



Loiederman  
Soltesz Associates

# Memorandum

**TO:** Wynn Witthans, Steve Federline – MNCP&PC

**FROM:** Ed Wallington – LSA

**DATE:** January 10, 2002

Revised July 30, 2002: item II.F.3

Revised February 3, 2003: item II.E

Revised June 23, 2003: item II.E

Revised December 19, 2003, item II. F,G

→ Revised February 13, 2004 – Updated Footnotes

**Re:** Traville

LSA No: 54-08

**Summary Table of Impervious Area Analysis** (All figures are in Acres, unless noted otherwise)

|  | <u>Area</u>   | <u>Impervious Area</u> | <u>Percentage Impervious</u> | <u>Stream Buffer Area</u> |
|--|---------------|------------------------|------------------------------|---------------------------|
| <b>I. South of Shady Grove Road</b>                      |               |                        |                              |                           |
| A. R&D – 3<br>(Lot 2)                                    | 15.98         | 2.65                   | 16.58%                       | 3.7                       |
| B. Park  | 13.87         | 0.40                   | 2.88%                        | 4.7                       |
| C. AvalonBay<br>(Lot 3)                                  | 36.62         | 8.47                   | 23.13%                       | 13.7                      |
| D. AvalonBay<br>(Lot 5)                                  | 29.54         | 6.15                   | 20.82%                       | 15.9                      |
| <b>SUBTOTAL</b>  | <b>96.01</b>  | <b>17.67</b>           | <b>18.40%</b>                | <b>38.0</b>               |
| <b>II. North of Shady Grove Road</b>                     |               |                        |                              |                           |
| SP<br>B-03012 → E. Proposed R&D – 2<br>(Parcels I and J) | 11.40         | 4.9                    | 42.98%                       | 0 ←                       |
| F. Village Center & Elderly Housing                      | 20.92         | 14.42                  | 68.90%                       | 3.6                       |
| 1. Retail<br>(10.53)                                     | (10.53)       | (7.86)                 |                              |                           |
| 2. Streets<br>(2.85)                                     | (2.85)        | (2.23)                 |                              |                           |
| 3. Apartments<br>(5.86)                                  | (5.86)        | (3.58)                 |                              |                           |
| 4. Day Care<br>(1.68)                                    | (1.68)        | (0.75)                 |                              |                           |
| G. Krigia Area and Access for Rickman<br>(Parcel K)      | 2.64          | 0.08                   | 0.03%                        | 0                         |
| H. Office & R&D – 1<br>(Lot 1)                           | 49.98         | 18.6                   | 37.21%                       | 6.9                       |
| <b>SUBTOTAL</b>  | <b>84.94</b>  | <b>38.00</b>           | <b>44.74%</b>                | <b>10.5</b>               |
| <b>SUBTOTAL (I &amp; II)</b>                             | <b>180.95</b> | <b>55.67</b>           | <b>30.77%</b>                | <b>48.5</b>               |
| <b>III. Shady Grove Road</b>                             |               |                        |                              |                           |
| I. Shady Grove Road                                      | 10.89         | 7.26                   | 66.67%                       | 0                         |
| <b>TOTAL</b>   | <b>191.84</b> | <b>62.93</b>           | <b>32.80%</b>                | <b>48.5</b>               |

- NOTES:**
- Calculations for Item I reflect "as-built" condition.
  - Calculations for Items C, D, E, F-1, F-2, F-3, G, and H based on Site Plans approved or under review.
  - Calculations for Items A, B, and F-4 based on illustrative concept plans.

IA

**Witthans, Wynn**

**From:** Ed Wallington [ewallington@lsassociates.net]  
**Sent:** Friday, February 06, 2004 11:15 AM  
**To:** TJDeGraba@Bethesda.med.navy.mil; Witthans, Wynn  
**Cc:** tdegraba@yahoo.com  
**Subject:** RE: Site Plan file 8-03012 Traville Parcels I and J

I just received and printed a copy of the elevation views of the buildings. I will drop off the prints later today at your home.

-----Original Message-----

**From:** **TJDeGraba@Bethesda.med.navy.mil**  
[mailto:TJDeGraba@Bethesda.med.navy.mil]  
**Sent:** Thursday, February 05, 2004 9:05 PM  
**To:** Wynn.Witthans@mncppc-mc.org; Ed Wallington;  
TJDeGraba@Bethesda.med.navy.mil  
**Cc:** tdegraba@yahoo.com  
**Subject:** RE: Site Plan file 8-03012 Traville Parcels I and J

Dear Wynn and Ed,

Thank you for your response to my requests.

In reviewing the plans we have several comments:

- ✓ 1. We have some concerns about the concentration of Honeylocust as a major part of the your landscape plan (61 trees). The Honeylocust has thin complex leaves and which lets in a lot of light. Given that the property has a 42%

impervious surface in this special protection area, there will be the realistic potential for significant heating of the asphalt surface of the parking lots because of the lack of sufficient coverage. In speaking with John Parish from the Maryland Native Plant Society we recommend considering using Swamp White Oak (*Quercus bicolor*), Red Oak (*Quercus rubra*), Pin Oak (*Q. palustris*), Shingle Oak (*Q. imbricaria*), Tulip Poplar (*Liriodendron tulipifera*), Red Maple (*Acer rubrum*), Black Gum (*Nyssa sylvatica*), or White Ash (*Fraxinus americana*). All 8 of these tree species grow naturally already in that area and are usually readily available in the trade and give better shade. The Swamp White Oak, Pin Oak, Red Maple, and Black Gum are the best choices for wet/moist areas although all 4 are adaptable to drier sites.

Red Oak, Shingle Oak, White Ash and Tulip Poplar grow best in moist well drained sites but are adaptable to drier areas too. These trees do not tolerate wet soils.

Again, the MXN zone requires optimizing effect on the environment and these trees are native to this area, as opposed to the Honeylocust which is not.

- ✓ 2. In looking at the lighting type, the globe lighting increases upward light wash. There are lamps that have the "old fashion" look but caps the top of the globe (as they have done at Falls Grove). Please reconsider the lights.

Again, MXN zone mandate maximal compatibility with the surrounding area (which is mainly residential who do not want their night sky filled with light. Finally, several of the Commissioners on the Board made comment with regard to light wash when the village center was considered and wanted to minimize upcast light.

We will comment on the architecture once we get it. I haven't been home today so, Ed, if you have dropped it off already, we will look at it.

Thank you for your attention to these concerns,

Tom

3A

LYNOTT AND LYNOTT, P.A.

ATTORNEYS AT LAW

11 NORTH WASHINGTON STREET

SUITE 220

ROCKVILLE, MARYLAND 20850-4208

JOSEPH A. LYNOTT  
JOSEPH A. LYNOTT, III

(301) 424-5100  
FAX (301) 279-0346  
lynottlaw@aol.com

January 30, 2004

**VIA FACSIMILE (301) 495-1306**  
**AND FIRST CLASS MAIL**


Ms. Wynn E. Witthans  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Willco Construction - Site Plan Application No. 8-03012

Dear Ms Witthans:

Enclosed please find a copy of a letter confirming the agreement between Traville Owners Association and Mr. Rickman which has been signed in counterparts. The original is being mailed to you under separate cover. Mr. Rickman has withdrawn his objection to the above-referenced site plan application.

Very truly yours,

  
Joseph A. Lynott

JAL/bla  
Enc.

Cc: Jonathan M. Genn, Esquire  
William M. Rickman, Jr.  
Andrew L. Isaacson, Esquire

4A

Traville Owners Association, LLC  
c/o Jonathan M. Genn, Esquire  
Percontee, Inc.  
11900 Tech Road  
Montgomery Industrial Park  
Silver Spring, Maryland 20904  
and  
Rickman Travilah III, LLC  
c/o Joseph A. Lynott, Sr., Esquire  
Lynott and Lynott, P.A.  
11 North Washington Street, Suite 220  
Rockville, Maryland 20850-4208

January 29, 2004

Montgomery County Planning Board and Staff  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Attention: Wynn Witthans

Re: Willco Construction, Inc. - Site Plan Application No. 8-03012

Ladies and Gentlemen:

Traville Owners Association, LLC ("Traville") and Rickman Travilah III, LLC ("Rickman") have entered into a legally binding Memorandum of Understanding dated January 29, 2004 pursuant to which, among other things, Traville has agreed to grant to Rickman an access right-of-way and landscaping easement on and over certain portions of the parcel of land owned by Traville and fronting on Shady Grove Road ("Traville Parcel"). The Traville Parcel is located adjacent to (i) the parcel of land owned by Rickman on Travilah Road ("Rickman Parcel") and (ii) the parcel of land also fronting on Shady Grove Road ("Willco Parcel") which is the subject of the above-captioned Site Plan Application. Said right-of-way is intended to provide the Rickman Parcel with direct access to Shady Grove Road through the Traville Parcel.

GA

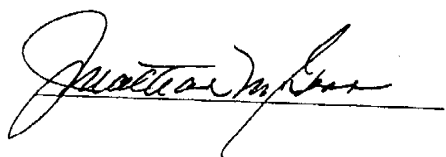
Rickman hereby notifies the Planning Board and its Staff that Rickman irrevocably supports and endorses the granting by the Planning Board of the above-captioned Site Plan Application without the requirement or condition that the Rickman Parcel be afforded access through the Willco Parcel to access Shady Grove Road or otherwise. Any objections by Rickman to the granting of the Site Plan Application are irrevocably withdrawn and Rickman's support of any condition or requirement that the Willco Parcel be required to provide access for the Rickman Parcel to Shady Grove Road is hereby withdrawn.

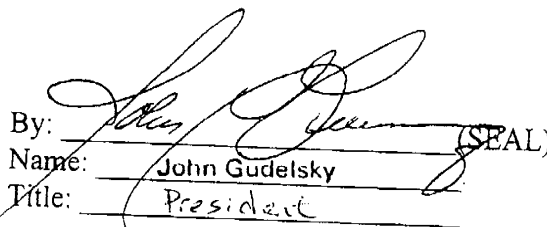
Please schedule the above-captioned Site Plan Application for hearing as soon as possible.

Thank you.

TRAVILLE OWNERS ASSOCIATION,  
LLC

By: Travilah Park Development  
Corporation, Sole Member



By:  (SEAL)  
Name: John Gudelsky  
Title: President

RICKMAN TRAVILAH III, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

cc: Willco Construction, Inc.

IMANAGE 355749 v.2 03159.0088 Ctrr. 01/28/04 03:48pm  
Orig 1/28/04 3:47:19 PM Ed. 1/28/04



Rickman hereby notifies the Planning Board and its Staff that Rickman irrevocably supports and endorses the granting by the Planning Board of the above-captioned Site Plan Application without the requirement or condition that the Rickman Parcel be afforded access through the Willco Parcel to access Shady Grove Road or otherwise. Any objections by Rickman to the granting of the Site Plan Application are irrevocably withdrawn and Rickman's support of any condition or requirement that the Willco Parcel be required to provide access for the Rickman Parcel to Shady Grove Road is hereby withdrawn.

Please schedule the above-captioned Site Plan Application for hearing as soon as possible.

Thank you.

TRAVILLE OWNERS ASSOCIATION,  
LLC

By: Travilah Park Development  
Corporation, Sole Member

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

RICKMAN TRAVILAH III, LLC

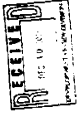
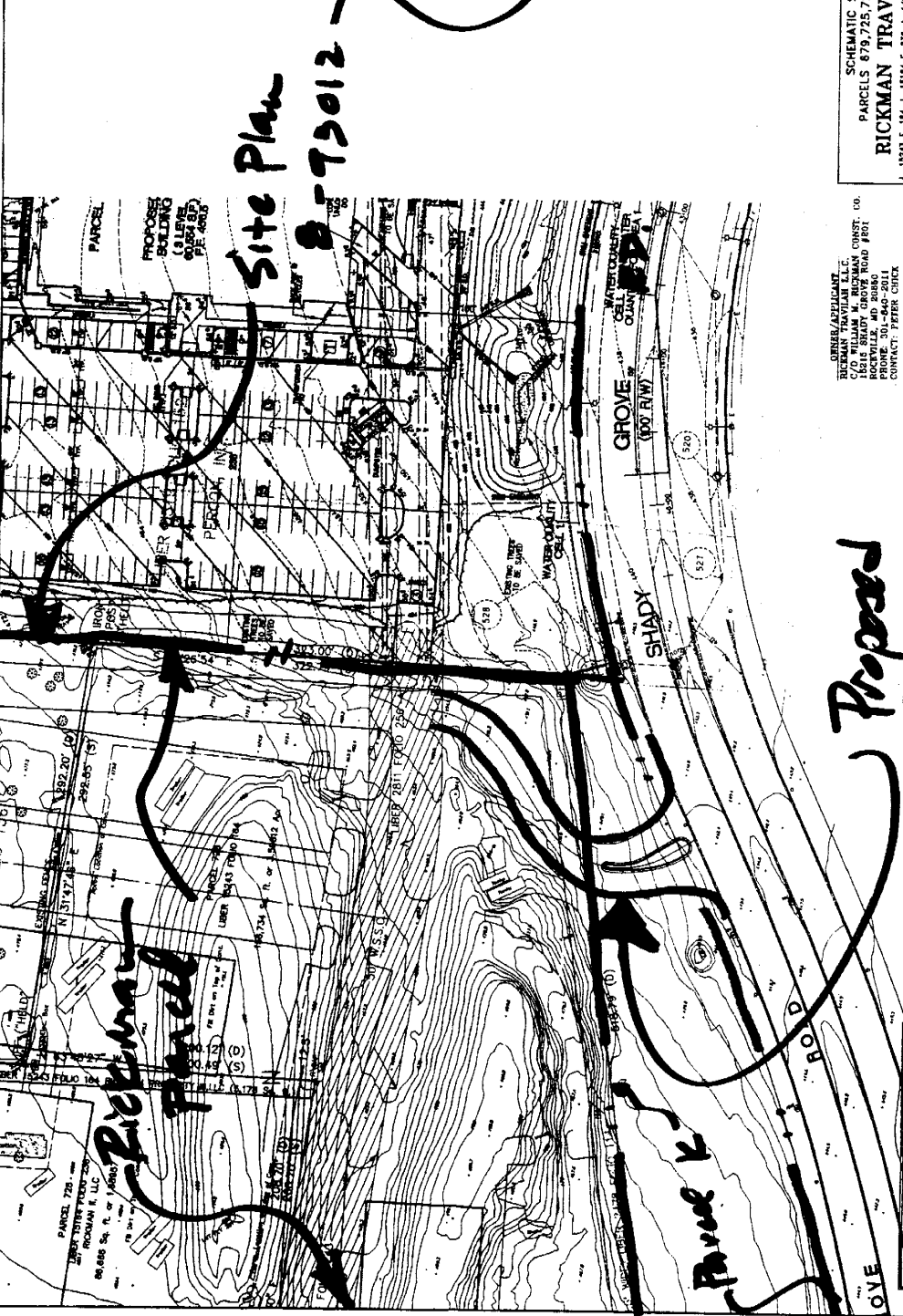
By: William Rickman  
Name: William Rickman  
Its: Managing member

cc: Willco Construction, Inc.

IMANAGE.355749 v.2 03159.0088 Curr: 01/28/04 03:48pm  
Orig: 1/28/04 3:47:19 PM Ed: 1/28/04

7A

VICINITY MAP  
SCALE 1" = 2,000'



SCHMATIC SITE PLAN  
PARCELS 875,725,728,834, AND "A"  
**RICKMAN TRAVILAH III, LLC**  
4TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND  
Macraia, Hendricks & Glascock, P.A.  
Engineers • Planners • Surveyors  
18751 S.W. 46th St. Suite 100  
Miami, FL 33155  
Tel: (305) 447-8855  
Fax: (305) 447-8855

OWNER/ARCHITECT  
RICKMAN TRAVILAH III, LLC  
C/O WILLIAM M. RICHMAN CONST. CO.  
10010 BELLEVUE GROVE ROAD #801  
BETHESDA, MD 20814  
PHONE: 301-540-2011  
CONTACT: PETER CHICK

| NO. | DATE | DESCRIPTION |
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**Proposed  
Rickman  
Parcel Access  
2/11/04**

Call utility at 1-800-257-7124  
48 hours prior to start of work.  
The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

**8A**

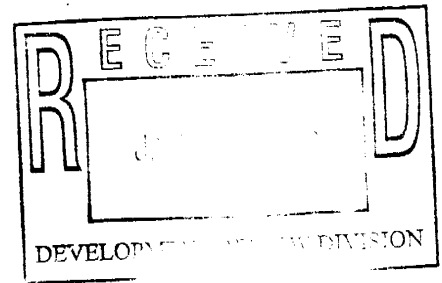
# STONEBRIDGE HOMEOWNERS ASSOCIATION

C/O VANGUARD MANAGEMENT

P.O. BOX 39

GERMANTOWN, MD 20875

January 3, 2003



Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Park and Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Traville, Parcels I, J and K - File Number 8-03012

We are in receipt of the site plan for the above referenced application.

On behalf of the Stonebridge Homeowners Association, the Board of Directors would like to register opposition to this project. We do not believe that Travilah Rd., which is already congested, can absorb the significant increase in vehicular traffic that will be generated by this commercial development.

The Board of Directors intends to stay actively involved in the Traville project and will appreciate your keeping us advised of the status of this project and any related hearings.

Sincerely,

For The Board of Directors

STONEBRIDGE HOMEOWNERS ASSOCIATION

A handwritten signature in black ink, appearing to read "Sandra G. Ewing".

Sandra G. Ewing  
Community Manager  
[sewing@vanguardmgt.com](mailto:sewing@vanguardmgt.com)



LYNOTT AND LYNOTT, P.A.

ATTORNEYS AT LAW

11 NORTH WASHINGTON STREET

SUITE 220

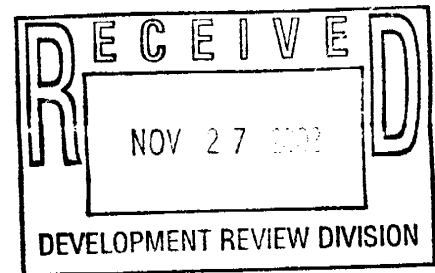
ROCKVILLE, MARYLAND 20850-4208

JOSEPH A. LYNOTT  
JOSEPH A. LYNOTT, III

(301) 424-5100  
FAX (301) 279-0346  
lynottlaw@aol.com

November 25, 2002

Mr. Joseph Davis, Chief  
Development Review Committee  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910



Re: Preliminary Plan No. 1-97022  
Site Plan No. 8-03012  
Name of Plan - Travilah Parcels I, J & K  
Geographic Location - Traville

Dear Mr. Davis and Members of the Committee:

We represent Mr. William M. Rickman, Rickman Travilah, LLC, Rickman Travilah II, LLC and Rickman Travilah III, LLC. Our clients own land adjacent to the property which is the subject of the above-identified site plan.

The property of our clients, described as the "Rickman Property" in the recently adopted Master Plan for the Potomac Subregion, is zoned R & D, fronts on Travilah Road and faces Shady Grove Road. It does not have direct access onto Shady Grove Road, however, because of an intervening, non-developable 3-acre strip of land owned by the applicant.

Our client has previously offered to: (i) purchase the adjacent property; or (ii) purchase the 3-acre strip of land; or (iii) purchase an access easement over the 3-acre strip of land; or (iv) contribute to the cost of constructing a monumental common entrance way at Shady Grove Road to serve both properties. Mr. Rickman's engineer prepared and submitted to the applicant several alternative plans for an access easement which would not have any effect on the adjacent property or the endangered species located on a portion of the 3-acre strip. All of the offers and the alternate easement plans were rejected with no counterproposal.

During the recent hearing on the Master Plan, the Planning Commission and the County Council recognized the importance of providing the Rickman Property with access onto Shady Grove Road. The Master Plan specifically provides that the Rickman Property would be

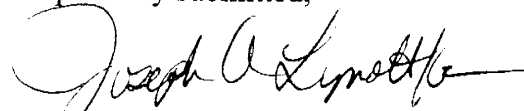
2

LYNOTT AND LYNOTT, P.A.  
Mr. Joseph Davis, Chief  
Development Review Committee  
Maryland-National Capital Park  
and Planning Commission  
November 25, 2002  
Page 2 of 2

oriented to Shady Grove Road and would be provided access to it during the subdivision process, either by separate easement or joint access.

The proposed site plan does not conform to the recommendations of the Master Plan in that it does not provide the Rickman Property with access onto Shady Grove Road. We respectfully request that you require that the site plan be modified to provide the Rickman Property with access onto Shady Grove Road, as recommended by the Master Plan.

Respectfully submitted,



Joseph A. Lynott

JAL/bla

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**TRAVILAH PARK DEVELOPMENT CORPORATION**

11900 Tech Road  
Silver Spring, MD 20904  
Telephone: 301-622-0100  
Telecopier: 301-622-3507

October 16, 2003

**Via Hand-Delivery**

Ms. Wynn Witthans  
Development Review Division  
Maryland-National Capital  
Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Re: **Cohen Site Plan Application at Trville**

Dear Wynn:

Thank you for your recent inquiry about the status of discussions between the Rickman family and the Gudelsky family relating to the Rickman's desire to obtain access to Shady Grove Road through the Gudelsky's private property at Trville. As I mentioned to you, John Gudelsky would not be able to write this reply letter to you, because of his wife's untimely passing last week. Instead, I will try to address your issues.

This past July I met with Bill Rickman, Jr., along with his attorney (Mr. Lynott) and his land planner (Mr. Hendricks) to discuss the Rickman's interest in obtaining access to Shady Grove Road through the Gudelskys' property. At the outset of that meeting, Mr. Rickman explained that he thought the Gudelskys were *obligated* to provide the Rickmans access to Shady Grove Road through the Gudelskys' land, which was his basis for thinking the Gudelskys were being unreasonable in refusing to consent to the Rickman's access.

I explained to Mr. Rickman, however, that the most recent adopted Master Plan did *not* in any way alter Trville's approved MXN use, and that the Master Plan recommendations did *not* place any obligation on the Gudelskys to provide the Rickman's with access through the Gudelskys' private property. Instead, the Master Plan recommendations place the burden on the Rickmans to obtain their access. Mr. Rickman's attorney, Mr. Lynott, confirmed for Mr. Rickman that the Gudelskys did not have an obligation under the Master Plan, which helped clear up Mr. Rickman's misunderstanding.

Moreover, I further explained that as part of Trville's Approved Amended Diagrammatic Plan, Trville became subject to significant property-specific restrictions, including absolute caps on impervious surfaces, strict traffic monitoring and mitigation requirements, strict water quality mandates, and a Trville-wide pedestrian system, all of which would be adversely affected by the Rickman's proposed access and traffic going through Trville.

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Ms. Wynn Witthans  
October 16, 2003  
Page 2

As a result of these conversations, Mr. Rickman and his attorney acknowledged during this meeting that the Gudelskys have *no obligation* to provide the Rickmans with access through the Gudelsky's private property. Furthermore, they acknowledged that the Rickmans' desire to improve the development capacity of their private property (by obtaining access through the Gudelskys' private property) should be a business issue between the Rickmans and the Gudelskys, and should be completely separate from Richie Cohen's site plan approval process; thus, Richie Cohen's site plan approval process should not be held hostage to the Rickmans' private interests.

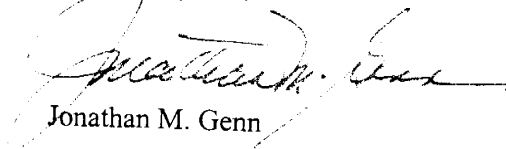
During that meeting I also expressly assured the Rickmans that the Gudelskys are completely willing to explore the possibility of negotiating a mutually agreeable and fair "business resolution" to the Rickmans' desired goal; but that such an arrangement must be agreeable to both parties and must take into account the Traville site-specific restrictions (outlined above).

For these reasons (among others), I respectfully suggest that it would be wholly inappropriate and an abuse of Park & Planning's discretion to condition Richie Cohen's site plan approval on forcing one private property owner to provide access through its private property solely to benefit an adjoining private property owner. If, on the other hand, there were some legally enforceable public purpose to such a requirement, then the County could use its powers of condemnation. In this case, however, no such legally valid public purpose exists to justify using governmental powers to provide the Rickman's with a private benefit.

Nevertheless, please know that the Gudelskys continue to be willing to explore a "business resolution" to the Rickmans' dilemma, so long as any such resolution would not adversely impact and unreasonably burden the Gudelskys' Traville property. Please also know that after you called me, I spoke with Mr. Lynott to follow up and find out if the Rickmans had any proposal for a "business resolution." Mr. Lynott said he would discuss the matter with Mr. Rickman and get back to me with a reply.

If you have any questions or need any additional information, please feel free to contact me at any time.

Very truly yours,




Jonathan M. Genn

cc: Mr. John Gudelsky  
Mr. Richard Cohen  
Stephen Elmendorf, Esquire, Linowes & Blocher, LLP

October 16, 2003

MEMORANDUM

TO: Wynn Witthans, Development Review

FROM: Stephen Federline, Supervisor   
Countywide Environmental Planning

SUBJECT: Final Water Quality Plan for Proposed Traville "I and J"; Block "A"  
(Piney Branch Special Protection Area – SPA)

**Introduction**

The Planning Board must approve a final water quality plan (FWQP) associated with the approval of this site plan per the Special Protection Area legislation contained in Chapter 19.65 of the County Code. This approval should be a separate action and precede the Board's action on the site plan.

This approval conforms to the basic tenets of an earlier Planning Board approval of the preliminary water quality plan for the overall Traville property granted in February, 1996.

**Recommendations**

Staff recommends approval of this final water quality plan with the following conditions:

- 1) **Conformance with all requirements of DPS approval letter dated March 4, 2003.**
- 2) **Compliance with Textual Stipulation #2 on the approved Diagrammatic Plan requiring an imperviousness limit for the entire Traville site of 33% maximum.**
- 3) **Approval of Final Forest Conservation plan drawings by time of signature set.**
  - A) Final forest conservation plan worksheet shall be amended accordingly to reflect inclusion of only those areas which equal or exceed forest retention area minimum dimensions of 50' in width and 10,000 square feet in size.
  - B) Additional stress reduction measures for preserving trees in serpentine formations shall be examined by an ISA certified arborist due to significant documented dieback after construction.
- 4) **If found applicable to this site by County DPS, applicant agrees to voluntarily comply with the County recommendations for asbestos control performance plan in areas of serpentine formations as they may be found on this property.**



( Note: this recommendation is consistent with former recent approvals on Trville (Avalon Bay), and is in keeping with the Piney Branch SPA's intention to provide the highest level of sediment control in this area.

Imperviousness Cap

With approval of this plan, the overall imperviousness of the site is 32.71 %, or 62.75 acres of the 191.84 acre Trville site. The area covered by this site plan contributes 4.9 acres of imperviousness to this total.

G:evelyndrc/EP803012FWQP.sdf.doc



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

March 4, 2003

Robert C. Hubbard  
Director

RECEIVED  
MAR 10 2003  
PERMITTING SERVICES

Mr. M. Taghi Behzadi  
Loiederman Soltész Associates, Inc.  
1390 Piccard Drive, suite 100  
Rockville, Maryland 20850

Re: **Final Water Quality Plan** for Traville-Parcels I,  
J and K  
Preliminary Plan #: 1-97022  
SM File #: 206891  
Tract Size/Zone: 14.76 acres/MXN  
Total Concept Area: 14.76 acres  
Tax Plate: FR 343  
Montg. Co. Grid: 285D  
Watershed: Watts Branch / Piney Branch

**SPECIAL PROTECTION AREA**

Dear Mr. Behzadi:

Based on a review by the Department of Permitting Services (DPS) Review Staff, the Final Water Quality Plan for the above mentioned site is **acceptable**. 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 consists of 14.76 acres located between Travilah Road and Shady Grove Road and adjacent to the Human Genome Sciences complex. The proposed development is zoned MXN and will consist of two buildings and the associated infrastructure bisected by a street that connects Travilah Road and Shady Grove Road. The property is located within the Piney Branch Watershed which is a designated Special Protection Area (SPA).

**Stormwater Management:** Water quantity control will be provided via two on-site dry ponds. These structures will provide detention of the one-year channel protection volume and as an added measure of stream protection, will also provide control of the two-year storm with a predeveloped release rate. Quality control will be provided on-site via an extensive system of linked BMPs, which include dry swales, water quality inlets, vegetated pretreatment channels and surface sand filters. The surface sand filters will be sized to treat one inch runoff over the contributing impervious area with additional treatment provided by water quality structures and vegetated pretreatment channels in series. The proposed layout for the water quality inlets will be for both filtering (five structures) and flow through (two structures) type structures. Pretreatment is required for all areas intended for vehicular use.

**Sediment Control:** In general sediment control will be provided via dual cell sediment traps with the required storage volume divided equally between the two cells whenever feasible. This two celled sediment control approach will provide for a redundant sediment trapping system. The earth dikes that feed the traps must be constructed using trapezoidal channels to reduce flow velocities. The site is to be graded in phases whenever possible to minimize the amount of disturbance at any one time. Small areas that do not drain to a sediment trap must use super silt fence for sediment control. Silt fence alone will not be allowed as a perimeter control.



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**Monitoring:** The following is the requirement for monitoring that is to be done by this development in conjunction with the on-going overall site monitoring being done by the other Traville properties:

- Total suspended solids are to be sampled (composite samples) at the discharge into each cell of a sediment trap/basin, and at the outlet of the sediment trap/basin. The sediment trap/basin with the largest drainage area will be the structure that is to be sampled. This sampling is to be done four times a year during storm events throughout the construction phase.

The monitoring requirements must be in accordance with the BMP monitoring protocols that have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS and those responsible for conducting the monitoring to establish the monitoring parameters.

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

1. 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.
2. The quality control structure detention duration must not exceed 12 hours.
3. Surface sand filters are to be pretreated with a minimum of a 30' of vegetated buffer as shown on the Final Water Quality Plan, in addition to a water quality inlet.
4. Due to the sensitivity of the watershed the additional measure of providing a flocculent for sediment control is required.
5. At a minimum one foot of stone (dead storage) is to be provided below the outlet pipe of the surface sand filters and 18" in the bottom of the quantity control cell. The stone in the quantity cell is to provide a partial underdrain so as not to pond water.

This letter must appear on the original sediment control/stormwater management plan at its initial submittal. 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 stormwater management 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





# Memorandum

**TO:** Wynn Witthans, Steve Federline – MNCP&PC

**FROM:** Ed Wallington - LSA

**DATE:** January 10, 2002  
Revised July 30, 2002: item II.F.3  
Revised February 3, 2003: item II.E  
**Revised June 23, 2003: item II.E**

**Re:** Traville  
LSA No: 54-08

Summary Table of Impervious Area Analysis (All figures are in Acres, unless noted otherwise)

|  | <u>Area</u>   | <u>Impervious Area</u> | <u>Percentage Impervious</u> | <u>Stream Buffer Area</u> |
|--|---------------|------------------------|------------------------------|---------------------------|
| <b>I. South of Shady Grove Road</b>      |               |                        |                              |                           |
| A. R&D – 3<br>(Lot 2)                    | 15.98         | 2.65                   | 16.58%                       | 3.7                       |
| B. Park                                  | 13.87         | 0.40                   | 2.88%                        | 4.7                       |
| C. AvalonBay<br>(Lot 3)                  | 36.62         | 8.47                   | 23.13%                       | 13.7                      |
| D. AvalonBay<br>(Lot 5)                  | 29.54         | 6.15                   | 20.82%                       | 15.9                      |
| <b>SUBTOTAL</b>                          | <b>96.01</b>  | <b>17.67</b>           | <b>18.40%</b>                | <b>38.0</b>               |
| <b>II. North of Shady Grove Road</b>     |               |                        |                              |                           |
| E. Proposed R&D – 2<br>(Parcels I and J) | 11.40         | 4.9                    | 42.98%                       | 0                         |
| F. Village Center & Elderly Housing      | 20.92         | 14.32                  | 70.17%                       | 3.6                       |
| 1. Retail                                | (10.53)       | (7.86)                 |                              |                           |
| 2. Streets                               | (2.85)        | (2.23)                 |                              |                           |
| 3. Apartments                            | (5.86)        | (3.58)                 |                              |                           |
| 4. Day Care                              | (1.68)        | (0.65)                 |                              |                           |
| G. Krigia Protected Area<br>(Parcel K)   | 2.64          | 0.0                    | 0.08%                        | 0                         |
| H. Office & R&D – 1<br>(Lot 1)           | 49.98         | 18.6                   | 37.21%                       | 6.9                       |
| <b>SUBTOTAL</b>                          | <b>84.94</b>  | <b>37.82</b>           | <b>44.53%</b>                | <b>10.5</b>               |
| <b>SUBTOTAL (I &amp; II)</b>             | <b>180.95</b> | <b>55.49</b>           | <b>30.66%</b>                | <b>48.5</b>               |
| <b>III. Shady Grove Road</b>             |               |                        |                              |                           |
| I. Shady Grove Road                      | 10.89         | 7.26                   | 66.67%                       | 0                         |
| <b>TOTAL</b>                             | <b>191.84</b> | <b>62.75</b>           | <b>32.71%</b>                | <b>48.5</b>               |

- NOTES:**
- ◆ Calculations for Item I reflect “as-built” condition.
  - ◆ Calculations for Items C, D, G, and H based on Site Plans approved or under review.
  - ◆ Calculations for Items A & E based on illustrative concept plans, not currently under contract.



## DEPARTMENT OF PERMITTING SERVICES

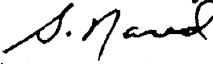
Douglas M. Duncan  
*County Executive*

Robert C. Hubbard  
*Director*

## MEMORANDUM

October 17, 2003

TO: Wynn Withans  
Development Review Division - MNCPPC

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

SUBJECT: Site Plan Review #8-03012 Traville Parcels I & J

We have reviewed the proposed staff revisions to the subject site plan and recommend approval. Our comments are as follows:

- The proposed location and design of the interparcel connecting driveway will provide satisfactory access and safe circulation.
- Trees may be spaced 35 feet on center in the streetscaped area between the two proposed buildings and should be 40 feet on center elsewhere along the right-of-way.
- Applicant will need to verify that the existing Maintenance and Liability Agreement for the Traville Conservancy includes this site and/or execute a new agreement to cover the streetscape elements.

Please contact me if you have any questions concerning our comments.

srn\cloverlycommercial.doc

cc: Rachel Wales



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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Action: Approved Staff Recommendation  
(Motion of Comm. Richardson, seconded  
by Comm. Holmes with a vote of 4-0;  
Comms. Richardson, Holmes, Baptiste,  
and Hussmann voting in favor).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-97022  
NAME OF PLAN: TRAVILLE

On 09-12-96, TRAVILLE PARTNERSHIP, submitted an application for the approval of a preliminary plan of subdivision of property in the MXN zone. The application proposed to create 6 lots on 192.10 ACRES of land. The application was designated Preliminary Plan 1-97022. On 09-11-97, Preliminary Plan 1-97022 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 1-97022 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97022, subject to the following conditions:

Approval for 750 Multi-Family Dwelling Units and 750,000 Square Feet of Mixed Commercial/Employment Development, Subject to the Following Conditions:

- (1) Prior to recording of plats, enter into an adequate public facilities (APF) agreement with the Planning Board to limit development to a maximum of 750 multi-family dwelling units and 750,000 square feet of mixed commercial/employment development, and provide the necessary roadway improvements as identified in the 9-4-97 transportation division memorandum (Exhibit #1, attached) prepared by Park and Planning Department staff. Applicant must also agree to provide for payment of a pro rata share for any required APF roadway improvements, consistent with the applicant's APF phasing requirements, prior to release of any building permit, if the improvement has been constructed by another applicant with the same APF off-site requirement
- (2) Prior to submitting a site plan application, applicant to enter into agreement with Montgomery County to establish the transportation action partnership (TAP) as the operating organization for the proposed transportation management district (TMD) for the greater Shady Grove Area

- (3) Prior to record plat, applicant to enter into an agreement with the Planning Board to participate in a future transportation management district (TMD), share-a-ride district and/or other funding mechanism recommended for the Shady Grove Master Plan Study Area. The cost for such participation will be legislatively determined by the County Council when a district is enacted. Participation in a TMD may be approved in lieu of the transportation management organization required as part of the approved zoning diagrammatic plan. If a TMD is not enacted for the area, then the applicant must initiate a transportation management organization (TMO) that fully achieves the textual stipulations for a TMO approved as part of the MXN zoning
- (4) As part of the first site plan application for the commercial/employment area located north of the future extension of Shady Grove Road, the applicant must submit a concept plan for internal traffic and pedestrian circulation showing all proposed streets (both public and private). A determination will be made at the time of site plan whether the proposed streets are adequate for the amount of development proposed
- (5) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to site plan approval or MCDPS issuance of sediment and erosion control permit, as appropriate
- (6) Approval of the preliminary water quality plan update subject to the conditions contained in the environmental memorandum prepared by staff of the Park and Planning Department
- (7) Applicant must comply with management plan recommendation for protection of "Krigia Dandelion" (State Endangered Species), any changes recommended by the Maryland Department of Natural Resources Forest, Wildlife and Heritage Service
- (8) Noise sensitive site design and/or noise mitigation to protect residential uses located along Shady Grove Road to be addressed at site plan
- (9) Record plats to reflect delineation of conservation easements over any 100-year floodplain, wetlands and stream buffer
- (10) Dedicate at least 75 feet of right-of-way for MD Route 28, as measured from the center line of the existing road. Dedicate at least 35 feet of right-of-way for Travilah Road, as measured from the center line of the existing road. Dedicate 100 feet of right-of-way for Shady Grove Road extended through the site, as shown on plan
- (11) Access and improvements as required and approved by MCDPW&T and MDSHA, prior to recording of plats
- (12) Conditions of MCDPS stormwater management approval dated 2-6-96 and as updated on 5-28-97

- (13) Applicant must comply with all textual stipulations contained in the diagrammatic plan that was approved by the County Council, sitting as the District Council, as part of the approval of MXN Zoning for the property
- (14) No clearing, grading or recording of lots prior to site plan approval
- (15) Provide necessary 10 foot public utilities easement adjacent and parallel with all public rights-of-way
- (16) Final number of dwelling units, the amount and type of commercial/employment uses, the number of parking spaces and location of all buildings and uses will be determined at site plan
- (17) Other necessary easements
- (18) As provided in Sec. 50-30(d) of the Subdivision Regulations, concerning the suitability of land to be dedicated for public use, applicant must enter into an agreement with the Planning Board to clear, rough grade for positive drainage and seed the active recreation portion of the proposed park, as shown on a clearing and grading plan to be submitted and approved as part of the first site plan. The timing for the dedication and grading of the park shall be determined at site plan
- (19) This preliminary plan will remain valid until October 12, 2000 (37 months from date of mailing, which is September 12, 1997). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

Date Mailed: April 23, 2001

Action: Approved Staff Recommendation

Motion of Comm. Bryant, seconded  
by Comm. Perdue with a vote of 4-0;  
Comms. Bryant, Hussmann Perdue and  
Wellington voting in favor  
Comms. Holmes absent

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-97022R  
NAME OF PLAN: TRAVILLE

On 11/30/00, TRAVILAH PARK DEVELOPMENT CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the MXN zone. The application proposed number of lots (will be determined at Site Plan) on 192.2 acres of land. The application was designated Preliminary Plan 1-97022R. On 03/08/01, Preliminary Plan 1-97022R was brought before the Montgomery County Planning Board for a public hearing to request to revise the previous conditions of approval for Preliminary Plan no. 1-97022 to increase the amount of approved development and establish applicant's participation in a proposed Transportation Management Organization (TMO). 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 1-97022R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97022R.

**Comments:** On September 11, 1997 the preliminary plan was originally presented to the Planning Board for consideration. The Board, at that hearing, approved only a portion of the development due to the limited staging ceiling available in the R&D Policy Area. The amount of development approved by the Board at that hearing accounted for 750 Multi-Family Dwelling units and 750,000 square feet, of the 1.3 million square feet, of Retail, Office and R&D development. In January 1999 the Planning Board amended the approved preliminary plan to include a Phasing Schedule and Extension of the Validity Period for the plan. The applicant is requesting this revision to the preliminary plan to seek approval of the remaining development submitted under the original preliminary plan application. The remaining amount of development under this application is 572,500 square feet of Office and R&D. The applicant filed this request pursuant to the Annual Growth Policy Alternative Review Procedures for Expedited Development Approval ("Pay-and-Go"). This additional development is allocated to Phase I and Phase II of the revised conditions. The revised conditions also include a requirement for participation in the Transportation Management Organization.

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**Staff Recommendation:** Approval of an Additional 572,500 Square Feet of Office and R&D Development Pursuant to the FY2001 Annual Growth Policy Alternative Review Procedures for Expedited Development ("Pay-and-Go") and Establishment of the Applicant's Participation in the Transportation Management Organization (TMO), Subject to the Revised Conditions:

- (1) Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to a maximum of 750 multi-family dwelling units and 1,322,500 square feet of retail, office and R&D development. The applicant is to pay to the Montgomery County Department of Finance the expedited development approval excise tax for the additional 572,500 square feet of office and R&D development prior to receipt of building permits for that portion of the development
- (2) Applicant to enter into a traffic mitigation agreement with the Montgomery County Department of Public Works and Transportation and M-NCPPC to participate in the Transportation Management Organization (TMO) and abide by the goals set forth in Greater Shady Grove Transportation Management District and achieve a desirable overall performance goal in the order of a 25% reduction in the total peak hour traffic generated by the Traville property without a Transportation demand program, transit use, or ride share the requirements under the Diagrammatic Plan Amendment as stipulated in the Transportation Planning Division memorandum dated March 1, 2001 (revised March 5, 2001)
- (3) Applicant shall pay their pro-rata share of the developer's participation cost in the Montgomery County Department of Public Works and Transportation's (MCDPW&T) CIP Project, "Spur Road"
- (4) Record plats for this large scale residential and mixed commercial/employment development may be recorded in stages that allow for a nine year validity for the preliminary plan based on the following phases
  - Phase I: January 1, 1999 to January 1, 2003 plats must be recorded for the minimum of 250 multi-family dwelling units and a minimum of 536,250 square feet of mixed commercial/employment development
  - Phase II: January 1, 2003 to January 1, 2005 plats must be recorded for an additional 250 multi-family dwelling units and an additional 536,250 square feet of mixed commercial/employment development
  - Phase III: January 1, 2005 to January 1, 2008 record plats must be commercial/employment development recorded for the remaining 250 multi-family dwelling units and the remaining 250,000 square feet of
- (5) The applicant is to continue to coordinate with MCDPW&T in developing a roadway improvement project addressing the traffic safety issues currently existing along Darnestown Road (MD 28) in front of the Travilah Square Shopping Center
- (6) The validity of the preliminary plan is dependent upon the applicant abiding by and complying with the conditions of approval of the Diagrammatic Plan under Zoning Application G-718
- (7) This Preliminary Plan and the Adequate Public Facilities (APF) Review will remain valid as long as the applicant abides by the phasing schedule outlined in Condition #4 above
- (8) All applicable previous conditions of the approved preliminary plan as contained in the Planning Board's opinion dated November 11, 1997 remain in full force and effect

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