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

Public Use Space, Facilities, Amenities and Parks

6. Public Use Space, Facilities, and Amenities
a) Applicant must convey the Clark Family Memorial to the Clarksburg Town Center HOA.
b) Adjust the fence location within the Clark Family Memorial per correspondence from the Clarksburg Historical Society dated June 23, 2016.

7. Piedmont Woods Local Park
a) A Park Development Permit will be required for any improvements made to Park property or dedications for parkland. All facilities to be constructed by Applicant must be acceptable to M-NCPPC Department of Parks staff and meet or exceed Parks design standards and specifications. Minor changes may be made to the location of facilities and to specific details during the Park Development Permit process, at the direction of the Park Development Division, without requiring an amendment to the site plan. Prior to approval, the Park Development Permit Set will also need to include setback dimensions, proposed grading, planting plans, construction details, utility drawings, tree protection measures, specification and all other information necessary to construct the Application.
b) Plant species selections listed in the site plan set are considered preliminary, subject to the review and approval of the Park Development Division as part of the Park Development Permit process. Applicant will review and redo plant species based on direction from M-NCPPC Department of Parks staff.
c) Prior to the issuance of the 1,054th building permit, the construction of Piedmont Woods Local Park must be installed per the approved Park Permit plans.
d) All plant material installed within the Subject Property shall be warranted by the Applicant for two years from the date of substantial completion.
e) The heavily re-graded areas north of the proposed parking lot and northeast of the proposed dog park shall be stabilized, seeded and maintained per M-NCPPC Department of Parks approved specification for meadow mixture.

8. Kings Pond Local Park
a) Prior to release of the 1001st Building Permit, all required improvements to Kings Pond Local Park shall be installed per the approved Park Permit plans.

9. Clarksburg Town Center Local Park
a) A Park Permit shall be obtained by the Applicant for any improvements made to Park Property or dedications for parkland. All facilities to be constructed by the Applicant must be acceptable to M-NCPPC Department of Parks staff and meet or exceed Parks design standards and specifications. Minor changes may be made to the location of facilities and to specific details during the park permit process, at the direction of the Park Development Division, without requiring a revision to the site plan. The Park Permit set will also include setback dimensions, proposed grading, planting plans, construction details, with a maximum light pole height of 12 feet consistent with the fixture on private streets.
b) On top of the cofferal parking structure, the light pole height must not exceed 12 feet unless the top of the parapet wall including the mounting base.

22. Site Plan Surety and Maintenance Agreement
Before issuance of the 1st building permit for any Block or Phase, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board for that Block or Phase. The Agreement must include a performance bond(s) or letter form of surety as required by Section 59-D-1.9 of the Montgomery County Zoning Ordinance, with the following provisions:
a) A cost estimate for the materials and facilities, which shall include site stabilization, shall be provided to the Applicant for review and approval, with estimates for new residents bringing new applications to the mix, which led to a number of outstanding issues that need to be resolved.

Collectively, these evolving circumstances prompted modifications to the layout, design elements and even some facilities. For example, recreation facilities included within Kings Local and Piedmont Woods Local Parks underwent a direct response to community feedback compiled via an online survey and online comment box. Changes to the layout and programming of Block H and the Town Green Park, separate and aside from the provisions for the optional method of development, the RDT Zone, as demonstrated in the data table below. The Amendment also complies with the development standards of the RDT Zone, separate and aside from the provisions for the optional method of development. The RDT Zone accommodates the proposed Piedmont Woods Park on the northeast side of Snowden Farm Parkway.

This Amendment meets the density requirements of the zones and recommendations of the Master Plan. The residential density of the RMX-2 zone, and RDT zone, as demonstrated in the data table below. The Amendment also complies with the development standards of the RDT Zone, separate and aside from the provisions for the optional method of development. The RDT Zone accommodates the proposed Piedmont Woods Park on the northeast side of Snowden Farm Parkway.

24. Development Program
The Applicant must construct the development in accordance with a development program table below:

Development Program Table	
Deadline	Task
Before Certified Site Plan approval	Include the Amended Final Forest Conservation Plan approval, stormwater management concept approval, development program, and Planning Board Resolution on the approval or cover sheet.
	Provide staging or sequence for the various stages of construction of the approved development, which includes Market Rate Apartments, Green Space and installation of on-site landscaping, lighting, and amenities and phasing of applicable environmental management, sediment and erosion control, and afforestation.
	Provide architectural treatment for high visibility side facades.
Before sediment control plan approval	Demolition of existing structures, and clearing and grading.
Before sediment control permit issuance	Financial surety to M-NCPPC for the required 18.81 acres of forest planting.
	Five year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel.
Before issuance of first residential building permit	Execute an MPDU Agreement-to-build between the Applicant and DHCA (Condition #18)
	Certification from a qualified professional that the lighting plans conform to the Illuminating Engineers Society of North America (IESNA) standards for light levels and uniformity (Condition #22.a)
Before issuance of first building permit	Site Plan Surety and Maintenance Agreement (Condition #22)
	Interim Parking Lots, which are for inclusionary zoning and landscaping in Block D to be completed (the 20th building permit represents the 75th percentile of all building permits assigned to Third Try LG in Block D).
Prior to the issuance of 20th residential building permit in Block H	Grading, seeding, sealing areas, lighting and landscaping must be completed in Block H (the 20th building permit represents the 75th percentile of all remaining building permits to be issued in Block H).
Before issuance of the 50th residential building permit in Block BB	Complete construction of all improvements in the Town Center (Parcel E, Block BB) (Condition #12)
	Complete construction of Town Green (Parcel E, Block BB) (Condition #12)
Prior to the issuance of 75th residential building permit	Complete construction of the amphitheater and stage, Install the amphitheater seat walls and landscaping, and realignment the area, all as shown on Parcel L, Block OS of the certified Site Plan.
Prior to the issuance of 86th residential building permit in Block H	b. Prior to release of the 1,051 residential building permit, the Applicant must dedicate the entire Civic Parcel to Montgomery County. In the event Montgomery County has not either entered into an agreement with the Applicant or appropriated funds for the design and construction of the Civic Building, the MCDPS must not issue a building permit unless accompanied by the Town Architect's certification.
Before issuance of the 86th residential building permit in Block H	The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet SD1 through SD3 of the submitted architectural drawings, as determined by Staff.
	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.
	Enhance high visibility side facades by providing at least two architectural treatments from the following list: bay or bay window, cantilever, false windows, shutters, fireplace, brick water table, trim and headers on exposed side consistent with front elevation. Locations for high visibility side facades include: Lots 1, 14, 35, 42, 57, 58, 72, 80, 81, 88 (Block BB); Lots 33, 38, 50 (Block OG); Lots 31, 32, 55 (Block H). The details of the architectural treatments must be shown on the Certified Site Plan.

20. Landscaping
a) Revise note on Landscape Set to the following language "Any on-lot landscaping and alley landscaping previously shown for existing houses and not installed, is not the responsibility of the Applicant."
b) Provide typical foundation plantings for residential units on the certified site plan.

21. Lighting
a) Before issuance of the any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential and commercial development.
b) All onsite down-lighting must have full cut-off fixtures.
c) Deflectors will be installed on all 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) The light pole height must not exceed 12 feet including the mounting base on private streets and 30 feet in private parking areas, except that light fixtures in the parking areas for the Club Building and for the commercial area adjacent to units 23-38 and 58-63 in Block OG must be replaced with light fixtures with a maximum light pole height of 12 feet consistent with the fixture on private streets.
f) On top of the cofferal parking structure, the light pole height must not exceed 12 feet unless the top of the parapet wall including the mounting base.

22. Site Plan Surety and Maintenance Agreement
Before issuance of the 1st building permit for any Block or Phase, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board for that Block or Phase. The Agreement must include a performance bond(s) or letter form of surety as required by Section 59-D-1.9 of the Montgomery County Zoning Ordinance, with the following provisions:
a) A cost estimate for the materials and facilities, which shall include site stabilization, shall be provided to the Applicant for review and approval, with estimates for new residents bringing new applications to the mix, which led to a number of outstanding issues that need to be resolved.

Collectively, these evolving circumstances prompted modifications to the layout, design elements and even some facilities. For example, recreation facilities included within Kings Local and Piedmont Woods Local Parks underwent a direct response to community feedback compiled via an online survey and online comment box. Changes to the layout and programming of Block H and the Town Green Park, separate and aside from the provisions for the optional method of development, the RDT Zone, as demonstrated in the data table below. The Amendment also complies with the development standards of the RDT Zone, separate and aside from the provisions for the optional method of development. The RDT Zone accommodates the proposed Piedmont Woods Park on the northeast side of Snowden Farm Parkway.

This Amendment meets the density requirements of the zones and recommendations of the Master Plan. The residential density of the RMX-2 zone, and RDT zone, as demonstrated in the data table below. The Amendment also complies with the development standards of the RDT Zone, separate and aside from the provisions for the optional method of development. The RDT Zone accommodates the proposed Piedmont Woods Park on the northeast side of Snowden Farm Parkway.

Data Table

Development Standards	Zoning Ordinance Development Standards Permitted/ Required	Previously Approved with Site Plan 820070220	Approved & Binding on Applicant 820070220
Gross Tract Area (GTA)	n/a	270.0	270.02
Area in RMX-2		204.0	204.02
Residential			(176.69)
Commercial			(28.33)
Area in RDT		66.0	66.0
Land to be Dedicated for public use	n/a	132.92	130.45
Land for Civic Building		0.89	1.10
School Land to MCPS		1.92	1.92
Street Land to M-NCPPC		7.24	7.24
Park Land to M-NCPPC		84.03	83.02
ROW for Public Streets		42.75	37.17
Net Area	n/a	137.08	140.47
Density (DU/Acre)			
Max. Commercial (FAR)	0.5	0.16	0.16
(R-C, TDR, MPDU)	(200,000 SF)	(194,720 SF)	(206,185 SF)
Max. gross leasable (non-residential) Area (SF)	800,000	194,720	206,186
Commercial Land Use (SF)			
Retail	150,000	194,720	129,545
Office		0	76,640
Residential (DU's) (R-C 10.3.8) (+ 30 acres site area)	150 min.	1,208	1,130
Max. Residential Density (du/acre) (R-C 10.3.7)	7.5 (Less * 4,428 d.u.)	8.86	6.3*
Unit Type			
One-family detached	10-20%	219 (18%)	219 (19.6%)
One-family attached	30-60%	790 (65%)	665 (59.3%)
Multi-family	25-45%	267 (24%)	238 (21.1%)
MPDUs (Included 28A)	12.5%	12.5%	12.5% (140 MPDUs)
Building Setbacks			
From one-family residential zoning †			
Larger Block	100	60	60
Commercial buildings	100	60	50
From residential zoning other than one-family *			
Residential buildings	30	15	15
Commercial buildings	50	25	25
From Any Street			
Residential buildings	0	0	0
Commercial buildings	0	0	0
From abutting commercial or industrial zoning (CRN Zone)	*		
Residential buildings	30	15	15
Commercial buildings	25	12.5	12.5
Building Height			
Max. Residential (feet)	60	60	60
Max. Commercial (feet)	60	60	60
Parking Setbacks			
Residential	To be determined at Site Plan	n/a	5
Commercial			5
Parking Setbacks			
Residential			5
Commercial			5
Private Street (Front/Side)			5
Sidewalk (Adjacent to/Front/Side)			5
Rear/yard			0
Accessory Structure Setbacks			
Frontyard		40	0
Sideyard (Adjacent to)		0	0
Sideyard (Private Street)		0	0
Rear/yard		0	0
Civic Building/Library/Stage (Block BB) (Lot 22-24, 33-34)			
Main Structure Setbacks			
Public Street (Front)	To be determined at Site Plan	10	5
Private Street (Front/Side)		5	5
Sideyard (Adjacent to/Rear)		n/a	5
Sideyard (Inter Unit)		6	5
Sideyard (End Unit)		16	5
Rear/yard			5
Accessory Structure Setbacks			
Frontyard		50	50
Sideyard (End Unit/Street)		0	0
Sideyard (Interior Unit)		0	0
Rear/yard		0	0
Civic/Library attached (Block 10) Lot 25			
Main Structure Setbacks	To be determined at Site Plan		
Public Street (Front)		10	5
Frontyard		3	5
Sideyard (Inter Lot)		3	5
Sideyard (End Unit)		3	5
Rear/yard		3	5
Accessory Structure Setbacks			
Frontyard		40	40
Sideyard (End Unit/Street)		0	0
Sideyard (Inter Unit)		0	0
Rear/yard		0	0
Civic Community Building (Block 2) Parcel H, Block 15	To be determined at Site Plan	n/a	
Main Structure Setbacks			
Public Street (Front)		6	5
Private Street (Side)		6	5
Frontyard			5
Sideyard			5
Rear/yard			5
Accessory Structure Setbacks			
Public Street			5
Frontyard			5
Sideyard			5
Rear/yard			5
Multi-family Building Height (Lot 31)	60 (or as determined at Site Plan)		
Residential	To be determined at Site Plan	n/a	
Public Street (Front)		6	5
Private Street (Side)		6	5
Park Drive (Side)			5
Frontyard			5
Sideyard			5
Rear/yard			5
Accessory Structure Setbacks			
Public Street			5
Frontyard			5
Sideyard			5
Rear/yard			5
Multi-family Building Height (Lot 1)	60 (or as determined at Site Plan)		
Residential	To be determined at Site Plan	n/a	
Public Street (Front)		6	5
Private Street (Side)		6	5
Park Drive (Side)			5
Frontyard			5
Sideyard			5
Rear/yard			5
Accessory Structure Setbacks			
Public Street			5
Frontyard			5
Sideyard			5
Rear/yard			5
Multi-family Building (Block BB) Parcel H, Bldg A-D	To be determined at Site Plan	n/a	
Main Structure Setbacks			
Public Street (Front/Side)			5
Private Street (Front/Side)			5
Sideyard (Adjacent to/Front/Side)			5
Rear/yard			5
Accessory Structure Setbacks			
Frontyard		40	0
Sideyard (Adjacent to/Private)		0	0
Rear/yard		0	0
Civic Building/Library/Stage (Block BB) (Lot 13, 14)			
Main Structure Setbacks			
Public Street (Front)	To be determined at Site Plan	10	5
Private Street (Front/Side)		5	5
Sideyard (Adjacent to/Rear)		n/a	5
Sideyard (Inter Unit)		6	5
Sideyard (End Unit)		16	5
Rear/yard			5
Accessory Structure Setbacks			
Frontyard		50	50
Sideyard (End Unit/Street)		0	0
Sideyard (Inter Unit)		0	0
Rear/yard		0	0
Civic/Library attached (Block 10) Lot 25			
Main Structure Setbacks	To be determined at Site Plan		
Public Street (Front)		10	5
Frontyard		3	5
Sideyard (Inter Lot)		3	5
Sideyard (End Unit)		3	5
Rear/yard		3	5
Accessory Structure Setbacks			
Frontyard		40	40
Sideyard (End Unit/Street)		0	0
Sideyard (Inter Unit)		0	0
Rear/yard		0	0
Civic Community Building (Block 2) Parcel H, Block 15	To be determined at Site Plan	n/a	
Main Structure Setbacks			
Public Street (Front)		6	5
Private Street (Side)		6	5
Park Drive (Side)			5
Frontyard			5
Sideyard			5
Rear/yard			5
Accessory Structure Setbacks			
Public Street			5
Frontyard			5
Sideyard			5
Rear/yard			5
Multi-family Building Height (Lot 31)	60 (or as determined at Site Plan)		
Residential	To be determined at Site Plan	n/a	
Public Street (Front)		6	5
Private Street (Side)		6	5
Park Drive (Side)			5
Frontyard			5
Sideyard			5
Rear/yard			5
Accessory Structure Setbacks			
Public Street			5
Frontyard			5
Sideyard			5
Rear/yard			5
Multi-family Building Height (Lot 1)	60 (or as determined at Site Plan)		
Residential	To be determined at Site Plan	n/a	
Public Street (Front)		6	5
Private Street (Side)		6	5
Park Drive (Side)			5
Frontyard			5
Sideyard			5
Rear/yard			5
Accessory Structure Setbacks			
Public Street			5
Frontyard			5
Sideyard			5
Rear/yard			5
Multi-family Attached (Block BB) Parcel H, Bldg A-D	To be determined at Site Plan	n/a	
Main Structure Setbacks			
Public Street (Front/Side)			5

* Green Area is calculated based on 204.02 acres in the RMX-2 Zone. Piedmont Woods Park is in the RDT Zone so the acreage is not included in the Green Area.
† Parking setbacks pursuant to Section 7.7.1.B.3.c of the Zoning Ordinance in effect after October 30, 2014, when shared parking is used to reduce the parking requirements of a property approved jointly in a manner that satisfies the parking requirements of the current Zoning Ordinance.

b. 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

The locations of buildings and structures are adequate, safe, and efficient. On the west side of the Greenway, the Commercial Core consists of several non-residential buildings fronting on General Store Drive (private) and Clarksburg Square Road. These buildings are adequately located with minimum front setbacks from the roads and served with sufficient parking areas in the rear. Locating retail buildings closely together, orienting them towards General Store Drive and allowing for restaurant outdoor seating areas reinforces the retail and pedestrian character of this road. The grocery store, which forms a large area of surface parking, is lined with retail buildings on the side that faces on General Store Drive. This will efficiently activate the side façade of the grocery store, while meeting their retail orientation requirements. Loading areas are adequately located along Clarksburg Square Road and General Store Drive, which is necessary for a grocery store. The office building closest to the intersection is oriented on a diagonal to office, which will accommodate additional parking should an additional story of office space be constructed.

The pad site for the future civic building is efficiently located at the terminus of General Store Drive, where it ends Clarksburg Square Road. This will maximize visibility and presence at the center of the community. A parking area easily accessed off Clarksburg Square Road will serve the future building. Both the building pad site and the constructed parking area will be dedicated to Montgomery County. As conditioned, in the event that Montgomery County has not either entered into an agreement with the Applicant or appropriated funds for the design and construction of the Civic Building prior to the time established for the dedication, the Applicant may build the Civic Building and lease the Building for uses that serve the community, giving a right of first refusal to Montgomery County, followed by other organizations and institutions that can meet the civic purpose. This lining requirement will additionally activate the Greenway to the process and avoid having an empty pad site when the remainder of the Town Center is complete.

The residential areas surrounding the Commercial Core consist mostly of one-family attached units and some multi-family (2-over-2) units with MPDUs included in the two unit types. Several residential units front onto public roads, such as Clarksburg Square Road, Overlook Park Drive and Ebenezer Chapel Drive, which adequately frame those roads and help activate them. Other residential units front onto private streets, such as Mortz Street located internally within the larger Block, and serve similar purposes as those fronting public roads. Still other residential units front onto open spaces or mews, such as the Town Green or the mews that follows the alignment of General Store Drive, and they benefit from having an amenity of their doorstep. Locating residential units in proximity to commercial and civic uses promotes walkability. The MPDUs provided by this Amendment are both clustered into the multi-family buildings and integrated into the townhouse stacks.

On the east side of the Greenway, Block H includes 36 one-family attached units rear-loaded from an internal alley system. The majority of the units are oriented towards an internal green space, and some towards Clarksburg Square Road and Clarksburg Drive, which is consistent with the orientation of existing units.

Adjacent to the existing Residents' Club, the Amendment proposes a new Community Building that includes a large multi-purpose room, with the approximate capacity of 30-100 people, small meeting rooms, accessory to the community events, such as, annual HOA meetings, exercise classes, and social events. Locating the new building in proximity to the existing Residents' Club and the swimming pool maximizes the synergy between the buildings and expands the recreational potential. The new building will face direct parking lots on the street and the pool area. The Amendment efficiently addresses parking needs of the Residents' Club/swimming pool by providing a parking area on Sinequa Square across from the Resident's Club. The location of the parking provides safe access to the buildings while allowing for through movement of cars.

The use of retaining walls on the west side of the main center limits the amount of encroachment into the stream buffer and other environmental sensitive areas. By revising the grading in Kings Pond Local Park, retaining walls were no longer necessary and were eliminated.

b) Open Spaces

The open spaces provided are adequate, safe, and efficient. The Amendment provides a diverse range of open spaces, which enrich the recreational opportunities for the residents and visitors of this community, while providing relief from the density proposed. Integral to the design and layout of this community is the location of existing natural features and environmentally sensitive areas. The dominant open space feature is the Greenway, which is a large area of contiguous open space, protecting environmentally sensitive areas, that traverses the development generally in the north-south direction. The northern terminus of the Greenway includes Kings Pond Local Park with several recreational facilities described more fully below. North of the land bridge, the Greenway includes the public Clark Family Memorial, which was re-designed in coordination with the Clarksburg Historical Society.

Piedmont Woods Park, with 66 acres, is another significant area of open space to be dedicated to M-NCPPC. This large park offers areas of active recreation, forest, and open meadow.

On the West Side of the Greenway, the Town Green, located adjacent to the future Civic Building, takes prominence at the corner of Clarksburg Square Road and Public Mews Road. It is efficiently designed to take advantage of this drop in elevation and provides a amphitheater type of seating with a stage area in the center for events and performances. The Town Green will be owned and maintained by the Town Center HOA.

Across from the Civic Building on the opposite side of Clarksburg Square Road, a hardscaped plaza with a splash fountain and seating provide a key amenity and activation for the surrounding retail, restaurant and office uses. The character and materials of the plaza complement the surrounding architectural and streetscape treatment. Given its location and curvature of General Store Drive (private), the plaza effectively functions as a focal point for the Commercial Core.

Another important open space on the West Side is the pedestrian mews, which follow the alignment of General Store Drive. The Amendment converts a portion of the approved General Store Drive into a pedestrian mews with non-residential units fronting onto it. This creates an adequate and safe amenity for the residents while promoting efficient pedestrian circulation through the residential areas.

On the East Side of the Greenway, the Amendment continues to provide Sinequa Square as open space although the size is reduced to accommodate much needed parking for the Residents' Club. Sinequa Square will include seating areas and additional landscaping. On Block H, the layout provides a centrally located green space with seating.

The diversity of open spaces provided is adequately dispersed throughout the community, which provides safe and convenient access to all.

spaces and amenity areas by creating an edge or boundary, and adding interest. For instance, the units in Block OG (Parcels Four through Six) are located sufficiently delineating the perimeter of the play area which helps creating a safe environment for children. Smaller plant materials, such as ornamental plants, evergreen and deciduous shrubs, and ornamental trees, emphasize the entrance to the development at Stringtown Road and other secondary entrances.

The landscaping provides screening and buffering within the project, as well as, between the proposed development and the surrounding area. Screening in the Sinequa Square, civic parcel, Commercial Core (next to Greenway), Block OG (Parcels Four through Six) and Piedmont Woods Park, as appropriate and buffered through the use of perimeter landscaping. Larger evergreen shrubs and trees are used to screen the private street easement between the Greenway and the residential units in the grocery store and the parking areas. In Piedmont Woods Park, landscaping will mainly consist of meadow mix, with a minimal buffer areas of native recreation from Snowden Farm Parkway.

The 81 acres of Greenway, which is owned by the Homeowners Association Board with Site Plan No. 820070220 included planting enhancements, which have been partly completed. The Greenway contains a variety of passive recreational uses including the Green Street and Overlook Park Drive. However, on-lot landscaping and alley screening have not been installed, and will not be the responsibility of the Homeowners Association. In an effort to allow existing conditions in the built areas outside the limits of the Amendment to be addressed in accordance with the guidelines outlined in the SPA law, Environmental Guidelines, Forest Conservation Law, and Clarksburg Master Plan.

The Application is not subject to Section 22A-12(b) of the Montgomery County Forest Conservation Law because this amendment was not filed prior to the date of the original FCP application approval and there are no existing trees subject to this provision that will be affected by the proposed limits of disturbance.

B. Special Protection Area Final Water Quality Plan

The Board finds that as conditioned, the Amendment meets all applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas ("SPA"). The required SPA Water Quality Plan is located within the Clarksburg SPA and is required to obtain approval of a water quality plan under Section 19-65 of Montgomery County Code.

As part of the requirements of the SPA law, a Water Quality Plan must be reviewed in conjunction with the preliminary plan of subdivision. The SPA Water Quality Plan was submitted as part of the Site Plan. Under Section 19-65 of the Montgomery County Code, M-NCPPC and the Planning Board have different responsibilities in the review of a Water Quality Plan. By letter dated June 23, 2016, MCDPS conditionally approved the elements of the Water Quality Plan under its purview, which include site performance goals, stormwater management, sediment and erosion control, monitoring of Best Management Practices ("BMPs"). The Planning Board is responsible to determine if SPA forest conservation and planting requirements, environmental buffer protection, and limits on impervious surfaces have been satisfied.

1) Priority Forest Conservation Areas

The Planning Board determined that the Application complies with the SPA forest conservation and planting requirements. As part of the FCP, the Applicant will be required to plant 18.81 acres of the 40.63 acres of forest in existing onsite forest, including 25.67 acres of forest within the environmental buffer. Approximately 2.5 acres of onsite forest planting enhancements have been cleared under the original FCP approval. Per SPA requirements outlined in the Environmental Guidelines, areas of cleared or environmental buffer currently lacking forest will be reforested, planting will occur during the first planting season after land disturbance begins within each phase, and all of the forest plantings will be subject to a five year maintenance program to better ensure forest survival. The reforestation and planted forest must be protected through either a Category I Conservation Easement or dedication to the M-NCPPC Parks Department.

2) SPA Environmental Buffer Protection

The Planning Board determined that impacts caused by the disturbance to the environmental buffer have been minimized to allow the construction of this project to be completed and the impacts have been mitigated to the greatest extent practicable while maintaining acceptable standards. The Application includes approximately 12.19 acres of disturbance to the environmental buffer, approximately 10.46 acres of which include approximately 13.72 acres of environmental buffer disturbance and this Application results in a net reduction of 1.53 acres. There are temporary encroachments into the buffers that are necessary to accommodate grading for stormwater management facilities, parking lots, roads, and other active areas, and permanent encroachments necessary to accommodate road crossings (including realignment of Stringtown Road, Clarksburg Road and Drive), utilities, pathways, and Murphy's Grove Pond. The disturbance to the environmental buffer has been minimized to the extent practicable and the mitigation previously proposed has remained unchanged. The Amendment will provide 1.68 acres of additional forest planting to mitigate for the stream buffer encroachments. Long term protection to the environmental buffer and forest will be achieved through either a Category I conservation easement or dedication to the M-NCPPC Parks Department.

3) Impervious Surfaces

The Clarksburg SPA does not have a specific numerical limit on impervious surfaces; however, a main goal for development in all SPAs is to reduce or minimize the amount of impervious surfaces. The Planning Board found that impervious surfaces have been minimized with this Application through a redesign of the unbuilt portions of the Subject Property. The Application will reduce the amount of impervious surfaces within the Little Seneca Creek watershed by approximately 1.53 acres from that which was approved previously. The result is a total imperviousness of approximately 34.6% for the Subject Property.

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 opinion of the Board in this matter, and the date of this Resolution is **SEP 21 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 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 T-202, 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-Gonzalez, seconded by Commissioner Presley, with Chair Anderson and Commissioner Fani-Gonzalez voting in favor, Commissioner Presley abstaining, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, September 3, 2015, in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board

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

MCPB No. 15-80
Site Plan No. 820070220
Clarksburg Town Center
Date of Hearing: July 23, 2015

SEP 21 2015

RESOLUTION

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

WHEREAS, on July 18, 2009, the Planning Board, by Resolution MCPB No. 09-115, approved Site Plan No. 820070220, for 194,720 square feet of commercial uses, which includes up to 99,720 square feet of specialty retail; and 1,213 residential dwelling units, including 152 moderately priced dwelling units ("MPDUs"), on approximately 270 acres in the RMX-2 and RDT zones, located at the northeast quadrant of Stringtown Rd and Frederick Rd (MD 355) ("Subject Property"), in the Clarksburg Policy Area, 1994 Clarksburg Master Plan & Hyattstown Special Study Area and as amended in 2011[1] ("Master Plan") area; and

WHEREAS, on June 15, 2010, the Planning Board approved an amendment to the Site Plan No. 820070220, designated as Site Plan Amendment 820070220A (MCPB No. 10-59) to correct the unit count from 1,213 to 1,206 residential dwelling units including 151 MPDUs on the Property; and

WHEREAS, on July 11, 2013, the Planning Board approved an amendment to the Site Plan No. 820070220A, designated as Site Plan Amendment 820070220B (MCPB No. 13-125) to relocate accessory structure setbacks on certain lots, and confirm that based on the existing approved lot standards, either single-family detached houses with garages or the previously shown "Courtyard" houses could be built on certain lots on the Subject Property; and

[1] In 2014, a Limited Amendment to the 1994 Clarksburg Master Plan & Hyattstown Special Study Area Master Plan was adopted as the Twin Creek Area Limited Amendment. The Subject Property was not included within the area that was subject to the Amendment.

Approved as to Legal Sufficiency: [signature] M-NCPPC Office of General Counsel, Phone: 301.495.4646 Fax: 301.495.2173 E-Mail: mcp-chair@mncppc-mncp.org

WHEREAS, on July 23, 2015, the Planning Board approved an amendment to the Site Plan No. 820070220, designated as Site Plan Amendment 820070220C (MCPB No. 15-81) for construction of a driveway approach onto Clarksburg Road, approximately 3.5 parking spaces, landscaping, lighting, and stormwater management facilities on Parcel A, Block 1H in support of Site Plan #820140050 on the Property; and

WHEREAS, on August 28, 2014, Third Try LC ("Applicant") filed an application for approval of an amendment to the previously approved site plans including the following modifications:
1) Reduce the total number of residential units by 86, from 1,206 to 1,120;
2) Increase commercial square footage by 11,465 square feet, which includes the addition of office and medical uses yielding a total of 206,185 square feet;
3) revise the design and layout of the Commercial Core;
4) Redesign Block H;
5) Add a Community Building for the Residents' Club;
6) Add a parking area on Sinequa Square;
7) Revise Kings Pond Local Park and Piedmont Woods Local Park; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820070220C, Clarksburg Town Center ("Site Plan," "Amendment" or "Application"); and

WHEREAS, in accordance with Section 59-7.7.1.B.1 of the Montgomery County Code, the Application is being reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014; 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 July 9, 2015, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 23, 2015, 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, on July 23, 2015 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with a vote of 3-0; Commissioners Anderson, Dreyfuss and Fani-Gonzalez voting in favor, Commissioner Wells-Harley was absent from the hearing, and Presley was recused from participating; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820070220 for 206,185 square feet of commercial, which includes up to 99,545 square feet of retail and 76,640 square feet of office and 1,120 residential dwelling units, including 140 MPDUs, with recommendation of the previously approved reduction in setbacks from adjacent commercially-zone properties, subject to the following conditions:

Conformance with Previous Approvals & Agreements

1. Forest Conservation
The development must comply with the conditions of approval for Project Plan No. 919940040 (MCPB No. 15-98).

2. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 120040400 (MCPB No. 15-98).

3. Site Plan Conformance
The development must comply with the conditions of approval for Site Plan No. 820070220C, unless modified by the approval, and as shown on the Certified Site Plan.

Environment

4. Forest Conservation & Tree Save
The Applicant must comply with the conditions of the approved Final Forest Conservation Plan No. 820070220 dated June 4, 2015.
a. The Applicant must submit and obtain Staff approval of a revised Final Forest Conservation Plan as described below.
i. All areas of forest retention and planting that are protected in a Category I conservation easement or through dedication to the M-NCPPC Parks Department must be clearly delineated on the Forest Conservation Plan.
ii. The conservation easements and dedication areas must not allow for the implementation of a "cleared management plan". The conservation easements and dedication areas will be subject to the standard maintenance and management agreement for conservation easements in Special Protection Areas. All references to the "cleared management plan" must be removed from the Final Forest Conservation Plan.
iii. All landscape plantings receiving forest conservation credit must be outside of any public road right-of-way, and any other easements,

* 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.

including stormwater management easements and utility easements.
b. The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers that will not be dedicated to the M-NCPPC Department of Parks 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