



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

**APR 13 2021**

MCPB No. 21-029

Site Plan No. 82010003A

**Toll Brothers – Phase 2 Cabin Branch**

Hearing Date: April 8, 2021

**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.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on May 2, 2013, the Planning Board, by Resolution MCPB No. 13-56, approved Site Plan No. 820100030, for 168 residential dwelling units (128 one-family detached and 40 one-family attached units), of which 10 are moderately priced dwelling units (“MPDUs”), using 63 transferable development rights (“TDRs”) on 46.35 acres of RMX-1/TDR-3 zoned-land, located in the southwest quadrant of the intersection of Clarksburg Road and Interstate 270 (“Subject Property”), in the Clarksburg Policy Area and the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area* (“Master Plan”) area; and

WHEREAS, on December 2, 2020, Bentley Park, LLC (“Applicant”), filed an application for approval of an amendment to the previously approved site plan for approval of the following modifications:

1. Amend condition 21b to remove the fence requirement at the rear of lots 35 – 48 and lots 58-60 on Block AD and replace it with trees and landscaping within the green space along West Old Baltimore Road; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 82010003A, Toll Brothers – Phase 2 Cabin Branch (“Site Plan,” “Amendment,” 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 March 25, 2021, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 8, 2021, Staff presented the Amendment to the Planning Board as a consent item for its review and action; and

WHEREAS, at the hearing, the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board approves Site Plan No. 82010003A to remove the fence requirement at the rear of lots 35 – 48 and lots 58-60 on Block AD and replace it with trees and landscaping within the green space along West Old Baltimore Road, subject to the following conditions:<sup>1</sup>

**Certified Site Plan: Specific Site Design**

**21. High Visibility Lots Treatment**

Provide enhanced architectural treatments such as stone/brick walls, seat walls, architectural fences, and landscaping to all lots proposed for treatment by the Town Architect with particular treatment for those lots listed below. All lot treatments are subject to review and approval of Staff prior to certified Site Plan.

- b. Block AD, Lots 35-48, Lots 58-60: Provide trees and landscaping for the rear yards for each of these lots along West Old Baltimore Road; for the walls at the rear of Lots 35, 48, and 60 along West Old Baltimore, use stone materials, such as a stone base and columns, consistent with Cabin Branch monument signage;

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect; and

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan No. 82010003A, Toll Brothers – Phase 2 Cabin Branch Limited Major Site Plan Amendment, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above condition of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified

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<sup>1</sup> 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.

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 amendment conforms to all non-illustrative elements of a development plan and all binding elements of a schematic development plan.

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

#### Location of Buildings and Structures

Removing the approved structures, such as the screen fencing located at the rear of Lots 35 - 48 and Lots 58 - 60 along West Old Baltimore Road, continues to be safe, adequate, and efficient. The remaining three fieldstone walls are decorative, do not retain any site grading, and are within the location of the previously approved screen fencing, which satisfied the original intent of connecting the original architectural character of the front facades of the homes with the rear of the properties along West Old Baltimore Road. Lastly, the fences for screening are unnecessary due to the grade changes and distances between the backyards and landscaping.

#### Landscaping and Lighting

Landscaping, consisting of a mix of evergreen and shade trees with understory shrubs, are being added at this location which previously had approved fencing. The landscaping helps to delineate the backyards and provide separation between the backyards and West Old Baltimore Road, while also maintaining a softer, more scenic character for the streetscape along West Old Baltimore Road. The addition of landscaping and trees along the slopes also greatly improves views from the backyards and the public realm along the street.

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 ~~APR 13 2021~~ (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).

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**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 Cichy, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, April 8, 2021, in Wheaton, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board