

Temporary Encroachments into the Environmental Buffers

Since much of the environmental buffers have golf course features, staff supports the concept of restoring these areas into forested natural areas. Such restoration work will involve some grading. In addition, the applicant proposes to grade some edges of non-forested environmental buffers to avoid abrupt slope changes between the rear of lots and the edge of buffers. In concept, staff finds this is acceptable if the applicant provides forest planting in and around the affected buffers at a denser rate of trees and shrubs than the minimum required in the Forest Conservation Law. At the site plan stage, staff will review the specific locations and extent of proposed grading for lots adjacent to environmental buffers, as well as proposed forest planting to offset the grading within the buffers.

Tivoli Lakes Boulevard Extended

From an environmental perspective, in staff's opinion, Tivoli Lakes Boulevard extended will have significant environmental impacts. The two points on either side of the stream valley that the road will connect are relatively high above the stream (Bel Pre Creek), and, therefore, a large amount of area within the environmental buffer will be permanently filled. With the initial submission of the preliminary plan, the applicant conceptually proposed a pedestrian trail to connect existing Tivoli Lakes Boulevard to the primary road within the new subdivision. From a strictly environmental review basis, staff supports a trail crossing through Bel Pre Creek stream valley because it would have much less adverse environmental impacts than a primary road crossing. The following table provides a preliminary comparison between the extension of Tivoli Lakes Boulevard and a pedestrian trail through Bel Pre Creek stream valley:

<u>Estimate of Environmental Impact (Approximate)</u>	<u>Type of Crossing Through Bel Pre Creek Stream Valley</u>	
	<u>Pedestrian Trail ²</u>	<u>Tivoli Lakes Boulevard Extended (design as proposed by developer)</u>
Area of disturbance within environmental buffer	About 0.28 ac. (12,240 s.f.). Buffer is about 280 ft. wide where disturbance would occur.	About 1.15 ac. (49,900 s.f.). Buffer is about 280 – 350 ft. wide where disturbance would occur.
Forest clearing	0.11 ac. (5000 s.f.)	0.56 ac. (24,400 s.f.)
Proposed fill: • Estimated height in and near environmental buffer	• Minimal fill	• About up to 24 feet high

2 Staff's evaluation of the environmental impacts of a trail are based on a preliminary concept that assumes a pedestrian bridge over the stream, a 10-foot wide trail surface, a 40-foot wide corridor for trail construction, same general location as the proposed primary road ROW, and as much at-grade construction as possible.

<u>Estimate of Environmental Impact (Approximate)</u>	<u>Type of Crossing Through Bel Pre Creek Stream Valley</u>	
	<u>Pedestrian Trail</u> ²	<u>Tivoli Lakes Boulevard Extended (design as proposed by developer)</u>
• Estimated width in and near environmental buffer	• Minimal fill	• 80 to 150 ft. wide
Wildlife and pedestrian movement within stream valley.	Movement within stream valley unrestricted by trail.	Movement within stream valley across the road; or under the road through 54-foot wide arch culvert that spans stream.
Ability to plant forest in and near environmental buffer area	Cannot plant on and adjacent to path -- about 0.08 ac. (3390 s.f.)	Cannot plant within road ROW -- about 1.03 ac. (44,977 s.f.)

However, it is Environmental Planning staff's understanding that based on many factors and the balancing of various planning objectives, the collective staff's recommendation is to support the extension of Tivoli Lakes Boulevard. Therefore, if it is determined that the extension of Tivoli Lakes Boulevard is necessary, the road crossing should minimize the environmental impacts as much as possible.

In Environmental Planning staff's opinion, a road crossing that would minimize environmental impacts would be a bridge structure that spans the stream valley to connect as close to the high points on either side of the valley as possible. The applicant has indicated that this kind of crossing would be cost-prohibitive and proposes a design with the following features to reduce environmental impacts: retaining walls on the southern end of the crossing to minimize clearing and disturbance of forested slopes; creation of fill slopes that are no steeper than 3:1 to allow for planting of trees and shrubs on these slopes up to the road ROW; an arch culvert over the stream that minimizes disruption to the stream channel; a 54-foot culvert opening to allow for a flat path next to the stream for pedestrian and wildlife movement under the road; a road cross-section with two lanes, no median, and a sidewalk on one side to keep the road features as narrow as possible through the stream valley.

In staff's opinion, the applicant's proposed design, short of a bridge structure spanning the stream valley, reduces environmental impacts. Staff believes the proposed design for the arch culvert and fill could be modified to further reduce impacts. Staff recommends that these modifications are reviewed during the site plan process.



ATTACHMENT A
(1 of 9)

SUITE 460 | 3 BETHESDA METRO CENTER | BETHESDA, MD 20814-5367 | TEL 301.986.1300 | FAX 301.986.0332 | WWW.LERCHEARLY.COM

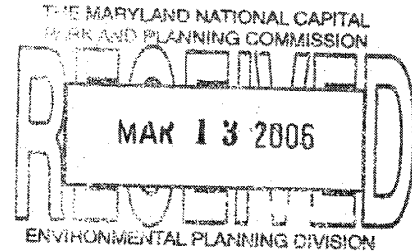
ATTORNEYS

STEVEN A. ROBINS
DIRECT 301.657.0747
SAROBINS@LERCHEARLY.COM

March 9, 2006

BY HAND DELIVERY

Ms. Rose Krasnow, Chief
Ms. Catherine Conlon
Development Review Division
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 30920



**Re: Winchester Homes/Submission of Revisions to
Preliminary Plan No. 120060501 for the Indian Spring
Property**

Dear Ms. Krasnow and Ms. Conlon:

Our firm represents Winchester Homes in its efforts to develop the Indian Spring property located off of Layhill Road in Silver Spring, Maryland (the "Property"). As you know, our team has been working on modifications to the Preliminary Plan based, in large part, on comments received at the Development Review Committee meeting held on November 21, 2005, and thereafter at subsequent meetings with Technical Staff from M-NCPPC, DPS, DPW&T and MDSHA. As a result of these efforts, we are submitting revised plans that address a host of issues, including but not limited to, transportation, forest conservation, stream buffer protection, lot layout and design, grading and stormwater management. We are confident that the revised Preliminary Plan and related materials addresses all of the comments and issues that have been raised since the Preliminary Plan was originally filed on October 28, 2005.

There are certain matters that we discussed at the various meetings that are addressed below. All of these items are relevant to the Preliminary Plan approval and will be presented to the Planning Board. They include:

Waiver/Approval Requests

As part of the Preliminary Plan submission, there are a number of waivers or approvals that Winchester is seeking from the Board or lead agency as the case may be. These waivers are listed below and are essential for this

March 9, 2006

Page 2

development. Winchester already has requested a number of the waivers. A complete set of these requests are included with this submission for your review.

The follow is a listing of the waivers being requested:

- Waiver to allow closed section roadways.
- Waiver for entry road cross section.
- Waiver for sidewalks only on one side of the roadway, where applicable.
- Waiver to allow certain structures (retaining walls) to be constructed within the public right-of-way.
- Letter requesting approval of mitigation compensation for certain encroachments within buffer areas.
- Waiver to clear forest below allowable thresholds.
- Letter requesting approval of park dedication/afforestation concept plan.

As part of the subdivision review process, Winchester also is seeking a waiver of Section 50-26(d) of the Subdivision Regulations pertaining to the overall length of a cul-de-sac. Section 50-26(d) states that, unless permitted by the Board, a cul-de-sac shall not be longer than 500 feet, unless, by reason of the property shape, size, topography, large lot size or improved street alignment, the Board may find a greater length to be justified. In this situation, a waiver is justified for the very reasons articulated in the standards. During the review process, Winchester has been guided by Environmental Planning Staff to adhere closely to the environmental guidelines and requirements that apply to the development. In an effort to protect stream buffers, address topography related issues, grading difficulties and to protect forest and environmentally sensitive areas of the Property, Winchester is proposing a road configuration that includes a cul-de-sac longer than that permitted by the Subdivision Regulations. Staff and the Applicant both recognize that the cul-de-sac in question is designed specifically to protect the environment, while, at the same time incorporating street design that is appropriate for this type of development. The waiver is justified.

March 9, 2006
Page 3

We understand that the Planning Board now may be specifically focusing on those portions of a plan that contain townhouses on private roads. There is a section identified on the revised Preliminary Plan where private roads are incorporated into the project. Given the lot configuration and environmental constraints affecting the relevant portion of the Property (as identified on the Preliminary Plan), the use of private roads is the best method to satisfy various competing goals at this particular location. Winchester understands that fire and rescue related needs must be satisfied for all roads within the development, including private roads and requests that the Board approve the use of the private roads for this limited portion of the development.

Phasing and Recordation

Pursuant to Section 50-34(g) of the Subdivision Regulations, Winchester is proposing a development staging schedule for the recordation of plats and the validity period for the APFO approval. This schedule is based on three phases of development. Given the size and complexity of the proposed development, we are requesting that the Planning Board approve the following phasing and recordation schedule:

- Phase 1 – Record Plat recorded within 3 years of the Preliminary Plan approval.
- Phase 2 – Record Plat recorded within 6 years of the Preliminary Plan approval.
- Phase 3 – Record Plat recorded within 9 years of the Preliminary Plan approval.
- An APFO validity period of 12 years for the entire project, commencing upon the approval of the Preliminary Plan (Phase 1).

Details regarding this phasing and recordation plan may be further articulated as part of the site plan approval (as permitted pursuant to Section 50-24(g) of the Subdivision Regulations).

March 9, 2006

Page 4

Forest Conservation and Mitigation Banking

Winchester's Preliminary Forest Conservation Plan identifies a base planting requirement of 20.5 acres, a mitigation requirement of 8.24 acres for certain encroachments into the stream valley buffer, and, at this point in time, a mitigation banking area of approximately 30 acres. At our most recent meeting on March 2, 2006 with Technical Staff, we discussed the various aspects of the mitigation bank. Staff indicated that the preferred approach for the bank would be for all of the planting to be accomplished at one time instead of a piecemeal approach. While Winchester also agreed with Staff's position, it was not without reservation – one related to up-front cost. More specifically, without users readily available to purchase the banked forest, Winchester would be reluctant to plant until a need arises (and purchaser(s) are available). It is our understanding that Staff will be discussing this mitigation banking matter internally and will report back to Winchester regarding (i) the availability of private sector users, (ii) whether public sector users may avail themselves of Winchester's bank and (iii) whether certain "fee-in-lieu" funds already collected by M-NCPPC for other forest conservation requirements could be allocated for this mitigation banking effort.

Forest Retention

Section 22A-12(f)(2)(B) of the Montgomery County Code, dealing with Forest Conservation, and more specifically, forest retention, states in part that, "In a planned development or a site developed using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a) . . . etc." In other words, if a property contains existing forest in an amount less than the conservation threshold, all forest must be preserved on site. In the case of the Property, the 32 acres of existing forest is less than the conservation threshold of 62 acres (20%); thus, by Code, all of the 32 acres should be preserved. The applicant is seeking a waiver to clear approximately 3 acres of the 32 acres of existing forest. The areas to be cleared (18 locations) are very small and widely scattered across the 300 acre property. No large concentrated areas of forest are to be removed. The clearing areas proposed are for tie out of grading, utility extensions and master planned road construction (that Staff has asked Winchester to include in the calculation). The required and voluntary planting of 63 acres of new forest overwhelmingly offsets the small amount of

March 9, 2006

Page 5

clearing requested. Section 22A-12(f)(3) of the County Code allows for the Planning Board to approve this waiver.

Park Dedication

The revised plans reflect a significant portion of the Property that ultimately will be conveyed to the Park's Department. At our most recent meeting with you, we reiterated our position regarding the timing of the conveyance. It is Winchester's intention to deed the property in question to the Park's Department once the project is completed and the Park's Department thereafter accepts the parkland. As part of this approach, we will identify the property to be transferred along with a note indicating that the transfer will occur by deed on the Record Plat(s).

Community Outreach

As part of the development approval process, Winchester has spent a significant amount of time since the original filing of the Preliminary Plan meeting with interested community groups and associations. Winchester has conducted numerous meetings with the Tivoli Home Owners' Association, the Layhill View Civic Association and the Greater Colesville Civic Association. We also are scheduled to meet with the Layhill Alliance next week. Other outreach efforts are underway. Winchester will continue to provide meaningful community outreach, not only while the development makes its way through the land use approval processes, but also once the development is fully approved and under construction.

Distribution of the Submitted Materials

In order to facilitate the review of the revisions to the Preliminary Plan (and related materials), we are forwarding copies to the following Staff, all of whom have taken a role in the review of this development:

Richard Weaver
Candy Bunnag
Shahriar Etemadi and David Paine
Sam Farhadi
Sarah Navid
Captain John Feissner

March 9, 2006
Page 6

We would appreciate it if we could receive any comments on the revised Preliminary Plan by April 1, 2006 so we are able to address the comments and submit a final plan for Planning Board review by May 1, 2006. We certainly are available to meet with Staff, at any time, if questions or comments arise.

On behalf of the entire Winchester team, thank you for your consideration regarding this matter. We look forward to receiving Staff comments on the revised plan and related materials and, ultimately, to presenting the Preliminary Plan to the Planning Board. Please let me know if you have any questions or comments regarding this matter, if you need any additional information or if other Staff members would like a copy of the submission.

Sincerely,



Steven A. Robins

Enclosures

Cc: Michael Conley
Michael Lemon
Development Team
Patrick L. O'Neil

INDIAN SPRING

WAIVER REQUEST – FOREST RETENTION REQUIREMENTS

This document is a request for a waiver from the requirements of Section 22A-12(f)(2)(B) of the Montgomery County Forest Conservation Law (Chapter 22A of the Montgomery County Code). Such a waiver may be granted by the Montgomery County Planning Board or Planning Director per Section 22A-12(f)(3).

The requirement of Sec. 22A-12(f)(2)(B) states in part that: *“In a planned development or a site developed using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a)..... etc.”*

Sec. 22A-12(f)(3) provides for granting of a waiver, stating: *“If the Planning Board or Planning Director, as appropriate, finds that forest retention required in this subsection is not possible, the applicant must provide the maximum possible on-site retention in combination with on-site reforestation and afforestation, not including landscaping.”*

The Indian Spring development proposal encompasses a tract area of 308.36 acres plus off-site extensions of Tivoli Lakes Boulevard and a sanitary sewer main connection totaling 0.40 acres for a gross area of 308.76 acres (off-site areas added as requested by M-NCPPC Environmental Planning staff). Of the 308.76 acres, 32.05 acres are forested per Approved NRI/FSD #4-03346. The conservation threshold for the subject property is 20% of the tract area or 61.66 acres. Thus the area of existing forest is less than the conservation threshold, invoking application of the above cited subsection of Chapter 22A.

Large amounts of the existing forest cover (57%) lie within the Environmental Buffer areas of the property with the remainder scattered throughout the site. The existing golf course use has, over the years, separated and segmented several pockets of forest cover outside the stream valleys. The nature of this development application, a large project with a significant amount of grading and utility construction, makes it very challenging to preserve every square foot of forest internal to the development. This proposed site design, through significant effort, maximizes preservation of forest cover. However, in some areas of the property, “nicking” the edges of some of the non-priority area (out of the environmental buffer) forest is unavoidable. This development proposal requests that 2.66 acres of forest be approved for clearing plus an additional 0.58 acres that is required for the extension of Tivoli Lakes Boulevard (a Master Planned road) and for one sanitary sewer main connection. The total forest removal proposed is 3.24 acres.

For the requested removal of ^{3.24}3.17 acres of forest, of which 0.58 acres is required by Master Plan or otherwise mandatory, this development proposal proffers almost 92 acres

of forest cover for the Indian Spring property, all of which will be placed into conservation easements. The following is a summary of the forest conservation proposal:

- Required Forest Planting	20.67 acres
- Mitigation Forest Planting	8.24 acres
- Forest Bank Planting	34.27 acres
- Existing Forest Preservation	28.81 acres

TOTAL PRESERVED & PROPOSED FOREST = 91.99 ACRES

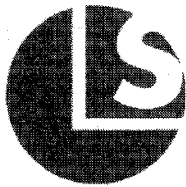
The following is a specific tabulation of proposed areas of forest clearing for the Indian Spring development proposal. *(Please refer to the attached plan for site specific locations – areas are letter keyed)*

- A (26,000 s.f.) To be cleared for proper grading and drainage of the rear of a row of perimeter lots. Note that although the entire area has been counted as “cleared” for forest conservation purposes, approximately 13,000 s.f. will be preserved, but will not meet the 50 foot width requirement to remain designated as “forest”.
- B (10,100 s.f.) Narrow, poor quality extension of Forest Stand “C” (see NRI/FSD) in proposed rear yards of perimeter lots to be removed for grading & proper drainage.
- C (1,700 s.f.) Small area cleared for required M-NCPPC paved trail.
- D (1,700 s.f.) Small area cleared in rear of two perimeter lots.
- E (1,700 s.f.) Small area cleared from forest edge between two perimeter lots for drainage swales at the sides of the proposed lots.
- F (19,500 s.f.) Steeply sloped area needed for grade tie-out and utility extensions.
- G (6,000 s.f.) Off-site forest cleared (may be sensitively field located to avoid significant trees) for extension of sanitary sewer to existing sewer main along Northwest Branch.
- H (2,000 s.f.) Small area cleared for stormwater management pond embankment.
- J (10,500 s.f.) Area cleared for on-site sanitary sewer connection.
- K (11,600 s.f.) Off-site area. Forest cleared for Tivoli Lakes Boulevard extension as required by Master Plan.
- L (3,100 s.f.) On-site area cleared for required Tivoli Lakes Boulevard extension.
- M (10,600 s.f.) On site area cleared for required Tivoli Lakes Boulevard extension and more specifically, for construction of the culvert over Bel Pre Creek.

- N (6,200 s.f.) Small edge of internal forest cleared for street grade tie-out.
- O (7,900 s.f.) Small edge of internal forest cleared for street grade tie-out.
- P (14,200 s.f.) Edge of forest cleared for street grade tie-out on steep slope area.
- Q (3,300 s.f.) Small edge of forest cleared from proposed rear yards to avoid placement of conservation easement on lots (some trees may still be saved in this area).
- R (1,200 s.f.) Small edge of forest to be cleared for street grade tie-out on sloped area.
- S (1,000 s.f.) Small edge of forest to be cleared for required primary road grading.

Total proposed forest clearing = 138,300 sq.ft or 3.17 acres, of which 0.58 acres is mandated by the Master plan or otherwise mandatory.

The applicant respectfully requests that the Planning Board and/or Planning Director grant a waiver from the strict requirements of Sec. 22A-12(f)(2)(B), in accordance with the above itemized and detailed list of necessary forest clearing areas contained within the 308.76 acre Indian Spring development application. These minor clearing requests will result in a proportionally very small reduction in the amount of existing forest cover and the 3.17 acres (2.59 acres for the housing, utility & street construction) will be overwhelmingly offset by the proposed planting of 63 acres of new forest and retention of almost 29 acres of existing forest.



Loiederman
Soltesz Associates, Inc.

Memorandum

TO: Candy Bunnag, MNCP&PC

FROM: Ed Wallington

DATE: March 9, 2006
Revised June 30, 2006

CC: Mike Conley, Winchester Homes
Mike Lemon, Winchester Homes
Steve Robins, Lerch, Early, and Brewer
Don Rohrbaugh, Site Solutions
Mark Burchick, ESA
Catherine Conlon, MNCP&PC

SUBJECT: Indian Springs – Buffer Encroachment and Mitigation

LSA No: 582-50-01

As a follow-up to our numerous discussions over the last few months, we are transmitting this memorandum which outlines the amount of environmental buffer encroachment as represented on the enclosed Preliminary Plan and Preliminary Forest Conservation Plan and also our proposed mitigation offset. The following is a brief description of the three (3) separate areas of buffer encroachment and our proposed mitigation for each area. This information is consistent with the plans we have presented to staff at the numerous meetings over the last few months and also reflects the recent decision by MCDPS to relocate pond 3 out of the buffer.

Area A - This area, which totals 1.93 acres of land, is not forested and is disconnected from the primary buffer area by a pipe drainage system which conveys runoff under existing golf course fairways. The Preliminary Plan proposes new lots in this area, in coordination with the overall roadway and lot design concept for Phase One, which is located north of Street "A".

Area B- This area, which totals 1.27 acres, is currently an existing golf course driving range located just to the north of the existing entrance driveway, as it approaches the existing clubhouse. This area is located immediately uphill of the forested buffer area south of the entrance

roadway. The preliminary plan proposes a new stormwater pond in this area.

Area C - No longer applies since pond 3 has been relocated out of the buffer.

Area D - This area, which totals 1.05 acres, consists of an existing small pond, and is disconnected from the primary buffer, due to its outfall pipe. The pond should be removed for a few reasons. It is quite old and in need of repair, and if it were to remain, the HOA would eventually inherit the maintenance of the pond. Secondly, the pond is currently fed from groundwater and surface runoff, primarily from the upstream, grassed golf course area. With the new development, the surface runoff will be re-directed away from this pond to the new stormwater ponds, as required for proper stormwater controls. Therefore the existing pond would not receive enough runoff to sustain itself. Thirdly, MCDPS will not allow this pond to be used for a stormwater facility, since it is a wet pond (wet ponds are discouraged in Use IV Watersheds) and in need of repair (would need to be reconstructed).

We are proposing the following mitigation to offset the buffer encroachment outlined in Areas A, B and D.

	Area	Additional Afforestation	Comments
Area A	1.93 acres	3.86 acres (2:1)	N/A
Area B	1.27 acres	1.27 acres (1:1)	SWM Quantity Controls will be provided for 8.6 acres off-site area (currently without controls)
Area C	N/A	N/A	N/A
Area D	1.05 acres	2.10 acres (2:1)	Wetland Mitigation Area
Totals	4.25 acres	7.23 acres	N/A

NOTE: In addition, 40.39 acres of buffer area will be set aside as a forest planting bank, consistent with the objectives of the environment planning guidelines.

The information outlined in this memorandum is a detailed description of the amount of buffer encroachment and mitigation concept discussed with MNCP&PC staff over the last few months. The impact associated with the master planned roadway extension is not included, as previously discussed.

It is also recognized that certain grading activities will need to occur in the buffer, to remove existing golf features, such as the raised trees and greens, and to create a desirable grading condition for the afforestation planting. These details will be further refined at the time of Site Plan when the Final Forest Conservation Plan is prepared and submitted for review.

Ms. Bunnag
March 9, 2006
Revised June 30, 2006
Page 3 of 3

ATTACHMENT B
(3 of 3)

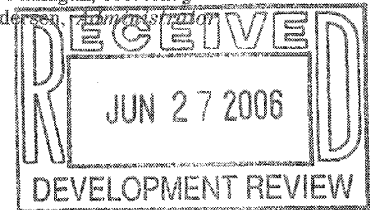
Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administration*

MARYLAND DEPARTMENT OF TRANSPORTATION

June 23, 2006



Ms. Catherine Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Montgomery County
Indian Spring Country Club
File Number 1-20060510
MD 182 @ Indian Spring Rd
Mile Post: 1.29

Dear Ms. Conlon:

The State Highway Administration (SHA) has reviewed the preliminary plans dated October 21, 2005 and the revised Traffic Impact Study received by SHA's Engineering Access Permits Division (EAPD) on January 30, 2006. The SHA commented on this Traffic Impact Study in a February 28, 2006 letter to Mr. Shahriar Etemadi. **The SHA finds the preliminary plans generally acceptable and offer the following comments on the proposed MD 182 access and recommendations for offsite mitigation at the MD 97 @ Randolph Road intersection:**

Layhill Road (MD 182) @ Indian Spring/Fargrove Road:

As stated in our February 28th letter, SHA recommends that the M-NCPPC require the applicant to construct site access scenario #2 that includes a new connection to Tivoli Lake Boulevard. This should provide for a better traffic distribution of site-related traffic throughout the roadway network.

The SHA also recommends that westbound Indian Spring Road be widened to provide two (2) approach lanes to the MD 182 connection (as assumed in the Traffic Impact Study). A northbound MD 182 deceleration/right-turn lane to Indian Spring Road is also recommended. The SHA recommends that the MD 182 @ Indian Spring/Fargrove Road intersection remain unsignalized. The SHA recommends that a follow-up traffic signal warrant analysis be conducted for the MD 182 @ Indian Spring/Fargrove Road intersection when the proposed development reaches the 75% completion threshold. At that time, if SHA's review of the updated signal warrant analysis concludes that a traffic signal is warranted, we recommend that M-NCPPC require the applicant to design and install a traffic signal at the MD 182 @ Indian Spring/Fargrove Road intersection.

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

Georgia Avenue (MD 97) @ Randolph Road:

The Traffic Impact Study, dated October 19, 2005, concluded that the proposed Indian Springs residential development would negatively impact the MD 97 @ Randolph Road intersection. This Traffic Impact Study recommended the following intersection improvements:

- Widen northbound MD 97 approach to provide an exclusive right-turn lane.
- Widen southbound MD 97 approach from the existing 1 left-turn lane, 2 through lanes and 1 through/right-turn lane to 1 left-turn lane, 3 through lanes and 1 through/right-turn lane.
- Widen southbound MD 97 south of Randolph Road to receive the additional through lane.

There is an SHA project currently in the design phase for the replacement of this at-grade intersection with a grade separated interchange, contract number MO8545171. This project is not yet funded for either right-of-way acquisition or construction and has a production advertisement date of May 2008. If the above described intersection improvements (additional MD 97 pavement) were constructed by the developer, the future grade separation SHA project would displace the additional pavement and the improvements would be wasted. Therefore, the SHA recommend that the M-NCPPC require the applicant to make equal fee-in-lieu payments to SHA to assist with and potentially expedite the engineering, rights-of-way acquisition, utility relocations and/or construction of the MD 97 @ Randolph Road interchange.

After a few meetings and discussions between SHA and M-NCPPC staff, it was concluded that the required developer contribution should be based on the percentage of traffic the proposed Indian Spring development will add to this intersection/future interchange. SHA believes this is the most equitable and accountable method. M-NCPPC staff thoroughly reviewed the Traffic Impact Study and concluded that by averaging the morning and evening peak hour traffic volumes, the proposed Indian Spring development will increase traffic by 3.4%. The developer contribution should therefore be 3.45% of the current total cost estimate for the future MD 97 @ Randolph Road project (\$ 62,000,000) which equals \$ 2,139,000.

The SHA prefers that this contribution by the developer be made in one lump sum to use the funding on any of the project phases to expedite the project. With that said, the SHA understands that the developer is requesting that their contribution be made in installments. Discussions were also conducted between SHA and M-NCPPC staff on what the payment installment timetable should be if a phased payment approach is allowed. Both SHA project milestones and County/developer milestones (plan approval stages, plat recordation, building permits, etc.) are the primary factors. As a result, SHA recommends that M-NCPPC require the applicant/developer to make payments based on the following schedule:

Ms. Catherine Conlon
Page Three

- One-third (1/3) contribution - \$ 713,000 within 60 days after issuance of the Planning Board Opinion and before the first plat recordation.
- One-Third (1/3) contribution - \$ 713,000 at whichever of the following occurs first:
 - Prior to the 250th building permit or
 - One year from the first plat recordation or
 - No later than December 31, 2007
- One Third (1/3) contribution - \$ 713,000 at whichever of the following occurs first:
 - Prior to the 500th building permit or
 - 30 days prior to the advertisement of the SHA MD 97 @ Randolph Road contract, currently scheduled for May 2008

The SHA appreciates the assistance of your staff and Transportation Planning's staff during the review of this challenging development project. If you have any questions, please contact me at 410-545-5601 or Mr. Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,



Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

cc: Mr. Ted Beeghly *sent via e-mail*
Mr. Ken Briggs *sent via e-mail*
Ms. Christina Contreras / M-NCPPC
Mr. Shahriar Etemadi / M-NCPPC
Mr. Wes Guckert, President / The Traffic Group, Inc.
Mr. Gregory Leck / MCDPWT
Mr. Darrel Mobley *sent via e-mail*
Ms. Sarah Navid / MCDPS
Mr. Steven Robins / Lerch, Early & Brewer, Chartered
Mr. David Paine / M-NCPPC
Mr. Ed Wallington / LSA, Inc., 1390 Piccard Drive, Rockville, MD 20850
Mr. Richard Weaver / M-NCCPC
Mr. Jeff Wentz *sent via e-mail*



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 27, 2006

Robert C. Hubbard
Director

Mr. Edward Wallington
Loiederman Soltesz Associates, Inc.
1390 Piccard Drive, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Indian Spring
Preliminary Plan #: Pending
SM File #: 221606
Tract Size/Zone: 308.36 acres / R-200 Cluster
Total Concept Area: 308.36 acres
Lots/Block: N/A
Parcel(s): 180, 722, 815, 893
Watershed: Northwest Branch

Dear Mr. Wallington:

Based on a review by the Department of Permitting Services Review Staff, the **preliminary** stormwater management concept for the above mentioned site is **acceptable**. The preliminary stormwater management concept consists of on-site channel protection measures via construction of twelve dry detention ponds; on-site water quality control via construction of twenty nine Montgomery County Sand Filters, five biofilters, and various nonstructural measures; and, onsite recharge via storage below the proposed facilities, dry wells and other nonstructural measures. Additional groundwater recharge (25%) was required as a condition of the "open section roadway" waiver for this development. Structural channel protection volume is not required for some areas because the one-year post development peak discharge from those areas is less than or equal to 2.0 cfs.

The following items and conditions will need to be addressed **during/prior** to the detailed sediment control/stormwater management plan stage:

1. **Due to the nature of this development we anticipate there may be significant site layout revisions at the time of Site Plan review. Therefore, we strongly suggest a condition be placed on the Preliminary Plan approval which requires a revised stormwater concept be formally reviewed and approved prior to approval of the Site Plan. This "preliminary" and "final" stormwater concept scheme will help ensure that we continue to be able to enforce adequate stormwater management provisions as the details of the plan are further refined during the Site Plan review process. Approval of the Site Plan should not occur until DPS issues a "final stormwater management concept approval letter".**
2. The existing retention pond denoted on the concept plan as Pond No. 3 will be removed from the stream and the stream channel through and below it will be reestablished.
3. The proposed culvert under "Street A", above the location of proposed Pond No. 3, must be designed as an environmentally sensitive crossing. It would be best to locate the road across the area currently occupied by the in-stream pond in order to minimize stream impacts.
4. Note that Pond 1 is proposed to be located within a stream valley buffer. We will need clear indication from MNCPPC that this will be allowed in this location if it continues to be considered.



5. Prior to final Site Plan approval, geotechnical analyses must be submitted for review, along with boring information and geotechnical recommendations, for all of the proposed stormwater management facilities.
6. The drainage area to biofilters is normally limited to one acre. The proposal to split the facilities into multiple cells does not meet this requirement. In addition, these facilities are intended to be actively landscaped and therefore would normally be in more publicly accessible areas. In determining where to locate biofilters, consideration must be given not only to the drainage area being served; but also the reasonable aesthetic location of the facility and the likelihood it will receive proper landscape maintenance. Sand filters may be substituted for any of the proposed biofilters if necessary.
7. All developed areas, such as the multi-use recreational areas, must include provisions for water quality control.
8. Stormwater management must be addressed for the possible Tivoli Lake Boulevard extension.
9. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
10. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
11. An engineered sediment control plan must be submitted for this development.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is **not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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 there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:dm mco

cc: C. Conlon
S. Federline
SM File # 221606

QN - ON; Acres: 308
QL - ON; Acres: 308
Groundwater Recharge is provided.



FIRE MARSHAL COMMENTS

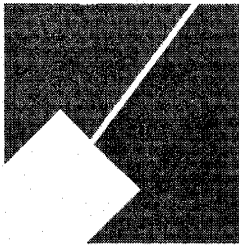
DATE: 6-26-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *INDIAN SPRING #1-20060510*

1. **PLAN APPROVED.**

- a. Review based only upon information contained on the plan submitted 6-26-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

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
301-495-4500, www.mncppc.org

July 6, 2006

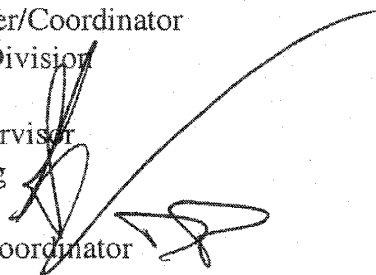
MEMORANDUM

TO: Richard Weaver, Planner/Coordinator
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: David Paine, Planner/Coordinator
Transportation Planning

SUBJECT: Preliminary Plan No. 1-06051
Indian Spring Country Club
Kensington/Wheaton Policy Area



This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject preliminary plan.

RECOMMENDATIONS

To support the approval of this application for preliminary plan, Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this application (Comments refer to the preliminary plan sealed October 21, 2005):

1. Limit the preliminary plan to 463 single-family detached units, 310 single-family attached units, and a private recreation area.
2. Dedicate 60 feet of right-of-way from the centerline for a total of 120 feet of recommended right-of-way width for Layhill Road.
3. Obtain and dedicate sufficient right-of-way from Parcel E, for 35 feet from the centerline of Indian Spring Access Road (shown on Entrance Road Concept Plan, November 2004) at Layhill Road, and construct an eastbound lane and two westbound approach lanes at the intersection with Layhill Road, as required by State Highway Administration (SHA).

4. Construct external Indian Spring Access Road to environmental primary residential street standards with 26-foot-wide paving, a sidewalk on the north side, and minor storm water management structures within the available right-of-way, as required by DPWT, from Layhill Road to approximately station 20+00 east of Layhill Road, unless amended at site plan. The road construction shall be open to traffic prior to issuance of the 150th building permit (Phase 1).
5. Construct internal Indian Spring Access Road (Street "A", within the subject site) as a primary residential roadway with a 70-foot-wide right-of-way, 36-foot-wide paving, and sidewalks on both sides, as required by Department of Public Works and Transportation (DPWT), from station 20+00 to the end of Indian Spring Access Road at the community square, unless amended at site plan. This improvement shall be open to traffic prior to issuance of the 150th building permit (Phase 1).
6. Enter into an agreement with the SHA to transfer a pro-rata share of project cost for grade separated intersection of Georgia Avenue (MD 97) and Randolph Road (SHA contract MO8545171), to satisfy Local Area Transportation Review (LATR) as required by SHA to mitigate the traffic impact of the proposed development. A total amount of \$2,139,000 (Based on 773 units), shall be transferred in three separate payments of:
 - a. \$713,000 prior to recordation of the first plat.
 - b. \$713,000 before release of the 150th building permit.
 - c. \$713,000 before release of the 350th building permit.
7. Dedicate and construct Tivoli Lake Boulevard extended (south of Street "K" at its southern end to the existing road) as an environmental primary residential roadway with a 70-foot right-of-way, 26-foot-wide paving and a shared-use path on the west side, as required by the Kensington/Wheaton Master Plan and supported by DPWT. This improvement shall be open to traffic prior to issuance of the 580th building permit.
8. Construct internal Tivoli Lake Boulevard (within the subject site), between Street "K" at its southern end and the community square, as a primary residential roadway with a 70-foot-wide right-of-way, 36-foot-wide paving, and sidewalks on both sides. This improvement shall be open to traffic prior to issuance of the 580th building permit.
9. Design and construct a traffic signal system at the intersection of Layhill Road and Indian Spring Access Road if required by State Highway Administration. Conduct a traffic signal warrant analysis for this location and submit it to SHA when the proposed development reaches 75% completion (at 580 unit occupancy).
10. Provide street connection at Foggy Glen Drive to the internal street running north of the community square. This road should also be named Foggy Glen Drive. This roadway connection shall be open to traffic prior to issuance of the 650th building permit.

11. Provide a secondary residential street stub-out for Alderton Road. If Montgomery County Public School (MCPS) reserves a school site, Alderton Road shall be constructed perpendicular to the Indian Spring Access Road as a secondary residential street. Coordinate with the Layhill View preliminary plan application (1-061080) for alignment and construction.
12. Construct the Northwest Branch Trail through the site as an eight-foot-wide paved path within a 25-foot wide right-of-way dedicated to the Maryland-National Capital Park and Planning Commission (M-NCPPC). This improvement shall be open to traffic prior to issuance of the 650th building permit.
13. Provide on site one bicycle rack or locker for every 20 automobile parking spaces within the site, not to exceed a total of 20 bicycle racks or lockers. Coordinate with Transportation Planning staff regarding their location and type of bike facilities at time of Site Plan.
14. Provide connections to sidewalks adjacent and abutting the site. Provide adequate space for sidewalks to be determined at site plan.
15. Satisfy all requirements by DPWT (memos dated June 20, 2005 and February 10, 2006 (Attachment A) and SHA (memos dated February 28, 2006 and June 23, 2006) unless otherwise noted above. The February 10, 2006 letter from DPWT offers conditional approval for this preliminary plan only if Tivoli Lake Boulevard is extended on to the site according to the master plan.

DISCUSSION

Site Location and Vehicular Access

The site is located on the east side of Layhill Road (MD 182) between Randolph Road and Bonifant Road. The Northwest Branch Park is located along the eastern property line. Existing single-family residential neighborhoods surround the property on the other three sides. The existing 36-hole golf course is proposed for redevelopment of 773 residential units on the subject property.

The proposed internal primary roadway network consists of the Indian Spring Access Road and Tivoli Lake Boulevard. These streets intersect at a community square in the center of the site. Eighteen other public streets, eight of which terminate at cul-de-sacs, combined with a network of private alleyways provide the secondary and tertiary residential street network for the entire site. The external links of the Indian Spring Access Road and Tivoli Lake Boulevard are shown on the October 21, 2005 preliminary plan with an environmental roadway section for a primary residential roadway. To meet environmental concerns, these roads are proposed as reduced width (26 feet width pavement, reduced right-of-way) and with a sidewalk on only one side in segments. Additionally, the reduced width roads, the community square, and two traffic circles provide a measure of traffic calming and are anticipated to discourage non-local traffic through the community.