



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

MAR 10 2022

MCPB No. 22-026
Site Plan No. 820210010
Linthicum West
Date of Hearing: March 3, 2022

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 November 2, 2020, Linthicum West Properties, LLC and U.S. Home Corporation (d/b/a Lennar) ("Applicant") filed an application for approval of a site plan for the construction of two hundred and fifty-three (253) residential units, including 32 MPDUs with associated amenities and parking, on 165.25 acres of RE-1 with TDR-2 Overlay zoned-land, located at 14222 West Old Baltimore Road ("Subject Property"), in the Clarksburg Policy Area and 1994 *Clarksburg Master Plan & Hyattstown Special Study* Area ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820210010, Linthicum West ("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 February 18, 2022, setting forth its analysis and

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Approved as to
Legal Sufficiency: Emily Vaias
M-NCPPC Legal Department

recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 3, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820210010 for construction of two hundred and fifty-three (253) residential units, including 32 MPDUs with associated amenities and parking, on the Subject Property, subject to the following conditions:¹

Density, Height & Housing

1. Density
The Site Plan is limited to a maximum of 253 total dwelling units, including 32 MPDUs, on the Subject Property.
2. Height
The development is limited to a maximum height of 50 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.
3. Transfer of Development Rights (TDRs)
 - a. Prior to the recording of any record plat, the Applicant must acquire 56 TDRs for the development.
 - b. The record plat(s) must reflect serialization and book/page reference for all TDRs used by the development.
4. Moderately Priced Dwelling Units (MPDUs)
 - a. The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated January 25, 2022 and 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.

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.

- b. The development must provide 12.6 percent MPDUs or MCDHCA approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

Green Space, Facilities and Amenities

5. Common Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 103 acres of open space (92% of net lot area) on-site.
- b. Before the release of residential building permits, all public space areas on the Subject Property must be completed on the following schedule as shown on the Certified Site Plan:
 - i. Prior to release of the 126th residential building permit, the central green located on Parcel 'E' and Parcel 'L' including but not limited to the pavilion, bike racks, garden areas, and terracing must be completed.
 - ii. Prior to release of the 151st residential building permit, the playground area shown on Parcel 'D' including all playground equipment, benches, and landscaping must be completed.
 - iii. Prior to release of the 201st residential building permit, the Trail Head at the end of 'Street G4' must be completed.
 - iv. Prior to release of the 126th residential building permit, the Green Space located between Units #49 and #50, Block A must be completed.
 - v. Prior to release of the 201st residential building permit, the natural surface trail and any associated features located on Parcel 'T' must be completed.

6. M-NCPPC Department of Parks

- a. The Applicant must convey to the Maryland-National Capital Park & Planning Commission ("Commission") a minimum of 86 acres of future M-NCPPC parkland ("Park Dedication Parcel(s)") as identified on the "Parkland Conveyance Exhibit" in accordance with Condition #11 of Preliminary Plan #12005003A.
 - i. Prior to issuance of the 50th building permit, the Record Plat that includes the Park Dedication Parcel(s) must be recorded and an executed deed for the Park Dedication Parcel(s) to be conveyed to the Commission,

in a form approved by the Commission's Office of General Counsel, must be provided to the Commission.

- ii. The Commission will hold the deed in escrow until all construction on the Park Dedication Parcel(s) is complete and all conditions of the Park Construction Permit(s) have been completed and accepted by the Commission, at which time the deed will be recorded in the land records to transfer title of the Park Dedication Parcel(s) to the Commission.
 - iii. Prior to Commission recordation of the deed and release of the Park Construction Permit (i.e. after completion of activity pursuant to the permit), the Park Dedication Parcel(s) must be free of trash and unnatural debris with the boundaries adequately marked and signed to delineate between park and private properties. Location and design of boundary markers and signs to be approved by M-NCPPC, Montgomery County Department of Parks staff.
- b. Any construction activity on the Park Dedication Parcel requires an approved Park Construction Permit, including but not limited to:
- i. All facilities to be constructed by the Applicant must be acceptable to M-NCPPC Montgomery County Department of Parks staff and must meet or exceed the Department's design standards and specifications.
 - ii. Grading within the approved Limits of Disturbance (LOD) shall be coordinated between M-NCPPC Montgomery County Department of Parks staff and the Applicant to accommodate future park uses, eliminate maintenance expectations by future HOA (Homeowners Association), and avoid environmentally sensitive features and buffers.
 - iii. Graded slopes on the Park Dedication Parcel(s) shall not exceed 3:1.
 - iv. Landscape design and vegetative plantings shall meet M-NCPPC, Montgomery County Department of Parks standards, specifications, and native species requirements. Newly graded areas will not be accepted until sufficient permanent vegetative stabilization is achieved. Areas of afforestation/reforestation plantings will not be accepted until the required maintenance period is complete and deer fencing removed.
 - v. Ensure stable conveyance of proposed discharges from stormwater outfalls located on and directed towards the Park Dedication Parcel(s).
 - (1) No stormwater management facilities shall be located on the Park Dedication Parcel(s).
 - (2) Public storm drain structures may be allowed on the Park Dedication Parcel(s) within County easements, as approved in this Site Plan and the Park Construction Permit.
 - (3) Avoid overflow discharges onto steep slopes.
 - (4) Ensure that any overflow occurs as sheet flow to the floodplain and/or receiving streams.

- (5) Manage discharges from stormwater outfalls using step-pool storm drainage conveyance systems or comparable designs, as appropriate.
- (6) Minimize environmental buffer impacts associated with ESD (Environmental Site Design) overflow outfalls.
- (7) Minimize the need to convey stormwater across steep slopes, ensuring such conveyance is done in a nonerosive manner.
- vi. Park Dedication Parcel(s) trail alignments and design standards must be met, including meeting ADA requirements within the Park Dedication Parcel(s).
- c. Multiple Park Construction Permits may be issued throughout the Application and for the Park Dedication Parcel(s) and may be flexible for consistency with the Applicant's land development phasing and permitting requirements from other agencies.
- d. Changes may be made to the approved Limits of Disturbance (LOD), the location of facilities on the Park Dedication Parcel(s), and to specific details during the Park Construction Permit review at the direction of the Park Development Division without requiring an amendment to the Site Plan.

7. Recreation Facilities

The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities within HOA parcels including, but not limited to landscaping, benches, retaining walls, stairways, bike racks, playground equipment, trash cans, lighting, fences, mailboxes, walkways and other hardscapes.

Site Plan

9. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
- b. 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 shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

10. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified 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 onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

Environment

11. Forest Conservation

- a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan ("FFCP"). Tree-save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c. Prior to the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must record a Category I Conservation Easement over the area of 2.54 acres of forest retention located along West Old Baltimore Road, east of the main entry drive at Street 'A' and north of Lots 1-6, Block A. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
- d. Prior to the installation of the natural surface trail through Parcel 'T', the Applicant must schedule a pre-construction meeting with M-NCPPC Forest Conservation Inspection Staff to field locate the alignment of the trail.
- e. Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must install permanent conservation easement signage along the perimeter of

- the conservation easements as shown on Sheet 4 of 12 of the approved FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- f. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 2.04 acres of new forest planting, variance mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
 - g. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands. The use of herbicides should be avoided where possible.
 - h. The Applicant must install the Reforestation plantings for Planting Area A, as shown on the approved FFCP, in the first planting season following stabilization of the surrounding disturbed area.
 - i. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 61.75 caliper inches as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 - j. The Applicant must install the variance tree mitigation plantings as shown on the FFCP within the first planting season following the release (i.e., completion of activity pursuant to the permit) of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - k. The Applicant must address all outstanding Staff comments on the FFCP prior to submittal of the Certified FFCP.
 - l. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

Transportation & Circulation

12. Pedestrian & Bicycle Circulation

- a. Prior to the specified development triggers below, the Applicant must construct the following master planned pedestrian and bicycle facilities. The exact location, design and construction of which must comply with the requirements set forth by the Maryland State Highway Administration ("SHA"):
 - i. Prior to issuance of the 175th building permit, the Applicant must construct a 10-foot-wide shared use path, as shown on the Certified Site Plan, along the Property frontage with MD 121 from the traffic circle with Old Baltimore Road to the southwestern Property boundary, subject to an approved SHA access permit.
 - ii. Prior to the issuance of the 175th building permit, the Applicant must construct, in the approximate location shown on the Certified Site Plan, a 10-foot-wide path within the Park Dedication Parcel that connects the shared use path along MD 121 with Street A, subject to an approved Park Construction Permit.
 - iii. The Applicant must coordinate with MCDOT, Planning Staff and Parks Staff to ensure safe and efficient crossing of West Old Baltimore Road at Gull Street to accommodate the crossing of the natural surface trail. Prior to Record Plat, the Applicant will provide designs of these crossings for review and approval by MCDOT, Planning Staff and Parks Staff.
13. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated November 17, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
14. Private Roads

The Applicant must provide Private Alleys #1, #2, #3, #4, and #5, including any sidewalks, bikeways, storm drainage facilities, street trees, streetlights, private utility systems and other necessary improvements as required by this Site Plan within the delineated private road area (collectively, the "Private Alleys"), subject to the following conditions:

 - a. The Private Alleys must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338,

and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq. The Covenant includes, but is not limited to the following requirements/conditions:

- i. The Applicant, at its expense, shall design, construct and maintain the Private Alleys.
 - ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Alleys and all improvements located within the Private Alleys, in good condition and repair for safe use and operation of the Private Alleys. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The reserves must be adequate to cover the costs of needed repairs.
 - iii. The Applicant must post and retain signage to notify the public that the Private Alleys are not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Alleys.
- b. Before issuance of the first building permit, 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 Alleys have been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Site Plan, and that the alleys have been designed for safe use including horizontal and vertical alignments for the intended target speed.

15. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 59-D-3.5(d) of the Montgomery County Zoning Ordinance in effect prior to October 29, 2014, 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, 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 streetlights. The surety must be posted before issuance of 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 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.
16. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated November 9, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Site Plan approval.
17. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("DHCA"), in its letter dated January 25, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Site Plan approval.
18. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Water Resources Section in its stormwater management concept letter dated December 17, 2021 and 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 may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Site Plan approval.
19. 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.
20. 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, approved Fire Department Access Plan, development program, Planning Board Opinion dated December 20, 2005 for Preliminary Plan No. 120050030, Planning Board Resolution dated November 15, 2021 for Preliminary Plan No. 12005003A, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- 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.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Modify the data table to provide the exact density provided by the Application.
- g. Provide two additional play equipment structures for the playground in Block D, as approved by Staff.
- h. Provide landscape design, including canopy trees, shrubs and herbaceous plantings, integrated with nature-based play equipment, such as boulders, on Parcel L, between units 49 and 50, as approved by Staff.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Linthicum West, Site Plan No. 820210010, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, 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/or 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 Subject Property is not subject to a development plan, diagrammatic plan, project plan, or any binding elements of a schematic development plan certified by the Hearing Examiner under Section 59-D-1.64 of the Zoning Ordinance in effect prior to October 29, 2014.

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

Since Preliminary Plan No. 120050030 was approved by the Planning Board on March 31, 2005 under the previous Zoning Ordinance, this Application qualifies for the grandfathering provisions contained within Section 59.7.7.1.B.1 of the Zoning Ordinance currently in effect:

"B. Application Approved or Filed for Approval before October 30, 2014

1. Application in Progress before October 30, 2014

*Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014, unless an applicant elects to be reviewed under the property's current zoning. Any complete Local Map Amendment application submitted to the Hearing Examiner by May 1, 2014 must be reviewed under the standards and procedures of the property's zoning on October 29, 2014. If the District Council approves such an application after October 30, 2014 for a zone that is not retained in Chapter 59, then the zoning will automatically convert to the equivalent zone as translated under DMA G-956 when the Local Map Amendment is approved. **The approval of any of these applications or amendments to these applications under Section 7.7.1.B.1 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. The gross tract area of an application allowed under Section 7.7.1.B.1 may not be increased.***

These grandfathering provisions allow this Application to be reviewed under the development standards in effect on October 29, 2014 because the original Preliminary Plan 120050030 was approved in December of 2005 and is still valid.

a. Use Standards

RE-1 Zone

Under Section 59-C-1.31 of the Zoning Ordinance in effect prior to October 29, 2014, One-Family Detached Dwellings are a permitted land use in the RE-1 zone. Under Section 59-C-1.61 One-Family Semidetached Dwellings (duplexes) are permitted under the optimal method of development as moderately priced dwelling units (MPDUs) “in order to facilitate the construction of those units” as long as such a development is served by public sewer (Section 59-C-1.62, Footnote #8).

This Application includes all One-Family Semidetached dwellings to be provided as MPDUs. Furthermore, the Application in its entirety will be served by public sewer service. Therefore, these use standards are satisfied.

Transferable Development Rights (“TDR-2”) Overlay Zone

The TDR-2 overlay zone allows for additional density up to 2 dwelling units per acre using the R-200 MPDU standards in Section 59-C-1.395. TDRs must be purchased for all market rate units above the base density. MPDUs are excluded from the calculations. Thus, for the Application, the TDR calculations are as follows:

Gross Tract Area	165.25 acres	
Zoning	RE-1/TDR-2	
Base Density (RE-1 optional method)	165 units	= 165.25 acres x 1 du/acre
Max. Density with TDR's (TDR-2 Overlay)	330 units	= 165.25 acres x 2
Maximum TDRs allowed	165 TDRs	= 330 - 165
Minimum number of TDRs required	109 TDRs	= 2/3 x 165
Total Number of Units provided	253 units	
Minimum MPDUs required (12.5%)	32 MPDUs	= 253 units x 0.125
Number of Market Rate units provided	221 units	= 253 – 32
Number of Market Rate Units above Base Density	56 units	= 221 – 165
Number of TDR's provided	56 TDRs	

The Planning Board approved Preliminary Plan No. 120050030 in March of 2005. At that time, the Board utilized the provision in Section 59-C-1.393

allowing for a density that was lower than the maximum allowed by the Overlay Zone, which allowed for the purchase of fewer than the 2/3rds of TDRs typically required. This reduction was allowed for: the protection of environmentally sensitive resources, such as streams, stream buffer, steep slopes; dedication of future Parkland; and compatibility with the surrounding rural setting. The lower density is more appropriate for this Property given the existing environmental resources and extensive area of Parkland dedication, which combined effectively decrease the usable area for the development. The Applicant is providing 56 market rate units above the base density, which is equivalent to 56 TDRs. As conditioned, the Applicant is required to acquire 56 TDRs to account for the additional density, which will allow for the preservation of farmland within TDR sending areas elsewhere in the County. Therefore, the Application meets the requirements of the Overlay Zone.

Requirements of the RE-1 with TDR-2 Overlay Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board, within the Zoning Ordinance in effect prior to October 29, 2014, and binding on the Applicant, and based on other evidence of record, the Application meets all of the applicable requirements of the RE-1 with TDR-2 Overlay Zone.

Table 1 – Development Data Table

Development Data			
Zoning	RE-1/TDR-2 (reviewed under the Zoning Ordinance in effect prior to 10/29/2014)		
Site Area	165.25 acres		
Uses	Permitted (as allowed by Zoning Ordinance in effect on October 20, 2014)	Approved with Preliminary Plan Amendment	Provided with Site Plan
Residential			

Single-Family Detached	330 (less with MPDU's)	221	221
Two-Family Attached (Duplex MPDU)	Up to 76	32	32
MPDU's	30% (76 MPDUs) ²	32	32 (12.6%)
Total Dwelling Units	330	253	253
Total Density	2.00 DUs/acre	1.55 DUs/acre	1.55 DUs/acre
Max. Building Height	50 feet	N/A	40 feet
Lot Area (min)			
Single-Family Detached	6,000 sf	6,000 sf	6,000 sf
Duplex	3,500 sf	3,500 sf	3,500 sf
Min. Lot Width at Front Building Line			
Single Family Detached	Determined at Site Plan	Determined at Site Plan	50 ft.
Duplex	Determined at Site Plan	Determined at Site Plan	27.5 ft.
Min. Lot Width at Front Lot Line			
Single Family Detached	25 ft.	25 ft.	50 ft.
Duplex	25 ft.	25 ft.	27.5 ft.

² Section 59.4.4.6.D allows the maximum of 30% of duplex or townhouse building types in an optional method MPDU Development.

Frontage on Street or Open Space	Required	Required	Provided
Lot Coverage (max)	N/A	N/A	N/A
Parking Requirements (min)			
	Metric	Required	Provided
	Rate		
Residential			
One-family detached	2.00 spaces/dwelling unit	442	884
Two-family attached	2.00 spaces/dwelling unit	64	64
Residential Subtotal		506	948
On-Street visitor			300 ³
Open Space			
Open Space	20% (22.27 acres)	Required: 20% (22.27 acres)	92% (103.3 acres)
Green Area (per lot)			
Single-family detached (SFD)	N/A	N/A	N/A
Two-family attached (SFA)	N/A	N/A	N/A

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.*

a. **Buildings and Structures**

³ On-street parallel parking on public roads is subject to MCDOT and DPS-ROW review and approval at ROW permit.

As conditioned, the location of buildings and structures is adequate, safe, and efficient. The single-family detached and MPDU duplex dwelling units are positioned to provide activation along the streets. The dwelling units are positioned such that the front façades are aligned and extend parallel to the streets that they front, thus providing opportunities to frame the street, create an articulated edge to the street, and make the units easily accessible with access to the sidewalks. The rear-loaded single-family detached and MPDU duplex dwelling units are primarily located near the front of the development, closer to West Old Baltimore Road, and are circulated by Street 'A' within the Subject Property. The front-loaded dwelling units vs rear-loaded dwelling units are provided at a ratio of approximately 1:1 (127 front-load units vs 126 rear-load units). Most of the front-loaded units are located toward the rear of the development on the outer perimeter of Street 'D' within the Subject Property.

The Application conforms to the 1994 *Clarksburg Master Plan & Hyattstown Special Study* ("Master Plan") by clustering housing away from MD 121 "so that it does not obstruct the vista from MD 121" (Page 69). The Application places this residential housing cluster in the exact spot recommended in the Cabin Branch Neighborhood Land Use Plan (Page 65) in the Master Plan. In addition, the Application meets the recommended "minimum of 85 percent detached units" (Page 69) by providing 87 percent detached units.

All of the dwelling units are well articulated on the facades and the roof to provide visual interest along the interior streets, while still providing a driveway parking pad site to park at least one car outside of the public sidewalks and incorporate a green panel with street trees. The material palette for the dwelling units varies based on the different models for the front-loaded, rear-loaded, or MPDU duplex units. In general, the base of the dwelling units is masonry, featuring either brick or stone, with horizontal or vertical lap siding or a mixture of lap siding and wood shingles, and a mix of predominantly gabled roofs, with some units incorporating minor hips at gable ends. Front entries, from the lead walkway, are located at a front porch incorporating columns and shed roofs, while the MPDU duplex units include paired and matched front entries with a single shed roof to match the single-family detached dwelling units. Additionally, the MPDU duplex dwelling units provide a similar massing to the single-family detached dwelling units to provide visual and aesthetic compatibility for the architecture of the residences.

Development of this Site Plan does require the use of retaining walls to create usable grade at some locations. The retaining walls are primarily located at the front of selected lots along Street 'A', Street 'F', and Street 'K' and range from approximately one to two feet in height. Due to the visibility and prominent location at the front of the selected lots, the retaining walls incorporate masonry enhancements to soften the impact, while visually connecting the retaining walls to the architecture and site design.

b. Open Spaces

The location of the open spaces is adequate, safe, and efficient. The Application conforms to the Master Plan by preserving large, contiguous areas of open space, which do not preclude continued agricultural activities (Page 69), while also dedicating significant Park Dedication Parcel(s) to transition from agricultural activities to a County-owned park with related programming and activities (Page 69).

In the RE-1 zone, the Green Area requirement for individual lots is not applicable. The Application is required to provide 20% of usable area, approximately 22.27 acres, for Open Space. This Site Plan exceeds the required amount of Open Space within the Property tract by providing 92%, approximately 103.3 acres. The largest area of Open Space is the Park Dedication Parcel consisting of dedicated parkland of no less than 86 acres, including trails, that encompasses the Subject Property to the south, east, and west. The Park Dedication Parcel will be programmed by M-NCPPC Parks in the future as a conservation-oriented recreational park, activated with a network of multi-use, sustainable trails, picnic areas, and other appropriate amenities and support infrastructure to provide for community gatherings, active recreation, and nature-based recreation. Within the residential development, the primary open spaces include the central green, a playground, an enhanced trailhead area, additional open lawn and play areas, and a fitness loop. There is also available open space from the setbacks between the different buildings, streets, and areas along the pedestrian walkways and sidewalks, all of which provide locations for landscaping and greenery.

c. Landscaping and Lighting

The location and quantity of the landscaping is adequate, safe, and efficient on the Subject Property. The Site Plan landscaping serves multiple purposes, including screening and canopy cover in-and-around

streets, on-street public parking facilities, landscaping around amenity areas, and landscaping adjacent to all buildings. All buildings have extensive foundation plantings, including shrubs and ornamental grasses, helping to soften the edges of the buildings. The Site Plan includes a central green, picnic and seating areas, a terraced garden area, an enhanced trailhead area, a playground area, and additional smaller grass areas that incorporate a wide palette of plant materials that are appropriate with groundcover, shrubs, ornamental grasses, and ornamental trees to provide inviting and comfortable open spaces, while also providing respite from the public areas of the streets. The Site Plan will also include street trees along each street in order to promote a cohesive community and environment, while also providing landscaping that provides variations to stimulate visual interest, framed views, and focal points within the Subject Property.

The lighting provided with this Application is safe, adequate and efficient for ensuring good nighttime visibility within the public and open space areas without negatively impacting surrounding residential dwellings. The lighting for the Site Plan is a combination of free-standing poles located within the public right-of-way and wall-mounted luminaires. In general, the light poles are provided for all of the streets, while the luminaires are provided for accenting and evenly lighting the alleys and porches.

d. Recreation Facilities

The location and quantity of provided recreation facilities is adequate, safe, and efficient. Construction of 253 new dwelling units requires the Site Plan to meet the 2017 Approved and Adopted Recreation Guidelines. Consistent with the Guidelines, the Site Plan supplied recreation amenities to meet the recreation demand. Table 2, below, illustrates the amount of recreation demand the Site Plan generates.

Table 2

Proposed Residential Project - Units by Type and their Demand Points								
Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
TH	Townhouses and Single-Family attached	32	4.48	7.04	5.12	16.96	23.36	3.52
SFD	Single-Family Detached	221	33.15	77.35	77.35	59.67	161.33	30.94
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
Total Demand Points =		253	37.63	84.39	82.47	76.63	184.69	34.46

To satisfy the recreation demand, the Application has numerous outdoor recreation amenities, as shown in the supply table (Table 3). The primary recreational amenity is the central green, which will serve as the entrance and focal point for the Application. The central green area will include a pavilion, a terraced garden area, a fire pit area, and picnic and seating areas. There will be additional recreational amenities provided such as a playground, enhanced trailhead area, additional open lawn and play areas, and a fitness loop. As conditioned, the Applicant will provide landscape design, including canopy trees, shrubs and herbaceous plantings, integrated with nature-based play equipment on Parcel L, between units 49 and 50, to supplement amenities provided for the younger age groups. The Applicant will be dedicating a Park Dedication Parcel as conditioned in Preliminary Plan 120050030 and Preliminary Plan 120005002A as parkland, which can be used for passive and active recreation purposes and will be connected to the Subject Property and Black Hill Regional Park at multiple locations. All residents will have access to all amenities regardless of whether they live in a single-family detached or duplex dwelling unit.

Table 3

Proposed Onsite Recreation Facilities and their Supply Points								
Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Linthicum West Special Park	1	10.00%	7.70	9.90	20.90	15.40	15.40	15.40
Linthicum West Pavilion	1	0%	1	5	15	12	12	10
Linthicum West Camp Fire Feature	1	0%	0	5	10	7	7	5
Linthicum West Informal Lawn	1	0%	3	5	17	14	14	12
Linthicum West Trailhead Decking	1	10.00%	7.70	9.90	20.90	15.40	15.40	15.40
Pedestrian Connection - Trail System	1	10.00%	4.14	18.57	13.61	12.64	30.47	3.79
Fitness Trail	1	0%	0	8	12	14	14	7
Open Grass Area Lawn - Small (5,000 sf)	2	0%	6	8	18	18	18	6
Open Grass Area Lawn - Large (10,000 sf)	1	0%	6	9	15	20	15	6
Natural Area	1	10.00%	2.07	4.64	9.07	8.43	20.32	1.90
Playground (Age 5-12) [Play Area]	1	0%	0	9	3	2	4	2
Picnic/Seating	4	0%	4	4	6	12	12	12
Outdoor Fitness Station	1	0%	0	0	3	3	2	2
Terraced Garden Area	2	0%	4	4	4	4	4	4
Stairs, Steps and Railings	1	0%	0	3	4	5	5	4
Total Onsite Supply Points=			45.61	103.01	171.48	162.87	188.59	106.49

Although the recreation amenities fully meet the recreational demand for the Application, Table 4, demonstrates that the Site Plan is eligible to

claim the maximum 35% of Total Demand Points from an offsite trail system and woodland area located next to the Subject Property.

Table 4

Existing Offsite Park Facilities and their Supply Points							
Park Facility	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Trail System	1	3.76	16.88	12.37	11.49	27.70	3.45
Woodland	1	1.88	4.22	8.25	7.66	18.47	1.72
Total Offsite Supply Points:		5.64	21.10	20.62	19.16	46.17	5.17
35% of Total Offsite Supply Points:		1.98	7.38	7.22	6.71	16.16	1.81
Max Allowed Pts (35% of Total Demand Pts):		13.17	29.54	28.86	26.82	64.64	12.06
Actual Assigned Offsite Supply Pts:		1.98	7.38	7.22	6.71	16.16	1.81

Table 5, below, demonstrates that the recreation supply, both onsite and offsite, is adequate to meet the recreation demand. Therefore the recreation facilities provided are adequate for this Site Plan.

Table 5

Results: Demand, Supply & Adequacy					
Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	37.63	1.98	45.61	47.59	Adequate
Children	84.39	7.38	103.01	110.39	Adequate
Teens	82.47	7.22	171.48	178.70	Adequate
Young Adults	76.63	6.71	162.87	169.58	Adequate
Adults	184.69	16.16	188.59	204.75	Adequate
Seniors	34.46	1.81	106.49	108.30	Adequate

e. Vehicular and Pedestrian Circulation

Transportation will be adequate for the use. The APF for the 253-dwelling application was approved under Preliminary Plan 120050030 and extended under Preliminary Plan Amendment 12005003A; this application is exempt from additional LATR review. The Application will generate 268 AM and 368 AM peak period person trips as previously approved.

Vehicle Circulation

All roads for the development will be public and meet MCDOT Road Code Standards. As approved under the Preliminary Plan, the Subject Property will be accessed via two access points on West Old Baltimore Road, the first approximately 400 ft. east of the traffic circle for West Old Baltimore Road and Clarksburg Road and the second approximately 400 ft. east from the first entrance, opposite from existing Gull Street to the north. No road access will be provided along the frontage to Clarksburg Road in order to preserve the vistas from MD 121 as recommended by the Master Plan.

Pedestrian Circulation

All streets will have sidewalks on both sides throughout the Subject Property. Additional internal pedestrian connectivity is improved with a linear walkway running perpendicular to the road network in the southeastern section of the Subject Property, terminating in a trailhead to the north that accesses West Old Baltimore Road. This path will allow a finer grain porosity to the Property to improve cross-connectivity as well as access to the eastern side of West Old Baltimore Road and the Cabin Branch community to the north.

External pedestrian access to West Old Baltimore Rd. will occur at three locations: Sidewalk access at the previously mentioned two site entrances as well as a trail connection exiting between Units #7 and #8, Block 'A' in connecting to West Old Baltimore near the entrance for the WSSC pumping station.

As conditioned, a shared use path will be constructed in coordination with Montgomery Parks connecting Street A to the shared use path to be constructed along Clarksburg Rd. The final alignment will be determined as part of the park construction permit process as this area of the Subject Property will be part of the Parks Dedication Parcel(s). Additionally, a trailhead will be constructed at the southeast edge of the Subject Property to accommodate access to Black Hill Regional Park.

Long term, additional trails throughout the park dedication area are likely to be constructed by Montgomery Parks following a facility study. Gaps have been provided along sections of public streets facing the park area to accommodate viewshed and later access.

Bike Circulation

Street G, the boulevard-style road serving as the north-south spine to the Subject Property will accommodate a 10-ft. wide shared use path along the north side of the street. This will accommodate off-street bike circulation through the center of the Property along the busiest road. Bike access to all remaining homes will be provided on what will be low-stress, low-volume residential streets. A small section of Street A serving as the northern site entrance will extend the shared use path to West Old Baltimore Rd. and the shared use path recently constructed on that road. The Street G Path will terminate at the recreation area at the southeast edge of the Property that offers a trailhead to Black Hill Regional Park. Following the recommendation of the 2018 Bicycle Master Plan, the Application will construct a 10-ft. wide shared use path along the eastern frontage of Clarksburg Rd. This will extend through the southern edge of the West Old Baltimore Road/Clarksburg Rd. traffic circle, providing connectivity to shared use paths on those roads. This path will serve as an important part of the transportation network for Clarksburg. The path will provide logical links and connections between Clarksburg residential communities, retail, and employment, as well as to points south. The path will provide additional transportation capacity and will be used primarily for transportation. It will improve the transportation network, will improve bicycle commuting, will be for general public use, and will not primarily serve just the residents of the Subject Property or a small number of developments.

As previously mentioned, a shared use path will also be constructed off-road to connect through the Parks Dedication Parcel(s), creating a connection from Clarksburg Rd. to Street A. This improvement will require additional coordination with Montgomery Parks through the park construction permit process.

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

The use and structures for the Subject Property are compatible with other uses, site plans, existing, and proposed development on adjacent properties. The Application is also compatible with the character of the surrounding residential neighborhoods, while the uses and structures are consistent with the Master Plan and prior approvals. The Subject Property is located within the southeastern quadrant of the intersection of West Old Baltimore Road and Clarksburg Road. To the north is the greater Cabin Branch development within the CRT zone. To the east is Black Hill Regional Park and the RE-2 zone. To the south and west are single-family detached homes located within the RE-1

zone. The Subject Property will include a balanced mix of front and rear-loaded single-family detached and duplex MPDU dwelling units with a range of different lot sizes.

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

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

A Final Forest Conservation Plan No. 820210010 ("FFCP") was submitted as part of this Application on October 1, 2020. The Subject Property is zoned RE-1 which is assigned a Land Use Category of HDR as defined in Section 22A-3 of Chapter 22A of the Montgomery County Forest Conservation Law ("FCL") and specified in the Trees Technical Manual and has a Net Tract Area for FFCP purposes of 169.37 acres as outlined below. This gives the Property an Afforestation Threshold of 15% and a Conservation Threshold of 20% of the Net Tract Area, or 25.41 acres and 33.87 acres respectively, as shown in the FFCP Worksheet. The Applicant is developing this Property using an optional method of development. Under 22A-12(f)(B), if an applicant uses an optional method of development they must retain a minimum amount of forest on-site as outlined below in the next section Minimum Onsite Retention.

The FFCP shows a Net Tract Area of 157.76 acres. This includes a Total Tract Area of 165.25 acres minus 7.49 acres for areas on the FFCP that had been included in other FFCPs for the Cabin Branch Development under plan number 82005015G; and for right-of-way dedication and Public Utility Easement along Clarksburg Road ("MD 121"). The FFCP shows a total of 29.89 acres of forest on the Subject Property. The FFCP removes 0.38 acres and retain 29.51 acres of forest. When the numbers of the total tract area, land use category, total amount of forest, total forest removed, and total forest retained are entered into the Forest Conservation Worksheet it results in a total afforestation/reforestation requirement of 0.76 acres. To meet this requirement, the Applicant will plant 2.04 acres within an open section of stream valley buffer. This 2.04 acres of forest planting satisfies the overall 0.76 acres afforestation/reforestation requirement and the forest conservation requirements under Section 22A-12(f) of the FCL discussed below. All planted forest, environmental features and 26.97 acres of retained forest will be dedicated to M-NCPPC Parks Department. The area of 2.54 acres of retained forest located along West Old Baltimore Road, east of the main

entry at Street 'A' and north of Lots 1-6, Block A will be placed into a Category I Conservation Easement.

Minimum Onsite Retention

Section 22A-12(f) of the FCL, in general, states there are special provisions for minimum retention, reforestation and afforestation on any site developed under a cluster or other optional method of development in a one-family residential zone and must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement. Forest retention should be maximized where possible. This Property is being developed under an optional method and is located within a one-family residential zone, RE-1. As such, 22A-12(f) would be applicable to this Application.

22A-12(f)(2)(B) states, in part, that *"In a planned development or a site development 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)."* And in 22A-12(f)(2)(C), *"On a site covered by this subsection, if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum on-site forest requirement."*

Additionally, Section 22A-12(f)(3) states, *"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."*

Under the applicable 22A-12(f)(2)(B) the Applicant's minimum on-site forest requirement would be the Conservation Threshold of 31.55 acres as specified in the FFCP worksheet. Under this section of the FCL the Applicant is required to retain all the existing on-site forest of 29.89 acres and then plant an additional 1.66 acres to bring the total reforestation up to the Conservation Threshold of 31.55 acres. However, the Applicant is required to install an entry drive onto West Old Baltimore Road requiring the removal of 0.38 acres of forest to install that entry. Since retention of all the existing forest is not possible, the Applicant must reforest up to the Conservation Threshold of 31.55 acres from the net retained forest of 29.51 acres resulting in a reforestation requirement of 2.04 acres. The Applicant will meet this requirement by retaining 29.51 acres of forest and planting 2.04 acre of forest within an unforested portion of stream valley buffer. Satisfying this

requirement addresses the FFCP requirements under 22A-12(f) and the requirements under the FFCP Worksheet.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to thirty-two (32) Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property for residential development and amenities without the Variance.

The Board made the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the removal of the nine trees is due to the location of the trees and necessary site design requirement. The Applicant will compensate for removal of the nine trees with mitigation. Therefore, the Board finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland or special protection area. The Application provides mitigation for the removal of these nine trees by planting larger caliper trees on-site. The trees planted as mitigation will replace water quality benefits of the removed Protected Trees such as absorption capacity, nutrient and pollutant uptake, and shade. The Protected Trees being retained but impacted, will continue to provide water quality benefits through their canopy and root systems. In addition, a stormwater management plan addressing water quality through Environmental Site Design will be provided for the development as approved by the Montgomery County Department of Permitting Services. Therefore, the Board finds that the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees by replacing the total number of Diameter at Breast Height ('DBH') removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 61.75 inches of replanted trees. In this case, the Applicant will plant 21 3" caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. No mitigation is required for Protected Trees impacted but retained.

C. Water Resource Protection, Chapter 19

The Site Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on December 17, 2021. The Application will meet stormwater management goals through the use of micro bioretention and landscape infiltration.

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 MAR 10 2022 (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 Vice Chair Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Verma, and Commissioners Cichy and Patterson voting in favor of the motion, and Commissioner Rubin absent at its regular meeting held on Thursday, March 3, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

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