperature between logger location 1 and 2 needs to be established during the pre-construction period. These trends in the water temperature regime established during the pre-construction period will be the benchmark against which data collected during the construction and post-construction periods will be compared. In addition, weather data should be included with the reports summarizing air temperatures and precipitation during the period of June 1 through September 30.

4. Four (4) groundwater monitoring wells are to be installed at the locations indicated on the Preliminary Water Quality Monitoring Plan dated 10/02. As of 8/19/2004, an additional well was to be installed at an upland location near Clarksburg Road (Rt. 121), for a total of five (5) groundwater wells. Well installation logs should be provided. Each groundwater well is to be surveyed to determine exact elevation. All five wells are to have continuous water level loggers. Groundwater levels are to be reported as actual elevations (surface elevation - depth to water). Pre-construction monitoring will include one year of groundwater elevation readings. Depth of each well should be reported and Maryland state plane coordinates (NAD83) in feet and elevation of well head in feet well is to be provided for entry in DEP's database. Data should be analyzed to determine the effectiveness of site design and stormwater management in maintaining groundwater levels. Data from the pre-construction period should be compared to results obtained in subsequent periods. Graphs should be provided to support conclusions.
5. Water chemistry sampling is required at each of the five groundwater wells. Parameters include: nitrate, nitrite, TKN, total nitrogen, ortho-phosphorus, total phosphorus, lead, zinc, copper, cadmium (table 1). Sampling is to be done quarterly.
6. Stream channel cross section surveys are to be done at ten (10) of the eleven (11) locations identified on the Preliminary Water Quality Monitoring Plan dated 10/02. As of 8/19/2004, the cross section located immediately downstream of the I-270 culvert was dropped due to unnatural stream configuration in this area. Rebar monuments are to be installed at each cross section marking the end points. Rebar should be set back from edge of bank far enough to account for any potential erosion. Survey points should be spaced at one foot intervals and also be taken at the following channel features: 1) top and ground surface at rebar monuments 2) slope breaks 3) bankfull stage 4) water surface at the edge of water. Cross sectional area should be calculated and reported for all eleven locations. Cross sections should be plotted to display changes over time and used to evaluate the effectiveness of BMPs in maintaining channel integrity.
7. Pollutant removal efficiency will be determined for four (4) individual SWM structures. One pond (Pond 5) and three water quality inlets (STMF #510, STMF #1316, STMF #507) will be monitored to evaluate BMP effectiveness under different site designs. Other structures may be substituted based on the feasibility of sampling determined at the design phase. Monitoring will require the collection of automated flow-weighted storm composite samples at the inflow and outflow points of each structure. Samples should be analyzed for the parameters in table 1. All four structures are to be monitored quarterly. Analysis will evaluate effects of differing site designs, whether pollutant removal efficiency changes over time, and compare removal efficiencies with published results. Drainage area, percent imperviousness, percent and total area of road surface, amount of open section or closed section roadways, and water quality pre-treatment approaches are to be reported and considered in the analysis.



8. TSS (table 1) sample locations will be established at up to the three (3) of the largest sediment ponds located on active portions of the site during construction. This monitoring will require the collection of automated flow-weighted storm composite samples at the inflow and outflow points of each structure. Exact sampling locations will be determined by DEP in the field to allow evaluation of the effectiveness of redundant sediment traps. Sampling is to be done during storm events throughout the construction phase. Frequency of sampling is to be quarterly (i.e. one storm sample per quarter). Storms should have at least one half inch of rainfall in a 24 hour period to be counted towards this requirement. The storms during which the data was collected should be characterized for duration and total rainfall. Storm frequency (return interval) should be reported as described in Technical Paper #40 of USDOC Weather Bureau. Results should be examined to determine the efficiency of the structure and percent removal of pollutants. Data should be compared to past periods and published results for similar structures. Graphs should be provided to support conclusions.
9. Locations of all monitoring stations are to be provided to DEP within one week of station establishment. GIS locations are preferred, but a map with the approximate locations marked will be acceptable for the initial submission. GIS data will need to be included as part of the data submission with the annual report. DEP will create an ArcMap layer showing locations of all monitoring stations in the Cabin Branch watershed.

**Table 1. Pollutant parameters, lab methods and detection limits**

Parameter	Method	Detection Limit
Nitrate	EPA 353.2	0.05 mg/L as N
Nitrite	EPA 354.1	0.02 mg/L as N
TKN	EPA 351.3	0.2 mg/L as N
Orthophosphorus	EPA 365.3	0.01 mg/L
Total Phosphorus	EPA 365.3	0.05 mg/L
Total Suspended Solids	EPA 160.2	1.0 mg/L
Total Cadmium	EPA 213.2	0.6 µg/L
Total Copper	EPA 220.2	1.2 µg/L
Total Lead	EPA 239.2	0.4 µg/L
Total Zinc	EPA 289.2	3.4 µg/L
BOD	EPA 405.1	2
COD	EPA 410.4	n/a

One year of baseline data on stream flow, groundwater levels, water quality (nutrients, metals, TSS and temperature) and stream channel cross sections must be collected as specified above before construction begins. DEP must be notified prior to commencement of pre-construction monitoring. Items 1 through 6 above should continue throughout the construction period and for five years post-construction. Item 7 will commence after the construction period and continue for five years post-construction. Item 8 will begin once sediment control structures are in place and terminate when the entire site has been converted over to post-construction stormwater management. A report on pre-construction conditions must be deemed acceptable by DEP prior to the issuance of a sediment control permit. For subsequent periods an annual report on BMP monitoring is due to DEP by **October 31** of each year. Additionally, quarterly progress reports are to be submitted. These reports are to document the status of the ongoing monitoring, identify any problems, and assure monitoring is on schedule. BMP monitoring reports are to be delivered with data in an electronic format to Rachel Gauza at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS. All information submitted to DEP will be public information that DEP may freely copy and distribute. Questions on the monitoring requirements and procedures may be directed to the following personnel.

Rachel Gauza (DEP)  
(240) 777-7729  
[rachel.gauza@montgomerycountymd.gov](mailto:rachel.gauza@montgomerycountymd.gov)

Mark Sommerfield (DEP)  
(240) 777-7737  
[mark.sommerfield@montgomerycountymd.gov](mailto:mark.sommerfield@montgomerycountymd.gov)

Leo Galanko (DPS)  
(240) 777-6242  
[leo.galanko@montgomerycountymd.gov](mailto:leo.galanko@montgomerycountymd.gov)

# **ATTACHMENT B**

Development Plan Opinion

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OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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

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

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By: County Council

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

**OPINION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Tables from Page 18 of HE Report**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **ACTION**

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

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

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

This is a correct copy of Council action.

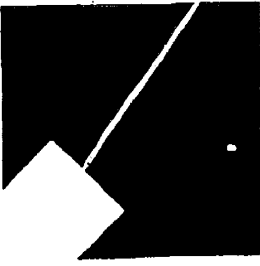
Mary A. Edgar  
Mary A. Edgar, CAC  
Clerk of the Council

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# **ATTACHMENT C**

Preliminary Plan (12003110A) Opinion dated June 22, 2004

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

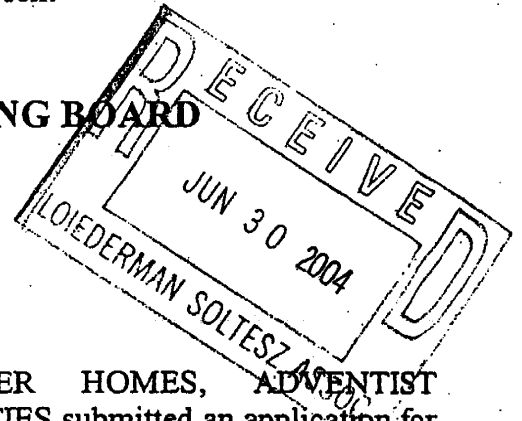
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

582-30-01  
Date Mailed: June 22, 2004  
Action: Approved Staff Recommendation  
Motion of Comm. Wellington, seconded by  
Comm. Bryant with a vote of 4-0;  
Comms. Berlage, Bryant, Robinson and  
Wellington voting in favor; Comm. Perdue  
absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION



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

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

Approval of Phase I, Subject to the Following Conditions:

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



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

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

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

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

# **ATTACHMENT D**

Infrastructure Plan (820050150) Resolution dated September 19, 2007



SEP 19 2007

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

**MCPB No. 07-131**  
**Site Plan No. 820050150**  
**Project Name: Cabin Branch Infrastructure and Roads Only Site Plan**  
**Date of Hearing: June 14, 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on November 4, 2004, FFTM1, Limited Partnership, Winchester Homes, Inc., King Farm Partnership, Concordia Group and Adventist Healthcare, Inc. ("Applicant"), filed an application for approval of a final water quality plan for the infrastructure components of site plan No. 820050150 ("Final Water Quality Plan") and an 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) ("Site Plan" or "Plan") on 535.04 acres of RMX-1/MXPD-zoned land, located in the northwestern quadrant of the intersection of Interstate 270 and West Old Baltimore Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820050150, Cabin Branch Infrastructure and Roads Only Site Plan (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated June 1, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staffs of other governmental agencies, on June 14, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

APPROVED AS TO LEGAL SUFFICIENCY  
*[Signature]* 8/21/07  
M-NCPPC LEGAL DEPARTMENT

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

WHEREAS, on June 14, 2007 the Planning Board approved the Final Water Quality Plan and the Infrastructure and Roads Only Site Plan subject to conditions on the motion of Commissioner Perdue; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Hanson, Wellington, Perdue and Robinson voting in favor of the motion.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 19, the Montgomery County Planning Board approved Final Water Quality Plan No. 820050150 for the infrastructure components of Site Plan No. 820050150 subject to the following conditions:

1. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (DPS).
2. A five-year maintenance period shall be required for all planted areas credited toward meeting the requirements of the forest conservation plan.
3. No encroachment into stream buffers for stormwater management facilities or sediment control facilities is allowed without permission of the Planning Board, except for necessary outfalls and temporary sediment control facilities in non-forested portions of 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.
7. A Final Water Quality Plan for each detailed site plan must be submitted, which may amend the Final Water Quality Plan approval for the Infrastructure Plan.

This Final Water Quality Plan does not approve the elements in the detailed site plans.

BE IT FURTHER RESOLVED that all design components as described in the letter from the Montgomery County Department of Permitting Services dated February 22, 2007, including the Stormwater Management Concept shall be required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES the Infrastructure and Roads Only Site Plan No. 820050150 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 subject to 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.

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.

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. Within the basic framework established by the major roads approved by this Infrastructure Plan and required by the Preliminary Plan Adequate Public Facilities approval, (Maryland Route 121, Cabin Branch Parkway, Broadway Street, West Old Baltimore Road between Maryland 121 and Broadway Street, and Little Seneca Parkway [aka Newcut Extended]), other streets within the grid system may be modified at the request of Staff or the Planning Board during the review of the detailed site plans to include location, 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. The architect shall be a registered architect with experience in town planning, and shall develop design guidelines to provide for thematic consistency of



architectural design for Cabin Branch. These will include but are not limited to architectural form, relationship to the street, pedestrian walkability and a focus on public space.

- c. Design guidelines shall be submitted and approved by the Planning Board with the first detailed site plan, and shall be binding upon the developer and builder.

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 1<sup>st</sup> and 2<sup>nd</sup> 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 2<sup>nd</sup> 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, or as directed by staff in subsequent site plans.

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.

- d. Provide the community-wide open space and a trail system 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.
- e. 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:

- 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. The area where the softball field was shown on the Preliminary Plan (area north of the historic house) must be graded and seeded to provide an open play field. The size and grading will be coordinated with the Parks Department. 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, its successors/assignees, and/or the successor HOA 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 each plat, the applicant shall provide verification that the numbers of TDRs relevant to that plat have been acquired. Applicant shall maintain a continuing calculation with each Site Plan, reflecting the number and type of approved dwelling units and the proportional number of associated TDRs under the formula established in the Development Plan and Preliminary Plan.
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:
- 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.

13. Transportation

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

- a. The applicant must comply with the current and future State Highway Administration (SHA) and Department of Public Works and Transportation (DPWT) regulations and with the letters of support from SHA and DPWT attached hereto.
- b. The road improvements set forth in the Road Improvement Phasing Plan approved as part of the Phase I Preliminary Plan shall be open to traffic before building permits for the subsequent sub phase of development may be issued.
- 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 roundabout in accordance to FHWA/SHA guidelines.
- f. The applicant must provide minimum 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. Within 60 days of approval of the Infrastructure Site Plan, Applicant will prepare and submit a limited amendment to the Infrastructure Site Plan to provide for an Alternatives Analysis for that portion of West Old Baltimore Road between I-270 and Broadway Street, including a possible no-build option, for review and approval by the Planning Board, based on review by DPWT, M-NCPPC Staff and residents along West Old Baltimore Road. Based upon this analysis, Staff will provide a recommendation for approval by the Planning Board for the design parameters and construction of this portion

of West Old Baltimore Road. The alternatives analysis shall study the following: a) vertical and horizontal alignment/typical sections; b) extent of easements necessary outside the right-of-way; c) potential impacts to existing septic systems, wells and structures; d) clearing and grading impacts; e) park impacts; f) location of the bike path; g) auxiliary turn lanes and traffic controls; h) sight distances; and i) the no-build option.

- i. The applicant must provide a pedestrian connection between the intersection of Streets O and J to the intersection of Streets T and H.

14. Forest Conservation

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

- 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:

- 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 applicant will remove non-historic elements and rehabilitate the exterior of 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.
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.
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 650<sup>th</sup> residential building permit, the Applicant shall obtain a building permit for the community pool and center.

20. Clearing and Grading

The following may proceed upon approval of the Infrastructure Site Plan, Sediment and Erosion Control Plans and Forest Conservation Plan: a) clearing and mass grading for the roads being approved by this Infrastructure Plan and the local park and school site; b) installation of temporary sediment and erosion control devices; c) the installation of the trunkline sewer (DA 3326); and d) the installation of the water main along Maryland Route 121. No construction of roads, buildings or retaining walls may proceed until subsequent certified Site Plan approvals for each individual Site Plan. Notwithstanding the above, clearing and grading activities, with the exception of the water and sewer projects, may not be permitted beyond the limits of disturbance submitted as part of the current site plans for Nos. 820060180, 820060240, 820060290, 820060300, 820060350 and 820070140.

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.

BE IT FURTHER RESOLVED that all site development elements as shown on Cabin Branch Infrastructure and Roads Only Site and Landscape Plan drawings stamped by the M-NCPPC on April 16, 2007, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

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 Planning Board finding:

- a. *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.*

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.

- b. *Off-Site Amenities and Features*  
*By the time of issuance of building permits for the 100<sup>th</sup> 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. The Applicant is permitted to grade in accordance with Condition No. 20 which is consistent with this binding element.

- c. *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 development 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.

**d. 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 M-NCPPC 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 develop 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.

**e. 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. This area will be further analyzed as part of the limited amendment required by Condition No. 13(h) to address impacts to the adjacent properties along this section of West Old Baltimore Road.

**f. 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 M-NCPPC 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.

**g. 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 M-NCPPC 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 as a limited amendment. The road is proposed as a two-lane arterial roadway with changes to vertical and horizontal alignment. The Applicant is required to submit a limited amendment and alternatives analysis in accordance with Condition No. 13(h) to address impacts to adjacent properties including alignment, necessary easements, well and septic, clearing and grading, park boundaries, sight distance and a no-build option.

**h. 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.

**i. 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 development site plan application.

2. *The Site Plan meets all of the requirements of the MXPB and RMX-1/TDR zones and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the applicable requirements of the MXPB and RMX-1/TDR Zones as demonstrated in the project Data Table shown below. 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 number and types of units, 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.

**Requirements of the MXPB/RMX-1/TDR zones**

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Board finds, based on the aforementioned data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the MXPB/RMX-1/TDR Zones. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Data Table**

Development Standards Approved by the  
Planning Board and Binding on the Applicant

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Total Tract Area:	535.04 Acres
Zoning:	RMX-1/TDR (251.54 acres) MXPB (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 <sup>1</sup>
Unit Mix Required by the Clarksburg Master Plan:	One-family detached      45-55% One-family attached      35-45% Multi-family              10-20%

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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.

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

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<sup>1</sup> 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.

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. At the hearing, the Applicant agreed to further minimize the series of retaining walls in the park site area by grading and seeding the area north of the historic house to provide for an open play field.

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 development site plan, and will stress the character of the species and spacing associated with the particular use.

d. Recreation Facilities

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 development 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 1<sup>st</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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) development. 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 to 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 and 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 as 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. **Forest Conservation**

The applicant, Cabin Branch LLC, has submitted a final forest conservation plan with the Infrastructure and Roads Only Site Plan. This plan will be the guide for all future development 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 development site plans. Therefore, the applicant must amend the forest conservation plan with each future development site plan to properly depict the forest conservation plan including the final grade, infrastructure, lot layouts, and building locations.

The applicant is proposing to remove 64.77 acres of forest, retain 36.77 acres of forest and plant 73.21 acres of forest. The applicant will use an optional method of development. Section 22A-12(f) of the 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 other requirements through a combination of onsite forest retention, planting of unforested stream buffers, and landscape credit.

Under M-NCPPC's implementation of the Special Protection Area regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Since the property in question is land both in and out of the SPA and the tributaries drain to a common water body, the planting requirements will be treated as if the entire property were located within the Clarksburg SPA. Therefore, the Planning Commission has required the forest conservation plan to include planting in the stream buffers after DPS approval of the first sediment control/grading permit that the applicant provide a five-year maintenance period for all planting areas credited toward the forest conservation plan. In addition, the applicant is required 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 shall be directed to planting unforested areas within the SPA.

b. Tree Save

Environmental Planning staff previously requested the applicant preserve a 68-inch diameter at breast height (dbh) sycamore tree located outside of the stream buffer and is in good condition. Staff 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 requiring the applicant to *"minimize the amount of fill used throughout the site to reduce the loss of groundwater hydrology supporting the headwaters of 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 specimen sycamore tree and reduce the need for extensive retaining walls"*. The applicant has worked to minimize amount of fill but has 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, a new study is required that reflects the layout on the infrastructure plan. This revised study should be reviewed concurrently with the appropriate development site plan.

c. Environmental Guidelines

The NRI/FSDs for the various properties included in this Site 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.

d. 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.

e. 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 No. 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 No. 2 of DPS' approval of the preliminary water quality and this is reflected by Condition No. 2 of the DPS February 22, 2007 approval of the final water quality plan which



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, a new study is required that reflects the layout on the infrastructure plan. This revised study should be reviewed concurrently with the appropriate development site plan.

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The NRI/FSDs for the various properties included in this Site 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.

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The applicant has not addressed Condition No. 2 of DPS' approval of the preliminary water quality and this is reflected by Condition No. 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." The Planning Board incorporates the Environmental Planning memorandum dated May 22, 2007 requiring the applicant to address this comment prior to the approval of individual development 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 development 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 approved with this Application, 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.

BE IT FURTHER RESOLVED, that this resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this resolution is SEP 19 2007 (which is the date that this resolution is mailed to all parties of record); and

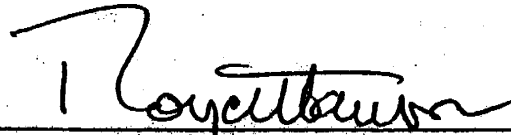
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

At its regular meeting, held on Thursday, September 6, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Robinson, seconded by

MCPB No. 07-131  
Site Plan No. 820050150  
Cabin Branch Infrastructure and Roads Only Site Plan  
Page 22

Commissioner Bryant, with Commissioners Hanson, Bryant, and Robinson voting in favor, and Commissioners Cryor and Lynch abstaining, ADOPTED the above Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 820050150- Cabin Branch Infrastructure and Roads Only Site Plan.



Royce Hanson, Chairman  
Montgomery County Planning Board

# **ATTACHMENT E**

Cabin Branch Design Guidelines dated March 2008

# CABIN BRANCH



CLARKSBURG . MARYLAND

## DESIGN GUIDELINES FOR SITE PLAN REVIEW



*Prepared by*

Cabin Branch Management, LLC.  
Montgomery County, Maryland  
Revised June 2, 2008

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## **I. INTRODUCTION**

Cabin Branch is situated just north of the beautiful Black Hills Regional Park with two of Black Hills' wooded stream valleys penetrating deep into the community. Cabin Branch combines traditional neighborhood design elements with the evocative natural woodland parks that embrace traditional neighborhoods. Cabin Branch is thoughtfully conceived to link the pedestrian friendly, tree lined streets, parks, schools, greens and employment and retail areas with the bucolic natural woodland valley parks.

These Cabin Branch Design Guidelines for New Construction adopt the precepts and principles of traditional neighborhood design in the various neighborhoods, while connecting this urban fabric to the natural environment evoking a sense of stewardship of the land throughout the community. The thematic elements in the urban fabric are built around a language of stone, heavy wood timbers, rustic ironwork and the creation of community focal points connecting the town to the woods. Art and other iconic elements throughout the community recall nature, wildlife and natural parks. Indeed the town green or Tribute Park connects the two stream valley branches together with an urban public space that celebrates wildlife and the indigenous plant materials found in the steam valleys and Black Hills Regional Park.

Cabin Branch is master planned as a beautiful mixed-use community. It relies on a mix of uses and building types to create a vibrant, varied and successful community. The streetscape treatments will provide a cohesive legato that connects the neighborhoods and various uses together. Repeating community elements and the evocative use of the stone, heavy timbers and ironworks, recalling elements will further enhance the sense of place, scale, theme and connectivity of the various neighborhoods in Cabin Branch. The community's entrance feature and special features throughout the community adopt this compelling and evocative theme.

These Design Guidelines for New Construction set the design intent and character of the community principally for use in preparation and approval of Site Plans allowing architects, landscape architects and urban designer's flexibility to design buildings, public spaces, home styles and uses as the community evolves over time. They will be supplemented by Architectural Guidelines for use in the design of individual buildings and subsequent changes to these buildings.

The lotting, siting, landscaping and architecture of the homes and businesses should all be coordinated to produce a harmonious community setting. The streetscape and appearance of the community from the streets, sidewalks and public spaces is critical to the perception of the entire community of Cabin Branch.

The public streets will be tree lined. To the extent feasible, trees will be planted along private roads that provide primary access to buildings. The landscaping of the area between the edge of the sidewalk and the front of the homes will be sensitive to the graciousness of the streetscape and also the need of the homeowner for delineation of the public space and the private porch and/or ground floor living areas of the homes. The "grain" of the community is also crucial to the appearance of the community. A fine grain created by the street and alley pattern, and a variety of home elevations, housing types and materials creates, variety and interest and makes the community more attractive to pedestrians and neighboring communities, encouraging walks through the neighborhood.

The commercial and institutional uses will acknowledge the transition between smaller buildings and massing of residential areas and the larger massing of the commercial and institutional uses. The pedestrian character should extend into these areas. Parking lots and/or parking structures should be designed and/or screened so that exposure to public areas is minimized as much as possible. High visibility retaining walls and SWM structures will be visually enhanced through design of wall, landscaping and selection of materials.

These guidelines should be applied, refined and supplemented so future redevelopment will also be harmonious and comply with the design intent of these guidelines.

The relationship of the community to the large natural stream valley open space will be the hallmark of the community. This linkage of the built environment and natural environment will be celebrated and enhanced to encourage the use of these natural features and to give meaning and uniqueness to the entire community. The guidelines acknowledge the different character of the stream valley open space and the formal, more urbane, community greens and parks. They also recognize the special nature of the various districts within the community, tying them together with physical connections and design features, but also allowing each district to express its own function within the community. Finally, they reflect the development concept already depicted in the approved Development Plan, Preliminary Plan and Infrastructure Site Plan for the project and that is contemplated in more detailed Site Plans.

- A. PURPOSE OF THE GUIDELINES – These Guidelines establish criteria for land development and the preparation and review of the Site Plans, in order to:
- 1) Cohesive Design: Ensure the cohesive development of the Cabin Branch Community through the design and placement of new buildings, streets and public spaces.
  - 2) High Quality Streetscape: Create high quality streetscape by using buildings, pedestrian and cyclist circulation, common spaces, vehicular circulation and landscaping to form a pleasant, convenient and safe environment designed both for pedestrians and motorists.
  - 3) Interconnectivity: Provide travel networks by establishing connections to destinations through a network of local streets, pathways and trails.
  - 4) Predictability of Use and Design: Provide a measure of predictability to property owners and stakeholders on what may be built on their land or adjacent property, while allowing for flexibility so that the mixture of land uses and housing options may evolve in response to market factors.
  - 5) Review of Site Plans: Provide a resource document for the review of proposed Site Plans by the Town Architect and Design Review Committee.
  - 6) Review of Builder Product: Provide a resource document to the Town Architect for review and approval of proposed residential homes prior to construction.
  - 7) Walkable Mixed Use Community: Define the physical and visual characteristics of development in Cabin Branch and the design criteria and methods that will help create a vibrant, walkable, mixed-use community within the general context established by the Cabin Branch Development Plan approved by the County Council, and the Preliminary Plan and Infrastructure/Roads Site Plan approved by the Planning Board, as well as more detailed Site Plans to be approved by the Planning Board.
  - 8) Sustainable Design: Encourage sustainable design features.

## B. APPLICABILITY OF THE GUIDELINES

- 1) The Design Guidelines apply to all development and redevelopment within the boundaries of the Cabin Branch Area.
- 2) Cabin Branch Management, LLC will appoint a Town Architect who will review the initial Site Plan applications for Cabin Branch for their consistency with these Design Guidelines.
- 3) All applicable Montgomery County regulations and approval processes must be adhered to, including review and approval by Montgomery County Planning Board as required.
- 4) Exceptions to the Design Guidelines for specific Site Plans may be granted by the Town Architect, applying sound principles of design compatibility. Interpretation of the Design Guidelines is the responsibility of the Town Architect. The Town Architect will work with the applicant (property owner, builder, developer, other) to develop an acceptable design response that meets the intent of these Design Guidelines. The Town Architect may approve modifications to or exceptions from these Design Guidelines based on particular programmatic requirements, peculiar site or economic constraints or architectural/site design merit where shown on appropriately submitted documents.
- 5) Cabin Branch Management, LLC means the organization, by that name, as well as its successors and assigns.
- 6) These Guidelines apply to the area shown on the Cabin Branch District Diagram, with the exception of those portions of the property dedicated or conveyed to Montgomery County or other governmental entities.
- 7) The term, "the County" refers to the Montgomery County Department of Transportation (MCDOT), formerly known as the Montgomery County Department of Public Works and Transportation, Montgomery County Department of Permitting Services (DPS) and/or the Maryland-National Capital Park and Planning Commission (MNCPPC).

C. GUIDING PRINCIPLES - The vision for Cabin Branch is to create an active, vibrant, pedestrian-oriented community that supports a broad range of uses and activities. The Development Plan, Preliminary Plan, Infrastructure Site Plan, and detailed, individual Site Plans depict a community with short, walkable blocks, streets lined by buildings, and sidewalks with areas conducive to walking. They also recognize the community's placement at a major transportation interchange with uses appropriate for that location. The scale of streets and blocks, the network of streets, and the street frontage are important in achieving this vision. The Design Guidelines provide development standards that promote this vision.

- a) There should be a variety of uses, services and building types in Cabin Branch that serve the needs of residents, workers and visitors alike and recognize its role in the greater Clarksburg and Montgomery County area as a residential community as well as a community for health care, employment, retail, and hospitality uses.
- b) There should be a variety of housing choices at differing price levels including age restricted housing and nursing care, and a variety of housing types within blocks as well as districts.
- c) Buildings should line streets.
- d) Parking, except for on-street parking, should be located behind buildings, or should be treated architecturally to be compatible with adjacent uses, be bermed and landscaped from the view of the perimeter roadways to the extent possible or include architecturally compatible retaining walls.
- e) Where retail uses front streets with active pedestrian activity, the ground level of buildings should include shops, restaurants, or treatments (such as windows, awnings, etc.) that access the sidewalk.

- f) There should be a network of streets that provide alternatives for traveling through the community for vehicles, cyclists, and pedestrians.
- g) Streets should be designed for cars, pedestrians and, where appropriate, bicycles.
- h) The types, placement, design and frequency of open spaces should be suitable to the neighborhood in which they are located.
- i) Blank architecturally un-enhanced facades, and unscreened loading docks, service entrances and dumpsters should not be located on front facades facing a boulevard, primary pedestrian street or public open space.
- j) Buildings that terminate a street or important vista should have special design and massing such as a special façade, lobby entrance, tower element or other special treatment.
- k) In order to encourage uniqueness and celebration of civic, cultural, institutional and signature buildings, these structures may be granted flexibility when considering the building height, build-to-line or frontage coverage requirements and other such design considerations. The location of such buildings and any additional design guidelines for them shall be noted on the Site Plan approved by the Planning Board. (There is a possibility that a hospital will be built in the non-residential area of Cabin Branch sometime in the future. Given the unique demands and constraints of such facilities the design of a hospital will be accorded particular flexibility with respect to the Design Guidelines).
- l) Directional signage will be provided for bike paths, walkways, community landmarks, retail center attractions, and community amenities





## II. PUBLIC STREET DESIGN GUIDELINES

### A. GUIDING PRINCIPLES

- 1) Public Streets and sidewalks are the major component of the public realm that, to a large extent, will determine the character of the community for residents and visitors alike. Since the streetscape permeates the entire site it is the element that complements, defines and clearly identifies the uniqueness of Cabin Branch.
- 2) The streets provide visual and operational links for Cabin Branch. The Street Types Diagram depicts suggested street types based on their distinctive character and use, which may be defined by width, number of lanes, presence of medians or other special treatment.
- 3) The Street Plans and Sections, which are keyed to the Street Types Diagram, provide illustrative sections and plan details, including recommended dimensions for each street type.
- 4) All public streets are subject to review and approval by the Montgomery County Department of Transportation.

### B. GENERAL PROVISIONS

#### 1) STREETS

- a) Transitions from one street type to another shall be designed to ensure smooth changes between paving, parking, sidewalks, planting strips, and other streetscape elements.
- b) If site conditions warrant modification to the Street Plans and Sections, consistency in the lane widths and sidewalk widths is more important than consistency in planting strip width or on-street parking layout. At an intersection where two different street types meet or where an existing street meets a new street, appropriate transitions should be designed to ensure safe vehicular and pedestrian flow consistent with the community setting intended by these Guidelines.
- c) Curb radii at street intersections will vary. The County will determine the appropriate curb radius based on type and volume of vehicular traffic and the need to provide for suitable and adequate pedestrian crossings at intersections.

#### 2) SIDEWALKS

- a) The intent of the Infrastructure Site Plan is to build a system of pedestrian connections that will provide continuity through the community and within each district. A connected, continuous pedestrian system adds to the pedestrian-friendly nature of the entire community. The pedestrian system will connect to all activity centers and residential lots. It should also be as direct and visible as possible subject to environmental and engineering constraints. In some areas this will mean attractive way-finding, directional signs, etc. This network will be constructed in phase with new development. Generally, streets will have sidewalks along both sides throughout the plan unless unusual conditions (for example, connections to regional highway) cause the County to waive sidewalk requirements or to approve design solutions that otherwise meet the intent of the regulations or provide a better solution for pedestrian access.
- b) Sidewalks and sidewalk ramps at intersections shall be concrete. The 8 foot wide master plan trail shall be asphalt.
- c) Special Paving shall be considered at focal points and gathering places, and as shown on the approved Infrastructure Site Plan.

### 3) CROSSWALKS

- a) Painted crosswalks should be provided at intersections with Avenues as shown on the Street Types Diagram on page 10. All painted sidewalk location and design are subject to Montgomery County Department Transportation and/or the State Highway Administration approval. (SHA).
- b) Crosswalks of a different paving material, texture, or color from the street paving material are encouraged in areas of retail concentration, subject to Montgomery County Department of Transportation approval, and on private streets in higher density and mixed use areas as appropriate.
- c) Paving materials and textures should be chosen for ease of pedestrian movement and maintenance. Paving materials shall be approved by Montgomery County. Crosswalks should be similar within Cabin Branch, although variation may be allowed among different types of streets.

### 4) STREET TREES

- a) All public streets will be lined with tree planting lawns or tree wells to adequately accommodate shade trees immediately adjacent to the street. These trees are not only important for the beauty of the community and safety of pedestrians on the sidewalk, but importantly they reduce the heat islands of street paving.
- b) Street trees shall be planted along all new public streets and on existing public streets where new development is located adjacent to the right-of-way.
- c) Where existing wooded areas are adjacent to the right-of-way, the County may approve the existing trees as sufficient to meet the intent of the street tree requirements.
- d) Trees and other plantings within State rights-of-way shall meet SHA standards and shall serve to satisfy recommendations or requirements contained in these guidelines.
- e) Street trees shall be provided on private streets unless those streets serve as alleys or service driveways.
- f) Street trees species should be consistent along the length of a street block, unless variation is necessary to provide accent. Tree spacing should be directed by street type and/ or land use, but may vary from one street to the next. For example, one street may have maples, while the next street over may have oaks. (Refer to the Montgomery County standards for approved tree species).
- g) In commercial or special civic areas where there is not a continuous planting strip between the curb and sidewalk, street trees located between the curb and the sidewalk should be centered in tree wells. Tree wells may have tree grates or may be planted with a groundcover. Montgomery County may approve or require variations in the dimensions of tree wells and grates from those shown in the Street Plans and Sections, depending on the size or species of street tree, planting methods used, and engineering design of the curb and sidewalk.
- h) Trees shall be planted at regular intervals along streets appropriate to the particular location and species. Trees should be planted approximately 40 feet on center, or as shown on the approved Infrastructure Site Plan. Spacing may be affected by physical impediments, such as fire hydrants, light poles, ramps, vaults, etc. To create comfortable pedestrian passage, street trees shall have their limbs over sidewalks pruned to approximately 7 feet above grade when reasonably mature.



Street Tree Selection Criteria:

- (i) Diversity of street tree species will be encouraged.
- (ii) Street trees shall have a minimum 2-1/2 inch caliper at installation.
- (iii) Trees shall fit the space limitations when mature. The species, ultimate size of the tree and the canopy shall be appropriate to the street type.
- (iv) Trees must be able to survive the environmental stresses of the proposed location.
- (v) Street trees shall be straight and true, have healthy trunks, and a full, balanced crown and branching habit.
- (vi) Medium, large or canopy trees should be used for street trees while small ornamental trees should be used to provide variety in medians, at entries and/or within open space areas.
- (vii) Small trees are not permitted in situations where they inhibit sight distances, detract from important visual relationships, conflict with pedestrian circulation or create maintenance problems.
- (viii) No needle evergreen trees shall be planted in a public right-of-way. No thorn bearing trees or trees with rigid, sharply pointed leaves (such as some evergreen holly trees) shall be planted directly adjacent to sidewalks or pathways.

5) LANDSCAPING

- a) If approved by the County, landscaping within the right-of-way that exceeds the required street trees shall be planted and maintained by the property owner(s), developers, homeowners' associations and/or other private entities.

6) STREET LIGHTING

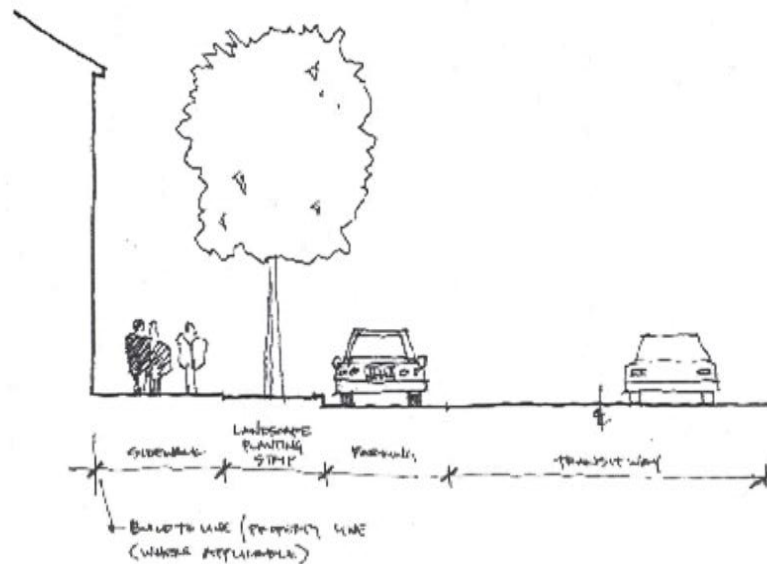
- a) As shown in the approved Infrastructure Site Plan street lighting will be pedestrian-scaled.
- b) Lighting on Clarksburg Road will be in accordance with SHA requirements.
- c) Intersection lighting for West Old Baltimore Road/MD Route 121 will be SHA approved.

C. STREET PLANS AND SECTIONS

The Street Types Diagram is an illustrative depiction of the major streets planned at Cabin Branch and their approximate location. The Street Sections (pages 11 through 18) are illustrative depictions for various streets within Cabin Branch.

- 1) Arterial: A high speed multi lane or limited access highway designed for automobile travel. No direct driveways for individual homes are permitted.
- 2) Rural Arterial: Two lane open section road designed to provide access to and from higher classification roadways.
- 3) Avenue: A Street that typically has 2 or more lanes and a center median and is often designed to provide access to or links between perimeter Arterial roads.
- 4) Local Street: A street that typically has 2 lanes and is designed to provide local access within a block of development.

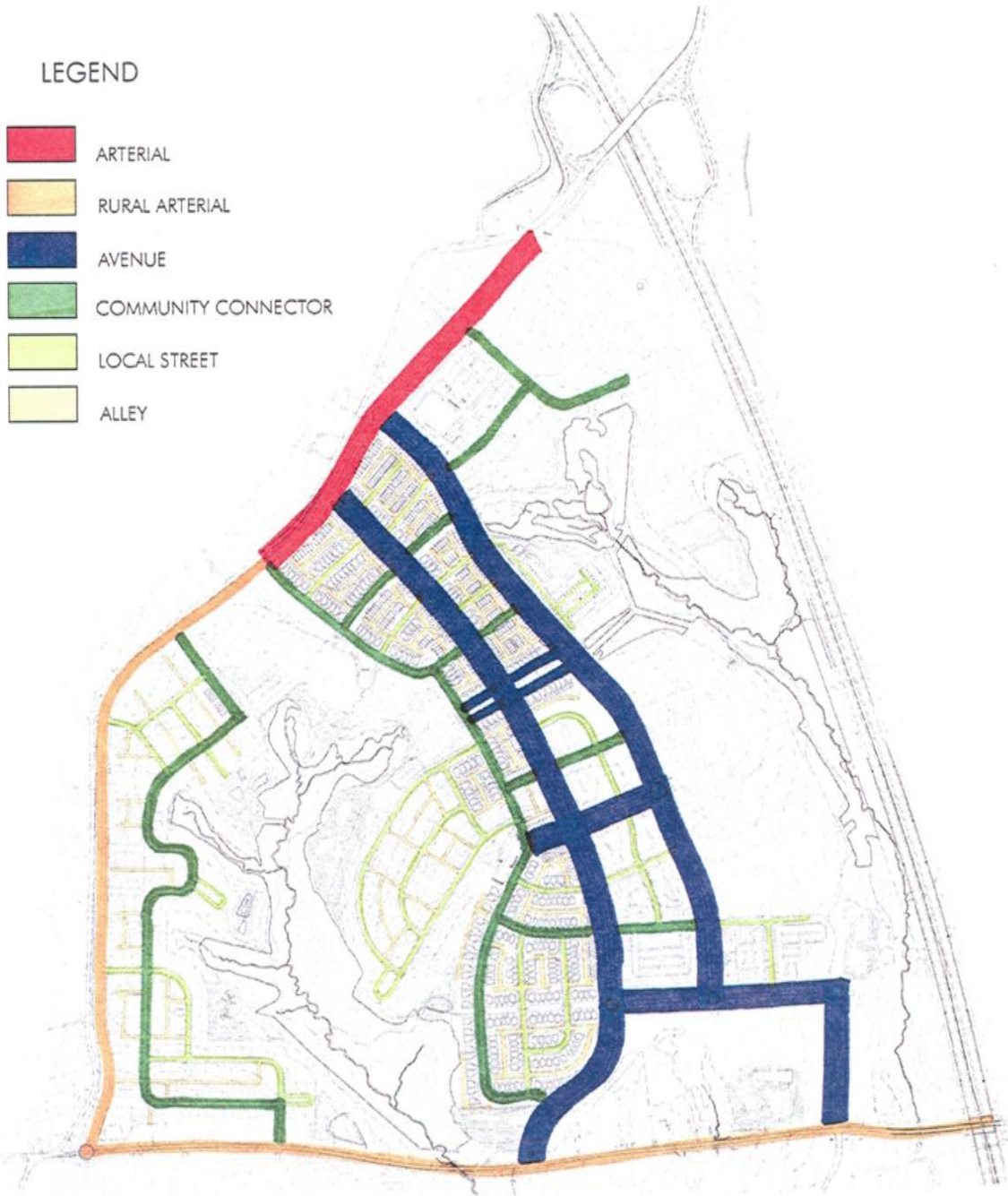
- 5) Community Connector: A street that typically has 2 lanes and is designed to provide local connections for pedestrians and vehicles between the various blocks of homes, parks, neighborhoods, retail commercial and other community uses. The connectors also disperse traffic to the Avenues.
- 6) Alley: A street, driveway, or service road that provides access to a block or parcel for functions such as parking, loading, delivery and trash pick-up and access to garages of homes.
- 7) On street parking shall be encouraged within Cabin Branch community, subject to Montgomery County requirements and emergency access requirements for the Hospital.



## Parking On Retail Streets

LEGEND

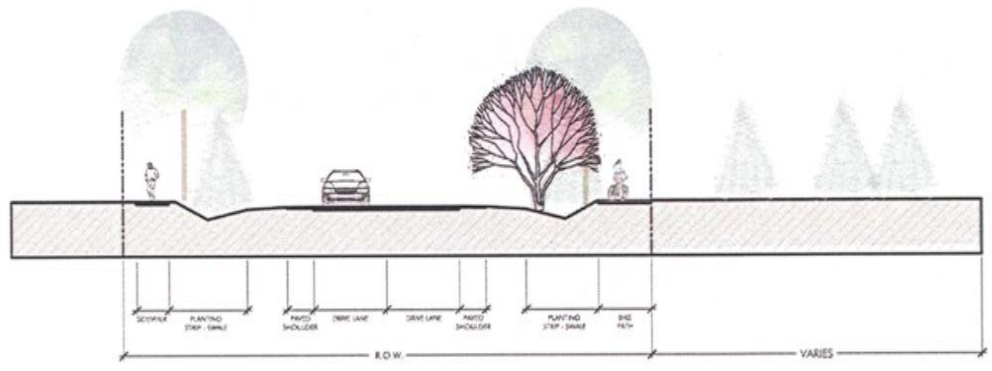
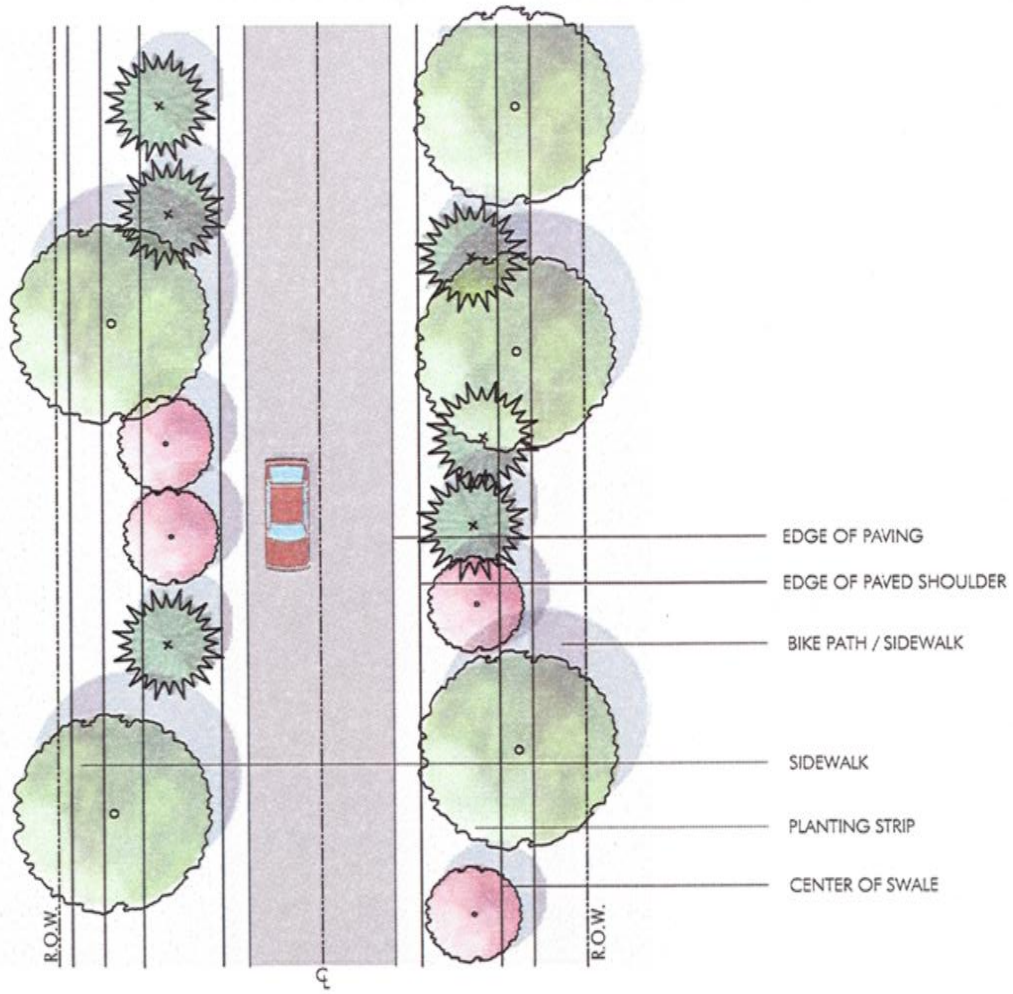
-  ARTERIAL
-  RURAL ARTERIAL
-  AVENUE
-  COMMUNITY CONNECTOR
-  LOCAL STREET
-  ALLEY



NOTE: THIS GRAPHIC IS FOR ILLUSTRATIVE PURPOSES ONLY.

STREET TYPES DIAGRAM

CABIN BRANCH  
  
MONTGOMERY COUNTY, MARYLAND

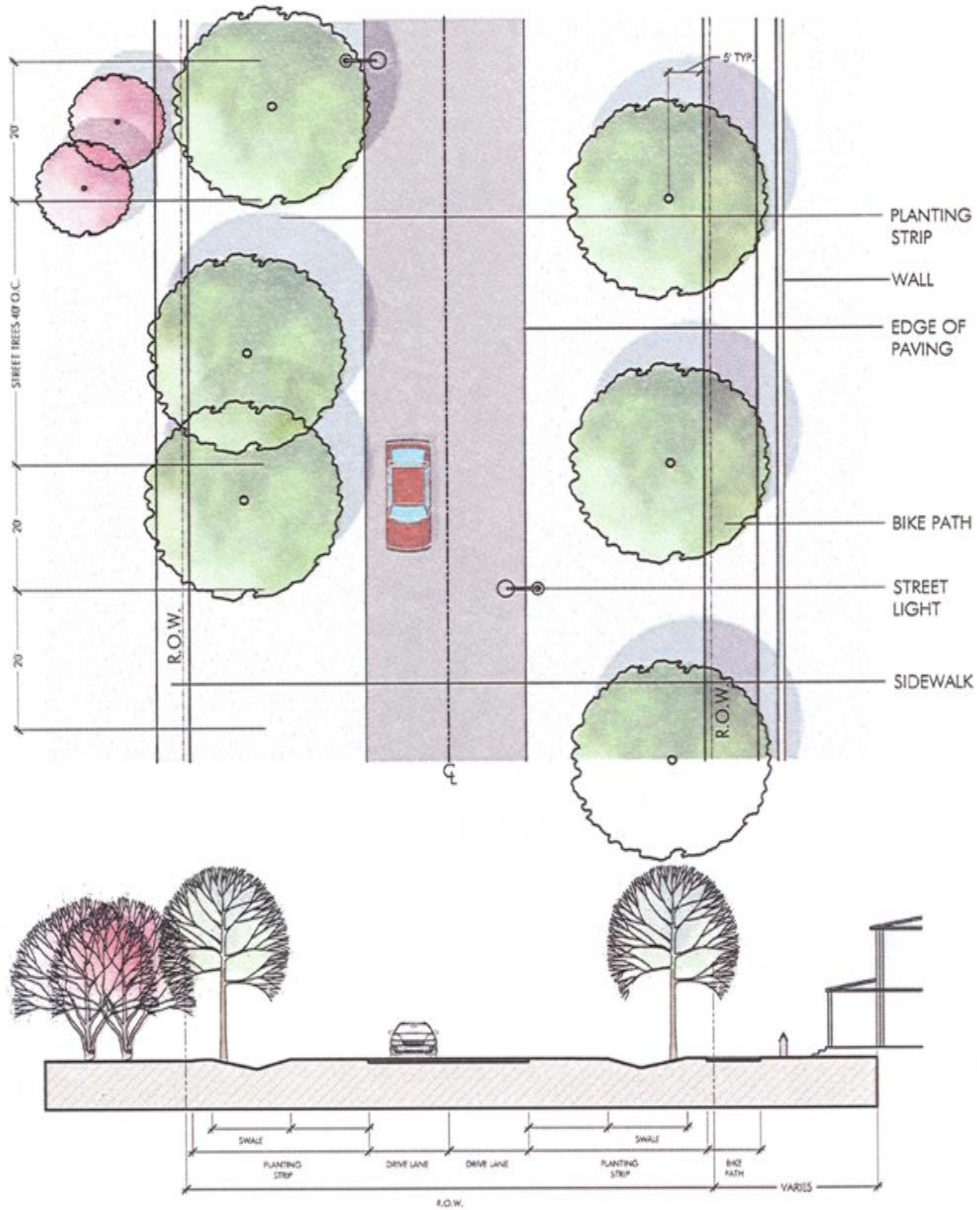


**1** STREET WITH OPEN SECTION - RURAL ARTERIAL

WEST OLD BALTIMORE ROAD

N.T.S.  
 NOTES:  
 SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE ASPHALT. SEE PLANS FOR DIMENSIONS

ADDITIONAL NOTES:  
 - NO DIRECT DRIVEWAY ACCESS ALONG WEST OLD BALTIMORE ROAD

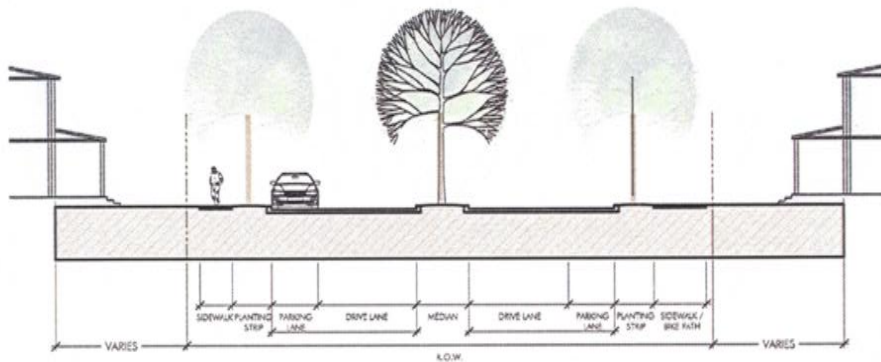
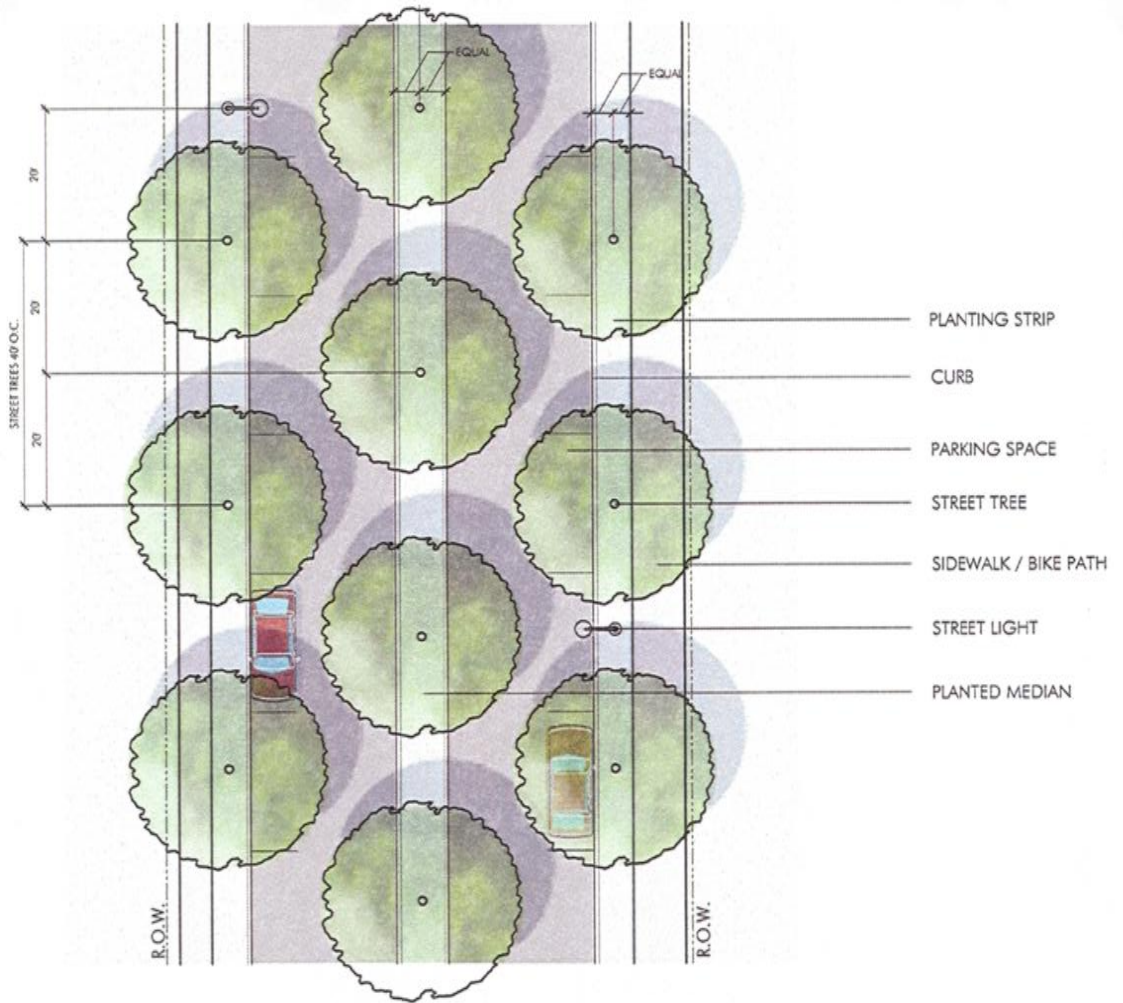


**2** STREET WITH OPEN SECTION - RURAL ARTERIAL

CLARKSBURG ROAD  
FROM WEST OLD BALTIMORE RD TO STREET Z

N.T.S.  
NOTES:  
SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE ASPHALT. SEE PLANS FOR DIMENSIONS

ADDITIONAL NOTES:  
- LANDSCAPE HEDGE AND STONE WALL ALONG CLARKSBURG ROAD AS APPROVED ON THE DETAILED SITE PLAN  
- HOMES MAY NOT BACKLIP TO CLARKSBURG ROAD  
- NO DIRECT DRIVEWAY ACCESS TO CLARKSBURG ROAD

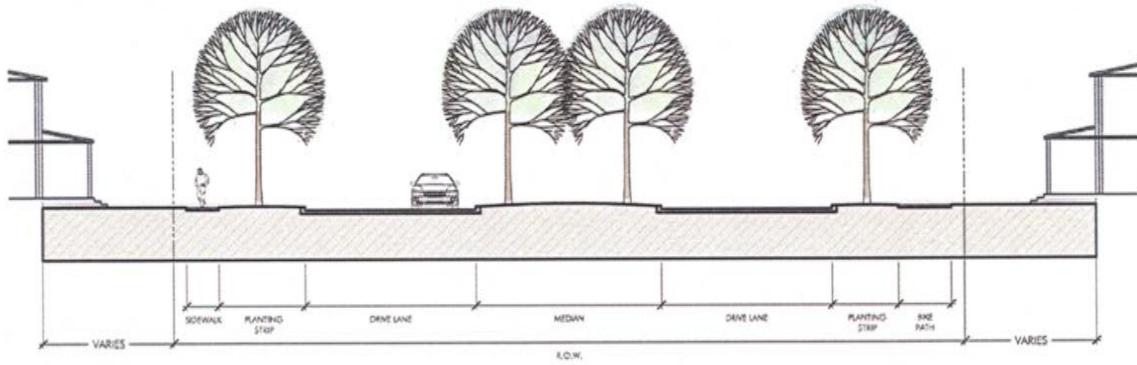
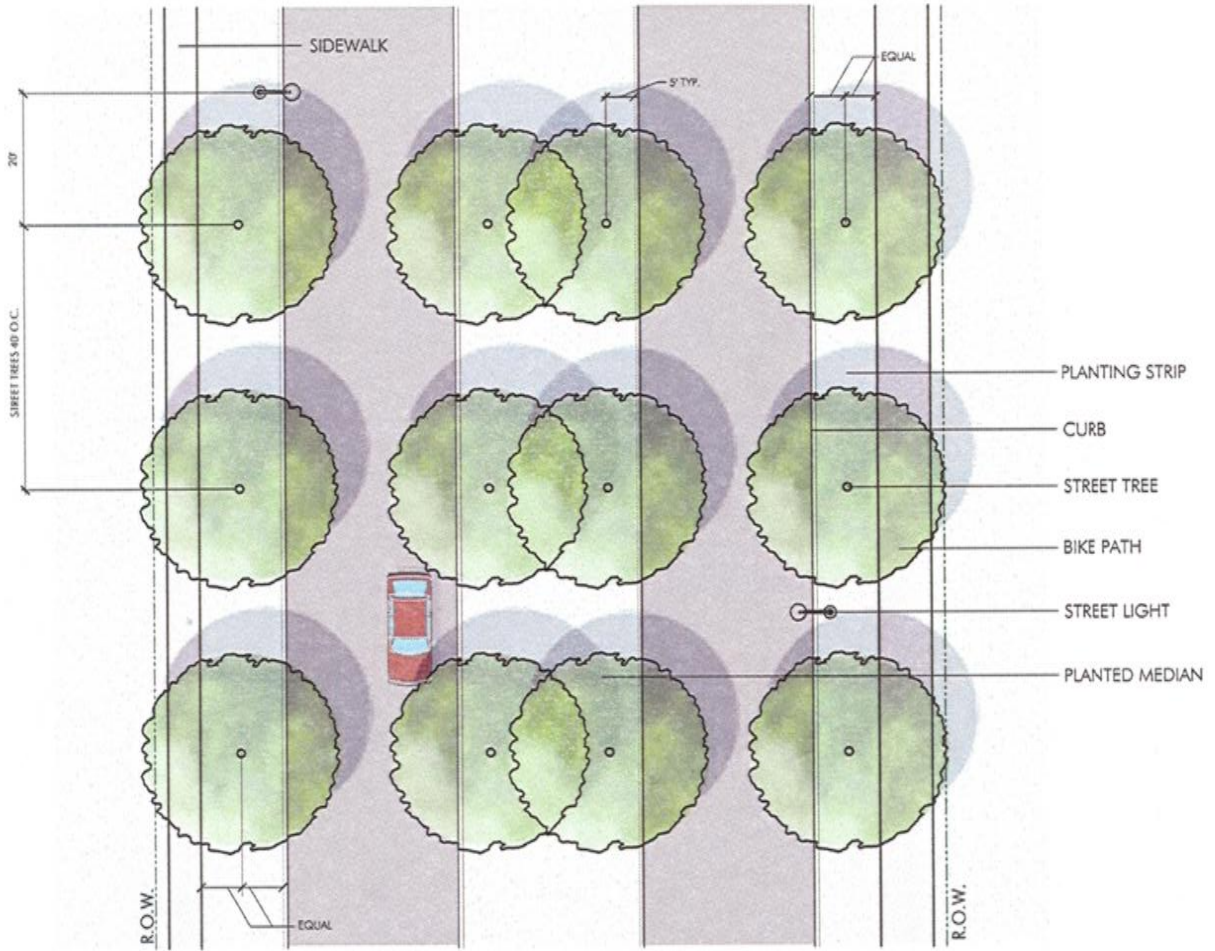


**3** STREET WITH MEDIAN - AVENUE / COMMUNITY CONNECTOR

CABIN BRANCH AVENUE  
BROADWAY STREET

N.T.S.  
 NOTES:  
 SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR  
 DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE  
 ASPHALT. SEE PLANS FOR DIMENSIONS

ADDITIONAL NOTES:  
 - ON STREET PARKING PERMITTED  
 - NO DIRECT DRIVEWAY ACCESS TO INDIVIDUAL RESIDENTIAL HOMES  
 - BUILDING HEIGHT AS APPROVED ON THE DETAILED SITE PLAN

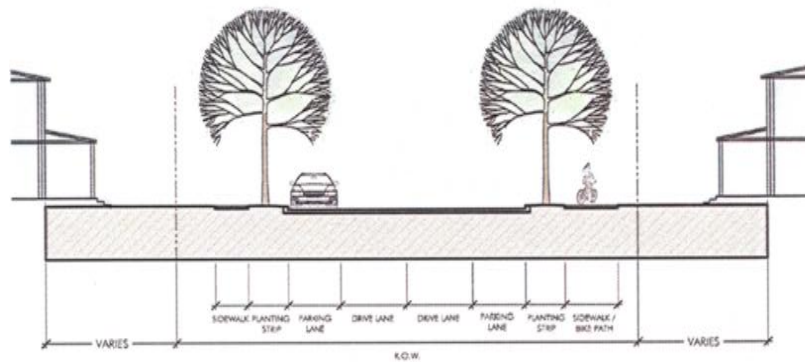
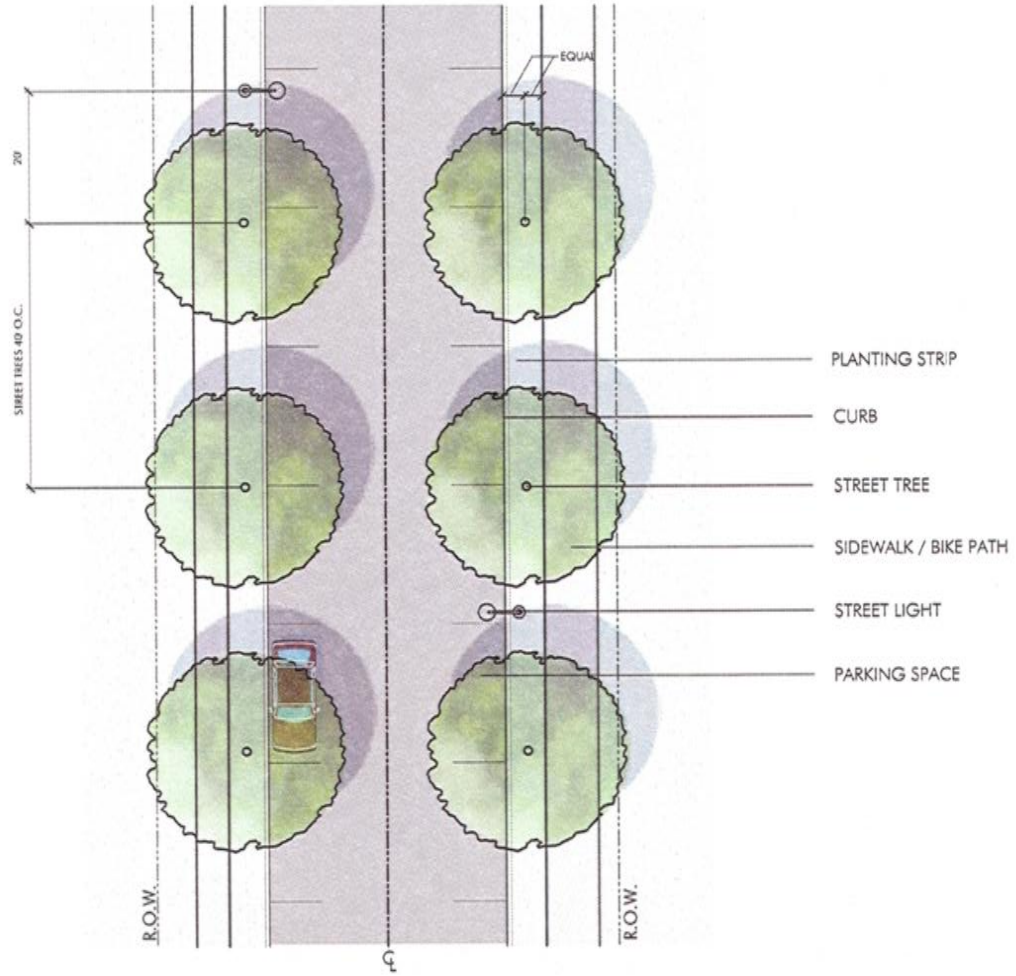


4 STREET WITH MEDIAN - AVENUE  
N.T.S.

CLARKSBURG ROAD  
LITTLE SENECA PARKWAY

NOTES:  
SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE ASPHALT. SEE PLANS FOR DIMENSIONS

ADDITIONAL NOTES:  
- BUILDING HEIGHT AS APPROVED ON THE DETAILED SITE PLAN  
- NO DIRECT DRIVEWAY ACCESS ON LITTLE SENECA PARKWAY OR INDIVIDUAL RESIDENTIAL HOUSES  
- ON STREET PARKING PERMITTED PER THE APPROVED DETAILED SITE PLAN



DUNLIN STREET  
 STILT STREET  
 BRYNE PARK DRIVE  
 OTHER LOCAL STREETS

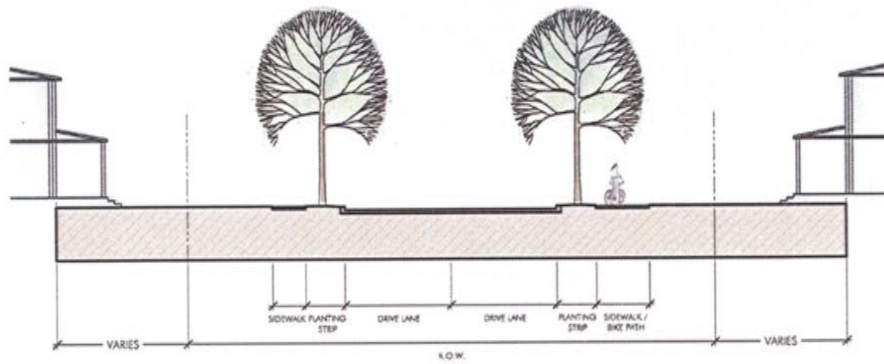
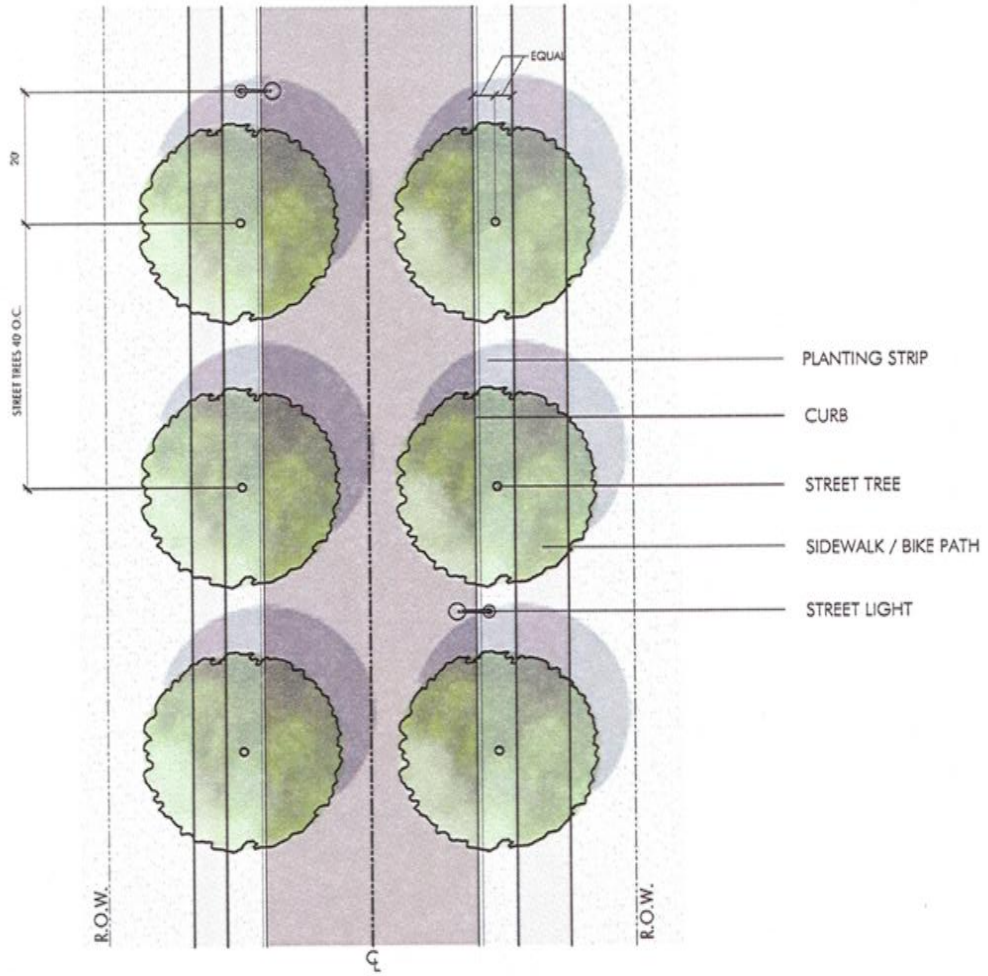
**5** STREET WITHOUT MEDIAN - LOCAL STREETS

N.T.S.

**NOTES:**  
 SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE ASPHALT. SEE PLANS FOR DIMENSIONS

**ADDITIONAL NOTES:**  
 - PARKING PERMITTED AS SHOWN ON THE APPROVED DETAILED SITE PLAN  
 - BUILDING HEIGHT AS APPROVED ON THE DETAILED SITE PLAN  
 - DIRECT DRIVEWAY ACCESS TO SINGLE FAMILY HOMES AS PERMITTED WHERE REAR LOTS BACKUP TO THE OPEN SPACE GREENWAY



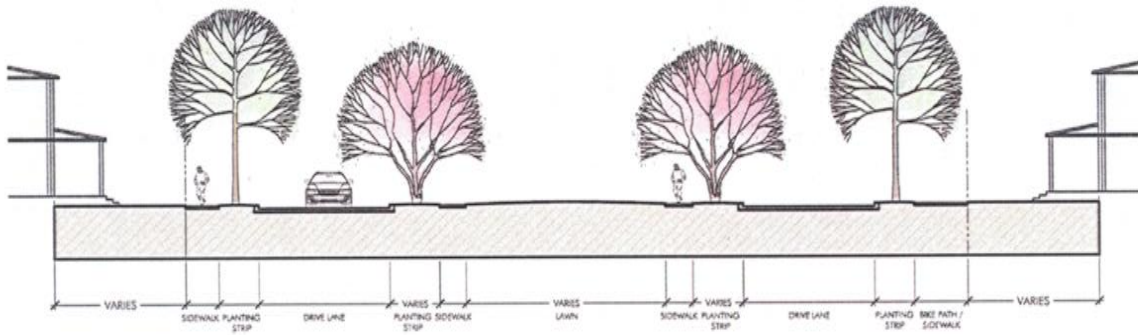
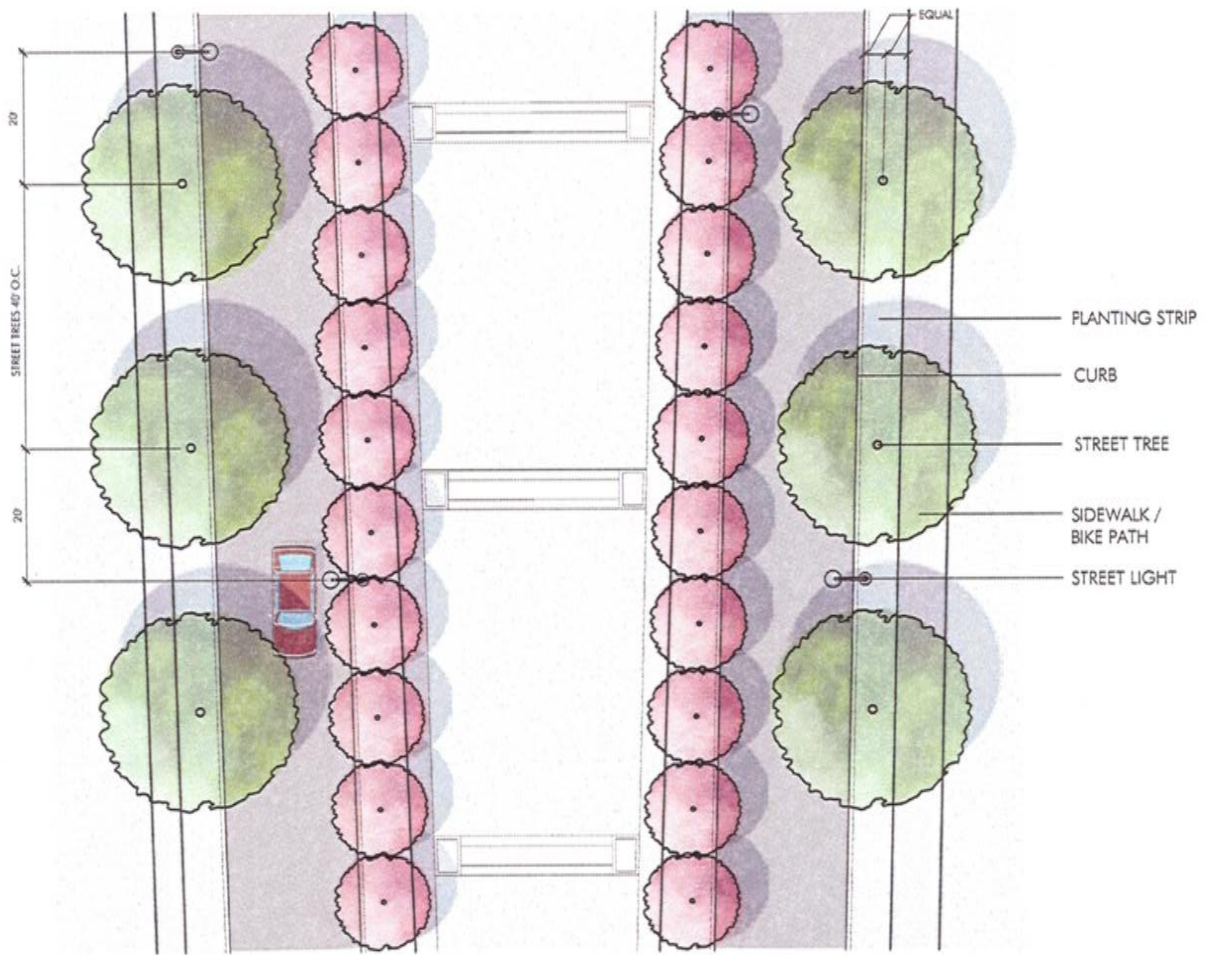


**6** STREET WITHOUT MEDIAN - LOCAL STREET

BRYNE PARK DRIVE

N.T.S.  
 NOTES:  
 SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE ASPHALT. SEE PLANS FOR DIMENSIONS

ADDITIONAL NOTES:  
 - PARKING PERMITTED AS SHOWN ON THE APPROVED DETAILED SITE PLAN  
 - BUILDING HEIGHT AS APPROVED IN THE DETAILED SITE PLAN  
 - NO DIRECT DRIVEWAY ACCESS EXCEPT FOR SINGLE FAMILY HOMES THAT BACKUP TO THE OPEN SPACE GREENWAY



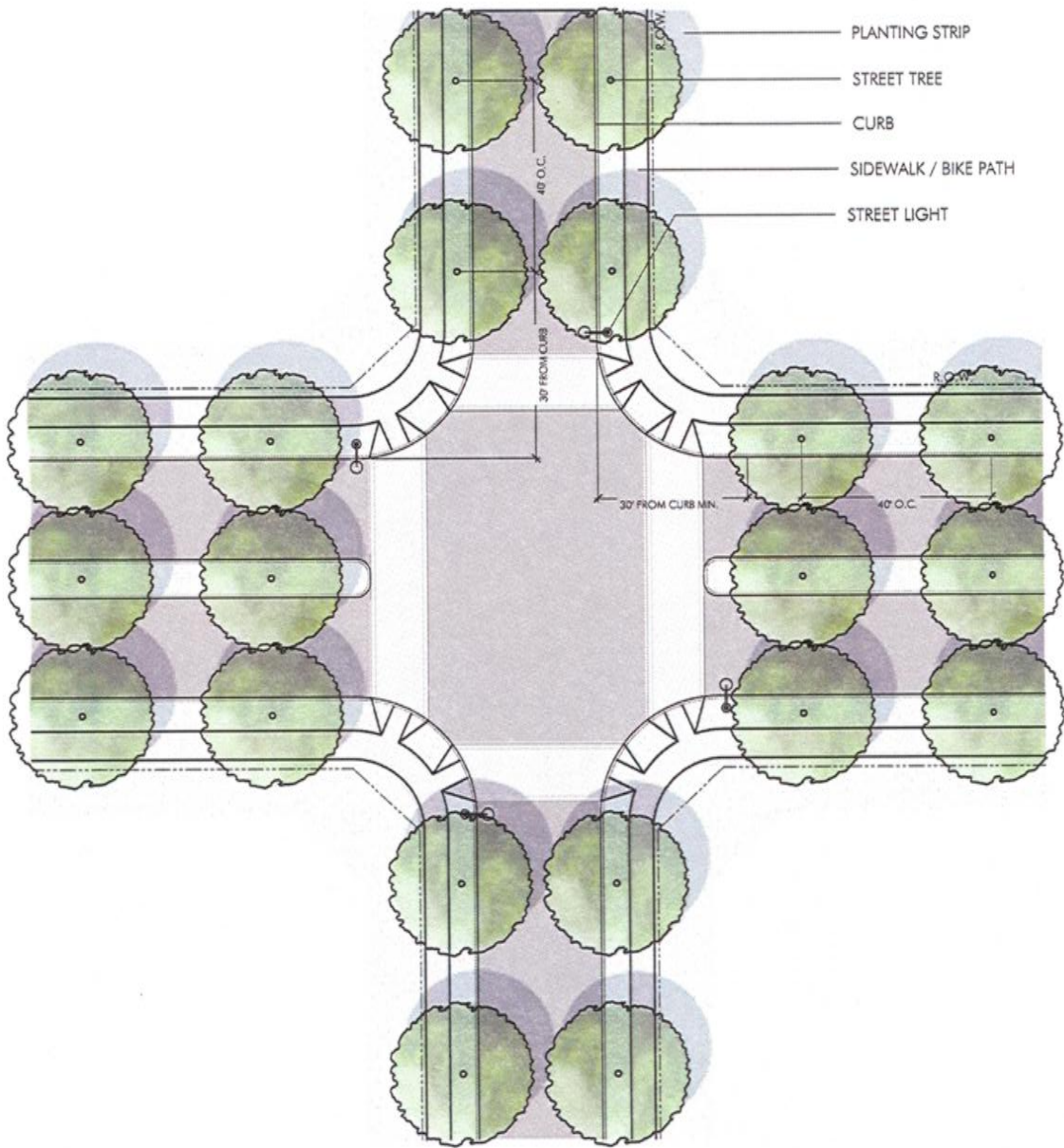
**7** STREET WITH MEDIAN - COMMUNITY CONNECTOR

TRIBUTE PARKWAY

N.T.S.

**NOTES:**  
 SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE ASPHALT. SEE PLANS FOR DIMENSIONS

**ADDITIONAL NOTES:**  
 - BUILDING HEIGHT AS APPROVED ON THE DETAILED SITE PLAN  
 - NO DIRECT DRIVEWAY TO INDIVIDUAL HOMES PERMITTED  
 - PARKING PERMITTED



8 TYPICAL PROPOSED INTERSECTION

N.T.S.

NOTE:  
SEE STREET AND TRAIL PLAN, SHEET 3 OF INFRASTRUCTURE SITE PLAN FOR  
DIMENSIONS ALL SIDEWALKS TO BE CONCRETE AND BIKE PATHS TO BE  
ASPHALT. SEE PLANS FOR DIMENSIONS

ADDITIONAL NOTES:  
PAINTED CROSSWALKS AS DIRECTED BY MONTGOMERY CO. DPS

### III. OPEN SPACE DESIGN GUIDELINES

#### A. GUIDING PRINCIPLES

The Cabin Branch Open Space is comprised of two major components, each with a unique character and language. The two components are the active public spaces, uses and features that are intended for intensive resident use, and the natural stream valley parks and corridors for more passive activities. The elements of the active parks and plazas will be more refined and programmed while the natural trails and stream valley parks will feature more rustic and natural materials and furnishings. The connection/gateways between the two types of open space will be great opportunities to introduce imaginative treatments that reflect elements of both landscapes.

#### B. GENERAL PROVISIONS

##### 1) DESIGN AND MAINTENANCE

- (a) Open spaces should be designed to accommodate a variety of activities that appeal to the people.
- (b) Open spaces should be designed for their intended function; for example, plazas should be designed with adequate amounts of hardscape to accommodate public gatherings; large greens or parks should minimize hardscape areas that will detract from their intended appearance as a green oasis dominated by turf and trees.
- (c) Open spaces should not be overly designed with structures and planting that will block visibility to storefronts, or important vistas.
- (d) Open spaces should be designed to be flexible and able to accommodate additional uses to meet changing needs as Cabin Branch matures.
- (e) Open spaces should be designed with consideration for local climate and sun exposure during different seasons of the year.
- (f) Where appropriate, take advantage of views from open spaces to visually link these spaces with the public realm and special sites within the rest of the plan.
- (g) Public art and fountains may be incorporated in the open space design.

##### 2) SEATING AND SITE FURNITURE

- (a) Open spaces should provide for a variety of seating locations, orientations, and arrangements, including primary seating (benches and chairs with backs) and secondary seating in the form of steps, planters, and walls.
- (b) Seating should be oriented so that sitters can watch passersby.
- (c) Optimal seating wall heights should be approximately 16 to 18 inches, although heights from 9 to 30 inches may provide seating opportunities.
- (d) If benches or tables are proposed in any open space area, they must match those approved for Cabin Branch or must be approved by the Town Architect.

### 3) HARDSCAPE MATERIALS

- (a) Materials shall be selected that are durable and appropriate for the scale and context of the open space they are within. There shall be materials that are typically used in the construction of urban spaces. Although materials must be suitable for significant pedestrian use, their quality and appearance shall reflect their importance as amenity spaces within the public realm. Emphasize use of higher quality materials in high visibility or high impact areas with a long term low maintenance design considered.
- (b) Retaining walls higher than 3 feet shall be constructed of concrete, brick veneer, stone, and/or stone veneer decorative or architectural block, or similar materials. Interlocking, pre-cast wall units and wood walls less than 3 feet may be used where not visible from active public spaces.
- (c) Pavement in urban amenity areas should be brick, stone, concrete pavers, concrete or patterned and/or colored asphalt. Large expanses of concrete paving without details, scoring patterns, or brick/stone banding are not recommended.
- (d) Pervious materials are encouraged for paths in passive parks and natural areas; however, impervious paving may be used in high volume pedestrian areas. Boardwalks may be used where paths cross wet areas.

### 4) LANDSCAPING

- (a) With the exception of natural areas, tall canopy trees and low shrubs/groundcover shall be designed so that sightlines can be maintained into and out of open spaces providing a sense of security.
- (b) Accent planting or seasonal planting that may require higher levels of maintenance should be designed in areas where they would make the most impact with the least amount of required maintenance.



#### IV. NEIGHBORHOOD COMMERCIAL/RETAIL CENTER GUIDELINES

The Neighborhood Commercial/Retail Center Design Guidelines shown below are preliminary in nature and the detailed design will be approved by MNCPPC staff concurrently with the Neighborhood Commercial/Retail Center Site Plan(s). This flexibility shall allow the Retail Developer an opportunity to employ a variety of site planning techniques (acceptable to MNCPPC staff) that achieve the vision of Cabin Branch, while also recognizing space and Master Plan FAR limitations and specific requirements of various retail users.

A. SITE DESIGN - The following general requirements and design guidelines are to be employed in the site design.

- 1) General Requirements
  - a) Buildings along public streets should create a street edge, or face a public plaza or open space at significant nodal points.
  - b) Graded slopes should not exceed 3:1. Retaining walls are recommended where slopes exceed 3:1. Slopes must be properly stabilized to prevent erosion. Lawn areas should have slopes of at least 2% to prevent standing water.
  - c) Setbacks from property lines for structures will be established during Site Plan review. Foundation planting between the building and the curb of a parking bay is encouraged other than in circumstances such as retail buildings with sidewalks along their front façade.
  - d) A planting area of 10 feet should be provided between an entry drive and any adjacent parking area. Discretion by the designer and reviewer should be employed to recognize site constraints.
  - e) A comprehensive pedestrian circulation system of sidewalks and/ or walkways should be provided within a parcel, with connections to adjacent parcels. The circulation system should be developed considering the source and destination of pedestrians.
  - f) Drainage systems must conform to County requirements. Any storm water retention ponds must be landscaped.
- 2) Fences, Barriers and Walls
  - a) Permanent perimeter or property line fencing (other than necessary retaining walls, screen walls or decorative streetscape walls) is discouraged in the office and common areas. Where security is essential, specific areas within the property may be secured by fences or walls. Security gates should not be allowed unless warranted by special circumstances. Security gates or barriers can be used if their location is such that they will not unnecessarily impede the community's local pedestrian or vehicular movements and are designed to be aesthetically compatible with the project's building and site.
  - b) Generally, permanent chain link fencing is prohibited. In locations that are hidden from public view, a limited amount of black, vinyl-coated chain link fencing with posts of wood or metal painted black to match the fence or decorative aluminum fence can be used. Galvanized (silver) chain link fencing is prohibited except for temporary construction use.
  - c) Retaining walls shall be designed to be architecturally compatible with the community.
  - d) Fences in front of buildings are not allowed in commercial areas except where required by code or for decorative purposes that are aesthetically compatible.
- 3) Parking Areas
  - a) Parking areas must be buffered either by existing vegetation, new landscape material, decorative walls, landscaped berms, evergreen hedge, or a combination of these techniques.

- b) Landscaping and tree islands must be used to reduce the visual impact of large paved surfaces and parked cars. Permeable paving may be used.
  - c) Where curbs are proposed in a parking area they shall be concrete. Railroad tie or asphalt curbs are not acceptable. Wheel stops are not encouraged and shall only be used in a local condition and not project wide.
- 4) Site Lighting
- a) High pressure sodium vapor (yellow-orange) lighting is prohibited. Lighting must be a “white” light such as metal halide.
  - b) Pole mounted light fixtures must direct the light downward, and the lens must not project below the housing of the fixture. Fixture height should not exceed 30 feet above grade for any office or commercial use located adjacent to or across the street from a proposed residential use.
  - c) Decorative fixtures may be used and should be compatible with the fixtures proposed by other developments within Cabin Branch along pedestrian walkways.
  - d) All private exterior lighting must be full cut-off and all up lighting must have hoods/deflectors.

B. ARCHITECTURAL DESIGN - The design of building elevations in terms of size, massing, style, details and the use of materials and colors should respond to its environment and be compatible with adjacent structures. The following design objectives are specific to the neighborhood commercial/retail area.

- 1) Retail main street. The NC/R Area shall be designed with a retail main street (either public or private) that connects from Cabin Branch Avenue on the west to the employment area on the east. The main pedestrian entrance for buildings fronting on the main street shall be from the building face fronting on the main street.
- 2) Buildings along the main street should create a street wall along main street, with the exception of building offsets, alcoves, courtyards and other such features included for design variety and connections to parking behind the main street area.
- 3) All buildings should be designed in the round.
- 4) The main street area shall be designed with a central focal point which may be a gathering place and contain a fountain or public art.
- 5) The design intent is for a main street or village retail center that is oriented to the residential neighborhood as to the employment center.
- 6) There shall be a consistent architectural theme or style incorporated into the retail area.
  - a) Materials/color palate should be complementary to surrounding residential development.
  - b) Design features should include variation in roof form/materials, massing, detailing, offset wall planes, shade and shadow control, asymmetrical facades, building materials, and/or varied coloration.
  - c) Tree lined, ample sidewalks shall be provided along the main street and the streets that form the perimeter of the neighborhood retail area.
  - d) The use of awnings, iron work, formal and informal outdoor seating, tables, umbrellas, pennants, and other special treatments should be used to create a sense of place and a comfortable, inviting environment
- 7) The architectural design plans for the neighborhood retail area must include a comprehensive tenant sign program and criteria.



## C. LANDSCAPE DESIGN

### 1) General Requirements

- a) Landscaping must be installed as an integral feature of each project. This includes finished grading, seeding, sodding, decorative ground cover, foundation plantings, shrubs, shade trees, flowering trees and evergreen trees. Irrigation is recommended in critical locations.
- b) The proposed landscape design concept must:
  - i) Reinforce architectural design objectives.
  - ii) Buffer views of parking areas, service areas, mechanical equipment, and utility boxes, etc. with a combination of deciduous and evergreen trees and shrubs.
  - iii) Buffer storm water management facilities.
  - iv) Provide canopy trees along streets, parking aisles and within planting islands.
  - v) Provide color, texture and visual interest.
- c) Parking areas must be buffered either by existing vegetation, new landscape material, landscaped berms, evergreen hedges, or decorative walls.
- d) Landscape islands and areas must be planted with trees, shrubs, grass, or ground cover.
- e) Landscape plans must be prepared by and signed and sealed by a professional landscape architect or engineer.

## V. COMMUTER / GENERAL RETAIL GUIDELINES

A. SITE DESIGN - The following general requirements and design guidelines are to be employed in the site design for the retail parcels located north of MD RT 121.

- 1) General Requirements
  - a) Graded slopes should not exceed 3:1. Retaining walls are recommended where slopes exceed 3:1. Slopes must be properly stabilized to prevent erosion. Lawn areas should have slopes of at least 2% to prevent standing water.
  - b) Setbacks from property lines for structures will be established during Site Plan review. Foundation planting between the building and the curb of a parking bay is encouraged other than in circumstances such as retail buildings with sidewalks along their front façade.
  - c) A comprehensive pedestrian circulation system of sidewalks and/ or walkways should be provided within a parcel, with connections to adjacent parcels. The circulation system should be developed considering the source and destination of pedestrians. All public streets shall have sidewalks as shown on Section II Public Streets Design Guidelines.
  - d) Drainage systems must conform to County requirements. Any storm water retention ponds must be landscaped.
  - e) All public roads must have sidewalks with a crosswalk connection as approved by Montgomery County DPS and/or the Maryland State Highway Administration
  - f) Buildings must create a building edge along new RT 121.
  - g) Canopies extending from the retail uses must contain recessed lighting that does not extend below the surface of the canopy.
  - h) The architectural design plans for the Commuter Retail area must include an aesthetically appropriate comprehensive tenant sign program.
- 2) Fences, Barriers and Walls
  - a) Permanent perimeter or property line fencing (other than necessary retaining walls, low screen walls or decorative streetscape walls) is discouraged in the office and common areas. Where security is essential, specific areas within the property may be secured by fences or walls. Security gates should not be allowed unless warranted by special circumstances. Security gates or barriers can be used if their location is such that they will not unnecessarily impede the community's local pedestrian or vehicular movements and are designed to be aesthetically compatible with the project's building and site.
  - b) Generally, permanent chain link fencing is prohibited. In locations that are hidden from public view, a limited amount of black, vinyl-coated chain link fencing with posts of wood or metal painted black to match the fence or decorative aluminum fence can be used. Galvanized (silver) chain link fencing is prohibited except for temporary construction use.
  - c) Retaining walls shall be designed to be architecturally compatible with the community.
  - d) Fences in front of buildings are not allowed in commercial areas except where required by code or for decorative purposes that are aesthetically compatible.
- 3) Parking Areas
  - a) Parking areas must be buffered either by existing vegetation, new landscape material, decorative walls, landscaped berms, evergreen hedges, or a combination of these techniques.
  - b) Landscaping and tree islands must be used to reduce the visual impact of large, paved

surfaces and parked cars. Permeable paving may be used.

- c) Where curbs are proposed in a parking area they shall be concrete. Railroad tie or asphalt curbs are not acceptable. Wheel stops are not encouraged and shall only be used in a local condition and not project wide.

4) Site Lighting

- a) High pressure sodium vapor (yellow-orange) lighting is prohibited. Lighting must be a “white” light such as metal halide.
- b) Pole mounted light fixtures must direct the light downward, and the lens must not project below the housing of the fixture. Fixture height should not exceed 30 feet above grade for any office or commercial use located adjacent to or across the street from a proposed residential use.
- c) Decorative fixtures may be used and should be compatible with the fixtures proposed by other developments within Cabin Branch along pedestrian walkways.
- d) All private exterior lighting must be full cut-off and all up lighting must have hoods/deflectors.

B. ARCHITECTURAL DESIGN - The design of building elevations in terms of size, massing, style, details and the use of materials and colors should respond to its environment and be compatible with adjacent structures.

1) General Requirements

- a) Building elevations are important and should generally be designed “in the round” with suitable details and materials on all sides.
- b) Large or long expanses of building walls must be broken up by appropriate detailing such as reveals, piers, pilasters, projections or decorative patterns.
- c) Service hookups, including but not limited to gas, water, electrical, mail, etc., shall not be visible from the street.
- d) Public streets in the commercial districts shall have sidewalks on both sides.

2) Mechanical Equipment

- a) Electrical and mechanical equipment, generators, etc., whether located on the roof or on the ground, must be screened from public view in a manner compatible with the architectural elements of the building or by the use of berms, walls, fences, plant material, placement underground, or other appropriate means.
- b) Noise producing mechanical equipment should be located and screened so as to moderate any impact upon adjacent uses. This includes loading areas that may service refrigeration trucks in proximity to residential.

3) Service Areas

- a) Service, loading, and trash disposal areas including exterior dumpsters and compactors should be located at the side or rear of the building and must be screened from public view. Such enclosures must have self-closing solid or semi-solid metal gates. Chain link fencing, with or without “slats” or inserts is not permitted.

C. LANDSCAPE DESIGN

1) General Requirements

- a) Landscaping must be installed as an integral feature of each project. This includes finished grading, seeding, sodding, decorative ground cover, foundation plantings, shrubs, shade trees, flowering trees and evergreen trees. Irrigation is recommended in critical locations.
- b) The proposed landscape design concept must:

- i) Reinforce architectural design objectives.
  - ii) Buffer views of parking areas, service areas, mechanical equipment, and utility boxes, etc. with a combination of deciduous and evergreen trees and shrubs.
  - iii) Buffer storm water management facilities.
  - iv) Provide canopy trees along streets, parking aisles and within planting islands.
  - v) Provide color, texture and visual interest.
  - vi) Landscape plans should embrace sustainable design with an emphasis on native plants.
- c) Parking areas must be buffered either by existing vegetation, new landscape material, landscaped berms, evergreen hedges or decorative walls.
  - d) Landscape islands and areas must be planted with trees, shrubs, grass, or ground cover.
  - e) Landscape plans must be prepared by and signed and sealed by a professional landscape architect or engineer.

## VI. HEALTHCARE, OFFICE, & EMPLOYMENT GUIDELINES

Due to the complexity of design the details of the Hospital/Medical area will be evaluated in detail with the detailed Site Plan. In developing the Hospital/Medical area the following must be employed in the design. It is recognized that the facilities around or in support of the hospital will grow and develop over time. Later phases will likely provide for increased density. Planning for and flexibility in the design of the initial stages should be considered so as not to preclude the future expansions

A. SITE DESIGN - The following general requirements and design guidelines are to be employed in the site design.

1) General Requirements

- a) Public streets shall be defined and reinforced by elements which may include one or a combination of the following:
  - i. building facades
  - ii. masonry walls
  - iii. decorative fences
  - iv. hedges
  - v. related landscape improvements to establish street edges.

Buildings not subject to healthcare uses, along public streets should create a street edge or face a public plaza or open space at significant nodal points

- b) Graded slopes should not exceed 3:1. Retaining walls are recommended where slopes exceed 3:1. Slopes must be properly stabilized to prevent erosion. Lawn areas should have slopes of at least 2% to prevent standing water.
  - c) Setbacks from property lines for structures will be established during Site Plan review. Foundation planting between the building and the curb of a parking bay is encouraged other than in circumstances such as retail buildings with sidewalks along their front façade.
  - d) Street entry drives shall be flanked on both sides by a minimum of one of the street edge elements as outlined in 1(a) above. Discretion by the designer and reviewer should be employed to recognize site constraints.
  - e) A comprehensive pedestrian circulation system of sidewalks and/ or walkways should be provided within a parcel, with connections to adjacent parcels and adjacent pedestrian networks. The circulation system should be developed considering the source and destination of pedestrians and of ambulation needs of patients and other special populations.
  - f) Drainage systems must conform to County requirements. Any storm water retention pond perimeters must be landscaped.
- 2) Fences, Barriers and Walls
- a) Permanent perimeter or property line fencing (other than necessary retaining walls, screen walls or decorative streetscape walls) is discouraged in the office, employment and healthcare areas. Fences other than decorative are not allowed in front of buildings except where requirements for security, public and/or patient safety is essential. Security gates should not be allowed unless warranted by special circumstances. Security gates or barriers can be used if their location is such that they will not unnecessarily impede the community's local pedestrian or vehicular movements and are designed to be aesthetically compatible with the project's building and site.
  - b) Permanent chain link fencing is prohibited. In locations that are hidden from public view, a limited amount of black, vinyl-coated chain link fencing with posts of wood or metal painted black to match the fence or decorative aluminum fence can be used.

Galvanized (silver) chain link fencing is prohibited except for temporary construction use.

- c) Retaining walls shall be designed to be architecturally compatible with the community.
- 3) Parking Areas
- a) Parking areas must be buffered either by existing vegetation, new landscape material, decorative walls, landscaped berms, evergreen hedges, or a combination of these techniques.
  - b) Landscaping and tree islands must be used to reduce the visual impact of large, paved surfaces and parked cars.
  - c) Where curbs are proposed in a parking area they shall be concrete. Railroad tie or asphalt curbs are not acceptable. Wheel stops are not encouraged and shall only be used in a local condition and not project wide.
  - d) Where parking structures subject to healthcare uses, are visible from streets, they should be designed with architectural detail consistent with the architectural character of the community. Unless limited by dimensions, sloped ramps should be located internal to the structure so that they are not visible along front facades. Attention should be given to the design of parking garage interior lighting. Vehicular access to and from parking should be designed with the consideration of the public safety and ambulation needs of patients and other special populations and to minimize pedestrian conflicts
  - e) Light fixtures on top of parking structures should be limited in height and shielded as appropriate, unless required by the FAA for emergency services.
  - f) Parking areas may have control gates for parking control purposes.
- 4) Site Lighting
- a) High pressure sodium vapor (yellow-orange) lighting is prohibited. Lighting must be a "white" light such as metal halide.
  - b) Pole mounted light fixtures must direct the light downward, and the lens must not project below the housing of the fixture. Fixture height should not exceed 30 feet above grade for any office or commercial use located adjacent to or across the street from a proposed residential use.
  - c) Decorative fixtures may be used and should be compatible with the fixtures proposed by other developments within Cabin Branch along pedestrian walkways.
  - d) All private exterior lighting must be full cut-off and all up lighting must have hoods/deflectors.
  - e) Helicopter pad site lighting shall comply with FAA requirements.

B. ARCHITECTURAL DESIGN - While not prescribing to a specific architectural style, the design of all office employment and healthcare building elevations in terms of size, massing, details and the use of materials and colors, should be compatible with the architectural character of the community. Buildings should be sympathetic to their natural environment.

1) General Requirements

- a) Building elevations are important and should be designed "in the round" with suitable details and materials on all sides. Buildings should have an entrance facing a street or commons. For buildings subject to healthcare uses, additional entrances are allowed where special requirements for security, public and/or patient safety and consideration of ambulation needs of patients and other special populations is essential. Large or long expanses of walls must be broken up by appropriate detailing such as reveals, piers, pilasters, projections or decorative patterns.

- 2) Mechanical Equipment
  - a) Electrical and mechanical equipment, generators, etc., whether located on the roof or on the ground, must be screened from public view in a manner compatible with the architectural elements of the building or by the use of berms, walls, fences, plant material, placement underground, or other appropriate means.
  - b) Noise producing mechanical equipment should be located and screened so as to moderate any impact upon adjacent uses. This includes loading areas that may service refrigeration trucks in proximity to residential.
- 3) Service Areas
  - a) Service, loading, and trash disposal areas including exterior dumpsters and compactors should occur away from or be screened from streets, common areas, parks and plazas. Such enclosures must have self-closing solid or semi-solid metal gates. Chain link fencing, with or without "slats" or inserts is not permitted.

## C. LANDSCAPE DESIGN

- 1) General Requirements
  - a) Landscaping must be installed as an integral feature of each project. This includes finished grading, seeding, sodding, decorative ground cover, foundation plantings, shrubs, shade trees, flowering trees and evergreen trees. Irrigation is recommended in critical locations.
  - b) The proposed landscape design concept must:
    - i) Reinforce architectural design objectives.
    - ii) Buffer views of parking areas, service areas, mechanical equipment, and utility boxes, etc. with a combination of deciduous and evergreen trees and shrubs.
    - iii) Buffer storm water management facilities.
    - iv) Provide canopy trees along streets, parking aisles and within planting islands.
    - v) Provide color, texture and visual interest.
  - c) Parking areas must be buffered either by existing vegetation, new landscape material, landscaped berms, evergreen hedges or decorative walls.
  - d) Landscape islands and areas must be planted with trees, shrubs, grass, or ground cover.
  - e) Landscape plans must be prepared by and signed and sealed by a professional landscape architect or engineer.

## VII. MULTI-FAMILY GUIDELINES

A.SITE DESIGN - The following general requirements and design guidelines are to be employed in the site design. This section does not apply to Two Over Two residential product.

- 1) General Requirements
  - (a) Multi-family buildings may be organized in a campus-style setting with an amenity space(s) or building(s) approved as part of the Site Plan for such multi-family buildings.
  - (b) Graded slopes should not exceed 3:1. Retaining walls are recommended where slopes exceed 3:1. Slopes must be properly stabilized to prevent erosion. Lawn areas should have slopes of at least 2% to prevent standing water.
  - (c) Setbacks from property lines for structures will be established during Site Plan review. Foundation planting between the building and the curb of a parking bay is encouraged.
  - (d) A comprehensive pedestrian circulation system of sidewalks and/ or walkways shall be provided within a parcel, with connections to adjacent parcels and the community-wide walkway system. The circulation system should be developed considering the source and destination of pedestrians.
  - (e) Drainage systems must conform to County requirements. Any storm water retention ponds must be landscaped.
- 2) Fences, Barriers and Walls
  - (a) Permanent perimeter or property line fencing (other than necessary retaining walls, low screen walls or decorative streetscape walls) is discouraged other than in common areas. Where security is essential, specific areas within the property may be secured by fences or walls. Security gates should not be allowed unless warranted by special circumstances. Security gates or barriers can be used if their location is such that they will not unnecessarily impede the community's local pedestrian or vehicular movements and are designed to be aesthetically compatible with the project's building and site.
  - (b) Generally, permanent chain link fencing is prohibited. In locations that are hidden from public view, a limited amount of black, vinyl-coated chain link fencing with posts of wood or metal painted black to match the fence or decorative aluminum fence can be used. Galvanized (silver) chain link fencing is prohibited except for temporary construction use.
  - (c) Retaining walls shall be designed to be architecturally compatible with the community.
- 3) Parking Areas
  - (a) Parking areas must be buffered either by existing vegetation, new landscape material, decorative walls, landscaped berms, evergreen hedges, or a combination of these techniques.
  - (b) Landscaping and tree islands must be used to reduce the visual impact of large, paved surfaces and parked cars.
  - (c) Where curbs are proposed in a parking area they shall be concrete. Railroad tie or asphalt curbs are not acceptable. Wheel stops are not encouraged and shall only be used in a local condition and not project wide.
  - (d) Where parking structures are visible from streets, they should be designed with architectural detail. Unless limited by dimensions, sloped ramps should be located internal to the structure so that they are not visible along front facades. Attention



should be given to the design of parking garage interior lighting. Vehicular access to and from parking should be designed to minimize pedestrian conflicts.

4) Site Lighting

- (a) High pressure sodium vapor (yellow-orange) lighting is prohibited. Lighting must be a “white” light such as metal halide.
- (b) Pole mounted light fixtures must direct the light downward, and the lens must not project below the housing of the fixture. Fixture height should not exceed 30 feet above grade.
- (c) Decorative fixtures may be used and should be compatible with the fixtures proposed by other developments within Cabin Branch along pedestrian walkways.
- (d) All private exterior lighting must be full cut-off and all up lighting must have hoods/deflectors.

B. ARCHITECTURAL DESIGN - The design of multi-family buildings should exhibit a commitment to quality of design and materials and respect the natural environment. Multi-family buildings shall be designed to complement the character of its neighbors and be sensitive to their materials, colors and scale in terms of size, massing, style, and architectural details.

1) General Requirements

- a) Building elevations are important and should generally be designed “in the round” with suitable details and materials on all sides. Elevations of all exterior walls are to be submitted for review and approval at the time of Site Plan submission.
- b) Large or long building facades shall be articulated by utilizing appropriate detailing such as balconies, porches, bay windows, small courtyards or pocket gardens, reveals, piers, pilasters, projections or decorative patterns to create shadow lines and visual interest.
- c) The use of a variety of architectural materials and colors is encouraged. Permitted exterior materials include natural and synthetic stone, brick masonry, wood siding, cementitious siding e.g. ‘Hardi-Plank’ or approved equal, stucco and synthetic stucco products, and premium vinyl siding such as ‘Certaineed Monogram’ or approved equal.
- d) Roof massing and roof forms are to be designed so as to enhance the sense of scale and interest, as well as provide screening for roof-top mounted mechanical equipment. Variations in the roof forms are encouraged to provide visual variety and create a sense of openness.

2) Mechanical Equipment

- a) Electrical and mechanical equipment, generators, etc., whether located on the roof or on the ground, must be screened from public view in a manner compatible with the architectural elements of the building or by the use of berms, walls, fences, plant material, placement underground, or other appropriate means.
- b) Noise producing mechanical equipment should be located and screened so as to moderate any impact upon adjacent uses.

3) Service Areas and Utility Connections

- a) Service, loading, and trash disposal areas including exterior dumpsters and compactors should be located at the side or rear of the building and must be screened from public view.
- b) Utility service connections, including but not limited to gas, water, electrical, cable, and telephone shall be screened from public view from the street.

C. LANDSCAPE DESIGN

1) General Requirements

- a) Landscaping must be installed as an integral feature of each project. This includes finished grading, seeding, sod, decorative ground cover, foundation plantings, shrubs, shade trees, flowering trees and evergreen trees. Irrigation is recommended in critical locations.
- b) The proposed landscape design concept must:
  - i) Reinforce architectural design objectives.
  - ii) Buffer views of parking areas, service areas, mechanical equipment, and utility boxes, etc. with a combination of deciduous and evergreen trees and shrubs.
  - iii) Buffer storm water management facilities.
  - iv) Provide canopy trees along streets, parking aisles and within planting islands.
  - v) Provide color, texture and visual interest.
- c) Parking areas must be buffered either by existing vegetation, new landscape material, landscaped berms, evergreen hedges or decorative walls.
- d) Landscape islands and areas must be planted with trees, shrubs, grass, or ground cover.
- e) Landscape plans must be prepared by and signed and sealed by a professional landscape architect or engineer.

## VIII. TWO OVER TWO GUIDELINES

A SITE DESIGN - The following general requirements and design guidelines are to be employed in the site design for buildings classified as stacked townhouse units or Two Over Two's.

### 1) General Requirements

- a) The individual residential districts of Cabin Branch envision a neo-traditional design with intersecting grid streets, and Two Over Two buildings fronting the roadways with garage access primarily from rear alleys, to the extent possible.
- b) Any required conservation signage must be posted in English and Spanish prior to construction, as the site is developed and in proximity to the area being developed. The area within the drip line of trees to be saved must remain undisturbed. No grading, equipment or construction materials may encroach into this area. Protective fencing (construction fabric fencing, chain link or other fencing) must be installed around the tree at the limit of disturbance prior to the start of construction. If any tree designated for preservation is damaged during construction and dies, the builder may be required to replace the tree with one or more trees that will attain similar height, spread and growth characteristics.
- c) Pathway connections shall be provided by builders from internal sidewalks within their residential parcels to existing or proposed master plan pathways.

### 2) Front Building Line

- a) Front building facades should line the streets in order to enhance the character of the street edge.
- b) Variations from the front building line are permitted for corner truncations, creation of pocket parks or green space in front of buildings and special code or street conditions.
- c) Porches, stoops and stairs may be constructed in front of the building façade line.
- d) The front building line shall respect any public utility easements, within which no structure may be located.

## B. ARCHITECTURAL DESIGN

Residential Architectural Design Guidelines have been prepared by the Cabin Branch development team and consultants including Parker Rodriguez Inc., Bennett Frank McCarthy Architects Inc., and Loiederman Soltesz Associates Inc., and are attached as Appendix One.

## C. LANDSCAPE DESIGN

- 1) Attractive and functional landscaping shall be provided by builders as an integral feature of each project in order to reinforce the image and character of the community. This includes finished grading, seeding, sod, decorative ground cover, shrubs, foundation plantings, shade trees, flowering trees and evergreen trees.
- 2) Landscaping should enhance the architecture of the Two Over Two buildings, buffer views of parking areas, fences, walls and utility boxes, provide canopy trees along streets, and provide color, texture and visual interest. Landscaping should also be used to reinforce spaces and relationships to streets outside the right of way. A combination of shade trees, flowering trees and evergreens should be installed.
- 3) Material shall be planted according to the Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area as produced by the Landscape Contractors

Association of Metropolitan Washington and the American Society of Landscape Architects, Maryland and Potomac Chapters, or equivalent.

- 4) Material shall be installed during the first planting season after completion of site work and shall be guaranteed by the builder or installer for the duration of one full growing season after final inspection and acceptance. Plants shall be alive and in satisfactory growing condition at the end of the guarantee period.
- 5) The use of native Maryland landscaping plants should be encouraged.

#### D. EXTERIOR LIGHTING

- 1) Light fixture styles and lamp intensities shall be carefully selected and located to prevent glare and misdirected light. Fixture design shall be compatible with the architecture of the Two Over Two buildings.

## **IX. ONE FAMILY GUIDELINES**

### **A SITE DESIGN**

#### **1) General Requirements**

- a) The individual residential districts of Cabin Branch envision a neo-traditional design with intersecting grid streets, and homes fronting the roadways with garage access primarily from rear alleys, to the extent possible. In one family areas, where the rear lots back to open space, front loaded garages may be used. Required setbacks shall be as indicated by the approved Site Plan.
- b) Any required conservation signage must be posted in English and Spanish prior to construction, as the site is developed and in proximity to the area being developed. The area within the drip line of trees to be saved must remain undisturbed. No grading, equipment or construction materials may encroach into this area. Protective fencing (construction fabric fencing, chain link or other fencing) must be installed around the tree at the limit of disturbance prior to the start of construction. If any tree designated for preservation is damaged during construction and dies, the builder may be required to replace the tree with one or more trees that will attain similar height, spread and growth characteristics.
- c) Pathway connections shall be provided by builders from internal sidewalks within their one family attached parcels to existing or proposed master plan pathways.

#### **2) Front Building Line**

- a) Front building facades should line the streets in order to enhance the character of the street edge.
- b) Variations from the front building line are permitted for corner truncations, creation of pocket parks or green space in front of buildings and special code or street conditions.
- c) Porches, stoops and stairs may be constructed in front of the building façade line.
- d) The front building line shall respect any public utility easements, within which no structures may be located.
- e) The front building line for connected townhouses may be offset from adjacent units to provide articulation and visual relief for the front and rear facades.

### **B. ARCHITECTURAL DESIGN**

Residential Architectural Design Guidelines have been prepared by the Cabin Branch development team and consultants including Parker Rodriguez Inc., Bennett Frank McCarthy Architects Inc., and Loiederman Soltesz Associates Inc., and are attached as Appendix Two.

### **C. LANDSCAPE DESIGN**

- 1) Attractive and functional landscaping shall be provided by builders as an integral feature of each project in order to reinforce the image and character of the community. This includes finished grading, seeding, sod, decorative ground cover, shrubs, foundation plantings, shade trees, flowering trees and evergreen trees.
- 2) Landscaping should enhance the architecture of the houses, buffer views of parking areas, fences, walls and utility boxes, provide canopy trees along streets, and provide color, texture and visual interest. Landscaping should also be used to reinforce spaces and relationships to streets outside the right of way. A combination of shade trees, flowering trees and evergreens should be installed.

- 3) All material shall be planted according to the Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area as produced by the Landscape Contractors Association of Metropolitan Washington and the American Society of Landscape Architects, Maryland and Potomac Chapters, or equivalent.
- 4) All material shall be installed during the first planting season after completion of site work and shall be guaranteed by the builder or installer for the duration of one full growing season after final inspection and acceptance. Plants shall be alive and in satisfactory growing condition at the end of the guarantee period.
- 5) The use of native Maryland landscaping plants should be encouraged.

D. EXTERIOR LIGHTING

- 1) Light fixture styles and lamp intensities shall be carefully selected and located to prevent glare and misdirected light. Fixture design shall be compatible with the architecture of the house or project.

## **X. ADDITIONAL PROVISIONS**

### **A. Design Review Procedures**

Pursuant to the approved Infrastructure Site Plan, “the Applicant shall retain a Town Architect to oversee the design characteristics of Cabin Branch, including review of architectural treatments for individual residential units, two over two residential buildings, multi-family buildings, and commercial building design and layout. The architect shall be a registered architect with experience in town planning. In order to ensure the cohesive development of the Cabin Branch Community as envisioned by the concept plan and these Guidelines, it is necessary to establish review and enforcement procedures as follows:

- 1) Cabin Branch Management, LLC, the Master Developer of Cabin Branch, shall appoint a Town Architect who will work with Cabin Branch Management LLC (CBM LLC) and its Builder/Developer members to review Site Plans for compliance with these guidelines.
- 2) The Town Architect may be an individual or a firm and must be familiar with Clarksburg, Montgomery County, and the Maryland-National Capital Planning Commission. He or she must have a current professional registration and experience with neo-traditional land planning, architecture, and landscape architecture.
- 3) Prior to Planning Board action, every Site Plan within Cabin Branch will be submitted to the Town Architect for review with respect to consistency with these Design Guidelines. The Town Architect will review each Site Plan with CBM, LLC and the Applicant for such consistency. A Design Review Committee consisting of CBM, LLC, the Applicant and the Town Architect will then meet to review the Town Architect’s comments and to prepare a report for submission to the Montgomery County Planning Board in its consideration of the Site Plan. If the Design Review Committee concludes that the Site Plan is consistent with these Design Guidelines as submitted or with changes recommended by the Design Review Committee, that Committee will provide a recommendation of support to the Planning Board. Otherwise, it will recommend any changes deemed appropriate by the Design Review Committee.

### **B. Amendments**

These Design Guidelines shall be subject to modification and amendment from time to time by the review of the Town Architect and approval of Cabin Branch Management, LLC. Modifications and amendments to the Design Guidelines shall not apply to or require modifications to or removal of improvements previously installed once such improvements have commenced, or re-approval of previously approved but not yet constructed improvements. However, any subsequent replacement, removal or alteration of any such previously approved improvements shall be subject to the Design Guidelines in existence at the time of such subsequent replacement, removal or alteration and may require approval of a Site Plan amendment.

### **C. Non-Liability**

Neither Cabin Branch Management LLC nor its respective members, successors, agents or representatives shall be liable for damages or otherwise to anyone designing improvements based on these guidelines by reason of mistake in judgment, or negligence arising out of any action of Cabin Branch Management LLC with respect to any failure to otherwise follow these Guidelines. The role of the Cabin Branch Management LLC is directed toward promotion of quality site planning, architectural design and aesthetics. The Cabin Branch Management LLC may, in its sole discretion, suggest alternative design solutions in connection with any development. Such suggestions shall not be construed a required design solution. Neither Cabin Branch Management LLC nor its respective members, successors, agents or representatives shall bear any responsibility or liability with regard to design or

construction, including without limitation, the structural, mechanical or electrical design, methods of construction, or technical suitability of materials. Review comments or suggestions made by the Cabin Branch Management LLC are made without warranty or representation of compliance with applicable governmental regulations, codes or other requirements.

D. Administration and Interpretation

The Town Architect shall exercise his or her professional discretion in the administration and interpretation of the Design Guidelines. This exercise of professional discretion shall be considered within the scope of the Design Guidelines.

E. Limitation of Responsibilities

It is not the responsibility of the Town Architect to review submissions for structural adequacy, capacity, or safety features. The Town Architect does not assume responsibility for the performance or quality of work of contractors.

F. Regulatory Compliance

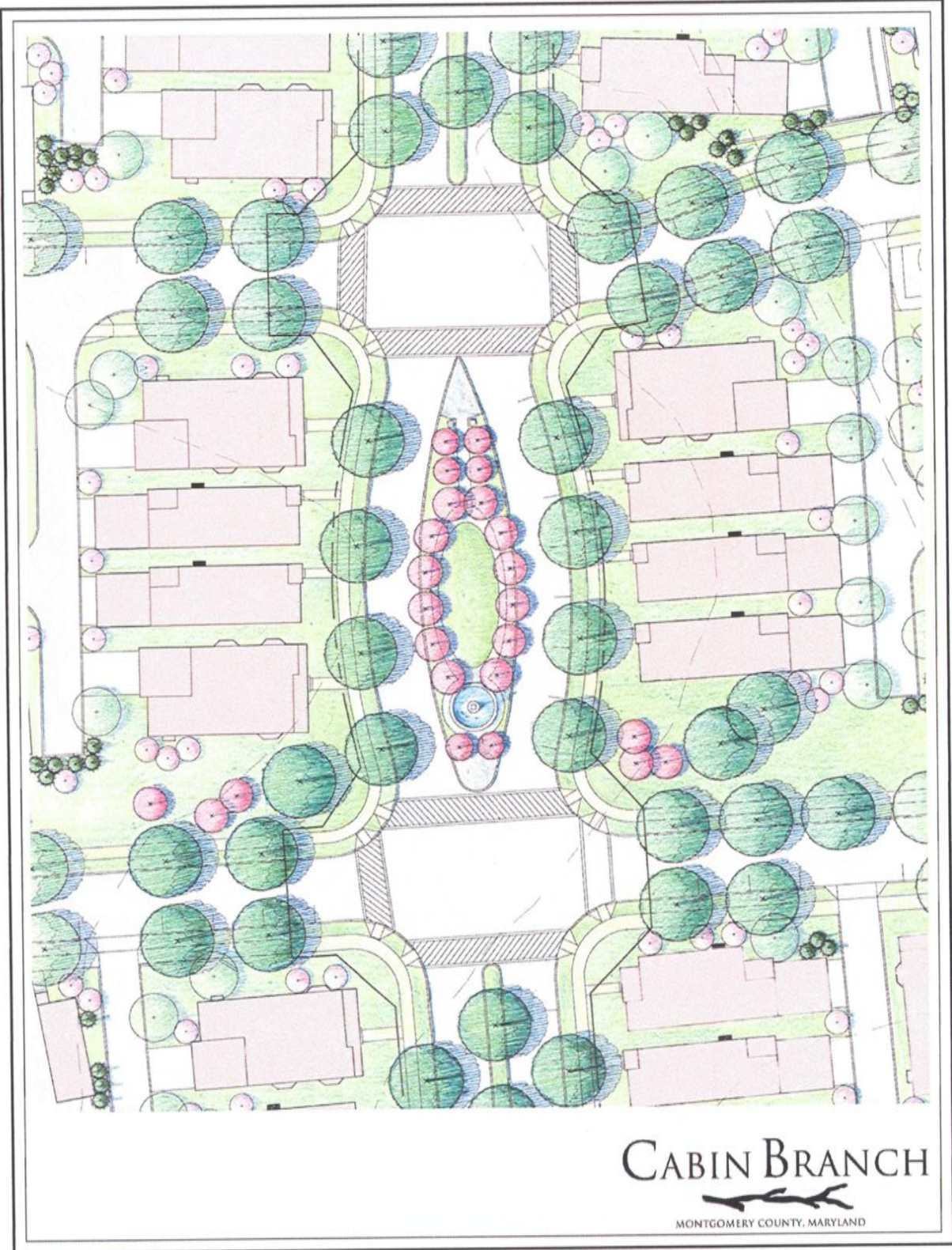
All plans developed for Cabin Branch must comply with all applicable State, Federal, and County laws, ordinances, regulations and building codes, and the requirements of all agencies having jurisdiction over the improvement. It is the responsibility of each individual owner to obtain all necessary permits and to comply with all such codes, regulations and requirements. It is not the responsibility of the Cabin Branch Management, LLC or the Town Architect to review submissions for compliance with governmental regulations. However, regulatory approvals do not preclude or supersede the responsibility of each owner for design review and approval.

G. Alterations to Existing Construction

In order to ensure the integrity of homes in the Cabin Branch community, separate guidelines shall be implemented entitled "Homeowners' Guidelines for Exterior Alterations to Existing Improvements". The requirement for the enforcement of these guidelines shall be established by a recorded covenant on the individual homeowners' properties. It will be the responsibility of the Cabin Branch Homeowners' Association (CB-HOA) to enforce the provisions of these guidelines and the establishment of the procedures will be set forth in the CB-HOA formation documents. These procedures will contain at a minimum:

- a) All exterior alterations including landscaping will be subject to guidelines.
- b) There will be provisions for enforcement and appeals of exterior alterations.





# CABIN BRANCH



MONTGOMERY COUNTY, MARYLAND



BROADWAY STREET ELLIPSE

CABIN BRANCH  
  
MONTGOMERY COUNTY, MARYLAND



COMMUNITY PARK VIEW

CABIN BRANCH  
  
MONTGOMERY COUNTY, MARYLAND



TRIBUTE PARK

CABIN BRANCH



MONTGOMERY COUNTY, MARYLAND



TRIBUTE PARK

CABIN BRANCH  
  
MONTGOMERY COUNTY, MARYLAND

**XI. Appendix One**  
**Cabin Branch Architectural Design Guidelines**  
**Two over Two Townhouse Units**

**AKA Stacked Townhouses:**  
**Per Zoning Ordinance Can Be Constructed as Fee Simple or Multi-family**

Cabin Branch Architectural Design Guidelines  
Two over Two Townhouse Units

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## **I. Building Materials & Elements**

### **A. High Visibility Lots**

1. Where Required – In the review of the individual detailed site plans, the Town Architect shall identify the Two Over Two buildings on corner lots and high visibility lots which will require additional architectural treatment as indicated in these guidelines
2. Architectural Element Requirements:
  - a. Masonry water table on sides
  - b. Consistent building materials for front and side facades
  - c. Consistent window design and treatment for fronts and high visibility sides (i.e. Shutters on front and sides)
  - d. A minimum quantity of five architectural elements on the high visibility side including but not limited to windows, doors, porches, chimneys, bay windows, additional roof elements, decorative features, etc.

### **B. Exterior Walls – Number of Materials**

These requirements apply to all lot types.

1. 2 Primary Building Materials: Each Two over Two building shall typically not have more than 2 primary building materials. For example, a Two over Two building may have brick and siding. A Two over Two building may have brick and stone. A Two over Two building may have stone and siding.
2. Accent Materials: Accent materials are permitted as a third material but shall not cover greater than 15% of the exterior.
3. Trim: Trim is not considered a primary building material.

### **C. Exterior Walls – Permitted Materials**

#### **1. Permitted Materials**

These requirements apply to all lot types.

- a. Stone: Stone is a permitted material for all Two over Two units.
- b. Synthetic Stone: Synthetic stone is permitted subject to the following: Materials must be mortared to backup material. Material shall be submitted to the Town Architect for Review and approval.
- c. Brick Masonry: Brick masonry is a permitted material.
- d. Siding – Wood: Wood siding is a permitted material.
- e. Siding – Cementitious: Cementitious siding, such as Hardi-Plank, is a permitted material.

- f. Siding – Vinyl: Premium vinyl siding is a permitted material. Vinyl siding meeting the following characteristics shall be permitted: Minimum thickness shall be or exceed .042”. Siding shall have a 1/2” shadow line minimum. Suitable sidings include Certainteed Monogram, Revere Berkshire Beaded, Revere Berkshire Classic, Carolina Beaded and Mainstreet 160; Alcoa Silhouette Classic Double 4, Double 5 and Charleston Beaded. Equivalent sidings will be submitted for review and approval by the Town Architect.
- g. Siding – Aluminum: Aluminum siding is not permitted
- h. Stucco - Including Synthetic Stucco are permitted materials.
- i. Trim – Wood, Fypon, Fiberglass, Azek, PVC, and Synboard and other composite materials are permitted.

2. Requirement for Variety: Two over Two units shall vary in color as well as design

- a. Variety in Two over Two units Design: Variety is required among the Two over Two building designs.
- b. Variety in Two over Two Building Color / Material Palette: Variety is desired and encouraged among the Two over Two building color and material palettes. Adjacent Two over Two buildings shall not have the same color and material palette.
- c. Variety in Two over Two Building Color / Material Palette Opposite (across the street): Opposite Two over Two buildings will not have the same color and material palette.

3. Masonry Watertable:

Exposed masonry water tables shall be constructed of stone, synthetic stone or brick as described in 1. a., b. or c as noted above.

- a. Masonry Watertable at Front: All Two over Two buildings shall have a masonry watertable at the front façade.
- b. Masonry Watertable at Side: Masonry watertable on the side and rear facades of Two over Two buildings as required by Town Architect for high visibility lots.
- c. Concrete Watertable at Side and Rear: If a masonry watertable is not required then concrete shall be required. The concrete shall be embossed with a brick pattern. The concrete shall be painted to match finish color of the siding of the Two over Two buildings.

#### 4. Requirement for Masonry Fronts

Masonry fronts shall be required as noted below.

- a. Masonry Sides: If a corner lot or high visibility lot as identified by the Town Architect has a Masonry front then the side elevation facing the street must be masonry as well.
- b. Painted Brick: Painted brick shall be permitted. Paint colors shall be permitted subject to review and approval by the Town Architect.

#### D. Individual Two Over Two Building Color and Material Approval

Each building cluster and elevation in the two over two projects shall be designed and approved as a single unit. While materials and colors may be different between clusters, there must be commonality and cohesion between the cluster of buildings to make them compatible and appear as an interrelated design. Care and deliberate attention must be given to create enough variety for a more appealing street appeal. The Town Architect shall consider this in his review.

#### E. Porches and Portico – Required Quantities

1. Where Permitted: Porches and Porticos are permitted on all Two over Two units.
2. Porch Rails: Porch rails shall comply with the following:
  - a. Porch Rail Profiles: Pickets shall be 5/4 x 5/4 square stock or equivalent. Porch cap rail shall be WM 8840 or equivalent. Alternate rails designs are subject to review by the Town Architect.
  - b. Porch Rails Material: Porch rails shall be constructed of wood, PVC rails, iron, or aluminum subject to review by Town Architect.
3. Columns: Columns on Porches and Porticos shall comply with the following:
  - a. Order: Columns shall be of the Doric, Tuscan, or Colonial Order. Alternatives subject to review and approval by the Town Architect.
  - b. Materials: Columns may be constructed of wood, vinyl, or fiberglass.
  - c. Size: 10" or larger diameter columns are preferred. Columns shall have a minimum diameter of 8".
  - d. Columns on pedestals may be narrower, subject to review by the Town Architect. Paired columns may be narrower, subject to architectural review by the Town Architect.
  - e. Square Columns: Square columns will be permitted.

4. Porch Roof, Eave, and Rake Details: Porch roof, eave, and rake details are subject to review and approval by the Town Architect.
5. Porch Floors: Porch floors may be constructed from the following materials, or alternatives reviewed and approved by the Town Architect:
  - a. Trex or similar composite
  - b. Pressure Treated Wood
  - c. Flagstone
  - d. Concrete
  - e. Brick
  - f. Tendura
  - g. Evergrain
  - h. Exterior-rated Tiles
6. Porch Crawlspace: The porch crawlspace (undercarriage) shall be detailed and constructed to appear as if it were enclosed. Porch crawlspaces will typically be enclosed with lattice. Wood lattice painted and PVC lattice shall be permitted.

#### F. Architectural Frieze Board / Cornice

Two Over Two units shall be provided with an architectural frieze and fascia board at the front elevation. The combination of the frieze and fascia board shall be 10" in depth vertical minimum.

#### G. Leadwalks, Steps & Stoops

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

1. Brick Pavers: Brick pavers are permitted on all Two Over Two units
2. Flagstone: Flagstone pavers are permitted on all Two Over Two units
3. Flagstone walks with Brick Cheek and Stoops: Flagstone walks shall be permitted with flagstone masonry cheek walls and masonry stoops.
4. Concrete: Concrete is permitted on all Two over Two units.

## H. Balconies

1. Permitted Locations: Permitted locations for balconies on Two Over Two units are as follows:
  - a. Rear Yards: Balconies shall not extend sideways beyond the side-plane lines of the Two over Two building as they are projected back toward the rear property line.
  - b. Side Yards: Balconies are permitted on side and front building facades as long as they do not project beyond the main building plane.
2. Permitted Materials: The following materials are permitted for use in balconies.
  - a. Wood: Wood is permitted. See notes below regarding handrails.
  - b. Composite Wood: Composite wood is permitted. See notes below regarding handrails.
  - c. Vinyl: Vinyl is permitted, provided it has a white finish. See notes below regarding handrails.
  - d. Aluminum, prefinished: Aluminum is permitted for use in balcony rails, provided it has a painted finish. See notes below regarding handrails.
3. Balcony Rail: Balcony rail shall be finished per color palette reviewed and pre-approved by the Town Architect.
4. Balcony Bandboard: Balcony bandboard shall be finished per color palette reviewed and pre-approved by the Town Architect.
5. Stair Stringers: Balcony stair stringers shall be finished per color palette reviewed and pre-approved by the Town Architect.

## I. Roof Materials

The following roof materials are permitted for use:

1. Cedar Shingles: Cedar shingles are not permitted as a roof material.
2. Standing Seam/Painted Metal: Standing seam and painted metal standing seam roofs are permitted as a roof material
3. Asphaltic Fiberglass Shingle: Roof materials must be heavily textured architectural, dimensional fiberglass for the asphalt shingles. Colors shall be approved by the Town Architect. All asphalt shingle roofs shall be as described above and carry a minimum 25-year warranty.

4. Bay Window Roofs: Front bay window roofs shall have standing seam metal roofs. The metal shall be finished to match porch or portico roof if standing seam metal. If a Two over Two unit does not have standing seam metal roof at the porch or portico the bay window shall have a standing seam metal roof. Colors are subject to review and approval by the Town Architect.
5. Roof Penetrations: All roof penetrations shall be painted to match the roof finish. Every effort shall be made to keep penetrations behind the ridge of the roof, away from adjoining public streets.
6. Chimneys: This requirement applies to chimneys facing a front street.
  - a. Fireplace – Direct Vent Type: Doghouse boxes are not allowed on front of any Two over Two units. Direct vent doghouses boxes may be constructed on the side and rear of Two over Two units subject to review and approval by the Town Architect.

#### J. Roof Architectural

1. Roof Height: Roof height shall be subject to approved Site Plan requirements.
2. Roof Overhang: Roofs shall have the following minimum overhangs:
  - a. Front Overhang: Roof shall overhang at the front of the Two over Two units a minimum of 12” beyond the face of the building. This overhang is an 8” finished overhang with masonry facades.
  - b. Rear Overhang: Roof shall overhang at the rear of the Two over Two units a minimum of 12” beyond the face of the building.
  - c. Side Overhang: Roof shall overhang at the side of the Two over Two units a minimum of 6” beyond the face of the building.
3. Flat Roofs: Flat roofs are permitted subject to review by the Town Architect. Porticos with a flat roof may be permitted, subject to review by the Town Architect and provided it has an architecturally appropriate entablature and balustrade.
4. Gable Configuration: Gable roofs shall be configured as noted below:
  - a. Two Over Two Building Gable Locations: Two over Two buildings shall typically have gables located at the ends of the building, with the ridge parallel to the front street. Two over Two units may have a gable facing the street.
  - b. Gable Roof on Bay on Two over Two units: Gables over bays are permitted.

K. Architectural Elements (not Located on a Porch or Portico)

Architectural elements are subject to review by the Town Architect. Elements shall be proportioned generally in accordance with the standard classical architecture.

1. Pilasters
  - a. 12" wide pilasters are preferred. Narrower pilasters may be permitted subject to review by Town Architect.
  - b. Pilasters are permitted to be a minimum of 9" wide.
2. Materials: Architectural elements may be constructed of the following materials.
  - a. Wood
  - b. Fypon
  - c. Azek
  - d. Synboard and other composite materials subject to approval.
  - e. PVC
3. Proportions of Elements, Windows and Openings

Windows openings and other elements shall be vertically proportioned, and are subject to review and approval by the Town Architect. Windows and doors shall be taller than they are wide.

L. Window Trim: To provide definition and relief, window trim will be 5/4x4 as a minimum with siding elevations.

1. Minimum Size: Window trim shall be 5/4 x 4 as a minimum on all fronts and sides of high visibility lots as designated by the Town Architect. Larger profiles are acceptable and encouraged provided they are appropriate to the façade to which they are attached. Decorative head moldings are encouraged to complement the façade design.
2. Front Windows with Shutters: Windows with installed shutters may omit 5/4 x 4 jamb casing (jamb casing not required to be installed under shutter). Head trim (casing or feature) and sill trim shall extend above and below shutter as if 5/4 x 4 jamb casing was installed.
3. Masonry Front Facades: Brickmold trim is permitted with masonry front façades.

#### M. Cornerboards

1. Minimum Size: Cornerboard trim shall be 5/4 x 6 as a minimum.
2. Required Locations: Cornerboard trim is required on all front corners.

#### N. Doors & Windows

1. Door Materials: The following door materials are acceptable.
  - a. Wood: Wood doors are permitted
  - b. Metal: Metal doors embossed to appear as if they were constructed as a panelized door are permitted.
  - c. Fiberglass: Fiberglass doors embossed to appear as if they were constructed as a panelized door are permitted.
2. Window Materials & Other Window Requirements: The following window materials are acceptable. The following window requirements are applicable.
  - a. Wood: Wood windows are permitted
  - b. Vinyl: Vinyl windows are permitted
  - c. Divided Lite: All windows shall have divided lites. Divided lite Configurations shall be:
    - i. 2/2
    - ii. 3/3
    - iii. 4/4
    - iv. 6/6
    - v. 9/9
    - vi. 9/1
    - vii. 6/1
    - viii. 4/1
    - ix. 3/1
    - x. 2/1
  - d. Window Proportions: The following window proportions are permitted:
    - i. Square is permitted
    - ii. Rectangular is permitted provide the proportions of the lites is oriented to the vertical.
    - iii. Vertical: All windows must be vertical in orientation.
    - iv. Decorative: Decorative windows are permitted subject to architectural review.
  - e. Muntins: Muntins shall be True Divided Lite (TDL) or Simulated True Divided Lite (STD L). Muntin grilles shall be permitted between glass (GBG).
  - f. Shutters shall be installed to cover (over) the jamb trim. Shutters shall be installed with shutter dogs. Two Over Two units located on corner lots or designated by the Town Architect as high visibility lots shall have shutters



installed on side street elevations to match shutters installed on street front elevations.

- g. Maximum % of Front Elevation Permitted to be Fenestrated: No more than 30% of the street front elevation may be permitted to be glazed.
- 3. Skylights: Skylights are permitted subject to the following requirements:
    - a. Located Behind Ridge: Skylights shall be permitted behind ridge, on the backs of houses.
    - b. Skylight Color: Skylight frame colors shall match roof color.
  - 4. Garage Doors: Garage Doors shall be subject to the following requirements:
    - a. Garage Doors Facing Streets: Garage doors are permitted on front street sides of Two Over Two units as described below:
      - i. Two over Two units are not permitted to have garage doors facing the front.
      - ii. Garage Doors visible to a street other than an alley shall have windows and or architectural detail.
    - b. Single Wide Doors: Single wide garage doors shall be typically be 8' wide maximum and 8' tall maximum.
    - c. Permitted Materials: The following materials are permitted as noted below:
      - i. Wood: Wood is permitted for use in garage doors.
      - ii. Vinyl: Vinyl garage doors are permitted subject to architectural review for shadow lines by the Town Architect.
      - iii. Steel: Steel garage doors are permitted subject to architectural review for shadow lines by the Town Architect.
      - iv. Aluminum: Aluminum garage doors are permitted subject to architectural review for shadow lines by the Town Architect.
      - v. Fiberglass: Fiberglass garage doors are permitted subject to architectural review for shadow lines by the Town Architect.

#### O. Driveways

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

P. Mailboxes / Gangboxes: Two Over Two units shall be provided with mail service via gangboxes, located per U.S. Postal Service requirements.

## **II. Additional Provisions**

### **A. Architectural Design Guideline Intent**

The Architectural Design Guidelines contained herein shall guide the Two over Two building construction of Cabin Branch and will provide the Town Architect a basis upon which to review and approve the proposed Two over Two buildings prior to construction.

### **B. Builder Resource Documents**

Prior to commencement of construction of a Two over Two building, each builder must submit a site plan and an architectural plan and/or model type so the Town Architect may review the proposed construction for consistency with the Architectural Design Guidelines. This submittal will also include color and material palettes for the exterior of such buildings so to ensure compliance with the Architectural Design Guidelines and to provide variety and distinction within the community. Should a potential conflict arise from a decision made by the Town Architect and a residential builder, the conflict will be mediated and resolved by Cabin Branch Management LLC.

### **C. Variations**

Variations from the Architectural Guidelines may be granted by the Town Architect, subject to review and approval by the M-NCPPC Planning Director. Within 5 business days of submission of the request by the Town Architect, the Planning Director shall approve or deny the variation or it will be deemed approved as submitted. Variations need to be reviewed on the basis of architectural merit, site conditions and/or extenuating or unusual circumstances.

### **D. Design Intent & Conformance**

It is the design intention, not the "letter", of the Cabin Branch Architectural Guidelines to which properties and improvements must conform.

### **E. Approved Materials**

Where previously approved materials have since been prohibited or are no longer permitted, the previously approved material may be used for repairs.

**XI. Appendix Two**  
**Cabin Branch Architectural Design Guidelines**  
**One Family units**

Cabin Branch Architectural Design Guidelines  
One Family units

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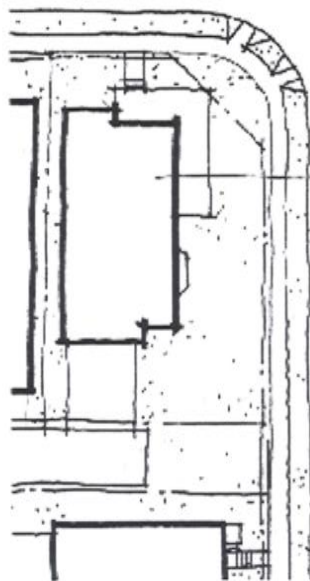
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## I. Building Materials & Elements

### A. High Visibility Lots

1. Where Required – In the review of the individual detailed site plans, the Town Architect shall identify the corner lots and high visibility lots which will require additional architectural treatment as indicated in these guidelines
2. Architectural Element Requirements:
  - a. Masonry watertable on sides
  - b. Consistent building materials for front and side facades
  - c. Consistent window design and treatment for fronts and high visibility sides (i.e. Shutters on front and sides)
  - d. A minimum quantity of five architectural elements on the high visibility side including but not limited to windows, doors, porches, chimneys, bay windows, additional roof elements, decorative features, etc.



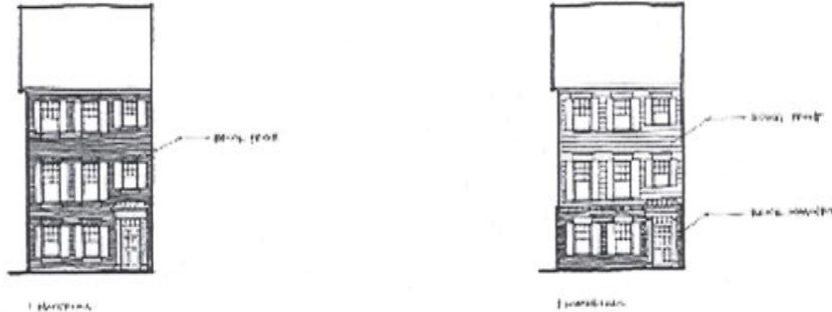
- SPECIAL LOT / HIGH VISIBILITY LOT SHALL HAVE:
- MASONRY WATERTABLE ON VISIBLE SIDE
  - CONSISTENT BUILDING MATERIALS ON FRONT & VISIBLE SIDE
  - CONSISTENT WINDOW DESIGN & TREATMENT FOR FRONT & VISIBLE SIDE
  - MINIMUM OF 5 ARCHITECTURAL ELEMENTS ON HIGH VISIBILITY SIDE INCLUDING BUT NOT LIMITED TO: WINDOW, PORCH, BAY, MASONRY CHIMNEY, DECORATIVE FEATURES, WINDOWS & DOORS.

## Special Lot / High Visibility Lot

## B. Exterior Walls – Number of Materials

These requirements apply to all lot types.

1. 2 Primary Building Materials: Each house (regardless of type) shall typically not have more than 2 primary building materials. For example, a house may have brick and siding. A house may have brick and stone. A house may have stone and siding.
2. Accent Materials: Accent materials are permitted as a third material but shall not cover greater than 10% of the exterior.
3. Trim: Trim is not considered a primary building material.
4. Special Requirements: In the review of the individual detailed site plans, the Town Architect shall identify the corner lots and high visibility lots which will require additional architectural treatment as indicated in these guidelines.



## Exterior Walls: Number of Materials



## Exterior Walls: Number of Materials

### C. Exterior Walls – Permitted Materials

#### 1. Permitted Materials

These requirements apply to all lot types.

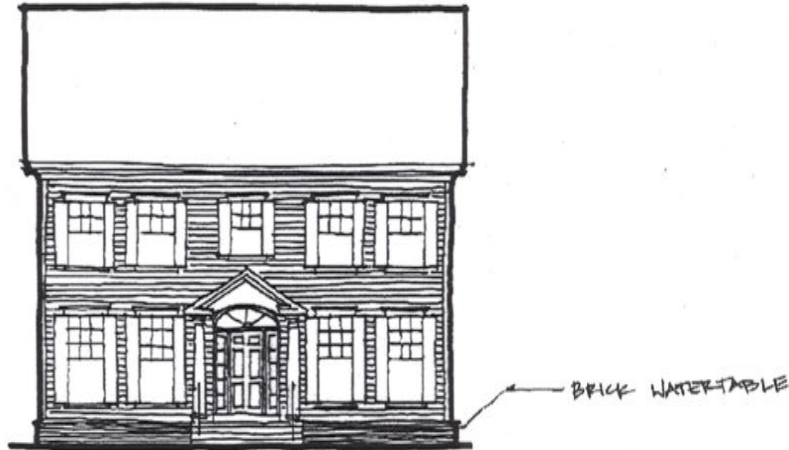
- a. Stone: Stone is a permitted material for all Two over Two units.
- b. Synthetic Stone: Synthetic stone is permitted subject to the following:  
Materials must be mortared to backup material. Material shall be submitted to the Town Architect for Review and approval.
- c. Brick Masonry: Brick masonry is a permitted material.
- d. Siding – Wood: Wood siding is a permitted material.
- e. Siding – Cementitious: Cementitious siding, such as Hardi-Plank, is a permitted material.



- f. Siding – Vinyl: Premium vinyl siding is a permitted material. Vinyl siding meeting the following characteristics shall be permitted: Minimum thickness shall be or exceed .042”. Siding shall have a 1/2” shadow line minimum. Suitable sidings include Certainteed Monogram, Revere Berkshire Beaded, Revere Berkshire Classic, Carolina Beaded and Mainstreet 160; Alcoa Silhouette Classic Double 4, Double 5 and Charleston Beaded. Equivalent sidings will be submitted for review and approval by the Town Architect.
  - g. Siding – Aluminum: Aluminum siding is not permitted
  - h. Stucco - Including Synthetic Stucco are permitted materials.
  - i. Trim – Wood, Fypon, Fiberglass, Azek, PVC, and Synboard and other composite materials are permitted.
2. Requirement for Variety: Houses shall vary in color as well as design
- a. Variety in House Design: Variety is required among the house designs. Adjacent single family detached houses shall not have the same facade design.
  - b. Variety in House Color / Material Palette: Variety is desired and encouraged among the house color and material palettes. Adjacent single family detached houses shall not have the same color and material palette.
  - c. Variety in Houses Opposite (across the street): Opposite houses will not have the same façade designs.
  - d. Variety in Houses Color / Material Palette Opposite (across the street): Opposite houses will not have the same color and material palette.
3. Masonry Watertable:

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

- a. Masonry Watertable at Front: All house types shall have a masonry watertable at the front façade.
- b. Masonry Watertable at Side: Masonry watertables on the side and rear facades of lots as required by Town Architect for high visibility lots.
- c. Concrete Watertable at Side and Rear: If a masonry watertable is not required then concrete shall be required. The concrete shall be embossed with a brick pattern. The concrete shall be painted to match finish color of the siding of the house.



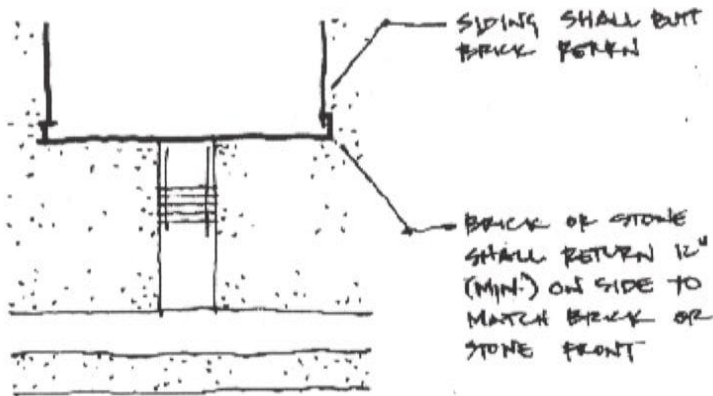
Exterior Walls: Masonry Watertable

#### 4. Requirement for Masonry Fronts

Masonry fronts shall be required as noted below.

- a. Townhouse: In any given row of townhouses, a minimum of 50% of townhouse home fronts shall be required to be constructed of stone or brick masonry, as determined by the Town Architect.
- b. Single Family Detached Houses: A minimum of 20 % of single family detached houses shall provide front facades constructed of stone or brick masonry.
- c. 50% of Surface to be Masonry Front: 50% or more of the front façade shall be surfaced with masonry to count as a masonry front.
- d. Requirement for Variety: Masonry front shall be varied in conformance with item 2 above.
- e. Masonry Sides: If a corner lot or high visibility lot as identified by the Town Architect has a Masonry front then the side elevation facing the street must be masonry as well.
- f. Painted Brick: Painted brick shall be permitted. Paint colors shall be permitted subject to review and approval by the Town Architect.

- g. Brick Return at Sides: Brick fronts shall return on side elevations 12". A wide vertical trim panel may be provided as an alternative



## Brick / Stone Masonry Return

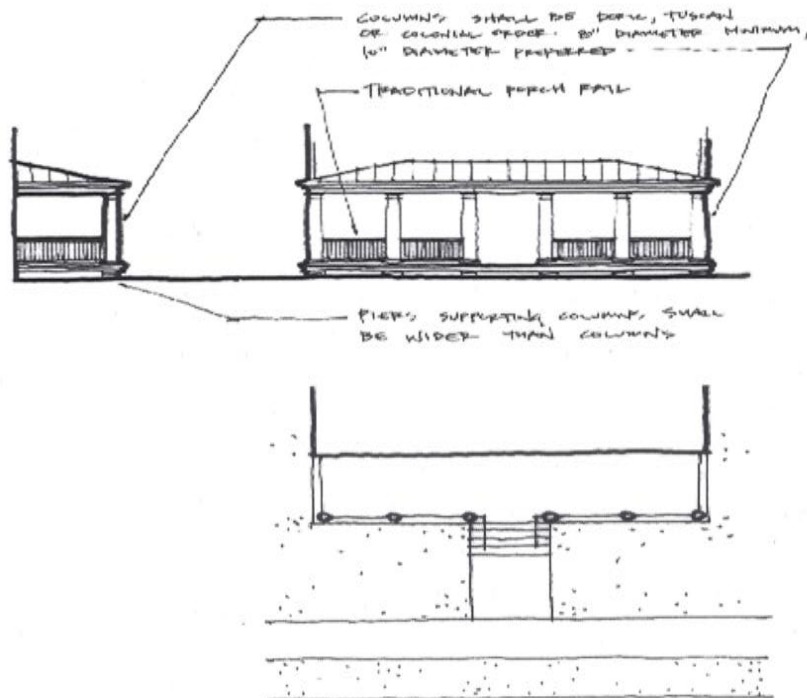
### D. Individual House Lot Color and Material Approval

Color and material selections shall be submitted to the Town Architect for review and approval on a house by house (lot by lot) basis

### E. Porches and Portico – Required Quantities

1. Percentage of houses required to have either a porch or portico shall be:
  - a. Townhouse: The percentage of townhouse fronts required to be constructed with a porch or portico is not specifically required.
  - b. Single Family Detached Houses: A minimum of 30% of single family detached house fronts shall be required to be constructed with a porch or portico.
2. Dimensions: Porches shall meet the following dimensional requirements.
  - a. Minimum Width: Porches shall cover at least 40% of the width of the front of a house to be counted.
  - b. Minimum Depth: Porches are preferred to be 6' deep to allow them to be useable. The minimum depth for porches shall be 4' deep.

3. Where Permitted: Porches are permitted on all house types.
4. Porch Rails: Porch rails shall comply with the following:
  - a. Porch Rail Profiles: Pickets shall be 5/4 x 5/4 square stock or equivalent. Porch cap rail shall be WM 8840 or equivalent. Alternate rails designs are subject to review by the Town Architect.
  - b. Porch Rails Material: Porch rails shall be constructed of wood, PVC rails, iron, or aluminum subject to review by Town Architect.
5. Columns: Columns on Porches shall comply with the following:
  - a. Order: Columns shall be of the Doric, Tuscan, or Colonial Order. Alternatives subject to review and approval by the Town Architect.
  - b. Materials: Columns may be constructed of wood, vinyl, or fiberglass.
  - c. Size: 10" diameter columns are preferred. Columns shall have a minimum diameter of 8".
  - d. Columns on pedestals may be narrower, subject to review by the Town Architect. Paired columns may be narrower, subject to architectural review by the Town Architect.
  - e. Square Columns: Square columns will be permitted.
6. Porch Roof, Eave, and Rake Details: Porch roof, eave, and rake details are subject to review and approval by the Town Architect.

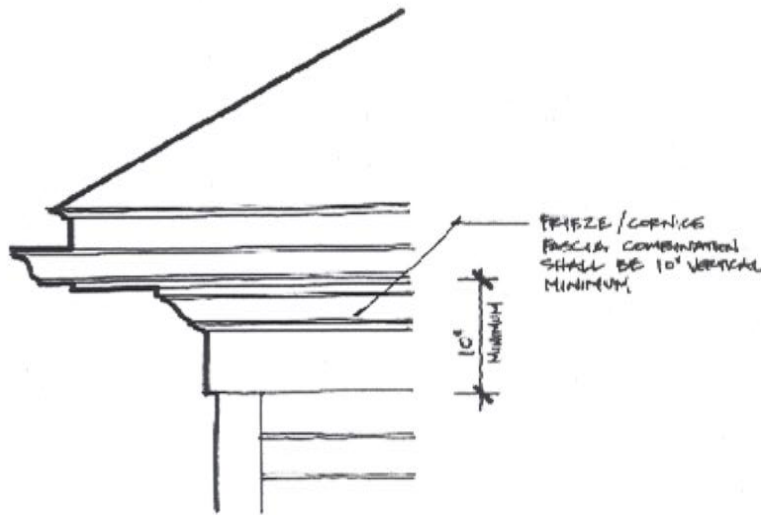


## Porches

7. Porch Floors: Porch floors may be constructed from the following materials, or alternatives reviewed and approved by the Town Architect:
  - a. Trex or similar composite
  - b. Pressure Treated Wood
  - c. Flagstone
  - d. Concrete
  - e. Brick
  - f. Tendura
  - g. Evergrain
  - h. Exterior-rated Tiles
  
8. Porch Crawlspace: The porch crawlspace (undercarriage) shall be detailed and constructed to appear as if it were enclosed. Porch crawlspaces will typically be enclosed with lattice. Wood lattice painted and PVC lattice shall be permitted.

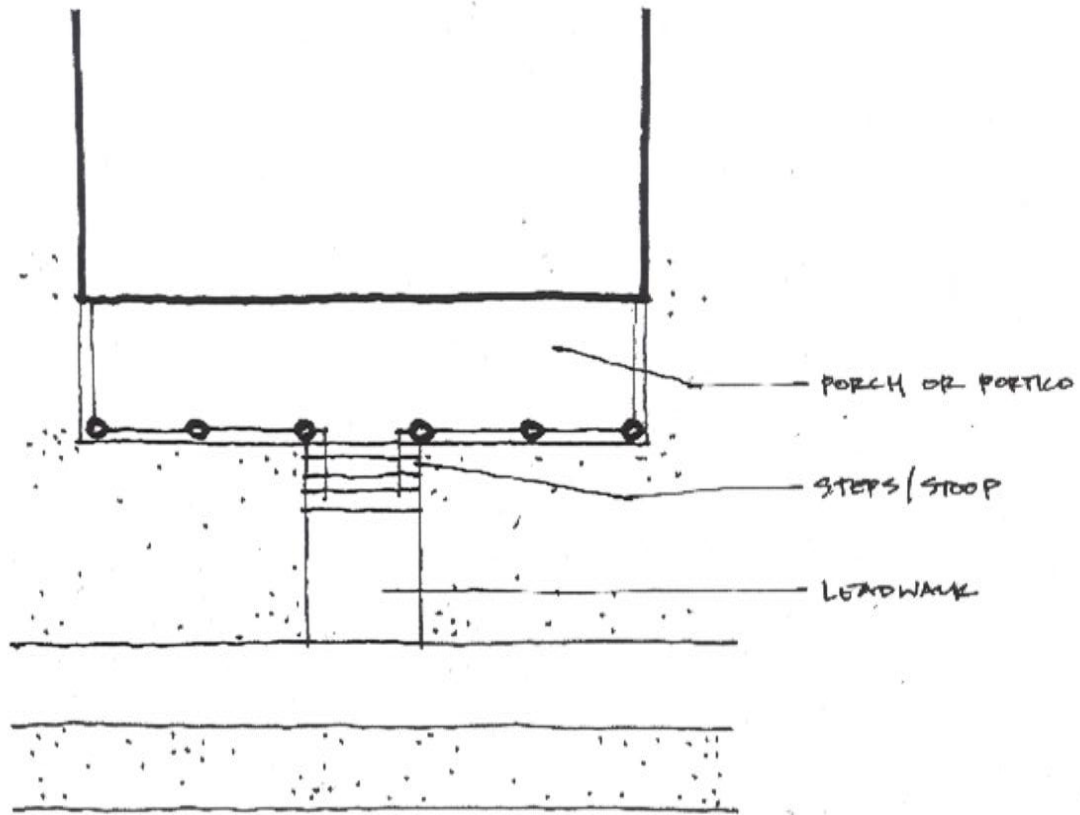
F. Architectural Frieze Board / Cornice

Houses shall be provided with an architectural frieze and fascia board at the front



**Frieze / Cornice**

elevation. The combination of the frieze and fascia board shall be 10" in depth vertical minimum.



### Leadwalk Steps & Stoop

#### G. Leadwalks, Steps & Stoops

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

1. Brick Pavers: Brick pavers are permitted on all house types
2. Flagstone: Flagstone pavers are permitted on all house types
3. Flagstone walks with Brick Cheek and Stoops: Flagstone walks shall be permitted with flagstone masonry cheek walls and masonry stoops.
4. Concrete: Concrete is permitted on all house types.

#### H. Decks

1. Permitted Locations: Permitted locations for decks are as follows:

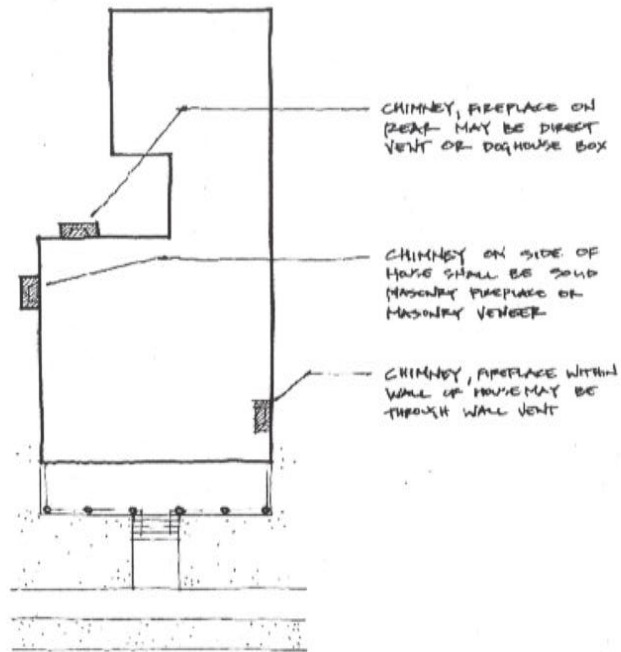
- a. Rear Yards: Decks shall not extend sideways beyond the side-plane lines of the house as they are projected back toward the rear property line.
  - b. Side Yards: Decks are not permitted in side yards beyond the side-plane lines of the house, except that side yard entry stoops are permitted provided they are not larger than 25 square feet in plan and project a minimum of 3' and a maximum of 4' from the side of a house.
  - c. Front Yards: Decks are not permitted in front yards.
2. Permitted Materials: The following materials are permitted for use in decks.
    - a. Wood: Wood is permitted for use in decks. See notes below regarding handrails.
    - b. Composite Wood: Composite wood is permitted for use in decks. See notes below regarding handrails.
    - c. Vinyl: Vinyl is permitted for use in decks, provided it has a white finish. See notes below regarding handrails.
    - d. Aluminum, prefinished: Aluminum is permitted for use in deck rails, provided it has a painted finish. See notes below regarding handrails.
  3. Deck Rail: Deck rail shall be finished per color palette reviewed and pre-approved by the Town Architect.
  4. Deck Bandboard: Deck bandboard shall be finished per color palette reviewed and pre-approved by the Town Architect.
  5. Stair Stringers: Deck stair stringers shall be finished per color palette reviewed and pre-approved by the Town Architect.
  6. Privacy Screen: Decks located at corner locations at end of side streets and adjacent alley entrances from the street in the case of neo townhouses shall have privacy screens toward the side street or alley. The privacy screen shall extend from above the rail to 5' to 7' above the deck surface and be composed of lattice finished per Town Architect approved color palette and shall include a cap and posts of similar construction to deck rail.
  7. Maximum Lot Coverage: Decks shall be limited by the following lot coverage restrictions:
    - a. House Footprint Restriction: Decks shall be limited such that they cover not greater than 20% of the house footprint area. The footprint area includes porches and garages.
    - b. Maximum Depth: Decks attached to townhouses shall not be permitted to extend greater than 12' beyond the back of the townhouse.

## I. Roof Materials

The following roof materials are permitted for use:

1. Cedar Shingles: Cedar shingles are not permitted as a roof material.
2. Standing Seam/Painted Metal: Standing seam and painted metal standing seam roofs are permitted as a roof material
3. Asphaltic Fiberglass Shingle: Roof materials must be heavily textured architectural, dimensional fiberglass for the asphalt shingles. Colors shall be approved by the Town Architect. All asphalt shingle roofs shall be as described above and carry a minimum 25-year warranty.
4. Bay Window Roofs: Front bay window roofs shall have standing seam metal roofs. The metal shall be finished to match porch or portico roof if standing seam metal. If the house does not have standing seam metal at the porch or portico the bay window shall have a standing seam metal roof. Colors are subject to review and approval by the Town Architect.
5. Roof Penetrations: All roof penetrations shall be painted to match the roof finish. Every effort shall be made to keep penetrations behind the ridge of the roof, away from the street.
6. Chimneys: This requirement applies to chimneys facing a front or side street.
  - a. Chimneys on the sides of houses on corner lots or on high visibility lots as designated by the Town Architect shall have masonry on all sides
  - b. Masonry fireplace chimneys: Fireplace chimneys through the roof shall be constructed with masonry veneer or solid masonry when a fireplace of any kind is located on the front or side of a house.
  - c. Fireplace – Direct Vent Type: Doghouse boxes are not allowed on front or sides of any house. Direct vent doghouses boxes may be constructed on the rear of houses subject to review and approval by the Town Architect.

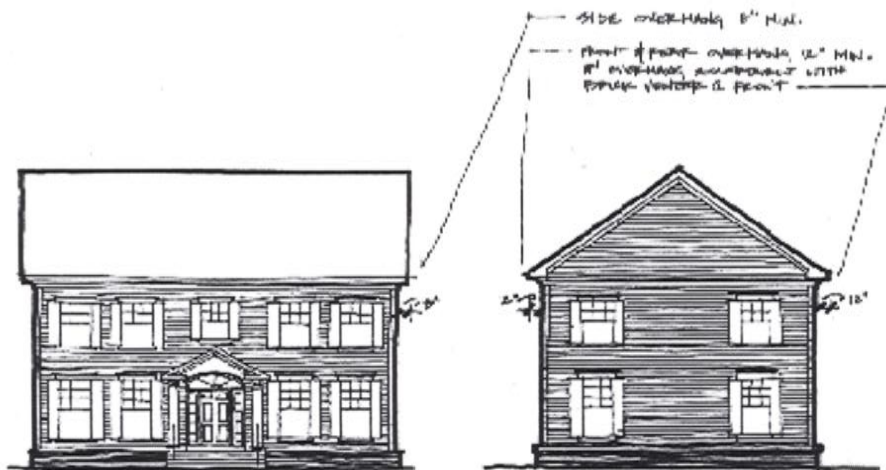




## Chimneys

### J. Roof Architectural

1. Roof Height: Roof height shall be subject to approved Site Plan requirements.
2. Roof Overhang: Roofs shall have the following minimum overhangs:
  - a. Front Overhang: Roof shall overhang at the front of the houses a minimum of 12" beyond the face of the building.
  - b. Rear Overhang: Roof shall overhang at the rear of the houses a minimum of 12" beyond the face of the building.
  - c. Side Overhang: Roof shall overhang at the side of the houses a minimum of 6" beyond the face of the building.



## Roof Overhang

3. Flat Roofs: Flat roofs are permitted subject to review by the Town Architect. Porticos with a flat roof may be permitted, subject to review by the Town Architect and provided it has an architecturally appropriate entablature and balustrade.
4. Gable Configuration: Gable roofs shall be configured as noted below:
  - a. Townhouse Gable Locations: Townhouses may have a gable facing the street. Gable configurations must be full width of the gable, but may be pulled in 12" at the ends of the unit to allow for drainage.
  - b. Gable on Bay on Townhouse: Gables over bays on townhouses are permitted provided the width of the bay is less than 35% of the width of the townhouse.
  - c. Townhouse Gables: townhouse gables shall typically be located at the ends of strips, with the ridge parallel to the front street.
  - d. Gabled Single Family Detached Houses: Gabled fronts and sides are permitted.
5. Variety of Roof Forms: Variety of roofs on adjacent one family houses on the opposite side of street is encouraged. Roof forms on one family detached houses shall include gable front, shed front, hipped, etc.

## K. Architectural Elements (not Located on a Porch)

Architectural elements are subject to review by the Town Architect. Elements shall be proportioned generally in accordance with the standard classical architecture.

1. Columns
  - a. Columns shall be of the Doric, Tuscan, or Colonial Order.
  - b. 10" or larger diameter columns are preferred. Columns shall have a minimum diameter of 8". Columns on pedestals may be narrower, subject to architectural review by the Town Architect. Paired columns may be narrower, subject to architectural review by the Town Architect.
  - c. Square columns will be permitted subject to architectural review by the Town Architect
2. Pilasters
  - a. 12" wide pilasters are preferred. Narrower pilasters may be permitted subject to review by Town Architect.
  - b. Pilasters are permitted to be a minimum of 9" wide.
3. Piers Supporting Columns
  - a. Piers shall be wider than columns.
  - b. Piers shall be architecturally proportioned.
4. Materials: Architectural elements may be constructed of the following materials.
  - a. Wood
  - b. Fypon
  - c. Azek
  - d. Synboard and other composite materials subject to approval.
  - e. PVC
5. Proportions of Elements, Windows and Openings

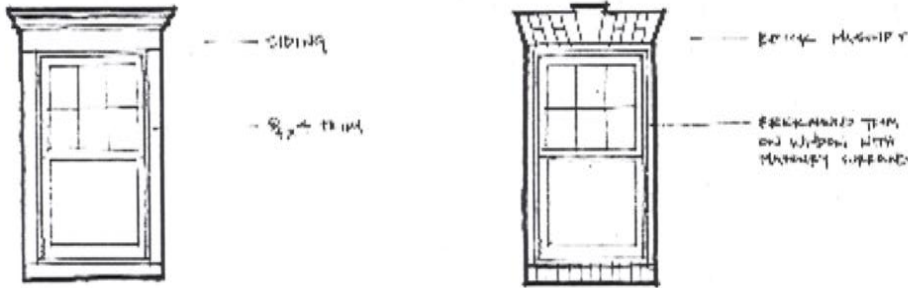
Windows openings and other elements shall be vertically proportioned, and are subject to review and approval by the Town Architect. Windows and doors shall be taller than they are wide.

### 6. Architectural Elements Required

Corner Lots or High Visibility lots designated by the Town Architect shall have a minimum quantity of six architectural elements including but not limited to windows, doors, porches, chimneys, bay windows, masonry watertable, additional roof elements, decorative features, etc.

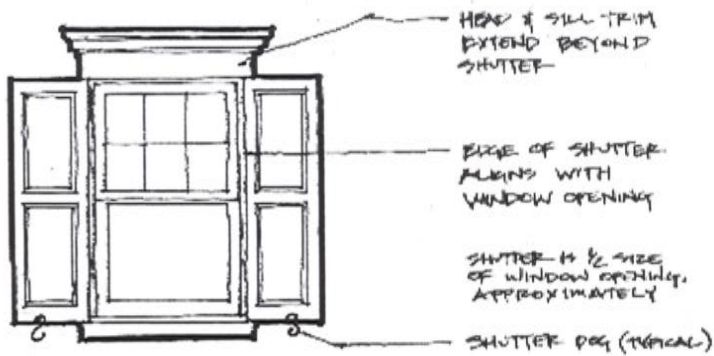
## L. Window Trim

1. Minimum Size: Window trim shall be 5/4 x 4 as a minimum on all fronts and sides of high visibility lots as designated by the Town Architect. Larger profiles are acceptable and encouraged provided they are appropriate to the façade to which they are attached. Decorative head mouldings are encouraged to complement the façade design.



## Front Window Trim: Siding & Masonry

2. Window Trim: To provide definition and relief, window trim will be 5/4x4 as a minimum with siding elevations.
3. Front Windows with Shutters: Windows with installed shutters may omit 5/4 x 4 jamb casing (jamb casing not required to be installed under shutter). Head trim (casing or feature) and sill trim shall extend above and below shutter as if 5/4 x 4 jamb casing was installed.

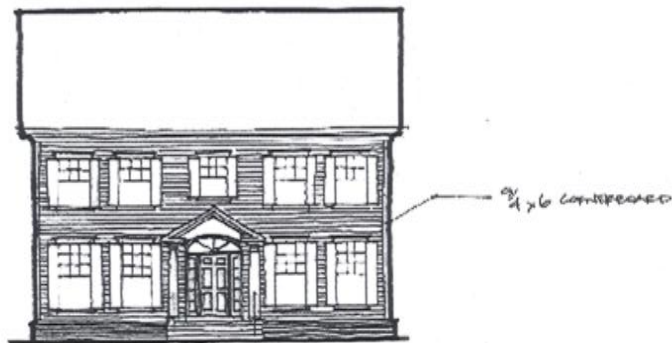


## Window: Shutter

4. Masonry Front Facades: Brickmold trim is permitted with masonry front façades.

### M. Cornerboards

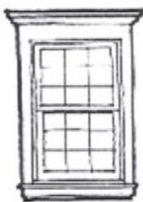
1. Minimum Size: Cornerboard trim shall be 5/4 x 6 as a minimum.
2. Required Locations: Cornerboard trim is required on all front corners.



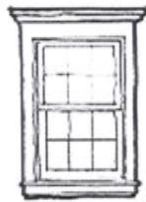
## Cornerboards

## N. Doors & Windows

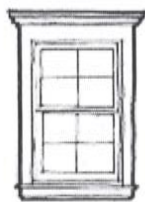
1. Door Materials: The following door materials are acceptable.
  - a. Wood: Wood doors are permitted
  - b. Metal: Metal doors embossed to appear as if they were constructed as a panelized door are permitted.
  - c. Fiberglass: Fiberglass doors embossed to appear as if they were constructed as a panelized door are permitted.
  
2. Window Materials & Other Window Requirements: The following window materials are acceptable. The following window requirements are applicable.
  - a. Wood: Wood windows are permitted
  - b. Vinyl: Vinyl windows are permitted
  - c. Divided Lite: All windows shall have divided lites. Divided lite Configurations shall be:
    - i. 2/2
    - ii. 3/3
    - iii. 4/4
    - iv. 6/6
    - v. 9/9
    - vi. 9/1
    - vii. 6/1
    - viii. 4/1
    - ix. 3/1
    - x. 2/1



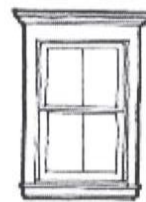
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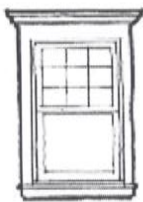
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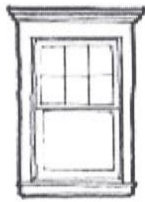
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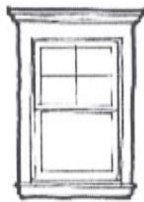
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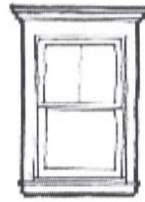
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3 OVER 1

### Window: Divided Lites

- d. Window Proportions: The following window proportions are permitted:
    - i. Square is permitted
    - ii. Rectangular is permitted provide the proportions of the lites is oriented to the vertical.
    - iii. Vertical: All windows must be vertical in orientation.
    - iv. Decorative: Decorative windows are permitted subject to architectural review.
  - e. Muntins: Muntins shall be True Divided Lite (TDL) or Simulated True Divided Lite (STD L). Muntin grilles shall be permitted between glass (GBG).
  - f. Shutters shall be installed to cover (over) the jamb trim. Shutters shall be installed with shutter dogs. Houses located on corner lots or houses designated by the Town Architect as high visibility lots shall have shutters installed on side street elevations to match shutters installed on street front elevations.
  - g. Maximum % of Front Elevation Permitted to be Fenestrated: No more than 30% of the street front elevation may be permitted to be glazed. n
3. Skylights: Skylights are permitted subject to the following requirements:
- a. Located Behind Ridge: Skylights shall be permitted behind ridge, on the backs of houses.
  - b. Skylight Color: Skylight frame colors shall match roof color.
4. Garage Doors: Garage Doors shall be subject to the following requirements:
- a. Garage Doors Facing Streets: Garage doors are permitted on front street sides of houses as described below:
    - i. Townhouses are not permitted to have garage doors facing front street.
    - ii. Single Family Detached lots: single family detached houses are not permitted to have garage doors facing front street unless lot backs to open space. Garage doors may be installed on side street elevations.
  - b. Double Wide Garage Doors are permitted provided they conform to the following location requirements:
    - i. Townhouses and Single Family Detached Houses are permitted to have double wide garage doors in the rear or on the side.
    - ii. Single family detached lots are not permitted to have double wide garage doors on the front facade.
    - iii. Single family detached lots with side load garages shall have individual garage doors, except when integrated in a Courtyard configuration.
    - iv. Garage Doors visible to a street other than an alley shall have windows and or architectural detail.

- c. Single Wide Doors: Single wide garage doors shall be typically be 8' wide maximum and 8' tall maximum.
- d. Permitted Materials: The following materials are permitted as noted below:
  - i. Wood: Wood is permitted for use in garage doors.



## Garage Doors

- ii. Vinyl: Vinyl garage doors are permitted subject to architectural review for shadow lines by the Town Architect.
- iii. Steel: Steel garage doors are permitted subject to architectural review for shadow lines by the Town Architect.
- iv. Aluminum: Aluminum garage doors are permitted subject to architectural review for shadow lines by the Town Architect.
- v. Fiberglass: Fiberglass garage doors are permitted subject to architectural review for shadow lines by the Town Architect.



## O. Driveways

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

## P. House Lighting

Every house shall be provided with a house mounted or post-mounted light fixture on the street side of the house at the entry to the house. The house light fixture must be of an appropriate scale and size to the house façade and its elements

## Q. Areaway & Walkout Stairs:

A house with an areaway or walkout stair shall be subject to the following requirements:

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

R. Mailboxes / Gangboxes: Townhouses and single family homes shall be provided with mail service via gangboxes, located per US Postal Service requirements

## II. Additional Provisions

### A. Architectural Design Guideline Intent

The Architectural Design Guidelines contained herein shall guide the residential construction of Cabin Branch and will provide the Town Architect a basis upon which to review and approve the proposed residential homes prior to construction.

### B. Builder Resource Documents

Prior to commencement of construction of a single family or townhouse building, each builder must submit an individual lot site plan and an architectural plan and/or model type so the Town Architect may review the proposed construction for consistency with the Architectural Design Guidelines. This submittal will also include color and material palettes for the exterior of such buildings so to ensure compliance with the Architectural Design Guidelines and to provide variety and distinction within the community. Should a potential conflict arise from a decision made by the Town Architect and a residential builder, the conflict will be mediated and resolved by Cabin Branch Management LLC.

#### C. Variations

Variations from the Architectural Guidelines may be granted by the Town Architect, subject to review and approval by the M-NCPPC Planning Director. Within 5 business days of submission of the request by the Town Architect, the Planning Director shall approve or deny the variation or it will be deemed approved as submitted. Variations need to be reviewed on the basis of architectural merit, site conditions and/or extenuating or unusual circumstances.

#### D. Design Intent & Conformance

It is the design intention, not the “letter”, of the Cabin Branch Architectural Guidelines to which properties and improvements must conform.

#### E. Approved Materials

Where previously approved materials have since been prohibited or are no longer permitted, the previously approved material may be used for repairs.



**ATTACHMENT F**

Memoranda from Agencies

**MEMORANDUM**

**May 20, 2008**

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

**FROM:** Doug Powell, Plan Review Coordinator, Park Planning and Stewardship Division, Department of Parks   
Joshua Silver, Senior Planner, Historic Preservation Section, Countywide Planning Division 

**SUBJECT:** Cabin Branch Winchester I Site Plan #8-20060290

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Department of Parks, and Historic Preservation staff support approval of the Applicant's Site Plan with the Conditions as set forth below:

**BACKGROUND**

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

The Applicant is providing adequate land for the park and will construct the park facilities needed to immediately serve the needs of the community as set forth in the conditions herein. The active recreational portion of the parkland will surround the historic house and park facility layout has fully considered the historic resource and included conditions that incorporate certain limitations to protect the environmental

setting of the historic house. Staff from Historic Preservation have provided guidance and input accordingly and will continue to work with Parks Department staff on park layout issues that affect the historic resource. The following conditions are requested for approval of the above-referenced Site Plan:

## CONDITIONS OF APPROVAL

### Parkland and Park Facilities

- Applicant to dedicate and convey to M-NCPPC in fee simple, the agreed area of contiguous land that is located between the proposed elementary school site and proposed Fulmer Avenue (Street H), Bryne Park Drive and Stilt Street (Street J) and continues south along the Little Seneca Tributary to Old Baltimore Road. The northern portion of the dedicated land that is suitable for active recreation to be at least 10 acres of contiguous usable land divided only by the historic home (including circular driveway) that is to be dedicated to the HOA or other party acceptable to M-NCPPC staff. Parkland to be conveyed in fee simple by deed acceptable to M-NCPPC staff at time of record plat and conveyed free of trash and unnatural debris and park boundaries staked and signed to distinguish from private properties.
- Applicant to work with M-NCPPC staff to finalize and clearly delineate on the Certified Site Plan, exact park dedication boundaries that are acceptable to Parks Department staff and are easy to identify, sign and manage, and that clearly distinguish between Parkland, HOA property, and private lots.
- No retaining walls or stormwater management ponds or facilities to be located on dedicated parkland.
- Within the dedicated local park acreage, Applicant to provide, at Applicants expense, the park's active recreational facilities and amenities to include one (1) adult sized soccer field, multi-age playgrounds acceptable to M-NCPPC staff, an open grass play area, a picnic area with 2 shelters, 8' minimum width hard surface trails within the park to serve the various facilities (10' wide where needed for maintenance access), a drinking fountain, park signage, information kiosks and decorative features, portable restroom pad and enclosure, appropriate fencing for safety purposes along any retaining wall or steep slopes (as acceptable to M-NCPPC staff), park landscaping, and local park parking for at least 120 cars, including at least 60 spaces on the dedicated parkland. Parallel parking spaces along the park side of the adjacent roads should be appropriately striped and marked to delineate the individual parking spaces available for park users. Park dedication and facility layout to be substantially as set forth on the Site Plan, with final details of park design, engineering, grading and layout to be determined in coordination with, and acceptable to, M-NCPPC park staff prior to site plan signature set approval.

Facilities to be constructed to park standards and specifications after procurement by Applicant of appropriate park permit. Copies of applicable standards and specifications will be provided to Applicant by time of site plan signature set approval.

- The open grass play area adjacent to the historic house to include some relatively flat area(s), substantially as set forth on the Site Plan, suitable for informal ball type play. Final grading plan to incorporate this flat play area as acceptable to M-NCPPC Parks Department staff.
- The playground areas to be sized and located approximately as set forth on the Site Plan and to include suitable play equipment that is typically constructed of 5 ½ inch diameter metal posts (powder coated) with a sufficient equipment assortment to substantially fill the playground area inside the safety zone. One area to contain equipment suitable for very young children and the other play area to contain equipment suitable for school age children. Edging for play areas to be concrete. Equipment choice and layout to be acceptable to M-NCPPC park staff.
- Picnic shelters are not to be located as entrance features to the park from the end of Tribute Parkway. Park entrance features details to be coordinated with M-NCPPC park staff and be acceptable to staff.
- Final details including general arrangement and species choice for plantings on parkland to be substantially established by time of Certified Site Plan, with some final minor alterations to be allowed in the Local Park area during the park permitting process without site plan amendment.
- Applicant to construct hard surface and natural surface trails on dedicated parkland and throughout the community to connect open spaces, elementary school and parkland together in an accessible, pedestrian friendly manner. Trails in the local park area to be substantially as set forth in the Site Plan and Applicant to work with M-NCPPC staff prior to site plan signature set approval to establish exact locations and surfacing of needed trails in order to provide recreational opportunities to the communities and businesses within the subdivision. Trails within parkland to be constructed to park standards and specifications.

#### Historic House and Environmental Setting

a) The approximately 5 acre environmental setting for the historic house must be clearly delineated on the Certified Site Plan. Any proposed alterations within the 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).

b) Parking lots will not be constructed within the environmental setting of the historic resource.

c) The circular drive around the historic house will be maintained in gravel.

d) 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.

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 adjacent ballfield is prohibited unless approved by the Historic Preservation Commission.

g) The Applicant will remove non-historic elements and rehabilitate the exterior of the house. The Applicant will receive approval from the HPC for applicable projects.

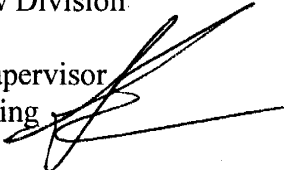


**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 29, 2008

**MEMORANDUM**

TO: Robert Kronenberg, Supervisor  
Development Review Division

FROM: Shahriar Etemadi, Supervisor  
Transportation Planning 

SUBJECT: Cabin Branch  
Site Plan No. 8-20060290 Clarksburg Area

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This memorandum is Transportation Planning staff's recommended condition of approval as it relates to the transportation requirements.

**RECOMMENDATIONS**

The applicant will implement a traffic mitigation program as follows:

- Develop and maintain a ride share bulletin board on the Cabin Branch intranet website available to all residents and employees at Cabin Branch sites. This website must be operational within one year of the issuance of the first building permit for the initial project phase.
- Facilitate carpool and vanpool matching for all residents and employees at Cabin Branch site.
- Install permanent transit information kiosks/display areas in all office buildings and community centers to display bus route (and eventually Corridor Cities Transitway) schedules and maps. Locations and designs of the kiosks/displays must be identified in coordination with, and approved by, DPWT/DOT Commuter Services and installed prior to issuance of use and occupancy permits for each applicable building.

**DISCUSSION**

Site Location and Access

The subject site is located on the west of I-270 and south side of MD 121. It gains access from MD 121 and West Old Baltimore Road. The safety and efficiency of all access points have been assessed and deemed adequate at the time of Preliminary and Infrastructure Planning process.



### Local Area Transportation Review

A LATR study has been conducted as part of the preliminary plan process and the proposed development has met all the LATR requirements. No LATR or PAMR assessment is required for this Site Plan.

### Trip Reduction Measure

The Cabin Branch Development was conditioned at the time of Preliminary Plan to consider a series of trip reduction measures for the entire site acceptable to MNCPPC and DPWT. This condition is not required to pass the adequacy of transportation facilities test. The recommended condition in this memorandum is to ensure an overall strategy of reducing the trips by offering a car pool and van pool matching system and to provide necessary information for residents and employees to use transit, bike and other modes of transportation to reduce the single occupancy vehicles use.

SE:tc



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

**MEMORANDUM**

**TO:** Robert Kronenberg, Supervisor, Site Plan Review  
**VIA:** Steve Federline, Supervisor, Environmental Planning  
**FROM:** Doug Johnsen, Environmental Planning  
**DATE:** March 11, 2008  
**SUBJECT:** Site Plan 820060290  
Cabin Branch WIN-1  
Forest Conservation Plan 820050150 Amendment  
Water Quality Plan

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**RECOMMENDATION**

Staff recommends approval of the site plan 820060290, amendment to forest conservation plan 820050150, and the amendment to the Special Protection Area water quality plan subject to the following conditions:

1. Compliance with the Planning Board conditions of approval for site and forest conservation plans 820050150 dated June 14, 2007.
2. Conformance to the conditions as stated in the DPS letter dated December 24, 2007 approving the elements of the SPA water quality plan under its purview.
3. Applicant to conduct additional geotechnical study and evaluation to determine the feasibility of groundwater recharge at the proposed locations prior to approval of individual site plans.

**DISCUSSION**

This memorandum contains Environmental Planning staff's review and recommendations on the site plan 820060290, amendments to final forest conservation plan 820050150, and amendment to the water quality plan. The sections provides background information for the subject site plan, and a discussion on forest conservation, and compliance with environmental guidelines, imperviousness, and the water quality plan.

## BACKGROUND

On September 19, 2007 the Planning Board approved the Infrastructure site plan for the Cabin Branch development in Clarksburg. This site plan, number 820050150, also approved the final forest conservation plan and the water quality plan for the 540-acre development. As individual site plans are submitted to M-NCPPC, reviewed by staff, and eventually approved by the Planning Board the approved final forest conservation plan and the water quality plan will have to be amended. This is necessary because the Infrastructure site plan only showed the main infrastructure requirements such as the main roads, park locations, and major stormwater management facilities without the details of final grades, unit type and locations, secondary roadways, and public amenities. As the limits of disturbance and lot configurations finalized the information must be transferred to the forest conservation plan to satisfy the requirements of a final forest conservation plan.

The first development site plan before the Planning Board after the approval of the Infrastructure site plan is 820060290, Cabin Branch WIN-1. The 116-acre property is located west of I-270 in Clarksburg within the overall 540-acre Cabin Branch Development project. The site is bounded on the north by Clarksburg Road (MD-121) and surrounded by adjacent development sites within Cabin Branch. Roughly, the eastern half of this project area lies within the Clarksburg Special Protection Area (SPA). The property is zoned RMX-1/TDR and MXPDP. The site includes drainage areas to Little Seneca Creek (Use IV-P SPA stream), Cabin Branch (Use I-P non-SPA stream), and Upper Ten Mile Creek (Use I-P SPA stream). The current land uses include active agricultural, abandoned agricultural, and forest. The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 420020070, 420020080, 420020100 and 420033400. Staff approved the NRI/FSDs in 2003. The Planning Board approved the infrastructure and roads only site plan and the final water quality plan on June 14, 2007.

Approximately 57-acres of the 116-acre site are within the Clarksburg SPA. This project site incorporates one pod of land and lies adjacent to another pod of land that drain to the Cabin Branch Tributary. These two pods were designated as part of the SPA because they were identified as the most sensitive areas for groundwater contamination. The entire Clarksburg Study Area falls within the area designated as a sole source aquifer. 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 WIN-1 project limit contains 11.92-acres of forest, 0.78-acres of wetland, 2.22-acres of floodplain and 11.95-acres of stream buffer. 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 December 24, 2007. The Planning Board responsibility is to determine if the forest conservation requirements,

environmental guidelines for special protection areas, and site imperviousness requirements have been satisfied.

## **FOREST CONSERVATION**

Site Plan 820060290 will amend final forest conservation plan 820050150. In the WIN-1 site plan, the applicant, Cabin Branch LLC, is proposing to remove 3.04-acres of forest, retain 8.85-acres of forest and plant 3.47-acres of forest. The applicant is also providing 1.25-acres of landscape credit through the planting of street trees. 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. The forest conservation plan requirements for WIN-1 are already included in forest conservation plan 820050150 and the applicant is not proposing any additional forest removal or encroachment into the environmental sensitive areas other than what was previously approved. Approval of site plan 82006029 will amend forest conservation plan 820050150 by providing greater detail on lot configurations, stormwater management locations, grades, and the limits of disturbance. This amendment will supplement the existing information in forest conservation plan 820050150 and provide sufficient detail to allow the applicant to meet the requirements necessary for construction of the this portion of the Cabin Branch development.

## **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, 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.

The only encroachments into the environmental buffers associated with this plan are necessary stormwater management conveyances, natural surface trails, and necessary water and sewer line infrastructure. Site plan 820060290 does not propose any additional encroachments into the environmentally sensitive areas when compared to the previously approved Infrastructure site plan (plan number 820050150)

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

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

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

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

Sincerely,



Richard Y. Nelson, Jr.  
Director

RYN:ls

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



0582-58-01

Martin O'Malley, Governor  
Anthony Brown, Lt. Governor

State Highway Administration  
*Driven to Excel*

John D. Porcari, Secretary Designate  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

January 31, 2007

Mr. John L. Brundage, RLA  
Senior Associate  
Loiederman, Soltesz Associates, Inc  
1390 Piccard Drive, Suite 100  
Rockville, Maryland 20850

Re: Montgomery County  
Cabin Branch  
Roadway Improvement Plan  
MD121/I-270

Dear Mr. Brundage:

Thank you for the opportunity to review the revised MD 121 Closed Section Study Mapping and Super-elevation Plan as it relates to the subject development. We have completed our review of the plan and support documentation and have concluded that the plan has addressed all comments raised in our December 18, 2006 letter to your office. The submitted plan is consistent with the recommendations to maintain existing MD 121 in conjunction with the design of Relocated MD 121.

In the future should you need an update on the status of our reviews or have questions regarding submitted comments please feel free to call Mr. Greg Cooke at 410-545-5602 or call our toll free number 1-800-876-4742 extension 5602. Also, you may e-mail him ([gcooke@sha.state.md.us](mailto:gcooke@sha.state.md.us)). Thank you for your cooperation.

Very truly yours,

*Claudine Meyer*  
Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/CAM

- cc: Mr. Raymond Burns, Access Permits - Area Engineer, SHA
- Mr. Greg Cooke, Access Permits - Assistant Division Chief, SHA
- Mr. Darrell Mobley, District 3 - District Engineer, SHA
- Mr. Frank Rosensweig, Constellation Design
- Mr. Mark Terry, District 3 Traffic - Team Leader, SHA
- Mr. Jeff Wentz, District 3 Traffic - Assistant District Engineer, SHA

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · [www.marylandroads.com](http://www.marylandroads.com)

March 22, 2007

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

JAN 22 2008

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

Dear Mr. Kronenberg:


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

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

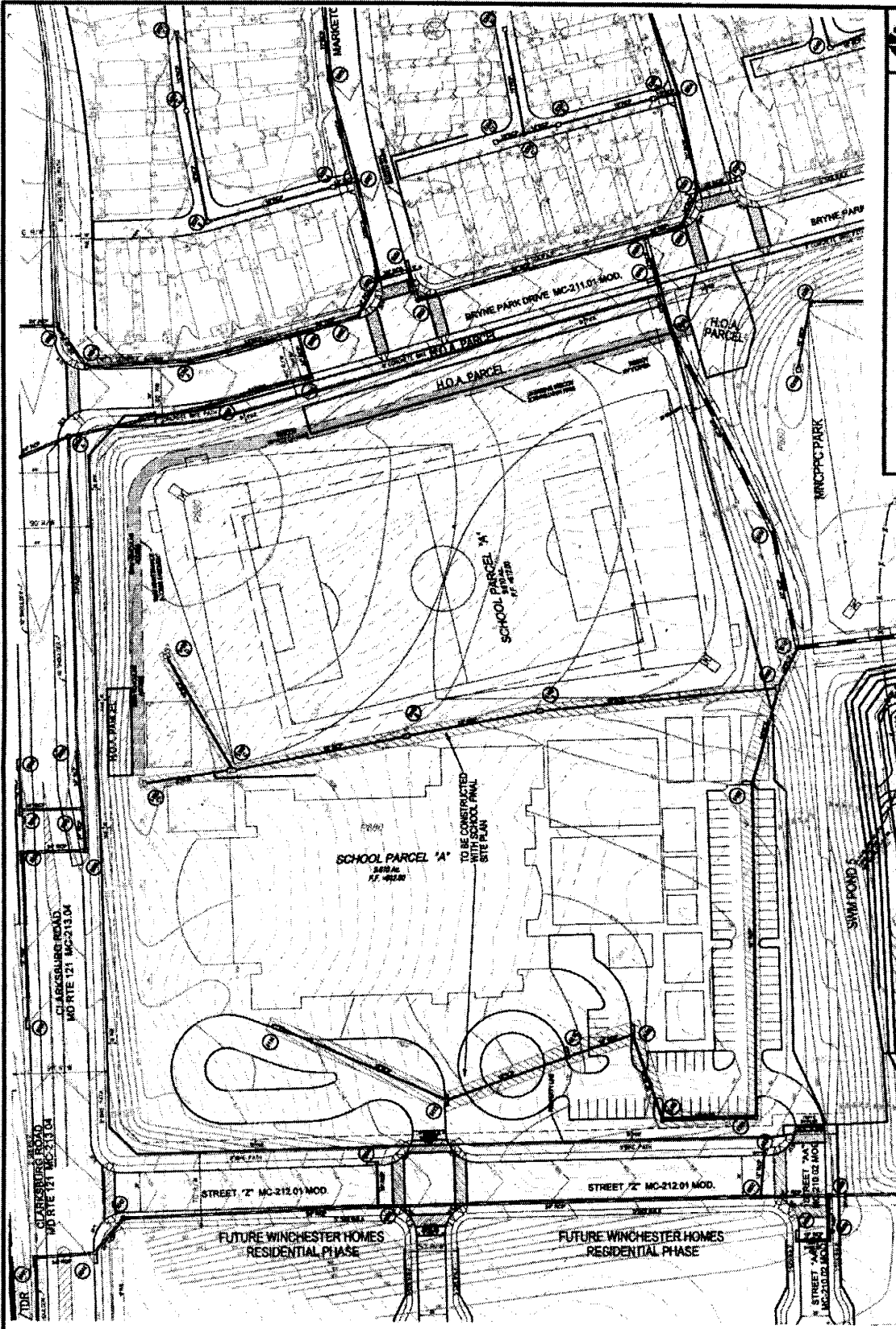
- The Clarksburg Road (MD 121) public right-of-way has been enlarged to include the bikeway and Bryne Park Drive bikeway placed in the homeowners association parcel resulting in a reduced school site size from 9.956 acres to 9.6 acres.
- Access to the underground storm water management filters is to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


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

Sincerely,

  
Richard G. Hawes, Director  
Department of Facilities Management

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





Rockwell Engineering, Inc.  
 10000 Rockwell Drive  
 Rockville, MD 20850  
 Phone: (301) 494-2750 Fax: (301) 494-8907

DATE: 08/14/14  
 DRAWN BY: J. J. [unreadable]  
 CHECKED BY: [unreadable]  
 SCALE: AS SHOWN

**SCHOOL GRADING PLAN**  
**CABIN BRANCH**  
**CLARKSBURG, MARYLAND**

CLARKSBURG ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

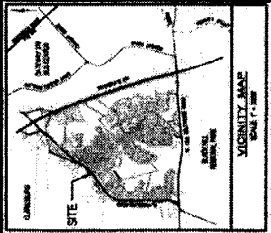
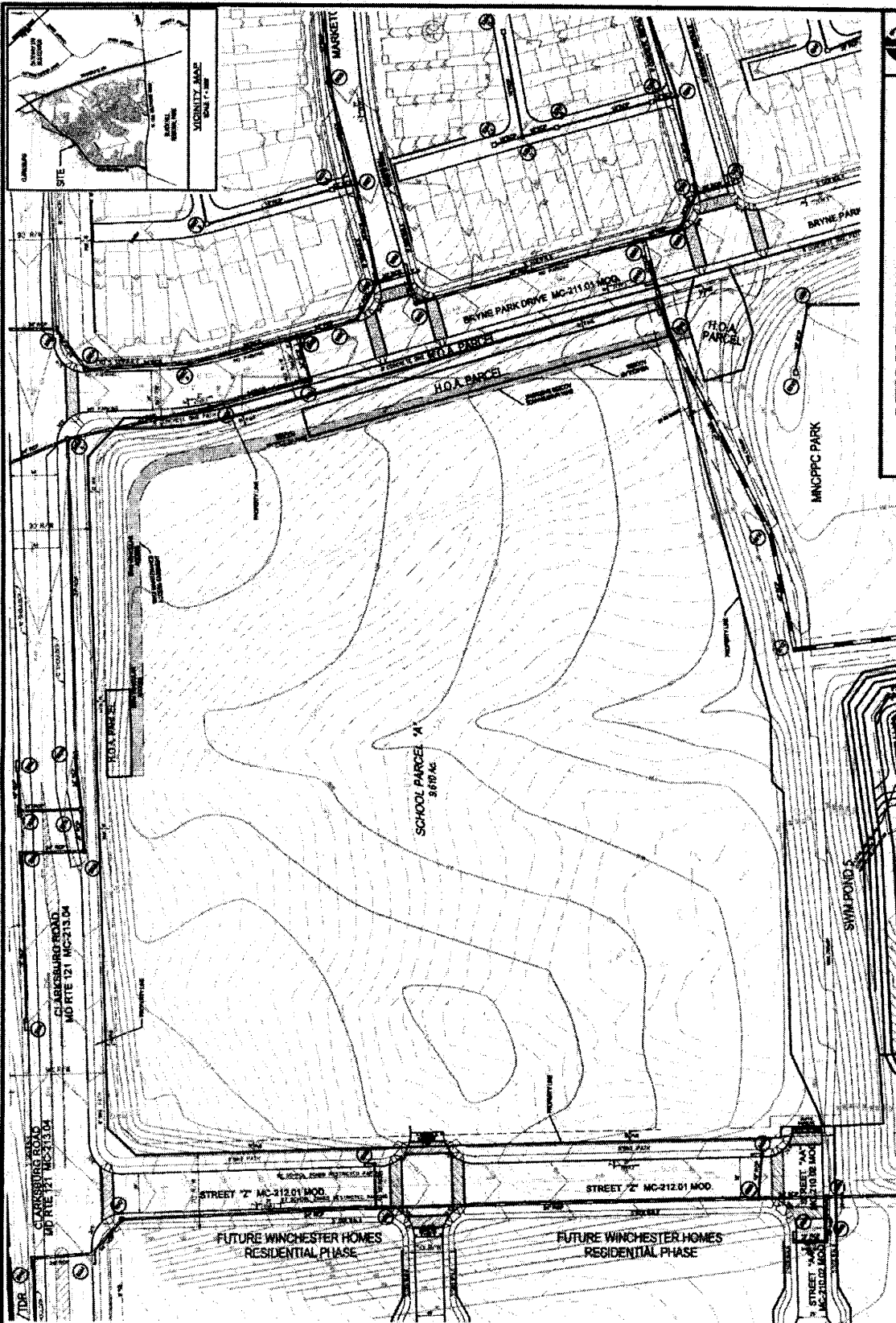
**REVISIONS**

NO.	DATE	DESCRIPTION

**GENERAL NOTES**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE.
3. ALL UTILITIES SHALL BE PROTECTED BY CONCRETE CURBS AND RAILS.
4. ALL UTILITIES SHALL BE MARKED WITH PLYWOOD AND PAINT.
5. ALL UTILITIES SHALL BE MARKED WITH REFLECTOR PINS.
6. ALL UTILITIES SHALL BE MARKED WITH SURVEYOR'S FLAGS.
7. ALL UTILITIES SHALL BE MARKED WITH SURVEYOR'S TAPES.
8. ALL UTILITIES SHALL BE MARKED WITH SURVEYOR'S CHAINS.
9. ALL UTILITIES SHALL BE MARKED WITH SURVEYOR'S RANGERS.
10. ALL UTILITIES SHALL BE MARKED WITH SURVEYOR'S LEVELS.





**LS**  
LIC. ENGR. / ARCH.  
SCALE: 1" = 40'  
DATE: 12/15/11

# SCHOOL ROUGH GRADING PLAN

## CABIN BRANCH

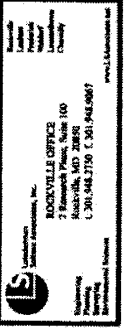
### CLARKSBURG, MARYLAND

CLARKSBURG AND SELECTED DISTRICT  
MONTGOMERY COUNTY, MARYLAND

SEE UTILITY NOTE

NO. 1	DATE	BY
1	12/15/11	J.M.
2		
3		
4		

**15**  
L.S. ENGINEERS & ARCHITECTS, P.C.  
100  
Baltimore, MD 21201  
301.948.7750 F. 301.948.6067  
www.lsenr.com



JAN 22 2008

## MEMORANDUM

November 13, 2007

TO: Elza Hisel-McCoy, Robert Kronenberg  
Development Review Division - MNCPPC

FROM: Sarah R. Navid  
Right-of-Way Permitting and Plan Review Section

SUBJECT: Site Plan Review #820060290, Winchester Phase 1

We have reviewed the site plan and recommend approval with the following comments:

- Crosswalks

Marked crosswalks will be provided paralleling the streets intersecting Tribute Parkway and at a mid-block location between Broadway Avenue and Cabin Branch Avenue per the recommendation of DPWT. The Tribute Parkway crosswalks may be colored, stamped synthetic asphalt. Standard marked crosswalks will be provided at the splitter islands at the Skimmer Street roundabout. No other marked crosswalks should be shown on the final site plan. The need for any additional marked crosswalks, such as school crossings etc., will be evaluated by DPWT after construction is complete.

- Parking

The applicant will be responsible for implementing the "No Parking" zones identified in the Fire Access Emergency and Parking Plan. A signing and marking plan, including the No Parking signs and draft traffic orders if required, will be submitted to DPWT for approval as part of the roadway permitting requirements. No parking space lines should be shown on the signature set site plan.

- Intersection Geometrics

All curb returns at public streets should be 25 feet unless determined otherwise at a specific location at permit plan review. The curb ramps and median design must be consistent at all 90 degree intersections. Individual curb ramp locations are subject to change at permit plan review. The median opening design should follow the current county standard.

- Trees

The street trees varieties shown on the signature set site plan should be verified with the DPWT – Tree Maintenance Unit.

- Roundabout

The Skimmer Street roundabout should have a truck collar and landscaping designed to SHA roundabout guidelines. The collar may be stamped, colored concrete.

- Broadway Avenue Ellipse

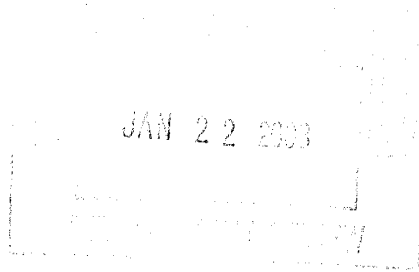
The interior of the ellipse should be an HOA parcel with a 5 foot PIE around the perimeter. If no special features are planned, the interior may remain as county right-of-way.

- Maintenance and Liability Agreement

This agreement will be necessary prior to roadway permit issuance to allow the special features in the right of way:

- 1) Entry gazebos and decorative fences at the sidewalks on Goldeneye Avenue, Cabin Branch Avenue and Broadway Avenue at Clarksburg Road (MD 121). These will also require coordination with SHA since the gazebos are located in the border area between State/County right of way.
- 2) Tribute Parkway “paver-look” crosswalks
- 3) Landscaping in Skimmer Street roundabout other than street trees
- 4) Landscaping in Broadway Avenue ellipse if within the right of way, other than street trees.

We appreciate the opportunity to comment on these plans. Please contact me if you have any questions regarding our comments.



**Allegheny  
Power**

an Allegheny Energy company

June 18, 2007

Attn: Carole Mahady, PE  
Loiederman Soltesz Associates, Inc.  
2 Research Place, Suite 100  
Rockville, MD 20850

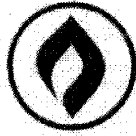
**RE: Cabin Branch proposed PUE Acceptance**

We've completed a preliminary review of the Proposed PUE Exhibit (Plan) dated August 2006 (received at the March 8, 2007 meeting) for the Cabin Branch Subdivision located near Clarksburg, MD north of West Old Baltimore Road and West of I-270. We've considered possible routing and placement of our facilities to handle present and future needs. Based on this review, we are reasonably confident that the proposed PUE Layout is adequate and can be utilized to obtain an acceptable electrical layout for the subdivision. To accommodate the proposed PUE Exhibit, a services agreement will be required between Allegheny Power and the customer in advance of construction and at the developer's expense in order to deviate from the standard front lot construction per our MD Tariff and construction requirements. Provided this agreement is obtained with the customer, we accept the proposed plan for your submission to the county for approvals.

Allegheny Power will make every reasonable effort to route the electric facilities through the PUE; however, the company reserves the right to locate facilities outside the PUE if necessary to obtain an acceptable design. Allegheny Power will require its own standard easement of 10' (5' from centerline) to be granted in addition to (or overlapping) the PUE for all electric facilities. This easement must be kept free and clear of any obstructions such as trees, shrubs, buildings or other permanent structures. The electric facilities shall not be located in or under pavement (aside from street crossings) unless special agreements are obtained with the company.

Sincerely,

Christopher Hixon  
Service and Design Manager  
Allegheny Power



**Washington  
Gas**

JAN 22 2008

6801 Industrial Road  
Springfield, Virginia 22151

Ms. Carole L. Mahady  
Loiederman Soltesz Associates, Inc  
2 Research Pl., Suite #100  
Rockville, MD. 20850

August 6, 2007

Re: Cabin Branch Property

Dear Ms. Mahady,

Washington Gas has reviewed the Proposed PUE Exhibit dated March of 2007 supplied by Loiederman Soltesz for the Cabin Branch Property located near Clarksburg Rd. and Rte #270, north of West Old Baltimore Rd.

We are currently working on our preliminary mains design for bringing natural gas to the project as well as determining how service will be distributed to the proposed lots. At this time we believe that the proposed Public Utility Easements will be adequate for our design.

This evaluation is based on preliminary information provided by the developers and our anticipated need for easements based upon the conceptual plan. It is not based on an engineered or final design with the detailed information normally required for our reviews. Additional specific easements may be required as our design progresses.

Based on the above information and stated limitations, it is our opinion that the current street and lot layout for the Cabin Branch Property can be served by Washington Gas.

If you have any questions regarding this matter I can be reached at 703-750-5673.

Sincerely

Andrew Hickey  
Washington Gas  
Project Manager, Construction & Engineering

Network Engineering  
OPPE MD/DC

JAN 22 2007



3901 Calverton Blvd, Floor 3rd  
Beltsville, MD 20705-3420

August 10, 2007

Carole Mahady, P.E.  
Loiederman Soltesz Associates, Inc.  
2 Research Place, Suite 100  
Rockville, MD 20850

RE: PUE Utility Exhibit Cabin Branch Clarksburg, Maryland

Verizon has reviewed the Loiederman Soltesz Associates, Inc. Cabin Branch PUE Utility Exhibit – Job No. 0582-00- dated March 2007. We have considered our options of how we will be bringing our utility services to the community, as well as explored how these services may be distributed throughout the property to the proposed lots. At this time, we are reasonably confident that the proposed plan and the PUE and easement opportunities shown will be adequate for our purposes as long as these easements do not conflict with other easements.

Please be advised that this evaluation is based upon our current understanding of the plan and our estimated need for easements and that this is a Conceptual Utility PUE Plan only and is not based upon any engineering or final design. It is also offered with the understanding that additional PUE's, exclusive easements directly to the benefit of Verizon (i.e. not a general PUE's) will be granted by the developer as necessary. Verizon reserves the right to serve property from any part of the property with developer building conduit and power if required to the designated area.

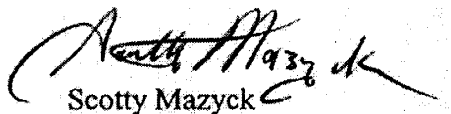
Any PUE's that incorporate a PIE (Public Improvement Easement) must be described as a PIE with an overlapping PUE which allows Verizon a 10 foot free and clear PUE for our facilities. All PUE's that are less than 10 feet and not free and clear of obstructions or under asphalt are considered non-standard PUE's and will require a manhole, hand hole and/or conduit system constructed at developer's expense.

Per the developer, KCI, an approved Verizon Utility Contractor will be designing all conduit, manhole, and/or hand hole systems as required by Verizon. Any and all work for Verizon has to be based on Verizon's approved design, specifications and a Verizon approved contractor under the guidance and inspection of Verizon. Verizon will build all pads necessary for any Verizon Infrastructure cabinets to be placed in coordination with the developer.

Based upon our review of the plans and the above limitations, it is our opinion that the current street, layout and PUE Plan for Cabin Branch can be used by Verizon to service Cabin Branch.

If you have any questions regarding this matter please contact me at 301-595-6051.

Sincerely,

A handwritten signature in black ink, appearing to read "Scotty Mazyck". The signature is stylized and cursive, with a large initial "S" and "M".

Scotty Mazyck  
Engineer  
Verizon Engineering  
3901 Calverton Blvd 3<sup>rd</sup> Floor  
Beltsville, MD 20705  
301 595-6051



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## FIRE MARSHAL COMMENTS

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**DATE:** NOVEMBER 1, 2007  
**TO:** CAROLE MAHADY, LSA  
**FROM:** MARIE LABAW  
**RE:** CABIN BRANCH-WIN1 8200060290

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**Plan to be RESUBMITTED and reviewed with hydrant layout at a later date. Hydrant layout is required to meet MCFRS distance requirements and currently planned parking may have to be eliminated as necessary to accommodate. A fire lane or no parking signage plan may be required as condition of approval.**

**Plan is currently acceptable as submitted provided the following conditions are met:**

1. No parking planned at any location on Clarksburg Road, MD Rt 121 in the vicinity of this project.
  2. No raised crosswalks.
  3. ALL fire department access roads to maintain a minimum width of 20'. No reduction is allowed at any locations including pedestrian crosswalks.
- 
1. Review based only upon information contained on the plan submitted with revision on **11-01-07**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
  2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



## Kronenberg, Robert

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**From:** Wilson, MaryPat [MaryPat\_Wilson@mcpsmd.org]  
**Sent:** Friday, May 30, 2008 9:04 AM  
**To:** Kronenberg, Robert  
**Cc:** Knuppel, Sylke (Winchester Homes, Inc.); Aldridge, Stan; icarrato@lsassociates.net; Shuman Jr, Richard C  
**Subject:** Cabin Branch - Site Plan 820060290 - School Plan

Robert,

Below are our conditions that we would like included in the M-NCPPC staff recommendations for the Cabin Branch Site Plan. After conversations with Sylke Knuppel of Winchester Homes, we have slightly modified language in numbers 1 and 4.

Thank you for the opportunity to comment. If you have additional questions, please contact me.

1. ***MCPS remains concerned with the access easement shown on the present School Grading Plan. We understand that the access easement adjacent to and around the kindergarten play area and the ball field is to be paved, a factor which was not made clear earlier. For the safety and security of our students, MCPS does not allow paved driveways, and/or other vehicular access routes to be constructed adjacent to any student activity areas. The plan must reflect that the access for the HOA SWM parcel along Clarksburg Road be from the school bus loop and remain unpaved. Use of that access must not preclude or hinder the operation of the bus loop. In addition, the plan must also reflect that the vehicular access to the SWM facility be solely from Bryne Park Drive so no vehicular access of any type will be needed on this portion of the school parcel.***
2. ***95% of the site is constructed on fill and the depth of that fill is very deep across the majority of the site. Neither infiltration nor groundwater recharge are permitted in fill. Accordingly, under the current design and grading, it will be virtually impossible to comply with stormwater management requirements on-site. Approval of the site plan should be conditioned, at a minimum, upon the construction of an off-site facility that provides the recharge required for the school site. A system for the adequate and safe conveyance of runoff from the school site to this off-site facility must also be provided.***
3. ***Because of the extent of fill required to bring this site to grade for the construction of the proposed site plan, the following conditions should be included for site plan approval:***

***The developer will provide written certification stamped and signed by an appropriately-licensed Maryland Professional Engineer that fill placed on this site meets the following criteria:***

- ***Fill Materials: Soils used as fill materials have Unified Soils Classification (ASTM D 2487) of ML or better, but exclude highly plastic clays or silts (MH-CH). Soil material for fill is free of organic matter or debris, waste materials, frozen materials, vegetable matter and rock or stones exceeding three inches in any dimension. No more than 15 percent of rocks or lumps are larger than 2½ inches in any dimension. Materials are non-frost susceptible soils, and have a liquid limit of less than 40 and a plasticity index of less than 20. Fill material used within the top 12 inches of fill shall be free of rocks or stones exceeding two inches in any dimension.***
- ***All fill material has been moisture conditioned to within two percent of optimum moisture content.***
  1. ***Unpaved Areas: Each lift has been compacted to 92 percent maximum dry density. Density test method: ASTM D 1557.***
  2. ***Paved Areas: Each lift has been compacted to 95 percent maximum dry density. Density test method: ASTM D 1557.***

- 4. The school site record plat should show storm drain easements as required to accommodate the Board of Education's future connection into SWM structures 5100 and/or 5012. This permanent easement should be sufficiently large enough to facilitate construction and maintenance considering the steep slope in the area.***

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

reconfiguring the lots/roadways outside the stream buffers or result in a loss in developable area approved by the Planning Board.

## **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 but is greater for some individual site plans. There is not data available in the county to compare the imperviousness for a project of this size that includes a similar mixture of units and square foot of commercial/office space.

## **WATER QUALITY PLAN**

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

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

One of the performance goals is to protect springs, seeps, and wetlands. It is M-NCPPC's responsibility to protect these environmental elements through the delineation of stream and wetland buffers. The buffers were identified on the appropriate approved NRI/FSD and will be protected with conservation easements.

The applicant has not provided the DPS with sufficient information to determine what impacts deep cuts and fill areas will have on groundwater recharge and stream base flow nor does Environmental Planning believe sufficient information is submitted to protect the base flow of existing springs, seeps and wetlands. Some locations within the WIN-1 site plan will have more than 60 feet of compacted fill. Other areas will be cut by more than XXX feet. The cutting and filling of the landscape will negatively impact of the existing groundwater regime but altering the existing groundwater regime and restricting the flow of surface water to the groundwater.

The DPS conditionally approved the revised water quality plan on December 24, 2007 by requiring *"Additional geotechnical study and evaluation will need to be done to determine the feasibility of groundwater recharge at all of the proposed locations."* However, it is unclear to Environmental Planning staff when this geotechnical analysis is to occur and if the results are unfavorable what will then happen. Environmental Planning requests a Planning Board condition requiring the applicant to address this comment prior to the approval of individual site

plans when there is still opportunity to provide the upland recharge. However, DPS is responsible for determining and ensuring the performance goals are achieved.



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## FIRE MARSHAL COMMENTS

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**DATE:** NOVEMBER 1, 2007  
**TO:** CAROLE MAHADY, LSA  
**FROM:** MARIE LABAW  
**RE:** CABIN BRANCH-WIN1 8200060290

JAN 22 2008

**Plan to be RESUBMITTED and reviewed with hydrant layout at a later date. Hydrant layout is required to meet MCFRS distance requirements and currently planned parking may have to be eliminated as necessary to accommodate. A fire lane or no parking signage plan may be required as condition of approval.**

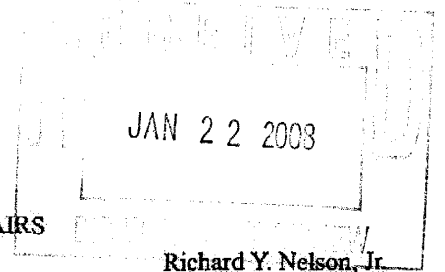
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  2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS



Isiah Leggett  
County Executive

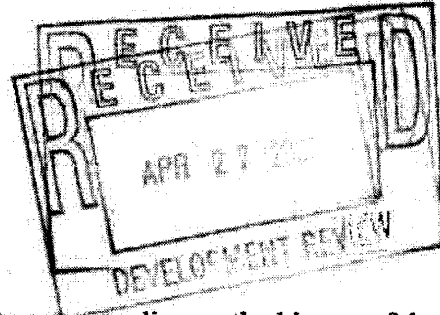
Richard Y. Nelson, Jr.  
Director

April 25, 2007

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

RE: Cabin Branch

Dear Mr. ~~Conley~~: *Mike*



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

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

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

Office of the Director

# **ATTACHMENT G**

Correspondence from Applicant

# BENNETT FRANK McCARTHY

architects, inc.

1400 Spring Street, Suite 320, Silver Spring, Maryland 20910-2755

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

21 May 2008

Re: Cabin Branch (Site Plan No. 820060290)

Dear Mr. Kronenberg:

I am writing in my capacity as the Town Architect for the Cabin Branch project. We have been participating in the development of both overall Design Guidelines for Cabin Branch and the more specific Architectural Guidelines for the 2 over 2 and single family residential units types for the community. We also have worked with Winchester Homes assessing many of the project's design characteristics, including review of architectural treatments for individual residential units within the first phase of residential development at Cabin Branch.

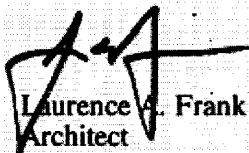
The purpose of this letter is to indicate that to the best of my knowledge and belief that the Site Plan referenced above has been prepared in compliance with the Design Guidelines for Cabin Branch.

We will evaluate and report on the various residential house (product) types for compliance with the Architectural Guidelines for residential development within the project when they are submitted for review.

Please note I understand the project incorporates elements called for in the Cabin Branch Infrastructure and Roads Only Site Plan (Site Plan No. 820050150) including prescribed roads, and various open space components.

Please contact me should you have any further questions.

Sincerely yours,

  
Laurence A. Frank  
Architect



May 30, 2008

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

Mr. Robert Kronenberg  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20901

Re: Cabin Branch – Winchester – I (Site Plan No. 820060290)

Dear Robert:

At our meeting today, you and Rose asked me to retrace for you the history of approvals for Cabin Branch as they relate to the mix of multi-family units. More specifically, you asked for a review of the approvals for the 500 senior housing units planned for the MXPDP portion of the property.

By way of background, the zoning for this property (both the RMX and the MXPDP zones) allow for multi-family units at a much higher density than is contemplated for Cabin Branch. Therefore, there really is no issue with respect to conformity with Zoning Ordinance standards. Beyond that, however, you have asked about the applicability of a recommendation in the Clarksburg Master Plan for a 20% multi-family mix in the overall Cabin Branch Neighborhood. This issue has been addressed since the earliest development discussions for this property beginning in 2001, and in the successive approvals since review of the Pre-Preliminary Plan application in 2002. The plans that are now proceeding are consistent with each of those approvals as will be discussed below.

At the time of the Pre-Preliminary Plan application, we had initial discussions with Staff about including a senior housing component as a service/public use, not part of the residential mix or density numbers. The Planning Board agreed. Subsequently, in processing the Development Plan connected with rezoning approximately half of the site to MXPDP, we confirmed with Staff the ability to include senior housing units in addition to the units that were not to be age restricted. As reflected in the Zoning Hearing Examiner's Report and Recommendation in Zoning Application No. G-806, page 47, the Hearing Examiner recommended approval of the Development Plan with 1,886 dwelling units not restricted to age that would include multi-family units at a ratio of 20% of the units planned for the overall Cabin Branch Neighborhood, plus 500 units for senior housing, noting "By agreement with Technical Staff the applicants intend to classify senior housing as part of the public use component for the proposed development, not residential units. Therefore, any units that

are designated for senior housing would not be considered in calculating residential densities." The density and unit mix numbers were applied to the non-senior units. By Resolution No. 15-326, adopted September 9, 2003, the Montgomery County Council adopted the Hearing Examiner's report including that provision. They included a Binding Element stating "Service/Public uses may include up to 500 units of independent living for Senior Adults or persons with disabilities, assisted living, life care or continuing care."

Subsequent to approval of the Development Plan and rezoning, applicant obtained Preliminary Plan approval for the project, as reflected in the Montgomery County Planning Board Opinion mailed June 22, 2004. Here again, that approval was for various dwelling units that were not age restricted, plus 500 units of senior housing not restricted by guidelines in the Master Plan applicable to non-age restricted housing. This conclusion, like the earlier approvals, reflected the flexibility of Master Plan guidelines, the importance of senior housing to increase the mix of dwelling units in Cabin Branch, the specialized site and design issues for the senior units and the different markets for each type of housing. We also have discussed the senior housing component on multiple occasions with staff, the Chairman, the Department of Housing and Community Affairs, and others, each time confirming our intentions and understanding with respect to such units. Therefore, through each of the review processes applicable to this property, the County has approved a separate allocation for senior housing units. The project and the infrastructure obligations for it have depended on this combination of units. The Site Plans now being processed conform with those approvals.

Secondly, you have asked about the traffic review of the senior housing units. The senior housing was included in the overall Local Area Traffic Study and the Policy Area Review Analysis performed both at the time of the Development Plan approval and in the Preliminary Plan approval. It also was reflected in the most recent amendment to the Preliminary Plan approving the remaining density for the overall project (Cabin Branch Amendment 12003110B, approved April 3, 2008). Consistent with other approvals for senior housing, those traffic studies included the trips generated for senior housing based on the Institute for Transportation Engineers Standards for such housing.

Finally, you asked about the Moderately Priced Dwelling Unit issue with respect to the senior housing units. I understand your question because the approval documents reference the 210 (later raised to 236) MPDUs related to the non-senior units. The approvals do not discuss the number or nature of MPDUs related to the senior units in part because of a certain degree of flexibility tied to such units. Over the past several months, we have met with the Department of Housing and Community Affairs to discuss MPDU obligations with respect to the senior units and will be working with them to implement the requirements with respect to type of unit, location, pricing, marketing strategies and other aspects unique to senior units. It is our intention, however, to include the required number of MPDUs related to those senior units in a form and manner to be agreed upon with DHCA. They will be included in the Site Plan application for that portion of the property when it is filed.

Mr. Robert Kronenberg  
May 30, 2008  
Page 3

We trust this answers your question and enables this project to proceed under the array of approvals already obtained.

Cordially yours,

A handwritten signature in black ink, appearing to be 'RH' or similar initials, written in a cursive style.

Robert R. Harris

cc: Rose Krasnow  
Mike Conley  
Benson Klein  
John Rhoad

# 5372380\_v1

JOHN F. WARD<sup>∇</sup>  
BENSON KLEIN<sup>∇</sup>  
MICHAEL C. BLACKSTONE<sup>∇</sup>  
WILLIAM H. SCHLADT<sup>∇</sup>  
DAVID M. SCHOENFELD<sup>∇</sup>  
THOMAS D. GIBBONS<sup>∇</sup>  
TERRENCE M. SULLIVAN<sup>∇</sup>  
JOHN C. HANRAHAN<sup>∇</sup>  
JANEEN M. SCATURRO<sup>∇</sup>  
CELESTE BARTON FILOIA<sup>∇</sup>  
AINE F. SMITH <sup>Δ</sup>

<sup>∇</sup> MARYLAND AND D.C. BAR  
<sup>•</sup> VIRGINIA BAR  
<sup>◊</sup> TEXAS BAR  
<sup>Δ</sup> MARYLAND BAR

LAW OFFICES  
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CALVERTON, MD 20705  
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SUITE 1100  
2111 WILSON BLVD.  
ARLINGTON, VA 22201  
(800) 449-5831

May 30, 2008

Mr. Robert Kronenberg  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20901

Re: Cabin Branch - Winchester - I (Site Plan No. 820060290)

Dear Robert:

On behalf of Adventist HealthCare, Inc. ("AHC"), please be advised that in regards to the above captioned matter, I have reviewed correspondence sent to you today from Robert Harris. During the course of the day I have had several telephone conferences with Mr. Harris and Mike Conley of Winchester Homes Inc. This correspondence is to inform you that AHC fully supports and approves the position taken and explanation given by Mr. Harris in his correspondence to you.

Further, please be advised that AHC, as a member of the Cabin Branch project, completely supports, at the hearing scheduled for June 12, 2008, the Planning Board approval of the Cabin Branch-WHI-I Site Plan. Certainly if you have any questions, please feel free to contact me and, if necessary, my cell phone number is (240) 876-5329.

Sincerely,

WARD & KLEIN, CHARTERED

  
Benson Klein

BK/rbs

cc: Robert Harris  
Rose Krasnow  
Larry Walker  
Kenneth DeStefano, Esq.

William Robertson  
Mike Conley  
Steve Nardella  
Chris Collins