



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

MCPB No. 16-107
Site Plan No. 820160060
Dowden's Station
Date of Hearing: September 22, 2016

OCT 20 2016

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on October 20, 2015, by Resolution No. 18-299, the Montgomery County Council, sitting as the District Council approved a Development Plan with Local Map Amendment G-957, that rezoned the Subject Property (as hereinafter defined) to the PD-4 zone; and

WHEREAS, on December 23, 2015, Clarksburg Mews ("Applicant") filed an application for approval of a site plan for 105 residential units (21 one-family units and 84 townhouses), including 14 moderately priced dwelling units ("MPDUs"), associated on-site parking spaces, recreation facilities, and landscape on 24.37 gross acres of PD-4 zoned-land, located approximately 1/3 mile from the intersection of Stringtown Road and Frederick Road ("Subject Property"), in the Clarksburg Policy Area and 1994 Clarksburg Master Plan and Hyattstown Special Study Area ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820160060, Dowden Station ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 9, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

 10/7/16

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, on September 22, 2016, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, on the motion of Commissioner Wells-Harley, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley all voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160060 for 105 residential units (21 one-family and 84 townhouses), including 14 MPDUs (13.3% of the total number of residential units), associated on-site parking spaces, recreation facilities and landscape on the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals & Agreements

1. Development Plan and Local Map Amendment Conformance

The development must comply with all binding elements of District Council Resolution No. 18-299 approving Local Map Amendment G-957 dated October 20, 2015.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160160.

Environment

Final Water Quality Plan

3. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services Final Water Quality Plan approval letter dated June 23, 2016.

4. Prior to the issuance of the first building permit, the Applicant must enter into an agreement with the Planning Board to limit overall impervious surfaces to no greater than 30 percent of the net tract area. Net Tract Area is defined as the gross tract area including off-site areas of impervious improvements completed by the Applicant, but excluding dedicated but unbuilt rights-of-way to be improved by other entities as specified in the Planning Board Resolution dated July 24, 2015 for the approval of the Preliminary Water Quality Plan. The

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

impervious surface agreement will provide the phased release of building permits to ensure ongoing compliance with the impervious surface limit. The impervious surface agreement must be submitted, reviewed and approved by the M-NCPPC Office of General Counsel.

5. Prior to release of the first building permit, the Applicant must demonstrate to the Planning Department that the approved plans conform to the impervious surface limit of no greater than 30%. Any modifications which increase impervious surfaces beyond this limit will require Planning Board approval.

Final Forest Conservation Plan

6. The Applicant must use best management practices (BMP) to avoid impacts to the stream valley buffer and wetland areas while installing the Pedestrian/Utility Bridge to Observation Drive and must not disturb natural stream flow or wetlands.
7. The Applicant must record a Category I Conservation Easement over all areas of forest retention, and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber/Folio for the easement must be referenced on the record plat.
8. The Applicant must install 4-foot high, 2-rail, split-rail fencing along the boundary line of the Category I Conservation Easement beginning at the northern corner of Lot 105 and ending at the northern side of the pedestrian bridge; then beginning again at the southern side of the pedestrian bridge and continuing to the terminus of this easement boundary behind and slightly southwest of Lot 93 or as determined by the Maryland-National Capital Park and Planning Commission (M-NCPPC) forest conservation inspector.
9. The Applicant must install permanent forest conservation easement signage along the perimeter of the conservation easements in all areas, as determined by the Final Forest Conservation Plan (FFCP) and the M-NCPPC forest conservation inspector.
10. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
11. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

Noise Attenuation

12. Prior to issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer that specializes in acoustical treatment that the building shell and materials used for residential dwelling

units located within the projected 60 dBA L_{dn} noise contour are designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA L_{dn} .

13. Prior to the issuance of the first building permit, the Applicant must provide certification to M-NCPPC Staff that they will construct the noise impacted units in accordance with the recommendations of the engineer that specializes in acoustical treatments.
14. Prior to issuance of the first building permit, the Applicant must provide acknowledgement to M-NCPPC Staff that if any changes occur to the plan which affect the validity of the noise analysis dated June 22, 2016, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the revised plans and new noise attenuation features may be required.

15. Green Area

The Applicant must provide a minimum of 9.75 acres (424,710 square feet) of green space (40% of net lot area) on-site.

16. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (Covenant).

17. Recreation Facilities

- a) Prior to the certification of the Site Plan, the Applicant must meet the square footage requirements for all of the applicable recreational elements in accordance with M-NCPPC Recreation Guidelines.
- b) Prior to the issuance of the 14th building permit, the multi-age playground must be completed.
- c) Prior to the issuance of the 60th building permit, the open play area I and seating area (south of Lots 41 through 47) must be completed.
- d) Prior to the issuance of the 78th building permit, the 10-foot pedestrian pathway (over the stream valley buffer) must be completed.
- e) The Applicant is responsible for maintaining all publicly accessible amenities, including but not limited to the playground facilities, sitting areas, open play area I, pedestrian system, and bike system until such time when the property is legally transferred to a Homeowner's Association.
- f) The Applicant must provide at a minimum the following recreation facilities: (1) play lot, (1) open play area, (1) multi-aged playground, (1) natural area, (1) sitting areas, (1) pedestrian system, and (1) bike system. Each of the playground facilities must contain play equipment that attracts a broad range of children in order to provide closer access to engaging play areas for residents of both the townhouse and one-family dwelling units. The play equipment must be approved by Staff and shown on the Certified Site Plan.

Transportation & Circulation

18. Transportation

Private Roads. The Applicant must design, construct, and maintain the private roads as identified on the Site Plan, subject to the following conditions:

- a. As identified below, each of the private roads must be designed and constructed according to the Montgomery County Road Code Standard designated per the modified typical section specified in the Site Plan. Prior to recordation of the plat, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed in accordance with the paving detail and cross-section specifications as shown on the Site Plan, and further certifying that the road has been designed in accordance with good engineering principles for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access, and parking ("Certified Design").
 - (i) Private Street A: Construct to MCDOT Road Code Standard MC-210.03: Modified Tertiary Residential Street.
 - (ii) Private Street B: Construct to MCDOT Road Code Standard MC-210.03: Modified Tertiary Residential Street.
 - (iii) All Private Alleys Construct to MCDOT Road Code Standard MC-200.01: Residential Alley Modified as shown on the Certified Preliminary Plan.
- b. Prior to final inspection of the Site Plan and release of that portion of the Site Plan Surety related to private road construction, Applicant must deliver to the Planning Department, with a copy to MCDPS, a certification by a professional engineer licensed in the State of Maryland that the Private Road has been properly constructed with appropriate materials testing and in accordance with the paving detail and cross-section specifications of the Preliminary Plan and Site Plan and in accordance with the Certified Design.
- c. Utilities may be located within the Private Road Easement as private connections. The Applicant is responsible for the design, construction, operation, maintenance and repair of the private fire hydrants and the water system that serves any private fire hydrants serving the Project ("Private Hydrant System"). The Applicant must cause the Private Hydrant System to be maintained in good operating condition at all times and Applicant must have the Private Hydrant System inspection and testing as required by the Montgomery County Fire Marshall, overseen by a professional engineer, who must provide certified reports evidencing that the water and private hydrant system is properly

- designed and constructed and in good operating condition. These certified reports must be provided annually to DPS. A description of repairs or maintenance that were performed to keep the Private Hydrant System in good operating condition must be noted on the certified report.
- d. Applicant must install and maintain signage as approved on the Certified Site Plan that notifies the public that the road is not publicly maintained.
 - e. Occupiable structures above or below the area designated for the Private Road as shown on the Certified Site Plan must be inspected bi-annually by a structural engineer licensed in the State of Maryland, and the Applicant must deliver to the Planning Department, with a copy to MCDPS, bi-annual certifications that the structural integrity of the Private Road, and any above or below-ground occupiable structures, have been properly maintained in good condition and repair and in accordance with applicable laws and regulations, and identifying any necessary structural repairs to be made by the Applicant. Inspections and certifications will be required every five years if there are no above or below-ground occupiable structures.
 - f. The Applicant must maintain a commercially reasonable operating budget to address both short-term and long-term maintenance, and capital reserves to address capital repairs of the Private Road and the improvements within the Private Road area. The amount of the reserves will be at least 5% of the construction cost of the Private Road as approved with the Site Plan Surety. The Applicant must include bi-annual certification to the Planning Department of the reserves with the engineering certification. Certification will be required every five years if there are no above or below-ground occupiable structures.

19. Pedestrian & Bicycle Circulation

The Applicant must construct the following paths as shown on the Site Plan:

- a) The 10-foot wide pedestrian access pathway between Observation Drive and Street B. (i.e. crossing the stream valley buffer).
- b) The 5-foot wide sidewalks surrounding the Open Space I ("Parcel A").
- c) The 5-foot wide sidewalk along the frontage of public Street B.
- d) The 5-foot wide sidewalk along the frontage of public Street C.
- e) The 5-foot wide sidewalk along the frontage of public Street D.
- f) The 5-foot wide sidewalk along the frontage of private Street B.
- g) The 5-foot wide sidewalk along the frontage of private Street A.
- h) The 5-foot wide sidewalk adjacent to the frontage of Lots 27 through 33.
- i) The 5-foot wide sidewalk adjacent to the frontage of Lots 34 through 40.
- j) The 5-foot wide sidewalk adjacent to the frontage of Lots 41 through 47.
- k) The 5-foot wide sidewalk adjacent to the frontage of Lots 56 through 62.

Density & Housing

20. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated May 13, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide a minimum of 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and DHCA must be executed.

Site Plan

21. Site Design

- a) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
- b) The shared use pathway (pedestrian access across the stream valley buffer) will be 10-feet wide.
- c) The Applicant will provide a natural surface trail that connects the east and west portions of the development as approved by Staff and shown on the Certified Site Plan. The trail will not be counted as impervious surface.

22. Private Lighting

- a) Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified lighting professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All on-site down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on proposed fixtures causing potential glare or excess illumination.
- d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

27. Site Plan Surety and Maintenance Agreement.

Prior to issuance of any building permit or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

23. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

24. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).
- b) Prior to Certified Site Plan, the Applicant must address ePlans markups including minor clarifications and corrections to the plan drawings.
- c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections

may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”

- d) Modify data table to reflect development standards approved by the Planning Board.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Dowden Station Site Plan No. 820160060, submitted via ePlans to the M-NCPPC as of the date of the Staff Report September 2016, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Site Plan conforms to all non-illustrative elements and all binding elements of the Development Plan approved with Local Map Amendment Application G-957 by the District Council on October 20, 2015, with Resolution No. 18-299 (Appendix B). The binding elements, as set forth, specified densities, permitted use, mix of housing types (including MPDUs), number of parking spaces, minimum green area, and impervious cap. The Development Plan associated with zoning case G-957 has a variety of binding elements. The binding elements cannot be changed without an approved Development Plan Amendment. The Development Plan was approved for a minimum of 42% green area and 257 parking spaces. By agreement with the Planning Board, off-street parking will be limited to 2.25 space per dwelling unit in order to reduce imperviousness. The following elements were considered binding to the Development Plan:

- a) The Development Plan is subject to a Site Plan review by the Planning Board.
- b) The densities, use and mix of housing types are as specified in the following table.
- c) Impervious Area will not exceed 30 percent; excluding Master Planned Roadways.

Table 1: Uses Permitted

Uses Permitted			
	No. of Units	No. of Bedrooms	No. of Parking Spaces Required (spaces)
Residential Uses	105 units		210
Detached Units	21 units	4 to 6	42
Attached Units	84 units	3 min.	168

MPDU Density Bonus		
Required	Provided	
118 total units (4.84 du/ac.) 21.6% Bonus Density 16 additional market units, plus 5 additional MPDUs	105 total units (4.31 du/ac.) 8.2% Bonus Density 7 additional market units, plus 1 additional MPDUs	
Green Area		
40% or 9.75 ac.	42% or 10.24 ac.	

The Site Plan conforms to these binding elements by developing the site with 21 single family detached homes and 84 townhouses; providing 13.3% of the units (or 14 units) as MPDUs; and maintaining the maximum surface parking space at 2.25 space per dwelling unit, maximum impervious area (30%), and minimum green area (45%) as further discussed in the Conformance with Chapter 19 and 22a Findings.

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

The Site Plan meets all of the requirements of the Planned Development (PD-4) Zone and satisfies the purposes of the Zone as established by the Zoning Ordinance in effect prior to October 30, 2014, when this Application was accepted. Section 59-C-7.1 indicates that the purpose of this zone is to implement

the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by the master plans. This zone is intended to provide a means of regulating development, which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations permit as a right under the conventional zone categories. This zone is also intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with County plans and policies that may be possible under other zoning categories.

Consistent with the District Council findings for G-957, the Site Plan satisfies the purpose of the PD-4 Zone. As demonstrated in Table 2 below, the project meets all of the applicable requirements and development standards of the Zone.

Table 2: Data Table for the PD-4 Zone

Development Standard	Zoning Ordinance Permitted/Required (a)	Site Plan No. 820160060
Site Area (ac.)		
Min. Gross Tract Area [59-C-7.12]	Accommodates 50 or more dwelling units.	24.37
Road Dedication		
Observation Drive	n/a	2.59
Intersection of Robert's Tavern Drive & MD 355	n/a	1.97
Min. Net Tract Area	n/a	19.81
Max. Density w/ MPDU Bonus	118 units (4.84 d.u./ac.)	105 units (4.31 d.u./ac.)
Total Units	² 50 or more units	105 units
	PD-4 Detached	10 units
	PD-4 Attached	40 units
Development Program (continued)	Zoning Ordinance Permitted/Required (a)	Site Plan No. 820160060
Residential Density (du/acre)	4.0	³ 4.31

² In accordance with Section 59-C-7.122 (a), no land may be classified in the planned development zone unless the district council finds that the proposed development contains sufficient gross area to construct 50 or more units under the density category.

[59-C-7.44-a]		
Min. MPDUs [Chapter 25A] [59-C-7.44-b3]	12.5% (12 MPDUs)	13.3% (14 MPDUs)
Min. Building Setbacks (ft.) [59-C-7.45]		
Attached dwelling units from adjoining properties	100 ft.	100 ft.
Attached dwelling units front setback BRL	N/A	5 ft.
Single-family dwelling units front setback BRL	N/A	15 ft.
Attached dwelling units side setback BRL	N/A	6 ft.
Single-family dwelling units side setback BRL	N/A	6 ft.
Attached dwelling units rear setback BRL	N/A	5 ft.
Single-family dwelling units rear setback BRL	N/A	20 ft.
Lot 94	50 ft.	⁴ 27 ft.
Lot 104	50 ft.	12 ft.
Lot 105	50 ft.	32 ft.
Min. Green Area (ac.) [59-C-7.462]		
	40% (9.75 ac.)	45% (10.97 ac.)
Max. Building Height (ft.) [59-C-7.47]		
Attached Units	N/A	50 ft.
Single-family Units	N/A	50 ft.
Max. Vehicle Parking Spaces (59-E)		
Residential (105 units)	210 spaces (2 spaces/ du.)	253 spaces (2.25 spaces/ du.)
Off-Street Parking	N/A	210 spaces
On- Street Parking	N/A	42 spaces
Handicap Spaces	N/A	1 spaces

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

³ In accordance with Section 59-C-7.14 (c), the maximum density may be exceeded to accommodate more MPDUs.

⁴ In accordance with Section 59-C-7.15, the Applicant is requesting a compatibility waiver for Lots 94, 104 and 105. A more detailed explanation is expressed under the third finding.

a. Buildings and Structures

The location of buildings and structures is adequate, safe, and efficient. The development includes 21 one-family detached units (20% of the total units) located south of Frederick Road (MD 355). As recommended by the Clarksburg Master Plan (page 54), these units (Lots 1, 2, 87 through 105) front onto Frederick Road (MD 355) and Roberts Tavern Drive (extended alignment). The size of the lots and orientation of the buildings are consistent with the existing residential character along the roadway. Lots 94 through 104 are setback approximately 43-feet from Frederick Road in order to accommodate the future alignment of Roberts Tavern Drive (a 120-foot R/W, 4-lane divided roadway). The proposed buildings and grades, near the entrance of the Subject Property, create a noise barrier along Frederick Road. Upon completion of Roberts Tavern Drive, the proposed main entrance from Frederick Road will be eliminated (due to grading constraints) and Roberts Tavern Drive will become the primary vehicular access into the site.

In accordance with Section 59-C-7.15 Compatibility, the Applicant requested a compatibility waiver for the following three lots, because the height of all three residential buildings (50-feet) is greater than the distance of the required setbacks (Table 3 below).

Table 3: Compatibility Table

Lots	Lot Size	Min. Building Setback (ft.)	Max. Building Height (ft.)
94	0.16 acres	27	50
104	0.25 acres	12	50
105	0.23 acres	32	50

Lot 94 is a one-family dwelling unit that is setback from Cool Brook Lane approximately 27 feet and the first floor elevation is approximately 4-feet lower than the existing grades. Lots 104 and 105 are one-family dwelling units that are setback a minimum of 12-feet from the Hal McCord Property (north of the Subject Property, approximately 3-acres). A retaining wall is located between the residential lots and the Hall McCord property line.

The Planning Board finds that the residential buildings will not adversely impact view from adjoining properties. The Roberts Tavern Drive alignment bisects the Hal McCord Property; and therefore, separates the southern portion of the property from the existing residence. Major views from the Hal McCord Property will not be negatively impacted by the location of the proposed one-family dwellings.

In addition to the one-family lots, this development will also include 84 townhouse units (80% of the total number of units). The townhouse units (Lots 3 through 86) are strategically located toward the interior of the Subject Property in order to maximize density, minimize the development area, and accommodate large green areas for community recreation (passive and active recreation facilities). Lots 3 through 33 and 71 through 86 are located along the outer edge of Streets A and B and back onto the stream valley buffer and forested edge. Therefore, the rear yards of these units will be fully enclosed by the forested edge. Major views from the interior of the property toward the forest are preserved through the building's orientation and clustering of the attached units. The arrangement of the townhouses meets the standard provision of no more than 8 units per cluster.

b. Open Spaces

The location of open space is adequate, safe, and efficient. The Site Plan provides a variety of well-connected open and green spaces that meet several goals and requirements including recreation, reforestation, stormwater management and compatibility. The development will provide four open space areas: 1) a multi-age playground, 2) a play lot, 3) a seating area, and 4) an open space area. The open space areas are accessible and adequately spaced throughout the Subject Property. The area dedicated towards open green space exceeds the minimum requirement by providing 10.97 acres (45% of the gross tract area), which has been slightly increased from the Development Plan approvals.

c. Landscaping and Lighting

The landscaping is adequate, safe, and efficient. The Landscape Plan achieves the following objectives: provides a dense buffer between neighboring properties, enhances the open space areas with shade and plant varieties, and frames major views. In accordance with the recommendations of the Master Plan and in order to protect the stream buffers, the natural areas (i.e. forested edges) wrap the outer edges of the Subject Property and make up roughly 33% of the gross tract area. The forested edges adequately screen the surrounding uses and protect the environmentally sensitive features between the neighboring developments. Within the Subject Property, large shade trees and ornamental trees frame major views toward the natural areas and provide shade along the public and private streets.

The streetscape along Private Streets A and B are the most important connections through the community. These streets are oriented in the north/south direction; therefore, the building's frontage along with a combination of

ornamental trees (7-8' tall) and shade trees (3 ½"-4" cal.) provide shade and canopy coverage for the roads, and open space areas. A strong emphasis on linear relationships is expressed through the repetition of street trees and the building facades.

The lighting is adequate, safe, and efficient. The majority of the light fixtures provided are located along the new public streets within the public right-of-way, which must comply with MCDPS and MCDOT requirements and can be adjusted without amending the Site Plan. Lighting outside the public right-of-way is located along the private roadways and driveways as well as around the green areas and the 10-foot shared use pathway. The street lighting fixtures will be a maximum 16 feet tall, including the mounted base. The lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or surrounding properties.

d. Recreation Facilities

The recreation facilities are adequate, safe, and efficient. A shared-use pedestrian pathway (10-foot wide) spans the width of the stream valley and provides a critical linkage to Observation Drive and the adjacent residential development (i.e. Garnkirk Farms). This pathway not only connects the adjacent communities, but also provides pedestrian access to the planned transit station at the intersection of Shawnee Lane and the future Observation Drive. The play lot and multi-age playgrounds are located on opposite sides of the development and are designed to blend into the forested edges. The actual play equipment incorporates natural colors and materials from the surrounding landscape (e.g. tree trunks, large climbing rocks, and grassy mounds) and creates a more sustainable and playful learning experience. Furthermore, each of the playground facilities will contain play equipment that attracts a broad range of children to serve residents of both the townhouse and one-family dwelling units. Some of the equipment is built into the topography; creating the illusion of being naturally derived from the earth. Adequate seating is provided within the playground areas.

These facilities adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation for the various age groups. Additionally, and as conditioned, the Applicant will submit recorded documents confirming that all of the properties in Dowden Station will be properly maintained by a Homeowners Association, upon the transfer of ownership by the developer.

e. Vehicular and Pedestrian Circulation

The pedestrian and vehicular circulation systems are adequate, safe, and efficient. Vehicular access is currently provided to the residential units via one full movement point of entry from Frederick Road (MD 355). The primary entrance from Frederick Road is considered an interim access point until such time that Roberts Tavern Drive is full constructed. The pedestrian circulation system (e.g. the 8-foot bikeway, 5-foot sidewalks, and 10-foot shared use pathway) has two primary access points to the Subject Property. The pathways run through the center of the Property and connect the development into existing pathways within the surrounding communities.

Varied plant materials, the 5-foot pedestrian sidewalks, and the on-street parking spaces will slow vehicular traffic entering the Subject Property from Frederick Road or Roberts Tavern Drive (future primary access point). The pedestrian sidewalks form a complete loop and connect into other public amenities. The quality of these streetscapes are further enhanced by the destination nodes (e.g. tot lot, seating space and open space areas) at either ends of the block that help to define neighborhood clusters and create a sense of identity and wayfinding throughout entire development.

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

Each structure and use is compatible with other uses and existing and proposed adjacent developments. Several on-site measures improve the compatibility between this development and the surrounding existing development. These dwelling types are consistent with the dwelling type in the surrounding communities. In accordance with the Master Plan requirements (page 54), the scale and intensity of the residential uses are compatible with neighboring subdivisions along MD 355, yet the prescribed densities (4.31 dwelling units/ ac.) is high enough to support the need for transit. Second, the building height will not exceed the maximum height of 50 feet; which is consistent with the building height requirements for the adjacent zones (e.g. R-200, PD-11, and EOF). Third, with the exception of Lots 94, 104 and 105, the building setbacks are greater than the minimums required, which sets the new units farther away from the property lines and consequently decreases impacts on adjoining properties. Fourth, the development is adequately screened from surrounding roads and properties by preserving natural features and supplementing existing vegetation with new plant material. Finally, noise barriers (e.g. retaining walls) are provided along the property lines near Frederick Road and Cool Brook Lane to address grading issues and reduce noise levels. The Applicant has completed a noise study for Lots 87 to 99, which are the closest units in this development to

Frederick Road (MD 355). No noise impact study was required for the alignment of the future Roberts Tavern Drive since this roadway is not on the Constrained Long Range Plan or on Montgomery County's Capital Improvements Program (CIP). The details of the noise study are discussed in the next finding; however, no mitigation is necessary for the backyards and outdoor recreation areas.

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

The entirety of this project is located within the Clarksburg Special Protection Area (SPA) and is therefore required to obtain approval of a water quality plan under Section 19-62 of the Montgomery County Code.

Clarksburg Special Protection Area Water Quality Plan

The Preliminary Water Quality Plan was reviewed and approved during the Planning Board hearing of the rezoning case number G-957 on July 24, 2015.

The Final Water Quality Plan is consistent with the Preliminary Water Quality Plan and will protect the areas of environmental buffers and existing remaining forest in a Category I Conservation Easement. The Applicant must enter into an agreement with the Planning Board to keep the amount of impervious surfaces below the target of 30 percent of the net tract area set by the Montgomery County Planning Board in its Resolution dated July 24, 2015.

In a letter dated June 23, 2016 MCDPS has found the Final Water Quality Plan to be acceptable for their portion of the Final Water Quality Plan under its purview including 1) stormwater management facilities, and 2) sediment and erosion control measures. In addition, MCDPS has established the following set of performance goals that will be met through implementation of the Final Water Quality Plan:

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

Priority Forest Conservation Areas

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As part of the Final forest conservation plan (FFCP), the Applicant will be retaining 8.00 acres of existing forest, including all of the forest within the environmental buffers. The forest conservation requirements are described in more detail in the Forest Conservation Plan section of this report. The retained forest and all environmental buffers will be protected through a Category I Conservation Easement.

Impervious Surfaces

The Clarksburg SPA does not have a specific numerical limit on impervious surfaces; however, in this case, on July 24, 2015, the Planning Board approved the Preliminary Water Quality Plan requiring that the Applicant must limit impervious surfaces to 30 percent of the net tract area.

As currently designed, the project complies with the Preliminary Water Quality Plan with an impervious surface calculation that is lower than 30 percent, excluding the pedestrian natural surface trail connecting the western and eastern sides of the property as recommended by the Board to be accessible and efficiently located to minimize the negative impact on environmentally sensitive features.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420132130 for this Property was approved in April 2014. The NRI/FSD identified the environmental constraints and forest resources on the Subject Property. The Property includes two streams, six forest wetland areas, four springs, three seeps and environmental buffers within the watersheds of these streams. This site drains to the Clarksburg tributary of the Little Seneca Creek watershed. The Property contains approximately 24.19 acres of forest, slopes greater than 25 percent, highly erodible soils, wetlands, seeps and streams.

Forest Conservation

A Preliminary Forest Conservation Plan was approved by the Planning Board on July 24, 2015 as part of the rezoning case for Dowden's Station, Plan Number G-957. As required by Section 22A-11(b)(2) of the Montgomery County Code, this Application includes a Final Forest Conservation Plan (FFCP).

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The project site contains 22.88 acres of existing forest. As part of the FFCP, the Applicant will remove 13.88 acres of forest and retain 8.00 acres. Therefore, there is no afforestation/reforestation requirement since the amount of retained forest is greater than the forest retention threshold of

4.40 acres for this project. The retained forest onsite will be protected through a Category I Conservation Easement.

Environmental Buffer Protection

The project site has two perennial streams with their associated stream valley buffers (SVB) and six forest wetland areas with wetland buffers. Five of the six wetland areas are located adjacent to the western stream while one wetland is located at the terminus of the intermittent portion of the eastern stream. The project will impact a portion of the stream valley buffers (SVB) and wetlands along the western stream. This impact is the result of the construction of the compacted earthen filled bridge structure through the SVB to carry an 8" water line, an 8" sewer line and a 10-foot wide concrete pedestrian sidewalk to Observation Drive offsite. The Board approved this impact as the preferred alternative for provision of water and sewer to the project.

The Final Water Quality Plan meets all applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas. The Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law and the Noise Guidelines.

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

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

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 20 2016 (which is the date that this resolution is mailed to all parties of record); and


BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, October 13, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board