

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

January 4, 2010

**CALL TO PODIUM:**

**Eliza Voigt**

**RESPONSIBLE STAFF:**

**Greg Ossont, Director  
Planning and Code  
Administration**

**Lauren Pruss, Planning Director**

**Eliza Voigt, Planner**

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
<b>X</b>	Joint Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	N/A
Advertised	12/16/09
	12/23/09
Hearing Date	1/4/10
Record Held Open	
Policy Discussion	

**TITLE: Z312 - JOINT PUBLIC HEARING**

This application requests rezoning 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone. The property is bounded by Clopper Road (MD 117), Quince Orchard Road (MD 124), and Metropolitan Grove Road and a State Highway Facility.

**SUPPORTING BACKGROUND:**

The applicant, JPI, represented by Mr. Malcolm Van de Riet II, and Mr. Jody Kline of Miller, Miller and Canby, has submitted an application, Z-312, requesting rezoning from the R-20 (Medium Density Residential) Zone to the Mixed Use Development (MXD) Zone. The property is currently the location of the Orchard Pond Apartments, a medium-density residential complex containing 747 apartments constructed in the mid-1970s.

The Sketch Plan proposes a mix of uses in two phases. Phase 1 includes a gross area of 11.14 acres and proposes a four-story residential building with 400 to 500 units. Phase 1 is also the subject of the Schematic Development Plan (SDP 09-001). Phase 2 consists of the balance of the project and is approximately 32.22 acres. This phase proposes a mix of uses including retail, office, hotel and residential units.

Please refer to the attached Preliminary Background Report which provides further discussion of the proposal for Z-312.

This joint public hearing will be a consolidated hearing for both Z-312 and SDP-09-001.

*Attachments:*  
Z312 Index of Memoranda and Exhibits

**DESIRED OUTCOME: Hold public hearing**

**Staff recommends that the Planning Commission hold the record open until 5 PM, January 27, 2010, (23 days) with anticipated recommendation on February 3, 2010.**

**Staff recommends that the Mayor and City Council hold their records open until 5 PM, February 4, 2010, (31 days) with anticipated policy discussion on March 1, 2010.**

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**MEMORANDUM TO:** Mayor and City Council  
Planning Commission

**FROM:** Eliza Voigt, Planner

**DATE:** January 4, 2010

**SUBJECT:** Preliminary Background Report: Applications Z-312 and  
SDP-09- 001, Orchard Pond

**APPLICANT**

JPI  
8300 Greensboro Drive Suite 600  
McLean, Virginia 22102

**PROPERTY OWNER**

893 Clopper Road Investors Corporation

**TAX ACCOUNT NUMBERS**

02899812, 02899823, 00820363, 01483581

**REQUEST**

This application requests rezoning (Z-312) 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone in accordance with §24-196 (Map Amendments) and §24-160G.6 (Procedure for Application and Approval) of the City Code. The property is bounded by Clopper Road (MD 117), Quince Orchard Road (MD 124), and Metropolitan Grove Road and a State Highway Facility. Additionally, an application has been submitted for a Schematic Development Plan (SDP 09-001) for a 410 unit multi-family residential building with a structured above ground parking garage bounded by the portion of the property located at Clopper, Quince Orchard, and Firstfield Roads.

**REQUIRED ACTIONS**

**Zoning Map Amendment Z312**

The applicant is requesting a map amendment from the R-20 Zone to the MXD Zone, which is identified by §24-10A of the City Code as a floating zone. According to §24-10A(2) of the City Code:

*(2) The approval of and placement of floating zones may only occur upon a finding by the city council that the application therefore:*

*(a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and*

*(b) As applied will compatible and harmonious with existing and planned land uses in the surrounding area.*

Section 24-160D.10(a) states that the City Council may approve the MXD zoning and accompanying sketch plan when they find the following:

- (1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and*
- (2) The application is in accord with recommendations in the applicable master plan for the area and is consistent with any special conditions or requirements contained in said master plan; and*
- (3) The application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas.*

Therefore, the applicants have the burden of showing that this application complies with the purpose and intent of the MXD Zone. In addition, they must show that the accompanying sketch plan will be compatible and harmonious with the surrounding planned and existing land uses. The sketch plan must also meet or accomplish the objectives and minimum standards and requirements of the zone.

### **Schematic Development Plan SDP-09-001**

Section 24-160D.10(b) outlines the findings for approval of the schematic development plan (SDP) as follows:

- (1) The plan is substantially in accord with the approved sketch plan; and*
- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and*
- (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and*
- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and*
- (5) That existing or planned public facilities are adequate to service the proposed development contained in the plan; and*
- (6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and*
- (7) That the plan, if approved, would be in the public interest.*

## **GENERAL INFORMATION**

### **LOCATION:**

The subject property is located in the northwest quadrant of Clopper Road (MD Rt 117) and Quince Orchard Road (MD RT 124) in Gaithersburg, Maryland. The site is bound on the

west by Metropolitan Grove Road, on the north by a Maryland State Highway facility, Clopper Road to the south and Quince Orchard Road to the east. It is bisected by Firstfield Road. The Orchard Pond property is shown on ADC Map page 18-Grid B-8, Tax Map FT 22 sections 1,2, and 3 (Parcels A&B) and covers approximately 43.33 acres.



Location Map Z-312 and SDP-09-001

**EXISTING LAND USE/ENVIRONMENTAL CHARACTERISTICS:**

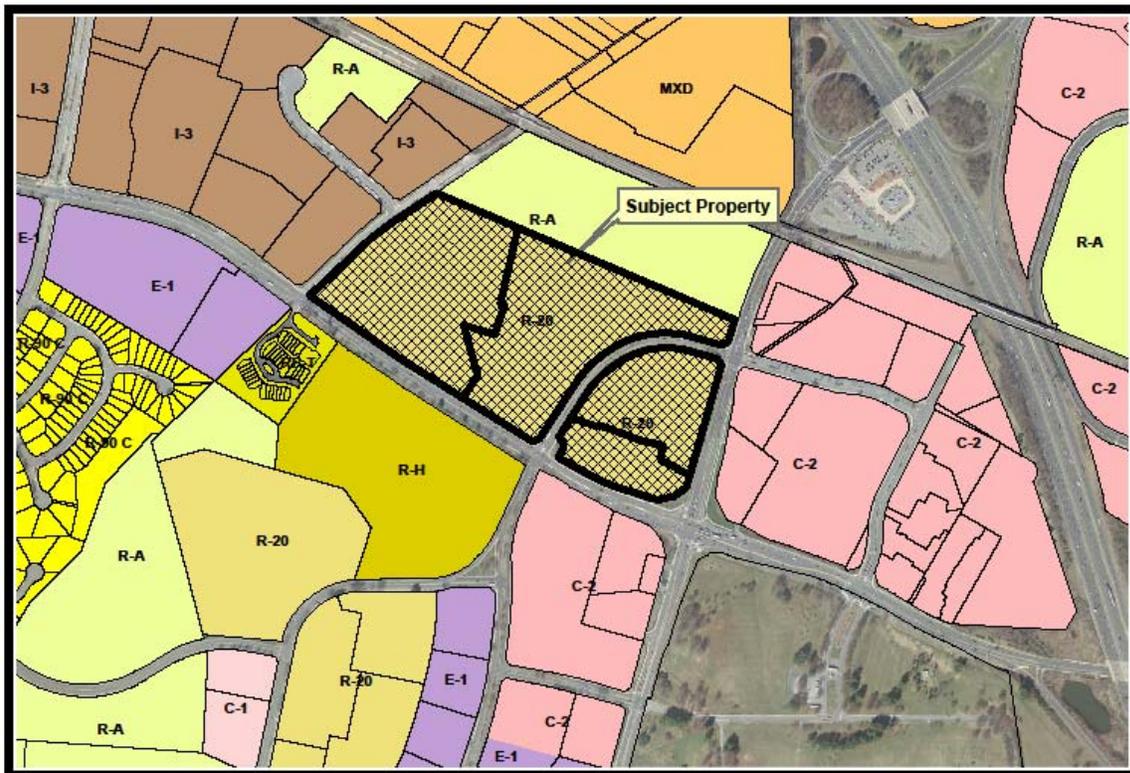
The existing Orchard Pond Apartments complex is a mature, medium-density residential complex containing 747 apartment units in multiple, three-story brick buildings that were constructed in the mid-1970s; and includes associated parking and landscaped areas. There is no forest area on the property, but there are numerous specimen trees on and adjacent to the property.

The Orchard Pond property drains to Long Draught Branch of Great Seneca Creek, which is a tributary to the Potomac River. Long Draught Branch bisects the southeast corner of the property at the Intersection of Quince Orchard Road and Clopper Road.

The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by the City's Environmental Affairs Division on July 15, 2009.

**NEIGHBORHOOD LAND USE AND ZONING:**

The surrounding land use consists of multi-family apartment buildings and single-family town homes, interspersed with commercial and light industrial properties. The subject property is currently zoned R-20. North of the subject property is zoned R-A (low density residential) and is currently the location of a Maryland state highway facility. South of the property, located across Clopper Road, the property is zoned R-H (High Density Residential) and is the location of the Grove Park apartment complex, and the Quince Orchard Shopping Center, zoned C-2 (General Commercial). The C-2 zone is also located east across Quince Orchard Road from the site and is the location of the Diamond Square Shopping Center. The area to the west of the site is zoned I-3 (Industrial Office Park). The Motor Vehicles Bureau and a storage facility are located in this area. Further, the site is located diagonally across the Quince Orchard and Clopper Road intersection from the 578 acre headquarter campus of the National Institute of Standards and Technology.



Surrounding zoning of Z-312/SDP-09-001 Site

## **PUBLIC FACILITIES:**

### **Water and Sewer Services and Public Utilities**

The subject proposal is a redevelopment project of an existing residential use, therefore the site maintains W-1 and S-1 categories (areas served by community systems which are either existing or under construction). Service does exist and therefore, the application complies with the requirements of the City's Adequate Public Facility Ordinance (APFO) for water and sewer, § 24-247.

### **Fire and Emergency Services**

The Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue) provides an eight-minute response time to the majority of the property. The northeast portion of the property is also served by Fire Station 29 (Crystal Rock Drive in Germantown) within an eight-minute response time. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services. Any further approval of this plan will again require review and compliance with the standards of § 24-248, Fire and Emergency Services.

### **Adequacy of School Capacity**

The Adequate Public Facilities Ordinance, § 24-246, states "With the exception of age restricted development, schematic development plan or preliminary site plan for residential development shall not be approved if the subject property is within the attendance area of a Montgomery County Public School that is forecasted to have a student population that exceeds 110% of Montgomery County Public Schools Program Capacity two (2) years in the future.."

The property is currently located within the Quince Orchard Cluster of the Montgomery County Public School (MCPS) system. Within the cluster, the schools that currently serve the proposed development are Thurgood Marshall Elementary School, Ridgeview Middle School and Quince Orchard High School. The staff review of the *2010-2015 MCPS Capital Budget and Capital Improvements Program* in July 2009 indicated none of the schools within the Quince Orchard Cluster serving the subject site are above the capacity level of 110 percent. Therefore, the subject application complies with §24-246, Adequacy of School Capacity at this time.

### **Traffic Impacts**

The applicant submitted a Traffic Impact Analysis (TIA) by The Traffic Group, in accordance with the City of Gaithersburg's Adequate Public Facilities Ordinance. Engineering Services Director Mumpower reviewed the findings of the study which indicate that all the intersections in the study area will continue to operate within the City's acceptable standards for Critical Lane Volumes in both the AM and PM peak hours. Mr.

Mumpower agreed with the findings detailed in the study and has granted approval of the TIA for this project.

### **Public Transportation**

The site is serviced by Montgomery County Ride On Bus routes #68 and #71. The property is also located within a ½ mile radius of the Maryland Area Rail Connection (MARC) train station at Metropolitan Grove. There are nine morning trains to Washington D.C. and nine trains from Washington D.C. in the afternoon.

The current alignment of the Corridor Cities Transitway (CCT) is adjacent to the site along Quince Orchard Road. A future transit station is proposed for the site in this area.

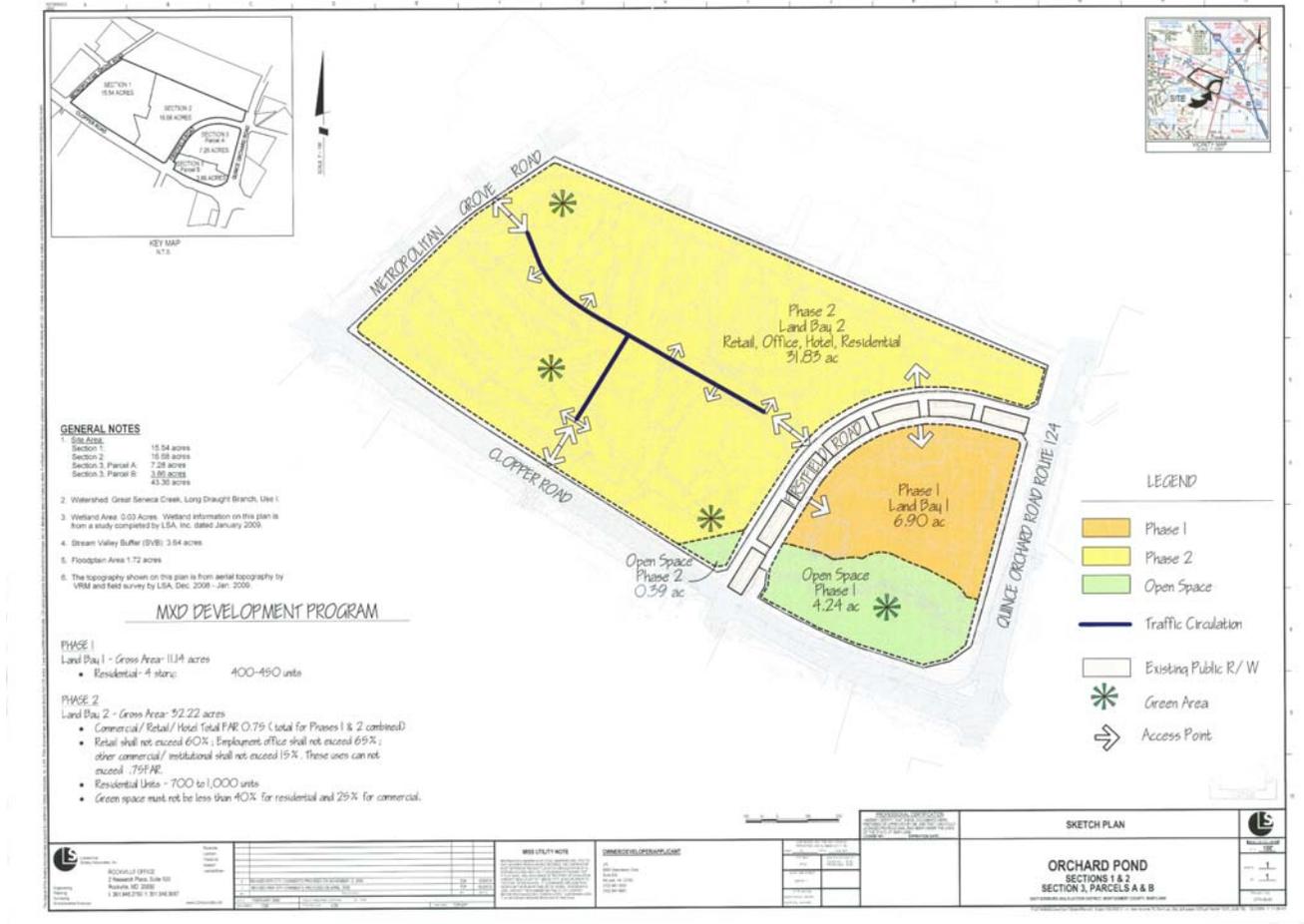
### **SKETCH PLAN Z-312:**

The Sketch Plan proposes a mix of uses in two phases. Phase 1 includes a gross area of 11.14 acres and proposes a four-story residential building with 400 to 500 units. This reflects a density of approximately 37 units per acre. Phase 1 is also the subject of the Schematic Development Plan (SDP 09-001). Phase 2 consists of the balance of the project and is approximately 32.22 acres. This phase proposes a mix of uses including retail, office, hotel and residential. Approximately 700-1,000 residential units are planned reflecting a density of 32 units per acre. The mix of commercial uses reflected on the sketch plan are as defined in Section 24-160D.3.b.(2):

*In order to establish an appropriately mixed character within the MXD zoned area the following percentages of floor area proposed on site as shown on a sketch plan shall not exceed:*

<i>Retail commercial</i>	<i>60%</i>
<i>Employment/office</i>	<i>65%</i>
<i>Other commercial/intuitional</i>	<i>15%</i>

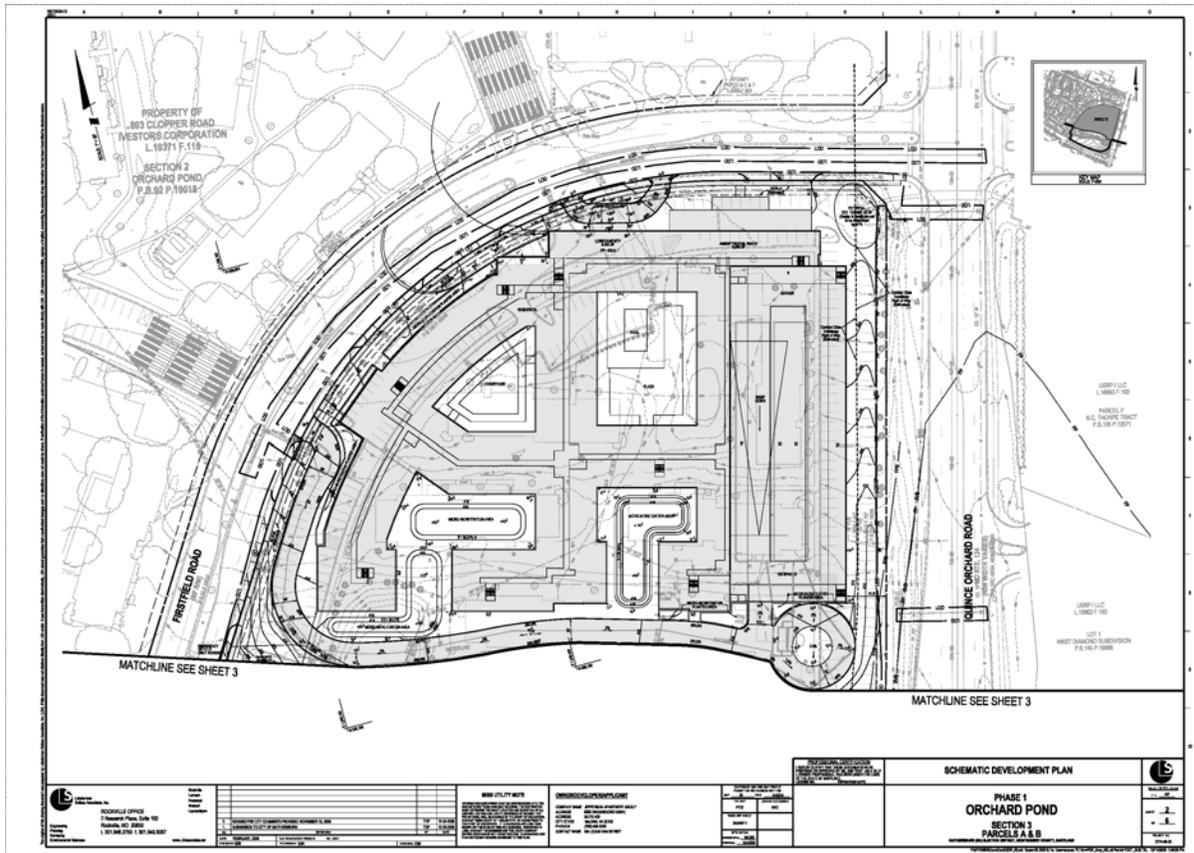
In addition, Section 24-160D.4 (1) (b) states: *the maximum density of the commercial/employment/industrial shall not exceed a floor area ratio of .75.* This is also reflected on the sketch plan.



Z-312 Illustrative Sketch Plan

## **SCHEMATIC DEVELOPMENT PLAN SDP-09-001**

The applicant is proposing a 410-unit multi-family building with structured parking. The proposed unit per acre ratio is 37. The structure has a maximum building height of 60 feet and will be 4 stories high. The entrance to the project is located off of Firstfield Road. The structured garage will be located along Quince Orchard Road as the CCT right-of-way abuts the project at this location.



Illustrative Layout Plan

## Conceptual Architectural Elevations

Below are the samples of the architecture presented by the applicants' team:



 <p><b>LESSARD GROUP INC.</b> 8521 LEESBURG PIKE, SUITE 700   VIENNA, VA 22182 P: 703.760.9344   F: 703.760.9328   WWW.LESSARDGROUP.COM</p>	<p><b>CONCEPT SITE DEVELOPMENT PLAN</b> CONCEPT ELEVATIONS DECEMBER 4, 2009</p>	<p>ORCHARD POND CITY OF GAITHERSBURG, MD</p>  <p>JPI JPL/DISA A.02</p>
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 <p><b>LESSARD GROUP INC.</b> 8521 LEESBURG PIKE, SUITE 700   VIENNA, VA 22182 P: 703.760.9344   F: 703.760.9328   WWW.LESSARDGROUP.COM</p>	<p><b>CONCEPT SITE DEVELOPMENT PLAN</b> CONCEPT ELEVATIONS DECEMBER 4, 2009</p>	<p>ORCHARD POND CITY OF GAITHERSBURG, MD</p>  <p>JPI JPL/DISA A.03</p>
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According to the applicant's Leadership in Environmental and Energy Design (LEED) checklist, the project would be a rated as LEED Certified building.

## **Parking**

The plan proposes a structured parking garage on the eastern side of the site facing Quince Orchard Road and adjacent to the CCT right-of-way. The applicant has provided a target parking ratio of 1.6 cars per unit, for a total of 656 required spaces for the 410 residential units. The garage currently provides 650 spaces. The plan also provides for 20 on-street parking spaces along Firstfield Road for a total of 670 parking spaces provided on-site. Section 24-219 (4) (b) presents the required parking for residential development by unit type. The parking spaces required range from 1 space per studio unit to 2.5 spaces per 3 bedroom unit or larger. The applicant has provided a statement in support of the fixed parking rate request which is included in the exhibits. Section 24-160D.8 (a) states that "The Council at the time of schematic development plan review shall determine the appropriate number of spaces..."

## **PROPOSED AMENITIES**

The proposed Orchard Pond development is located within a ten minute walk of Robertson Park, an 8.9 -acre active park that offers softball/baseball, soccer, and football fields, as well as the Robertson Park Youth Center. On site amenities include a proposed outdoor swimming pool and deck area, and courtyards for outdoor gathering. In Phase 1, the interior amenity space will consist of apartment-use only functions such as a fitness facility and a clubroom.

## **AFFORDABLE HOUSING**

The proposed project will be required to provide an affordable housing component per City Ordinance O-12-06 and will be implemented under City Regulation 02-07. The applicant will be required to provide fifteen percent (15%) of the 410 multi-family units as moderately priced dwelling units (MPDUs). This will equal sixty-two (62) units. The final distribution of units within the multi-family structure will be determined at final site plan, in accordance with the City regulations

## **STAFF RECOMMENDATION**

Since this is the initial public hearing and staff has not completed the customary evaluation, no formal recommendation is provided at this time. Staff will make a formal recommendation of Map Amendment Z-312 and Schematic Development Plan SDP-09-001 prior the Planning Commission's recommendation to the Mayor and City Council.

INDEX OF MEMORANDA  
**Z-312 Orchard Pond**

1. Application for Amendment to Zoning Map, filed February 24, 2009
2. Rezoning fee receipt 2/26/09
3. Statement in Support of Rezoning 2/25/09
4. Page 134 from 2003 Master Plan: Land Use Plan
5. Location Map/Aerial Photo
6. Record Plat
7. Adjacent Zoning Map
8. Sketch Plan revised 12/04/09
9. Natural Resource Inventory (NRI) /Forest Stand Delineation (FSD)Application
10. NRI/FSD Report
11. NRI/FSD Plan
12. NRI/FSD Staff Comments 3/3/09
13. Public Hearing Notice, sent 12/11/09
14. Letter to Gaithersburg Gazette, requesting legal advertisement for December 16, 2009 and December 23, 2009
15. Public Hearing Labels



# AMENDMENT TO THE ZONING MAP

In accordance with Chapter 24, Article VIII of the City Code

Application No. Z-	<u>312</u>
Filing Date	<u>2-25-09</u>
Fee	<u>\$ 2000.00</u>
PC Hearing	_____
PC Recommendation	_____
M & CC Hearing	_____
Decision	_____
Date	_____

**SUBJECT PROPERTY** Orchard Pond Apartments  
 Address (if none, the location with respect to streets) Clopper Road (at intersection w/Quince Orchard Road)  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision See "Tax Assessment Information" below

**REQUESTED CHANGE**  
 From the existing R-20 Zone to the MXD Zone  
 Optional Method of Development (check if applicable)  
 \*Note: The optional method is excluded from the RA Zone and the MXD Zone.

**APPLICANT(S)** 893 Clopper Road Investors Corporation  
 Address c/o Malcolm van de Reit Telephone 703-847-0900  
JPI, 8300 Greensboro Drive, Suite 600, McLean, Virginia  
**OWNER(S)** same Telephone \_\_\_\_\_  
 Address \_\_\_\_\_

### TAX ASSESSMENT INFORMATION

As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

DISTRICT SUBDIVISION	ACCOUNT NUMBER	LOT	BLOCK	ACRES/FEET	SUBDIVISION OR TRACT NAME
9-	02899812	Parcel A	A	7.26A	Orchard Pond
9-	02899823	Parcel B	B	3.86A	"
9-	00820363	Sec. 1	1	15.54A	"
9-	01483581	Sec. 2	2	16.67A	"
9-					
9-					

### ZONING HISTORY

List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

APPLICATION #	DATE FILED	ACTION TAKEN
		None

continued on reverse side

01/2006

Joint Hearing - MCC & PC  
 Z 312  
 1

**SUBMISSION REQUIREMENTS**

- Map or plat prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- Legal metes and bounds of property
- Fee (see separate schedule)
- List of names and addresses of all property owners within 200 feet of any boundary of subject property
- Statement demonstrating a change in the neighborhood or a mistake in the Master Plan

**If Optional Method submit also:**

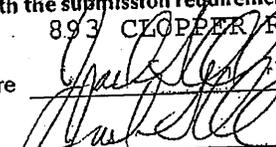
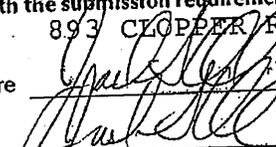
- Schematic Development Plan (which needs to include):
  - Uses of all buildings and structures
  - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
  - Location of points of access to site
  - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
  - Utility Easements
  - Natural Resource Inventory (See Environmental Standards)
- Proposed Covenant
- Statements:  
Applicant proposes to limit uses on the subject parcel to the following: \_\_\_\_\_

Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards:  
Not Applicable

**ADDITIONAL INFORMATION**

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

893 CLOPPER ROAD INVESTORS CORPORATION  
Applicant's Signature  Date 24 FEBRUARY 2009  
Owner's Signature  Date 24 FEBRUARY 2009  
By: Jody S. Kline, Attorney for Applicant/Owner

City of Gaithersburg  
Revenue Allocation

Back to  
Eliza

Planning and Code Administration

Account # 441.300

FEB 26 2009

Date:

2.25.09

# 50772 ✓

Application No.:

Z.312

Name as it appears on check:

LaSalle Investment Management Inc

Address as it appears on check:

9191/F Clopper Road Investors, LLC

70 Box 619208 DFW Station

Dallas TX 75261

Check #

876

Amount:

Description:

Amendment to the Zoning Map  
for Orchard Pond Apartments

\$2000

Total Amount Deposited:

\$2000 Pd

By (Permit Analyst or Other):

TM

Joint Hearing - MCC & PC  
Z 312  
2

MISCELLANEOUS PAYMENT RECPT#: 50772  
CITY OF GAITHERSBURG  
31 SOUTH SUMMIT AVE.  
GAITHERSBURG MD 20877-2098

DATE: 02/26/09            TIME: 11:17  
CLERK: lkobylski        DEPT:  
CUSTOMER#:

PARCEL:

CHG: MISC      OTHER MISCELLAN            2000.00

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REVENUE:

1 100            441300                            2000.00

ZONING/SUBDIVISION FEES

REF1: ORCHARD PO    REF2: ND APT

CASH:

001            101000                            CASH-BANK OF

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2000.00    PAID AMT

200            PAID BY NAME  
LASALLE INVES    PAY METHOD  
CHECK

876

AMT TENDERED: Z-312

AMT APPLIED:            2000.00

CHANGE:                2000.00

**BEFORE THE MAYOR AND CITY COUNCIL OF THE  
CITY OF GAITHERSBURG, MARYLAND**

**IN THE MATTER OF THE APPLICATION OF  
893 CLOPPER ROAD INVESTORS LLC  
FOR REZONING TO THE MXD ZONE**

\*  
\*  
\*

Application No. Z- 312

**STATEMENT IN SUPPORT OF REZONING**

The existing Orchard Pond Apartments complex located at the intersection of Quince Orchard Road and Clopper Road, and bisected by Firstfield Road, is a mature medium density residential complex containing 747 apartment units that were constructed in the mid-1970's. This property is located within the boundaries of Special Study Area 7, "Casey-Metropolitan Grove Road" in the City's Master Plan adopted April 6, 2004.

The Casey-Metropolitan Grove Road Special Study Area was described in the Land Use Plan as being a dynamic area of future city growth. The primary focus of the Special Study Area analysis was the Casey and the Metropolitan Grove properties located in close proximity to the existing MARC rail station. The land use plan identified the CSX right-of-way and tracks as being a major man-made feature that divides the study area ". . . into two distinct areas" (Plan, p. 120). The Orchard Pond project was included in the area designated as the "Southern Properties" and was described as ". . . a medium density residential apartment complex, known as Orchard Pond, . . .".

While the bulk of the analysis found in the April 2004 Master Plan dealt with the "Northern Properties," the land use recommendations for the "Southern Properties," particularly the Orchard Pond property, were very clear and direct. The overall Master Plan recommendation for the area of the "Southern Properties" was "Redesignate as mixed use residential-office-commercial with a zoning classification of MXD." (Plan, p. 134). Continuing, the Master Plan stated:

"The objective for this portion of the study area will involve redevelopment associated with the future Corridor Cities Transit (CCT) Station and potential rail yard location." (Plan, p. 134).

Finally, specifically related to the property which is the subject of this rezoning application, the Master Plan recommended:

"The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is an ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways that is in close proximity to the transit station." (Plan, p. 134).

Because the MXD zone requires the filing of a sketch plan to be prepared by the applicant, the City did not comprehensively map the subject property to the MXD zone following adoption of the 2004 Land Use Plan. Accordingly, the "change" in circumstances that justify this subject rezoning application is the willingness on the part of the property owner to now implement the land use recommendations found in the 2004 Land Use Plan. The subject application proposes to rezone the subject property, per the Master Plan's recommendations, to the classification (MXD) recommended in the Master Plan. The sketch plan included with the application shows a combination of residential, employment, and retail uses that are both consistent with the recommendations contained in the 2004 Plan as well as the City's current updated thinking about how multi-family residential properties should be developed, particularly when in close proximity to transit facilities.

The subject application meets the standard for demonstrating "change" in circumstances justifying the rezoning and the land use sought in the subject application for future use of the "Orchard Pond Apartments" is both appropriate and consistent with the Master Plan recommendations.

## SOUTHERN PROPERTIES

**Redesignate** as **mixed use residential-office-commercial** with a zoning classification of **MXD**.

As previously stated, the Casey-Metropolitan Grove Study Area properties south of the CSX right-of-way have been entirely developed with land uses equally split between a medium density residential apartment complex and industrial-research-office buildings. The objective for this portion of the study area will involve redevelopment associated with the future Corridor Cities Transitway (CCT) station and potential rail yard location. When incorporating multi-modal or transit oriented design into master planning an area, the entire area surrounding the transit station must be included.

- The existing MARC rail line commuter parking lot (Parcel N368) owned by Montgomery County should still act as a parking facility for the MARC/CCT Station. This location should be redeveloped to provide a multi-level parking structure, pedestrian and bike connections to the station, and commuter and bus drop-off and pick-up areas.
- A plan should be created that clusters higher mixed use office-residential densities surrounding the proposed transit station. The plan should provide for more green area than currently exists and should require shared parking structures to reduce impervious area. Commercial development such as personal service, retail and restaurant uses should only be located on the first floors of the office and residential structures.
- The existing truck maintenance facility and anti-skid materials distribution site (Parcel P564) currently owned by the State of Maryland should be relocated. This site is located along the CSX right-of-way, has access to Metropolitan Grove Road and is in close proximity to the transit station. The property is in a prime location for redevelopment for an office use. This would also be a good location for the potential rail yard that may be located in this area.
- The medium density residential complex (Orchard Pond) contains 747 apartment units that were constructed in 1975. This is another ideal location for future redevelopment of higher density residential and/or office uses. The site has immediate access to three roadways and is in close proximity to the transit station.

### Land Use and Zoning Action

Adopt **office-commercial-residential** land use designation  
Rezone to **MXD** (Mixed Use Development)



The information, data, photographs and/or drawings ("information") contained herein are based, in part, on Geographic Information Systems ("GIS") software and content. GIS data is known to be inaccurate and approximate compared to survey data obtained through prevailing survey practices, particularly with respect to horizontal and vertical locations and dimensions. The user is cautioned to verify all data pursuant to accepted surveying and engineering practices.

Loiederman Soltesz Associates, Inc. shall not be responsible or liable for loss, damage, claims, damages or any consequences, whether foreseeable, unforeseeable, direct, indirect, or consequential arising out of the use, adaptation, or modification of the information. USE AT YOUR OWN RISK.



1 inch = 200 feet

P:\07740800\GIS\Presentation\GISAR - Orchard Pond 1-30-08 GIS Information.mxd  
Date: February 2009

# ORCHARD POND

## MONTGOMERY COUNTY, MARYLAND



Joint Hearing - MCC & PC  
Z312  
5



2 Research Place Rockville, Maryland 20850  
p. 301-948-2750 f. 301-948-9067

232

# PLAT NO. 10018

CURVE DATA						
NO	RADIUS	ARC	Δ	CHORD BEARING	CHORD	TAN
1	2231.83	413.01	10°36'10"	N63°07'54"W	412.42	207.10
2	6640.00	590.39	5°05'40"	N55°16'59"W	590.20	292.39
3	948.00	152.02	07°13'00"	N91°08'11"E	151.85	76.17
4	493.00	629.95	7°54'58"	N68°37'40"E	588.29	369.72
5	575.00	731.76	7°54'58"	N68°37'40"E	683.37	424.83

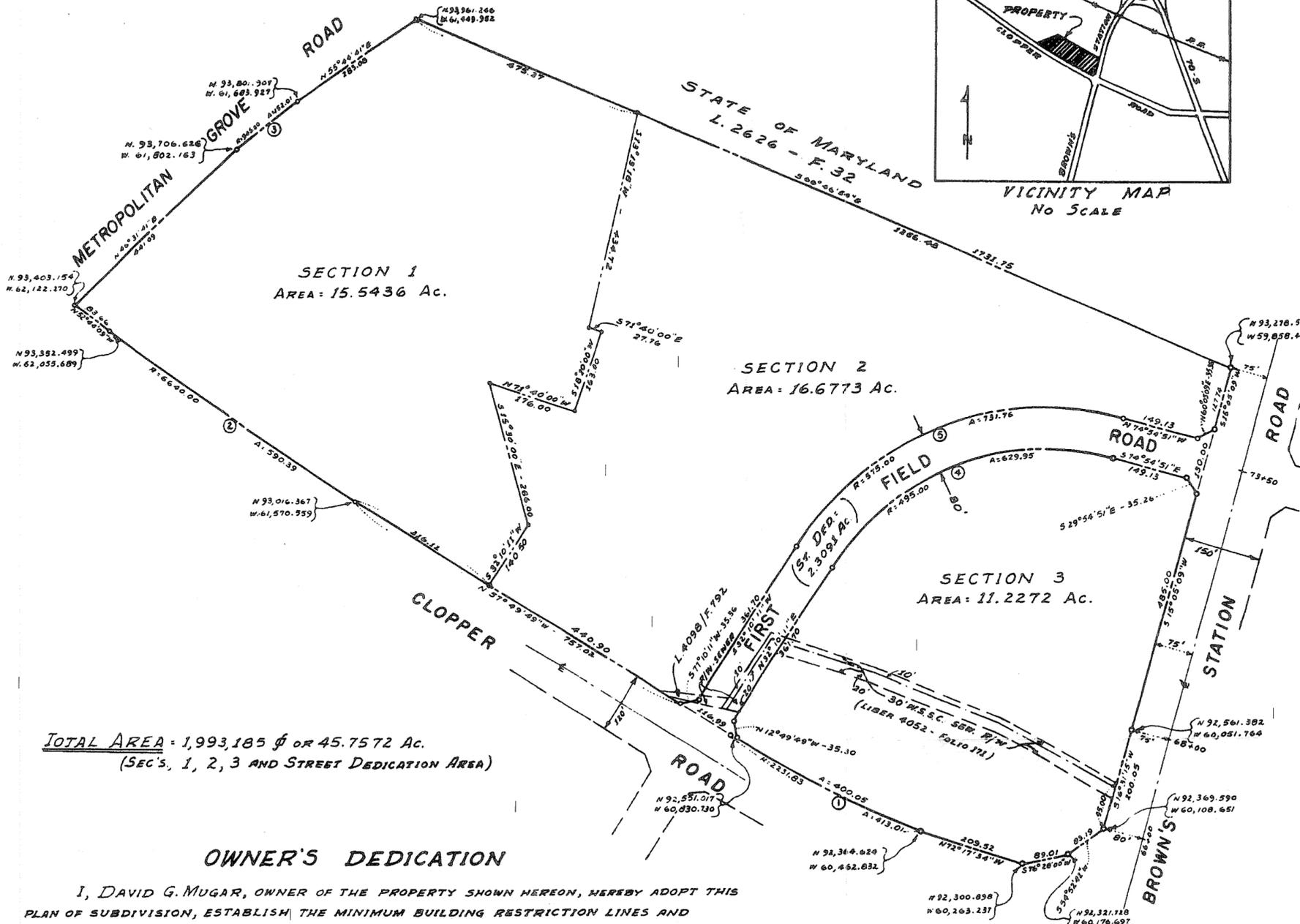
## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN HEREON IS CORRECT; THAT IT IS A SUB-DIVISION OF ALL OF THE LANDS CONVEYED BY THE MUGAR GROUP, INC., A MASSACHUSETTS CORPORATION, SUCCESSOR BY ARTICLES OF AMENDMENT TO EQUITY MANAGEMENT, INC., OF BOSTON, TO DAVID G. MUGAR BY DEED DATED NOVEMBER 27, 1970, AND RECORDED IN THE LAND RECORDS OF MONTGOMERY COUNTY, IN LIBER 4023 AT FOLIO 388, SAID PROPERTY ALSO BEING DELINEATED ON A PLAT OF SUBDIVISION ENTITLED "STREET DEDICATION PLAT FOR METROPOLITAN GROVE ROAD, CLOPPER ROAD AND BROWN'S STATION ROAD, GAITHERSBURG" AND RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK 82 AS PLAT NO. 8505, AND THAT IRON PIPES MARKED THUS: O, HAVE BEEN PLACED AS INDICATED.

DATE: Aug. 18, 1971

*Bobby R. Stoker*

BOBBY R. STOKER  
PROFESSIONAL LAND SURVEYOR  
MD. REG. NO. 4731



TOTAL AREA = 1,993,185  $\pm$  OR 45.7572 AC.  
(SEC'S. 1, 2, 3 AND STREET DEDICATION AREA)

### OWNER'S DEDICATION

I, DAVID G. MUGAR, OWNER OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREET TO PUBLIC USE.

THERE ARE NO SUITS OF ACTION, LEASES, LIENS, NOR TRUSTS ON THE PROPERTY AS SHOWN HEREON, EXCEPT A CERTAIN DEED OF TRUST, AND THE PARTIES IN INTEREST THERETO HAVE BELOW INDICATED THEIR ASSENT TO THIS PLAN OF SUBDIVISION.

DATE: AUGUST 16, 1971

Barbara McDonald  
WITNESS

By: David G. Mugar  
DAVID G. MUGAR

### TRUSTEE'S ASSENT:

WE ASSENT TO THIS PLAN OF SUBDIVISION.

DATE: Aug. 12, 71

Ronald J. Kindness  
WITNESS

B. C. Thorpe  
B. C. THORPE

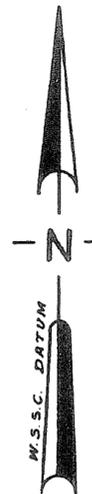
Ronald J. Kindness  
WITNESS

William C. Miller  
WILLIAM C. MILLER

FOR PUBLIC WATER AND SEWER SYSTEMS ONLY  
CITY OF GAITHERSBURG PLANNING COMMISSION

CHAIRMAN: Arthur E. Spaulding 9-1-71

SECRETARY: [Signature] 9/1/71



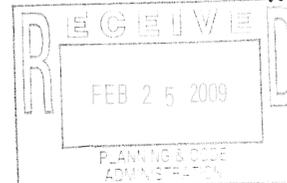
Joint Hearing - MCC & PC  
Z 312  
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ORCHARD POND  
SECTIONS 1, 2, & 3  
9TH. ELECTION DISTRICT  
CITY OF GAITHERSBURG  
MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=200'

AUGUST, 1971

FREY, SHEEHAN, STOKER & ASSOC., INC.  
LAND PLANNING CONSULTANTS  
8412 FENTON STREET  
SILVER SPRING, MD.



Z-312

69-1052

# PLAT NO. 18048

## OWNER'S DEDICATION

We, the undersigned, owner(s) of the property described hereon, hereby adopt this plan of subdivision and establish the minimum building restriction lines. Further, we grant to Potomac Electric Power Company, Washington Gas Light Company and to the Chesapeake and Potomac Telephone Company of Maryland, and to their respective successors and assigns, an easement, in, on and over the land hereon described as Ten Foot Wide Public Utility Easement, designated hereon as "P.U.E.", with said terms and provisions of such a grant being those set forth in a certain document entitled "Declaration of Terms and Provisions for Public Utility Easements" and recorded among the Land Records of Montgomery County, MD. in Liber 3834 at Folio 457. Said terms and provisions being incorporated herein by this reference.

Further, we grant to the City of Gaithersburg, MD., its successors, agents and assigns, forever, a 10 foot wide Public Improvement Easement, designated hereon as "P.I.E.", with the terms and provisions of such a grant being those set forth in a certain document entitled "Declaration of Easement" and being recorded among the Land Records of Montgomery County, MD. in Liber 4516 at Folio 787 said terms and provisions being incorporated herein by this reference.

There are no recorded suits, actions at law, leases, mortgages or trusts affecting the property included in this plat of subdivision, except certain deeds of trust and all parties in interest thereto, have below indicated their assent.

ORCHARD POND ASSOCIATES II  
a Maryland Limited Partnership

Date: June 13, 1990

*James Thomas*  
Witness

*Thomas P. Harkins*  
Thomas P. Harkins, General Partner

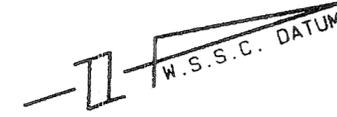
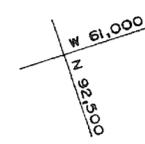
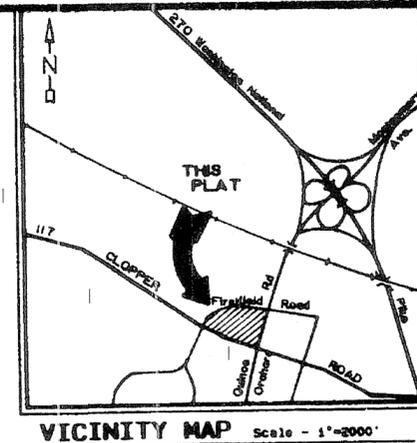
WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION  
YORK ASSOCIATES, INC.

*Levin P. Boyd*  
Witness

*Alfred M. Goldberg*  
Alfred M. Goldberg, Trustee

*Levin P. Boyd*  
Witness

*Michael T. Kitsoulis*  
Michael T. Kitsoulis, Trustee



### SURVEYOR'S CERTIFICATE

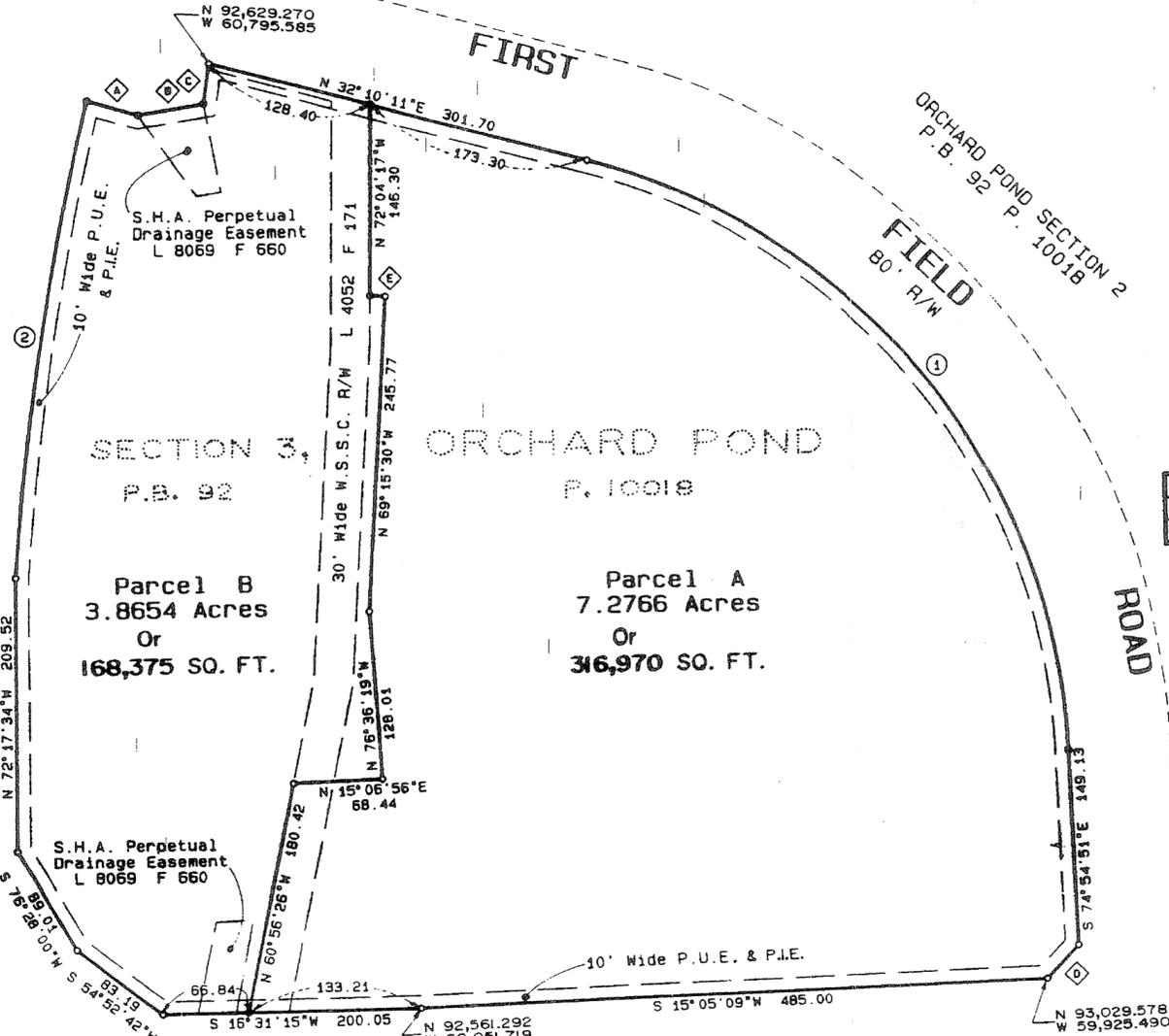
I hereby certify that the information shown hereon is true to the best of my knowledge and belief, that it is a subdivision of part of the land conveyed by David G. Mugar to Orchard Pond Associates II, a Maryland Limited Partnership, by deed dated August 24, 1973 and recorded in Liber 4429 at Folio 10, and also includes a resubdivision of part of Section 3, Orchard Pond as shown on plat of subdivision entitled, "Orchard Pond, Sections 1, 2, & 3", as recorded in Plat Book 92, Plat No. 10018, all among the Land Records of Montgomery County, Maryland; Iron pipes marked thus  $\circ$  will be set where indicated;

There is NO street dedication by this plat and the TOTAL AREA of this plat which includes 2 PARCELS is 11.1420 Acres or 485,345 square feet.

Date: May 31, 1990

*Donald F. Remmers*  
Donald F. Remmers  
Professional Land Surveyor  
Maryland Reg. # 10888

S.H.A., S.R.C. PLAT # 48263 & 48264  
CLOPPER ROAD  
MARYLAND ROUTE #117



CURVE DATA						
	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD DIST.
1	72° 54' 58"	495.00	629.95	365.72	N 68° 37' 40" E	588.29
2	09° 35' 21"	2231.83	373.52	187.20	N 63° 38' 17" W	373.09

LINE DATA		
	BEARING	DISTANCE
A	N 32° 27' 24" E	41.09
B	N 08° 22' 52" E	51.48
C	N 64° 22' 33" W	31.13
D	S 29° 54' 51" E	35.36
E	S 20° 44' 30" W	11.83

FILED  
OCT 31 1990

QUINCE ORCHARD ROAD  
MARYLAND ROUTE #124  
S.H.A., S.R.C. PLAT # 48264 & 48367

PARCELS A & B  
SECTION 3  
**ORCHARD POND**  
City of Gaithersburg, Maryland  
Gaithersburg (9th) Election District  
Montgomery County, Maryland  
Scale - 1" = 100' May 1990.

FOR PUBLIC SEWER AND WATER SYSTEMS ONLY  
CITY PLANNING COMMISSION, CITY OF GAITHERSBURG  
MONTGOMERY COUNTY, MARYLAND  
APPROVED - September 26, 1990  
*Salome M. ...* CHAIRMAN  
*Paul W. ...* SECRETARY

RECORDED - \_\_\_\_\_  
PLAT BOOK - \_\_\_\_\_  
PLAT - \_\_\_\_\_

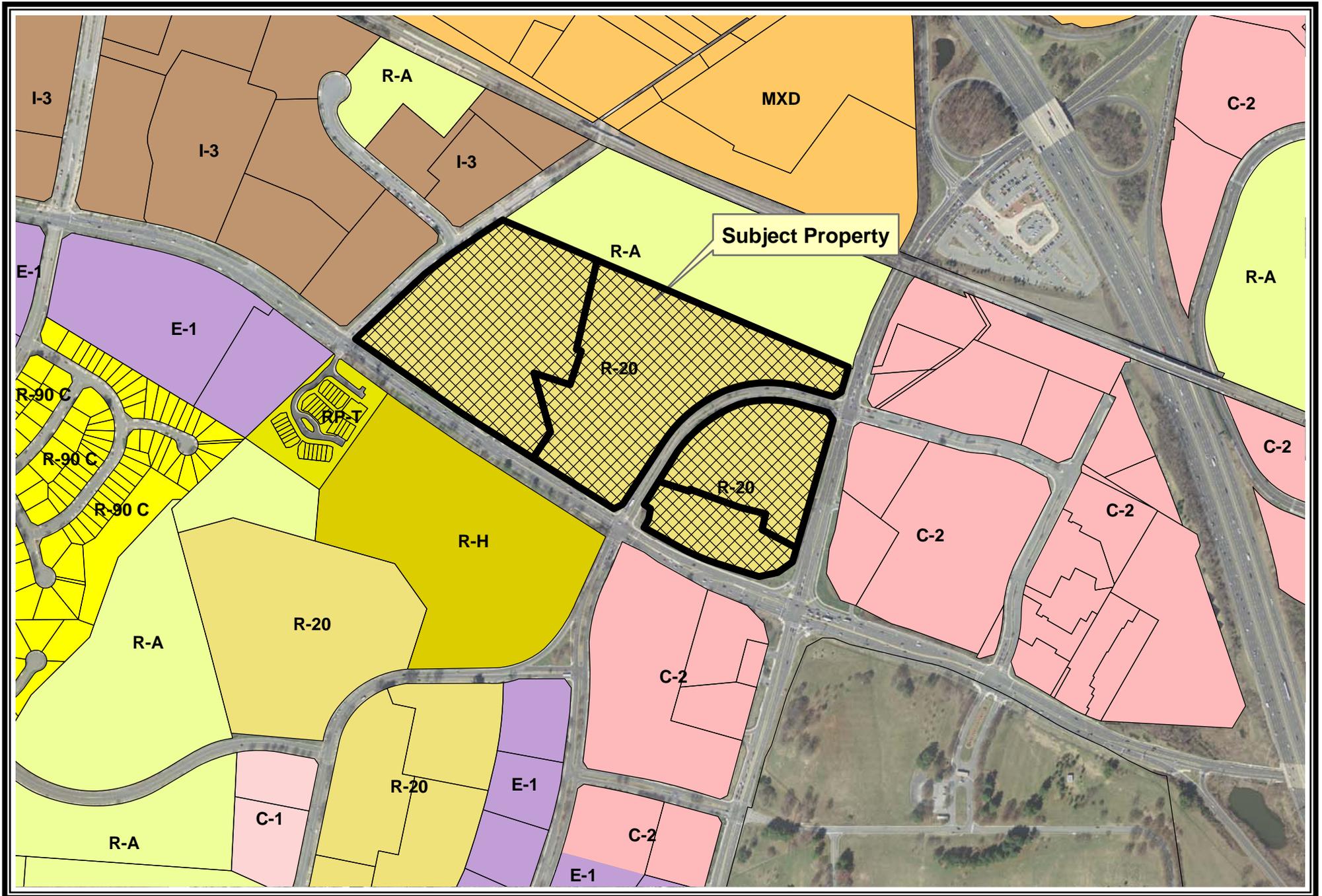
**LOIEDIEMAN ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
15200 Shady Grove Road  
Rockville, Maryland 20850  
(301) 948-2750

R 768

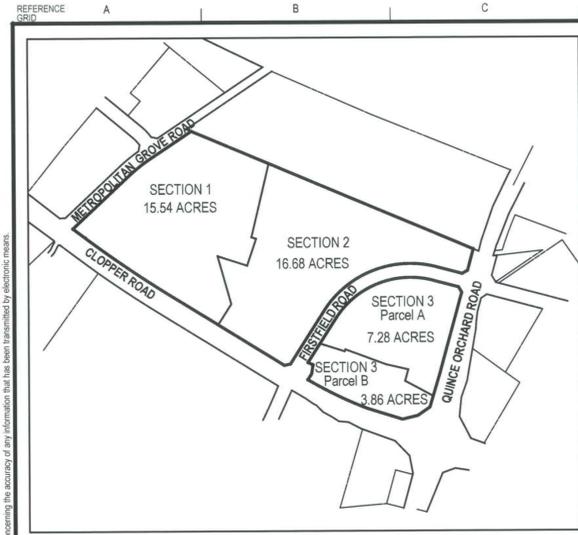
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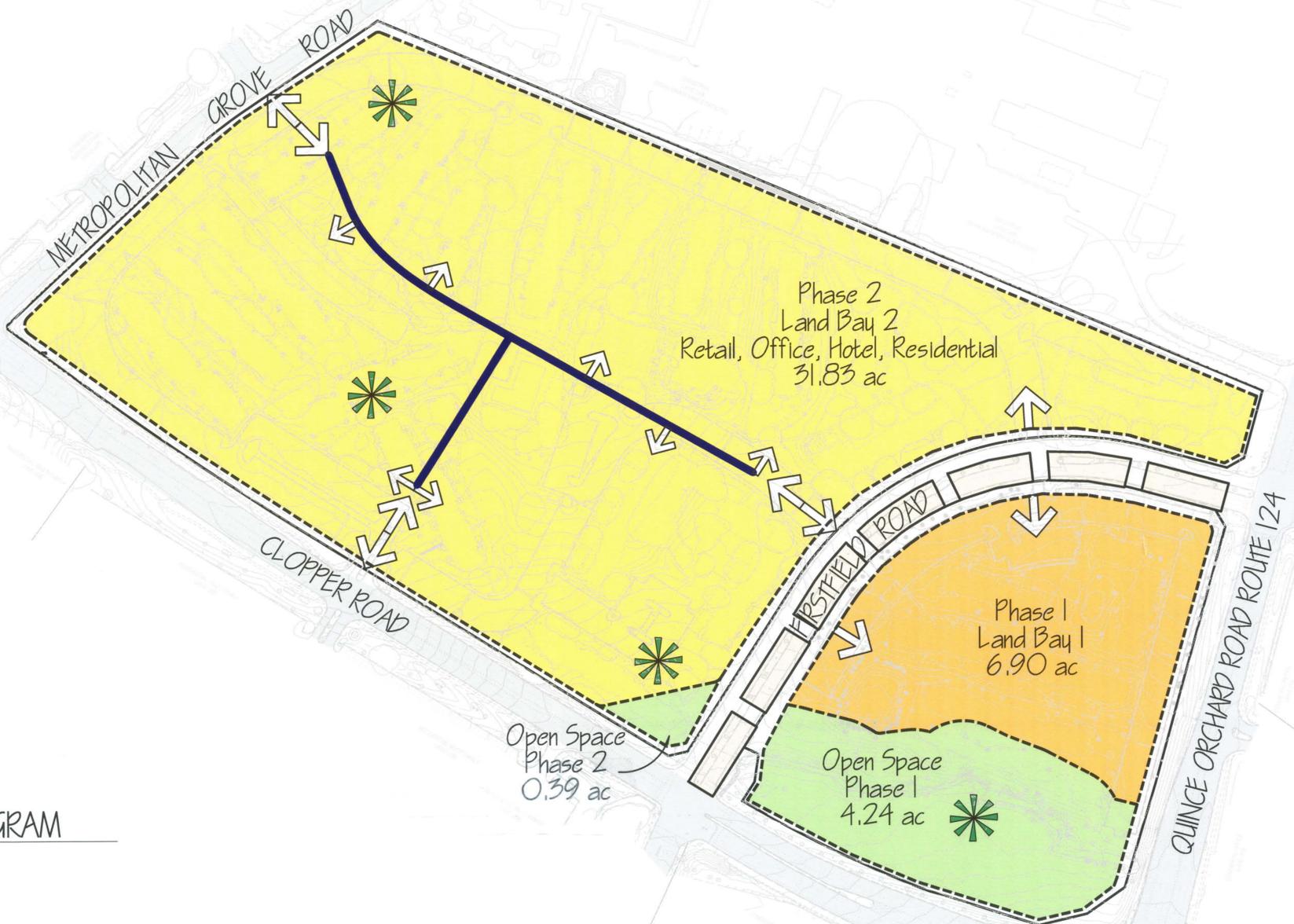
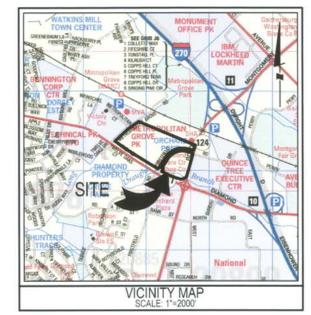
Maryland State Archives



Joint Hearing - MCC & PC  
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SCALE: 1" = 100'



**GENERAL NOTES**

1. Site Area:  
 Section 1: 15.54 acres  
 Section 2: 16.68 acres  
 Section 3, Parcel A: 7.28 acres  
 Section 3, Parcel B: 3.86 acres  
 43.36 acres
2. Watershed: Great Seneca Creek, Long Draught Branch, Use I.
3. Wetland Area: 0.03 Acres. Wetland information on this plan is from a study completed by LSA, Inc. dated January 2009.
4. Stream Valley Buffer (SVB): 3.64 acres.
5. Floodplain Area: 1.72 acres
6. The topography shown on this plan is from aerial topography by VRM and field survey by LSA, Dec. 2008 - Jan. 2009.

**MXD DEVELOPMENT PROGRAM**

**PHASE 1**

Land Bay 1 - Gross Area- 11.14 acres  
 • Residential- 4 story: 400-450 units

**PHASE 2**

Land Bay 2 - Gross Area- 32.22 acres  
 • Commercial/ Retail/ Hotel Total FAR 0.75 (total for Phases 1 & 2 combined)  
 • Retail shall not exceed 60% ; Employment office shall not exceed 65% ; other commercial/ institutional shall not exceed 15% . These uses can not exceed .75FAR.  
 • Residential Units - 700 to 1,000 units  
 • Green space must not be less than 40% for residential and 25% for commercial.

**LEGEND**

- Phase 1
- Phase 2
- Open Space
- Traffic Circulation
- Existing Public R/ W
- ✱ Green Area
- ➔ Access Point

Joint Hearing - MCC & PC  
 Z 312  
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**PROFESSIONAL CERTIFICATION**  
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
 LICENSE NO. \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

**LSA**  
 Loiederman Soltesz Associates, Inc.  
 Rockville Office  
 2 Research Place, Suite 100  
 Rockville, MD 20850  
 t. 301.948.2750 f. 301.948.9067  
 www.LSAAssociates.net

NO.	REVISIONS	BY	DATE
2	REVISED PER CITY COMMENTS PROVIDED ON NOVEMBER 12, 2009	TDP	12/04/09
1	REVISED PER CITY COMMENTS PROVIDED ON APRIL, 2009	TDP	05/20/09

DATE: FEBRUARY 2009  
 DESIGNED: CSB  
 CAD STANDARDS VERSION: V8 - 2005  
 TECHNICIAN: CSB  
 CHECKED: TDP/SPT

**MISS UTILITY NOTE**  
 INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT MISS UTILITY AT 1-800-851-7777 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

**OWNER/DEVELOPER/APPLICANT**  
 JPI  
 8300 Greensboro Drive  
 Suite 600  
 McLean, VA 22102  
 (703) 847-0900  
 (703) 847-4681

COPYRIGHT AND THE MAP PEOPLE PERMITTED USE NUMBER 2011186	
MAP 19 GRID A.S.B.B	TAX MAP ZONING CATEGORY: FT22 EXISTING: R-20 PROPOSED: M-C
WSSC 200 SHEET 24AN011	SITE DATUM HORIZONTAL: NAD83 VERTICAL: NAVD83

**SKETCH PLAN**

**ORCHARD POND**  
 SECTIONS 1 & 2  
 SECTION 3, PARCELS A & B  
 GAITHERSBURG (9th) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PROJECT NO. 0774-08-00

SHEET 1 OF 1

SCALE: 1" = 100'

DATE: 12/7/2009 11:11:38 AM



## 6. SUBMISSION REQUIREMENTS

### A. NATURAL RESOURCE INVENTORY AND FOREST DELINEATION MAP

The natural resource inventory and forest stand delineation map is a complete analysis of existing natural resources and must contain specific information covering the development site and the first 100 feet of adjoining land or the width of the adjacent lot, whichever is less. Information pertaining to streams and drainage courses on or within 200 feet of the property must also be provided. The map shall be prepared at an appropriate scale with arrow indicating north, including the following information:

- Property boundaries**
- Topography** information (2' contours preferred) and identification of steep slopes (15-25%, > 25%)
- Soils and geologic conditions**, as found in the Montgomery County Soil Survey; including soil type, structural limitations, soils that are hydric, unsuitable, and/or erodible
- Perennial and intermittent streams and major drainage courses** on or within 200' of the property; including 100-year floodplains, 25' building restriction lines (BRL), and stream buffers
- Non-tidal wetlands and their buffers** as identified by U.S. Fish and Wildlife Service Wetlands Inventory, Maryland Non-tidal Wetlands maps, or field identification; including type, location, and acreage
- Forest and tree canopy coverage** as identified by recent aerials or field verification; including forest stand locations, field sampling points, tree lines extending offsite, and specimen trees
- Specimen trees or significant vegetation**; including location, type, size, condition, and critical root zones
- Presence of plants and animals** identified as rare, threatened or endangered, species in need of conservation, and watchlist species and their critical habitats observed in the field and those documented by the MD Dept. of Natural Resources
- Cultural, heritage or historic resources**
- High hazard dams** (onsite or 1 mile upstream)
- Existing land uses**; including buildings, pavement, significant vegetation, public utilities, overhead lines, retaining walls, stormwater management structures, easements, and/or transportation right-of-ways
- Adjacent land uses**; including existing owner, type, buildings, pavement, and specimen trees with critical root zones that traverse subject property
- Sources of noise and light pollution**
- Significant views and vistas**
- Any other information required by the City of Gaithersburg

### B. SITE VICINITY MAP

This 8 1/2" x 11" map shall indicate the location of the site within a square mile; illustrating major roads, land uses, and forest cover at a 1:2000 scale.

### C. FOREST STAND SUMMARY SHEETS (if site contains forest)

Data collected at individual sampling points shall be summarized for each stand. The following information shall be submitted:

- Dominant species and forest association
- Size class of dominant trees
- Size, type and condition of specimen trees
- Total number of tree species
- Number of trees per acre
- Common understory species
- Forest structure rating

### D. NARRATIVE OF NATURAL RESOURCES AND FOREST STAND CONDITIONS

A written summary of the natural resources and forest stand conditions shall be submitted. The following information shall be addressed:

#### Forest stand conditions

- Condition classes—a rating of the condition of a tree or a stand of trees based on such parameters as trunk condition, growth rate, structure, presence of insects, diseases or invasive species, crown development, and life expectancy
- Stand structure—composition of the forest stand with reference to forest association (SAF cover type), dominant and co-dominant species, understory and herbaceous.
- Forest structure— a measure of vertical and horizontal diversity within a stand related to stand age and habitat
- Retention potential
- Transplant and regenerative potential
- Comments on evidence of past management
- Date of field work
- Qualifications of preparer(s)

#### Other environmental features

- Environmental features identified in 6a
- Stream conditions (a floodplain variance or environmental waiver may be required)
- Description of highly erodible, unstable and unsafe soils (a geotechnical report may be required)
- Danger reach/dam break analysis (if the property contains a dam or is one mile or less downstream of a dam)
- Description of existing wildlife (a Wildlife Management Plan may be required) and plants and animals identified as rare, threatened or endangered, species in need of conservation, and watchlist species and their critical habitats and documentation from the MD Dept. of Natural Resources
- Any other information required by the City of Gaithersburg

Attachment #1 – Property Information

Parcel #	Property Tax ID
N781	02899812
N888	02899823
N636	00820363
N722	01483581

Property Account	Invoice - Date	Description	Amount
igf50001 1590195-0	07740800 - 01/22/2009	Project#07740800 Orchard Pond - NRI\	370.00
			<u>370.00</u>

**LaSalle Investment Management, Inc.**

a/a/f Clopper Road Investors, LLC  
P.O. Box 619208  
DFW Station  
Dallas, TX 75261-9208

JP Morgan Chase Bank, N.A.  
Chicago, IL

832

01262009

2-1/710

PAY \*\*\*\*\* THREE HUNDRED SEVENTY AND 00/100 DOLLARS

PAY TO THE  
ORDER OF

CITY OF GAITHERSBURG

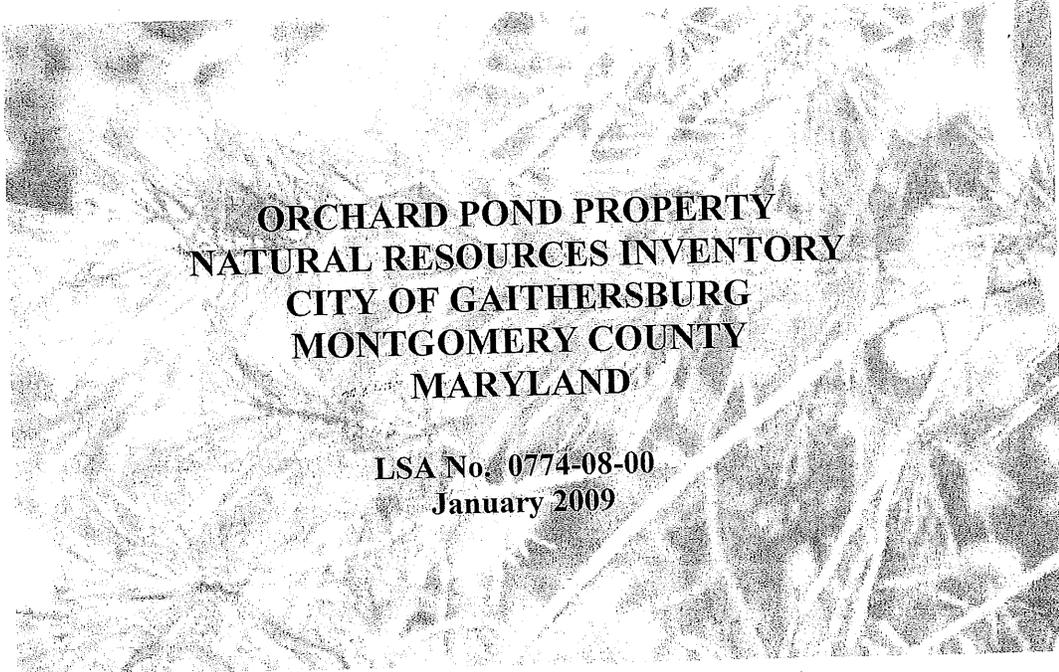
\$370.00

31 SOUTH SUMMIT AVENUE  
GAITHERSBURG, MD 20877

*JL Sch*

THIS CHECK HAS MULTIPLE SECURITY FEATURES TO DETER FRAUD AND COUNTERFEITING.

⑈0000000832⑈ ⑆071000013⑆ 719548414⑈



**ORCHARD POND PROPERTY  
NATURAL RESOURCES INVENTORY  
CITY OF GAITHERSBURG  
MONTGOMERY COUNTY  
MARYLAND**

**LSA No. 0774-08-00  
January 2009**

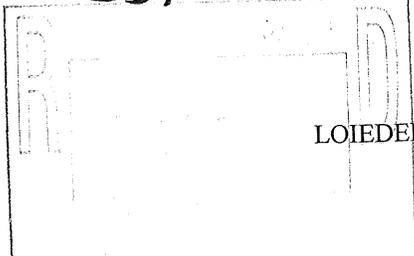
PREPARED FOR:

JPI

8300 Greensboro Drive  
McLean, Va 22102

Attention: Malcolm Van De Riet

8DP090001



PREPARED BY:

LOIEDERMAN SOLTESZ ASSOCIATES, INC.

2 Research Place, Suite 100  
Rockville, MD 20850



2/9/09

Joint Hearing - MCC & PC

Z 312

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**ORCHARD POND PROPERTY  
NATURAL RESOURCES INVENTORY  
TABLE OF CONTENTS**

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4. Results of the Wetland Delineation .....	8
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2. Orchard Pond Property Aerial Photograph.....	4
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B. Specimen Tree Table	
C. Wildlife Management Report	
D. Natural Resources Inventory Plan	

**ORCHARD POND**  
**Gaithersburg, Montgomery County, Maryland**  
**Natural Resource Inventory/Forest Stand Delineation**  
**Narrative**  
(LSA Project # 0774-08-00)  
January 2009

**1.0 PURPOSE AND SCOPE**

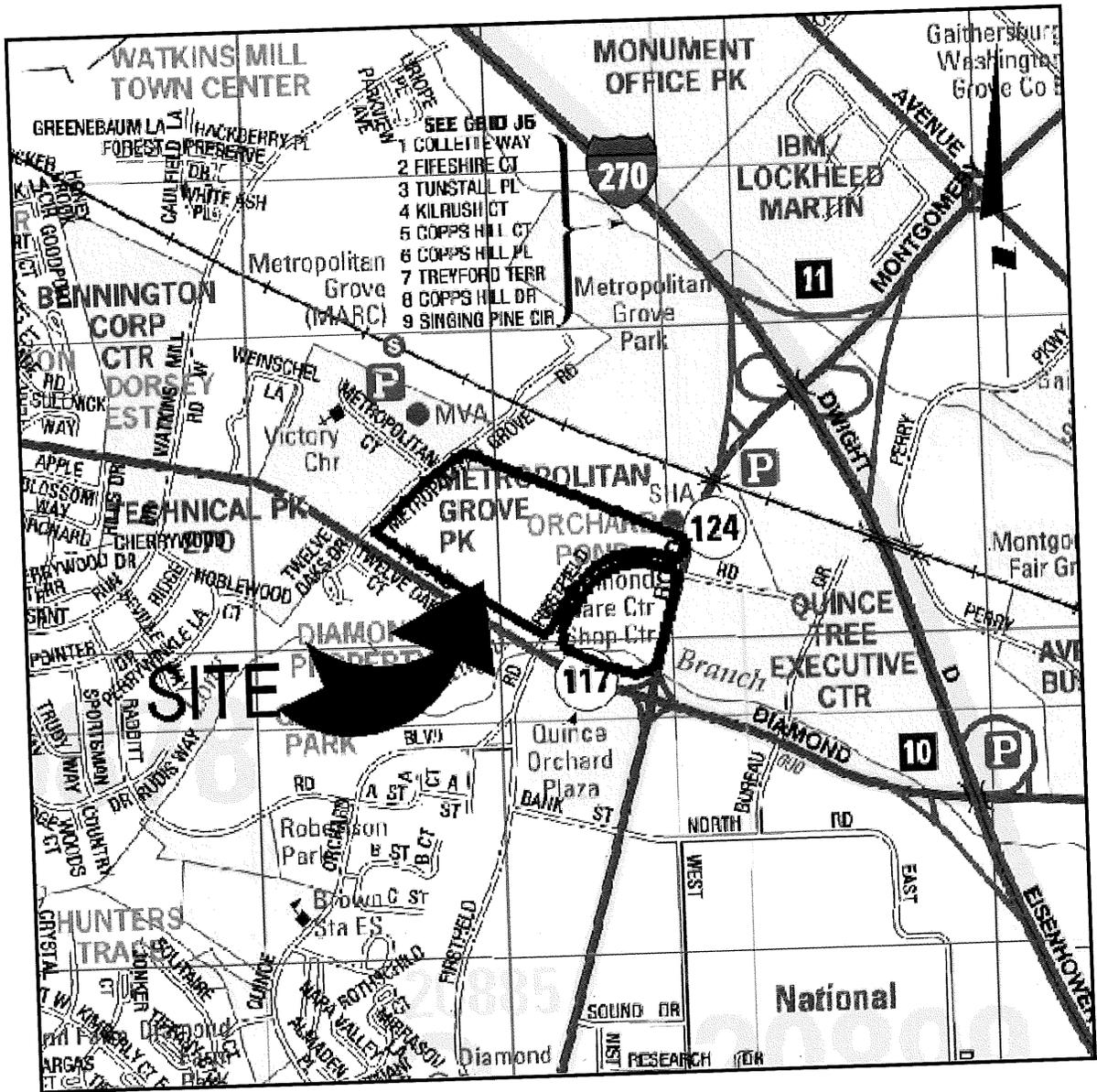
In January of 2009, Loiederman Soltesz Associates, Inc. (LSA) completed a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) on the 43.36-acre Orchard Pond Property, located in Gaithersburg, Montgomery County, Maryland. The NRI/FSD was completed in compliance with the Maryland Forest Conservation Act (FCA, 1991) and the Gaithersburg Environmental Standards for Development Regulation (Regulation No. 01-01). This NRI/FSD consists of a narrative and NRI/FSD plan.

**2.0 SITE LOCATION AND PHYSICAL FEATURES**

The Orchard Pond Property is located at the northwest corner of the intersection of Quince Orchard Road (MD RT 124) and Clopper Road (MD RT 117) in the City of Gaithersburg (Figure 1 and 2). The general area surrounding the property consists of high density residential neighborhoods, commercial buildings and retail shopping centers with limited natural areas. The property is bordered by a Maryland State Highway Facility to the north, Metropolitan Grove Road to the west, Clopper Road to the south, Quince Orchard Road to the east and the property is bisected by Firstfield Road. The Orchard Pond Property is shown on ADC Map page 18 - Grid B-8, Tax Map FT 22 sections 1, 2 and 3 (Parcels A & B) and covers approximately 43.36 acres.

**Property Conditions**

The property consists of several three story apartment buildings, associated parking areas, and landscaped areas. There is no forest area on the property, but there are numerous specimen trees on and adjacent to the property.



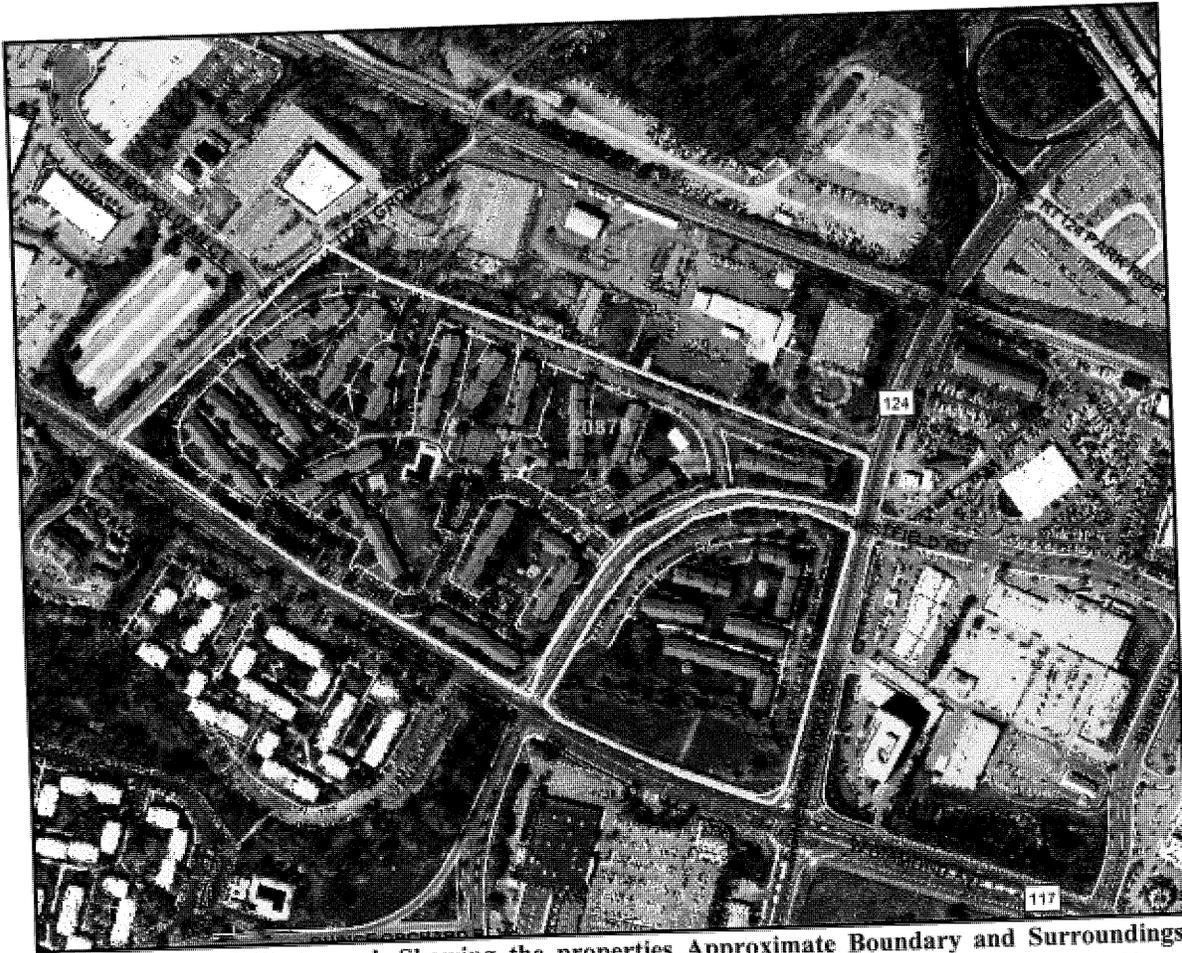


Figure 2. Aerial Photograph Showing the properties Approximate Boundary and Surroundings (Source: Montgomery County Government GIS Map Viewer, aerial photograph, 2006.) ↑N, no scale

**Recorded Soils**

According to the Soil Survey of Montgomery County (USDA, 1995), four soil types occurs within the property boundaries. Table 1 lists the characteristics of this soil.

<b>Table 1. Orchard Pond Property Soils</b> (US Soil Survey of Montgomery County, MD, 2007)		
SOIL TYPE	SLOPE	DESCRIPTION
2B—Glenelg Silt Loam	3 - 8% Slopes	Prime farmland. This soil is well drained. The slowest permeability within 60 inches is moderate. Available water capacity is very high and shrink swell potential is low. This soil is not flooded and is not ponded. The water table is deeper than 6 feet. Capability class is 2e. This is not a hydric soil.
6A—Baile silt loam	0 – 3% Slopes	This soil is very deep and poorly drained. It is located in upland depressions and along drainageways. The slowest permeability

SOIL TYPE	SLOPE	DESCRIPTION
		within 60 inches is slow. The available water capacity is high. The water table is within a depth of 6 inches from winter to spring. This is a hydric soil.
<b>66UB—Wheaton-Urban land complex</b>	0-8% Slopes	This soil consists of a very deep, well drained Wheaton soil intermingled with Urban land. The slowest permeability within 60 inches is moderate. The available water capacity is high. The depth to bedrock is more than 5 feet. This unit is not a hydric soil.
<b>66UC—Wheaton-Urban land complex</b>	8-15% Slopes	This unit consists of a very deep, well drained Wheaton soil intermingled with Urban land. The slowest permeability within 60 inches is moderate. The available water capacity is high. The depth to bedrock is more than 5 feet. This unit is not a hydric soil.

### Cultural Resources

The property includes several buildings, but no structures or features that would be an indication of cultural resources were noted on the property during the January, 2009 survey. A review of the National Inventory of Historic Places for Montgomery County Maryland GIS database (NIHP, 2003) failed to identify any historical features within the property boundaries. However, the definitive authority for occurrences of historical and cultural resources within the State of Maryland is the Maryland Historical Trust (MHT) and MHT will only research such site specific information for projects with State or federal involvement or during permit application reviews, so this authority could not be consulted at this time.

### General Vegetation

Vegetation on the Orchard Pond Property consists of landscaped lawn areas interspersed with shade trees.

### Rare, Threatened or Endangered (RTE) Species

No rare, threatened, or endangered (RTE) species were observed during the January 2009 field visit. An inquiry to the Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Division was made on January 26, 2009 requesting any information on recorded occurrences or potential for RTE species for the property and the immediate vicinity. A response to this inquiry was still pending at the writing of this report.

## Hydrology, Wetlands and Waters of the U.S.

Hydrologically, the Orchard Pond Property drains to Long Draught Branch of Great Seneca Creek, which is a tributary to the Potomac River. Long Draught Branch bisects the southeast corner of the property at the intersection of Quince Orchard Road and Clopper Road. Great Seneca Creek is classified as Use I-P (COMAR 26.08.02.08).

### 3.0 WETLAND DELINEATION METHODS AND PROCEDURES

The preliminary delineation was initiated by conducting a preliminary search for information on soils, topography, stream designations, forest stands, wetlands, and floodplain limitations. This information was gathered from sources such as National Wetland Inventory (NWI) Maps, USDA Soil Surveys, USGS 7.5 Minute Quadrangle Maps, FEMA Flood Plain Maps, Maryland Department of Natural Resources (DNR) Digital Ortho Quarter Quadrangle Infrared aerial photographs, and other aerial photographs. This preliminary search was followed by a field investigation. The project site was walked and physical characteristics that indicated potential for wetlands (such as streams, low topographic areas, swales, and other hydrologic features) were investigated. The wetland boundaries were flagged and the approximate boundaries are shown on the Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plan, Appendix D.

#### Field Determination

Wetlands were delineated in accordance with the methods recommended in the 1987 U.S. Army Corps of Engineers *Wetland Delineation Manual*. To meet the U.S. Army Corps of Engineers' (USACE) definition of a wetland, the area must display wetland hydrology, hydric soils, and dominance (greater than 50% of the dominant plants onsite) of hydrophytic vegetation. These parameters are defined as follows.

- **Wetland hydrology.** According to the USACE manual... *"The term "wetland hydrology" encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and reducing conditions, respectively"*. Hydrology is often the least exact of the parameters, and indicators of wetland hydrology are sometimes difficult to find in the field. However, it is essential to establish that a wetland area is periodically inundated or has saturated soils during the growing season. Field indicators include observed inundation, saturation of soils in the upper 12 inches, watermarks on woody vegetation, drift lines (deposition of debris in a line on the surface or debris entangled in aboveground vegetation or other fixed objects), sediment deposits (thin layers, coatings, or depositions of mineral or organic matter on plants or other vertical objects) drainage patterns in wetlands, oxidized root channels in the upper 12 inches of

soil, water-stained leaves, and local soil survey data. Wetland hydrology is present if there is one primary indicator or two or more secondary indicators of a hydrologic source which would saturate the root zone for more than 5% of the growing season.

- **Hydrophytic vegetation.** This consists of plants that have adaptations for living in soils which are periodically saturated. Hydrophytic vegetation is considered dominant if more than 50% of the dominant species are obligate (OBL), facultative wet (FACW), or facultative (FAC) (excluding facultative minus). Thus, the presence of scattered individuals of an upland plant species in an area dominated by hydrophytic species is not a sufficient basis for concluding that the area is an upland community nor is the presence of a few individuals of a hydrophytic species in an area dominated by upland species not a sufficient basis for concluding that the area has hydrophytic vegetation. Obligate species occur in wetlands greater than 99% of the time, facultative wet species occurs in wetlands 67% - 99% of the time, and facultative species occur in wetlands 34% - 66% of the time. A national interagency panel has prepared a National List of Plant Species that occurs in wetlands. This list categorizes species according to their affinity for occurrence in wetlands.
- **Hydric soils.** Hydric soils display properties (i.e. overall color, iron concentrations, iron depletions, gleyed matrices, pore linings, mottling, etc.) known as redoximorphic features which indicate extended periods of saturation. Redoximorphic features are often color variations determined by comparing soil samples to the Munsell® Soil Color Charts. Mineral hydric soils will be either gleyed or will have bright mottles and/or low matrix chroma. The chroma is represented by the last numerical digit in the Munsell color notation (example: in the Munsell Color **2.5YR 4/1**, the number **1** is the color's chroma). Gleyed soils (gray colors) appear immediately below the A-horizon or in the upper 10 inches (whichever is shallower) and is an indication of a markedly reduced soil. Mineral hydric soils display bright mottles (areas in a soil with marked spots of contrasting color) and/or low matrix chroma. Mineral hydric soils usually have one of the following color features in the horizon immediately below the A-horizon or in the upper 10 inches (whichever is shallower): (a) Matrix chroma of 2 or less in mottled soils, or (b) Matrix chroma of 1 or less in un-mottled soils. For determining sandy hydric soils however, chroma is less reliable and three additional soil features may be used as indicators of sandy hydric soils, including: (a). High organic matter content in the surface horizon, (b) Streaking of subsurface horizons by organic matter (sandy soil appears vertically streaked with darker areas), and (c) Presence of organic pans (an accumulation of organic matter at depths of 12 to 30 inches below the mineral surface).

#### 4.0 RESULTS OF THE WETLAND DELINEATION

According to the National Wetland Inventory (NWI) and MDNR, there are wetlands and streams located on the property. Long Draught Branch enters the southeast corner of the property through a culvert beneath Quince Orchard Road. This stream flows for approximately 800 linear feet within the property from the culvert under Quince Orchard Road to another culvert beneath Firstfield Road. The stream averages approximately 15 feet wide with severely incised stream banks. The vegetation surrounding the stream largely consists of invasive vines, shrubs and trees such as honeysuckle (*Lonicera japonica*), multiflora rose (*Rosa multiflora*), and tree-of-Heaven (*Alanthus altissima*). Other tree species present surrounding the stream include black willow (*Salix nigra*), red maple (*Acer rubrum*) box elder (*Acer negundo*) and cherry trees (*Prunus* spp.).

The NWI and MNDNR wetland maps also indicated an isolated water feature on the property just north of Long Draught Branch. The field study verified this feature as an upland dry storm water management detention pond. Storm water management facilities, sediment basins, and artificial ponds constructed wholly in uplands are not considered “Waters of The United States” by the United States Army Corps of Engineers and the Maryland Department of the Environment.

In the course of the survey in January of 2009, a single palustrine emergent wetland was found adjacent to the south bank of the stream just upstream of the culvert beneath Firstfield Road. This area was flagged and field surveyed. This wetland is of marginal quality and may lack one of the three parameters to qualify as wetland. At the time of the survey the area was inundated and the soils portrayed low chroma gley soils but the vegetation was marginal partly due to the fact that the wetland exists within a regularly mowed landscape area. This area was previously disturbed. The remaining vegetation consisted mostly of miscellaneous grasses and two black willow (*Salix nigra*) trees. This wetland feature is labeled Wetland A and totals approximately 1,735 square feet (0.03 acres). Please see the attached wetland data sheet for more information.

##### **Adjacent Land Uses**

The surrounding land use consists of multi-family apartment buildings and single family townhomes, interspersed with commercial/light industrial properties.

##### **Noise and Light Pollution**

The potential sources of noise pollution are the adjacent roads (Quince Orchard Road and Clopper Road) which can carry high volumes of traffic during peak times of the day and the commercial/light industrial land uses in the surrounding area. In addition, the State Highway Maintenance Facility potentially contributes additional noise. Potential sources of light pollution include area lighting of streets, parking areas and commercial buildings.

##### **Significant Views and Vistas**

No significant views currently exist on this property.

## 5.0 REFERENCES

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- U.S. Department of Agriculture (USDA). 1995. Soil Survey of Montgomery County, Maryland. Natural Resources Conservation Service, United States Department of Agriculture, Washington, DC.

**APPENDIX A:**  
**WETLAND DELINEATION DATA SHEET**

Project Name: Orchard Pond  
 Project No.: 0774-08-00 Sample No.: A  
 Date: December 29, 2008 By: Jon Griffiths

### DATA FORM ROUTINE WETLAND DETERMINATION (1987 COE Wetlands Delineation Manual)

Have vegetation, soils, or hydrology been disturbed?	Yes	No	Community	<u>PEM</u>
	<u>x</u>	No	ID:	
Is the area a potential Problem Area?	Yes		Field Map	<u>A1</u>
	<u>x</u>		No.:	
(If needed, explain on reverse.)			Plot ID:	

Sample Location:

**VEGETATION** (Note those species observed to have morphological adaptations to wetlands with a \*)

#	Dominant Plant Species	Stratum	Indicator	#	Dominant Plant Species	Stratum	Indicator
1.	<u>Salix nigra</u>	<u>tree</u>	<u>FACW+</u>	9.	_____	_____	_____
2.	<u>Miscellaneous</u>	<u>Herb</u>	<u>?</u>	10.	_____	_____	_____
3.	<u>grasses</u>	_____	_____	11.	_____	_____	_____
4.	_____	_____	_____	12.	_____	_____	_____
5.	_____	_____	_____	13.	_____	_____	_____
6.	_____	_____	_____	14.	_____	_____	_____
7.	_____	_____	_____	15.	_____	_____	_____
8.	_____	_____	_____	16.	_____	_____	_____

Percent of Dominant Species that are OBL, FACW, or FAC (except FAC-). Include species noted (\*) as showing morphological adaptations to wetlands: **Greater than 50%**

Describe Morphological Adaptations:

Remarks:

The area is regularly mowed and the majority of the vegetation was unidentifiable.

**HYDROLOGY**

<p>Recorded Data (Describe in Remarks):</p> <p>____ Stream, Lake, or Tide Gage</p> <p>____ Aerial Photographs</p> <p>____ Other</p> <p>____ No Recorded Data Available</p>	<p>Wetland Hydrology Indicators:</p> <p><u>  x  </u> Inundated</p> <p><u>  x  </u> Saturated in Upper 12 inches</p> <p>_____ Water Marks</p> <p>_____ Drift Lines</p>
--	---

Field Observations: Depth of Surface Water: _____ at surface Depth to Free Water in Pit: <u>at</u> surface Depth to Saturated Soil: _____ at surface	<input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input checked="" type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> Other (Explain in Remarks)
Remarks: Disturbed soil.	

Map Unit Name:	Drainage Class:				
Taxonomy (Subgroup):	Field Observations Confirm Mapped Yes: No:				
Type?					
Profile Description:					
Depth (inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Rhizospheres, etc.
0-10"	A	Gley 1 2.5/N	None	NA	Silt Loam
Hydric Soil Indicators:					
<input type="checkbox"/> Histosol <input type="checkbox"/> Histic Epipedon <input type="checkbox"/> Sulfidic Odor <input type="checkbox"/> Probable Aquic Moisture Regime <input checked="" type="checkbox"/> Reducing Conditions <input checked="" type="checkbox"/> Gleyed or Low Chroma Colors			<input type="checkbox"/> Concretions <input type="checkbox"/> High Organic Content in Surface Layer <input type="checkbox"/> Organic Streaking <input type="checkbox"/> Listed in Local Hydric Soils Lists <input type="checkbox"/> Listed on National Hydric Soils Lists <input type="checkbox"/> Other (Explain in Remarks)		
Remarks:					

Hydrophytic Vegetation Present?	Yes x	No	Is this Sampling Point Within a Wetland? <span style="float: right;">Yes x    No</span>
Hydric Soils Present?	Yes x	No	
Wetland Hydrology Present?	Yes x	No	
Remarks:  The wetland is located within a popular open green space immediately adjacent to a major intersection of the City of Gaithersburg. The vegetation within the Wet depression is regularly cut during the growing season and the soils have been disturbed with the installation of the surrounding infrastructure.			

## APPENDIX B:

## SPECIMEN TREE TABLE

**Note: Trees were tagged with a metal tag corresponding to the numbers below. Tags were placed approximately 5' from the ground. Tree locations were surveyed using GPS. Tree tag numbers begin at #1.**

**Total number of trees = 106**

Tag Number	Common Name	Scientific Name	DBH	Condition	Comments
1	red maple	Acer rubrum	24	Good	
2	black cherry	Prunus serotina	26	Fair	
3	box elder	Acer negundo	26	Fair	Twin stem
4	black willow	Salix nigra	24	Fair	Twin stem
5	red maple	Acer rubrum	25	Good	
6	red maple	Acer rubrum	25	Good	
7	red maple	Acer rubrum	24	Good	
8	pin oak	Quercus palustris	24	Good	
9	white oak	Quercus alba	25	Good	
10	white oak	Quercus alba	24	Good	
11	red oak	Quercus rubra	26	Good	
12	red oak	Quercus rubra	30	Good	
13	white oak	Quercus alba	25	Good	
14	white oak	Quercus alba	26	Good	
15	white oak	Quercus alba	25	Good	
16	red oak	Quercus rubra	26	Good	
17	pin oak	Quercus palustris	29	Good	
18	pin oak	Quercus palustris	29	Good	
19	pin oak	Quercus palustris	28	Good	
20	pin oak	Quercus palustris	24	Good	
21	white pine	Quercus alba	25	Good	
22	pin oak	Quercus palustris	30	Good	
23	white pine	Pinus strobus	26	Good	
24	white pine	Pinus strobus	27	Good	
25	cherry	Prunus serotina	24	Fair	Multiple stem
26	white pine	Pinus strobus	27	Good	
27	white pine	Pinus strobus	24	Good	
28	red maple	Acer rubrum	24	Good	
29	red maple	Acer rubrum	25	Good	
30	pin oak	Quercus palustris	27	Good	
31	pin oak	Quercus palustris	29	Good	
32	pin oak	Quercus palustris	24	Good	
33	pin oak	Quercus palustris	27	Good	
34	pin oak	Quercus palustris	27	Good	
35	pin oak	Quercus palustris	26	Good	
36	pin oak	Quercus palustris	26	Good	
37	pin oak	Quercus palustris	30	Good	

38	pin oak	Quercus palustris	32	Good	
39	pin oak	Quercus palustris	25	Good	
40	pin oak	Quercus palustris	30	Good	
41	white pine	Pinus strobus	25	Good	
42	pin oak	Quercus palustris	26	Good	
43	pin oak	Quercus palustris	24	Good	
44	pin oak	Quercus palustris	27	Good	
45	pin oak	Quercus palustris	28	Good	
46	pin oak	Quercus palustris	28	Good	
47	pin oak	Quercus palustris	28	Good	
48	red maple	Acer rubrum	26	Good	
49	white pine	Pinus strobus	26	Good	
50	white pine	Pinus strobus	24	Good	
51	white pine	Pinus strobus	35	Good	
52	cherry	Prunus serotina	24	Poor	Trunk damage
53	red maple	Acer rubrum	24	Fair	
54	red maple	Acer rubrum	27	Fair	
55	red maple	Acer rubrum	35	Fair	Triple stem
56	white pine	Pinus strobus	24	Good	
57	white pine	Pinus strobus	25	Good	
58	white pine	Pinus strobus	26	Good	
59	white pine	Pinus strobus	28	Good	
60	cherry	Prunus serotina	27	Good	
61	white pine	Pinus strobus	24	Good	
62	pin oak	Quercus palustris	28	Good	
63	pin oak	Quercus palustris	24	Good	
64	pin oak	Quercus palustris	28	Good	
65	pin oak	Quercus palustris	27	Good	
66	pin oak	Quercus palustris	27	Good	
67	pin oak	Quercus palustris	26	Good	
68	pin oak	Quercus palustris	30	Good	
69	pin oak	Quercus palustris	30	Good	
70	pin oak	Quercus palustris	25	Good	
71	pin oak	Quercus palustris	29	Good	
72	pin oak	Quercus palustris	25	Good	
73	pin oak	Quercus palustris	28	Good	
74	pin oak	Quercus palustris	25	Good	
75	pin oak	Quercus palustris	24	Good	
76	pin oak	Quercus palustris	32	Good	
77	cherry	Prunus serotina	24	Fair	
78	white pine	Pinus strobus	28	Fair	
79	white pine	Pinus strobus	26	Fair	
80	white pine	Pinus strobus	24	Good	
81	white pine	Pinus strobus	26	Good	
82	white pine	Pinus strobus	24	Good	
83	pin oak	Pinus strobus	32	Good	
84	pin oak	Pinus strobus	27	Good	
85	pin oak	Quercus palustris	32	Good	

86	pin oak	Quercus palustris	35	Good	
87	pin oak	Quercus palustris	30	Good	
88	pin oak	Quercus palustris	30	Good	
89	pin oak	Quercus palustris	27	Good	
90	pin oak	Quercus palustris	27	Good	
91	pin oak	Quercus palustris	28	Good	
92	pin oak	Quercus palustris	27	Good	
93	pin oak	Quercus palustris	28	Good	
94	pin oak	Quercus palustris	25	Good	
95	pin oak	Quercus palustris	28	Good	
96	pin oak	Quercus palustris	24	Good	
97	pin oak	Quercus palustris	27	Good	
98	pin oak	Quercus palustris	24	Good	
99	pin oak	Quercus palustris	29	Good	
100	Tag Not Used				
101	pin oak	Quercus palustris	24	Fair	
102	boxelder	Acer negundo	24	Fair	Twin stem
103	pin oak	Quercus palustris	30	Good	
104	pin oak	Quercus palustris	26	Good	
105	pin oak	Quercus palustris	30	Good	
106	Tag Not Used				
107	pin oak	Quercus palustris	27	Good	
108	black willow	Salix nigra	26	Poor	Trunk damage

**APPENDIX C:**  
**WILDLIFE MANAGEMENT REPORT**

# Orchard Pond Wildlife Management Report

The 43.36 acre Orchard Pond Property consists of an existing multi-family residential apartment complex in the City of Gaithersburg. The Orchard Pond project proposes to redevelop the property as a multi-family residential and commercial development under MXD zoning. Article III, § 31 of the City of Gaithersburg's *Environmental Standards for Development* states that, where development is expected to impact wildlife or their habitats on a site, wildlife management recommendations shall be incorporated into the site development package as a wildlife management report or plan. This report describes the existing project site conditions and the potential impact of the development to wildlife and their habitats.

## ENVIRONMENTAL SETTING AND NATURAL FEATURES

The Orchard Pond Property is located at the northwest corner of the intersection of Quince Orchard Road (MD 124) and Clopper Road (MD 117) in the City of Gaithersburg. The general area surrounding the property consists of high-density residential neighborhoods, commercial buildings, and retail shopping centers with few natural areas. The property is bordered by Metropolitan Grove Road to the west, Clopper Road to the south, Quince Orchard Road to the east and a Maryland State Highway maintenance facility to the north. Firstfield Road bisects the property.

The property is fully developed with the majority of the property occupied by 3-story, multi-family residential buildings, associated parking and drive areas, recreation facilities and lawn/landscaped areas. There is no forest on the property, although there are landscape shade trees scattered throughout the property and tree lines along portions of the properties boundary. A perennial stream flows parallel to Clopper Road between Quince Orchard Road and Firstfield Road in the southeast corner of the property. This stream corridor is the only significant natural feature on the site. The corridor is isolated from downstream areas by a culvert beneath the intersection of Firstfield and Clopper Roads. The stream is piped upstream of the site. A small emergent wetland (0.03 ac.) is located adjacent to the south bank of the stream just upstream of the culvert beneath Firstfield/Clopper Roads. This wetland is of marginal quality because it exists within a regularly mowed lawn area.

Wildlife on the property would be limited to typical urban species found in densely developed suburban areas.

## POTENTIAL EFFECTS OF DEVELOPMENT ACTIVITIES ON WILDLIFE

While a detailed field inventory of animal species that may inhabit or traverse the property has not been undertaken, numerous field visits indicate that the site supports the typical array of animal species found in urban/suburban habitats. Development activities are not planned within the portion of the property that includes the stream channel. As such, the development activities within the remainder of the site are not expected to result in any significant impacts to wildlife. Construction activities may result in the temporary displacement of some urban wildlife species. The following is a list of animal species that occur or are likely to occur on the site. These species are the most likely to come into contact and/or conflict with local residents.

- bats, various species including the little brown bat, *Myotis lucifugus*, and big brown bat, *Eptesicus fuscus*
- eastern gray squirrel, *Sciurus carolinensis*
- groundhog (woodchuck), *Marmota monax*
- house mouse, *Mus musculus*
- Norway rat *Rattus norvegicus*
- raccoon, *Procyon lotor*
- coyote, *Canis latrans*
- red fox, *Vulpes vulpes*
- common gray fox, *Urocyon cinereoargenteus*
- striped skunk, *Mephitis mephitis*
- Virginia opossum, *Didelphis virginiana*
- white-tailed deer, *Odocoileus virginianus*
- Canada goose, *Branta canadensis*
- black vulture, *Coragyps atratus*
- turkey vulture, *Cathartes aura*
- American crow, *Corvus brachyrhynchos*
- feral pigeon, *Columba livia*
- eastern cottontail rabbit, *Sylvilagus floridanus*
- Eastern chipmunk, *Tamias striatus*
- Hawks, *various species*
- Songbirds, *various species*

## RECOMMENDATIONS

Any onsite tree removal should be timed to avoid active nesting periods. If this is not possible, trees should be checked for active nests prior to tree removal. Similarly, prior to the onset of grading activities, lawn/open areas should be checked for active ground burrows. If active ground burrows are present, animals utilizing these burrows should be relocated prior to grading. Grading activity should be avoided during the winter dormancy period, if possible.

After construction, measures should be taken to prevent problematic human-wildlife interactions. These measures should include refuse containers/dumpsters that are inaccessible by wildlife, litter control to prevent attracting nuisance wildlife, proper cleaning and maintenance of community picnic/barbecue areas, secure covers for community outdoor barbecues, and educational materials to inform residents on how they can avoid attracting wildlife conflicts.

Residents should avoid conflicts with wildlife whenever possible. When conflicts do occur, the following list provides some sources of information on how to mitigate urban wildlife conflicts.

The Maryland Department of Natural Resources, Wildlife and Heritage Service can provide information on safe and legal ways to avoid conflicts with wildlife and can assist in finding licensed individuals who can address human/wildlife conflicts.  
877-463-6497 <http://www.dnr.state.md.us/wildlife/nw.asp>

Humane Wildlife Services, a service offered by The Humane Society of the United States  
866-9HUMANE  
[humaneservices@humanesociety.org](mailto:humaneservices@humanesociety.org)

[http://www.hsus.org/wildlife/urban\\_wildlife\\_our\\_wild\\_neighbors/humane\\_wildlife\\_services.html](http://www.hsus.org/wildlife/urban_wildlife_our_wild_neighbors/humane_wildlife_services.html)

Maryland Cooperative Extension, College of Agriculture and Natural Resources, University of Maryland

[http://www.naturalresources.umd.edu/Wildlife\\_Damage.cfm](http://www.naturalresources.umd.edu/Wildlife_Damage.cfm)

U.S. Department of Agriculture, Wildlife Services: 410-349-8255 or 877-463-6497 (toll free).

Should a resident come upon an injured animal the following provides some general guidance and sources of information.

### **General Guidance**

The recommended course of action for an individual who encounters injured wildlife is to report the occurrence to an appropriate local or State agency and not approach or attempt to give aid unless expressly instructed to do so. There also are licensed wildlife rehabilitators who can care for injured or orphaned wildlife. Any wild animal, even if injured or immature, may injure a would-be rescuer. Call one of the resources listed below *before* attempting to approach or give assistance to injured wildlife.

Montgomery County Humane Society

<http://www.mchumane.org/rescuingorphanedwildlife.shtml> (on what appear to be "orphaned" young wild animals)

<http://www.mchumane.org/transportingwildlife.shtml> (on transporting wildlife)

Maryland Department of Natural Resources (DNR), though this site has fairly minimal information

<http://www.dnr.state.md.us/wildlife/sickorinjured.asp>

[http://www.dnr.state.md.us/wildlife/think\\_twice.asp](http://www.dnr.state.md.us/wildlife/think_twice.asp)

Maryland Wildlife Rehabilitators Association (MWRA)

<http://www.mwra.org/pages/wildlife-rescue.php>

### **Wildlife Rehabilitators in Montgomery County**

Some veterinary practices may treat wildlife, but most will not, call before taking an injured wild animal to a veterinarian.

The following wildlife rehabilitators are licensed, according to DNR and/or MWRA, and can be contacted in the event that a wild animal is injured or orphaned:

Second Chance Wildlife Center  
7101 Barcellona Drive

Suzanne Shoemaker  
Boys

Gaithersburg, MD 20879  
wildchris@mindspring.com  
(301-926-9453) www.scwc.org  
Hours: 9 a.m. – 5 p.m. daily - Accepts all  
native wildlife.  
Holds a federal permit to rehabilitate all  
birds. Listed by both DNR and MWRA.

301-353-8947  
Accepts only raptors (birds of prey). Holds  
a federal permit to rehabilitate all birds.  
Listed by both DNR and MWRA.

Rhonda Giles  
Silver Spring  
301-384-8319  
Accepts small mammals and birds.  
Listed by both DNR and MWRA.

Cynthia Fabretta-Aplin  
Gaithersburg  
301-296-WILD  
Listed by MWRA.

Brian Kristal  
Germantown  
301-528-5666  
Accepts reptiles and birds.  
Listed by DNR.

Lee Prouty  
Rockville  
301-460-7468  
Consults on waterfowl only.  
Listed by MWRA.

If these rehabilitators are unavailable, the local animal shelter or animal control agency may be able to provide assistance:

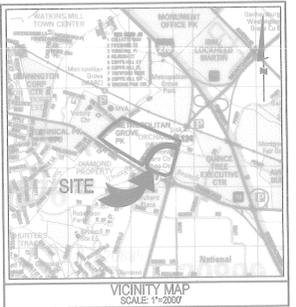
Montgomery County Humane Society County Shelter  
14645 Rothgeb Drive  
Rockville, MD 20850  
240-773-5960 or for emergencies and after hours: 240-773-5900  
mchs@mchumane.org

Montgomery County Animal Services Division  
240-773-5900 (for animal emergencies)  
Note: the caller should make it clear that s/he is calling about injured wildlife, *not* nuisance wildlife.

*Loiederman Soltesz Associates, Inc. nor the applicant endorses any of the wildlife rehabilitators listed above or the information provided by the resources referenced above. Individuals choosing to assist injured wildlife do so at their own risk and neither Loiederman Soltesz Associates, Inc. nor the applicant can be held accountable if an individual chooses to assist injured wildlife and is injured or harmed in the process*

**APPENDIX D:**  
**NATURAL RESOURCES INVENTORY PLAN**  
**SHEETS 1-4**

# ORCHARD POND NATURAL RESOURCE INVENTORY FOREST STAND DELINEATION



SCALE: 1"=100'



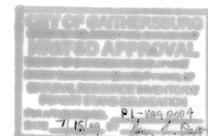
## LEGEND

DESCRIPTION	SYMBOL
BOUNDARY	[Symbol]
EX. TREELINE	[Symbol]
CABLE/ELECTRIC/TELEPHONE MANHOLE	[Symbol]
CABLE/ELECTRIC/TELEPHONE VAULT	[Symbol]
SIGN (SINGLE POST/DOUBLE POST)	[Symbol]
OVERHEAD UTILITY LINE & POLE W/ GUY WIRE	[Symbol]
LIGHT POST	[Symbol]
FIRE HYDRANT	[Symbol]
SEWER LINE WITH SEWER MANHOLE/CLEAN OUT	[Symbol]
STORM DRAIN LINE WITH STORM DRAIN MANHOLE / INLET	[Symbol]
WATER LINE WITH WATER MANHOLE / METER / VALVE	[Symbol]
FENCE (WOOD/CHAIN LINK)	[Symbol]
RETAINING WALL	[Symbol]
EX. BUILDING	[Symbol]
PARKING/DRIVE LANES	[Symbol]
STREAM VALLEY BUFFER (100')	[Symbol]
NON-TIDAL WETLANDS BOUNDARY	[Symbol]
50' NON-TIDAL WETLANDS BUFFER	[Symbol]
100 YEAR FLOODPLAIN LIMITS	[Symbol]
25' FLOODPLAIN BUFFER (BRL)	[Symbol]
WATERS OF THE US	[Symbol]
TREE (SIZE/TYPE)	[Symbol]
SPECIMEN/SIGNIFICANT TREE	[Symbol]
SOILS BOUNDARY/ SOIL LABEL	[Symbol]
15% - 25% Slope	[Symbol]
Greater Than 25% Slope	[Symbol]

## ORCHARD POND SPECIMEN TREE LIST 106 TOTAL TREES

Tag Number	Common Name	Scientific Name	DBH	Condition	Comments
1	red maple	Acer rubrum	24	Good	
2	black cherry	Prunus serotina	28	Fair	
3	box elder	Acer negundo	28	Fair	twin stem
4	black willow	Salix nigra	24	Fair	twin stem
5	red maple	Acer rubrum	25	Good	
6	red maple	Acer rubrum	26	Good	
7	red maple	Acer rubrum	24	Good	
8	pin oak	Quercus palustris	24	Good	
9	white oak	Quercus alba	26	Good	
10	white oak	Quercus alba	24	Good	
11	red oak	Quercus rubra	28	Good	
12	red oak	Quercus rubra	30	Good	
13	white oak	Quercus alba	26	Good	
14	white oak	Quercus alba	26	Good	
15	white oak	Quercus alba	25	Good	
16	red oak	Quercus rubra	28	Good	
17	pin oak	Quercus palustris	28	Good	
18	pin oak	Quercus palustris	28	Good	
19	pin oak	Quercus palustris	28	Good	
20	pin oak	Quercus palustris	24	Good	
21	white pine	Quercus alba	25	Good	
22	pin oak	Quercus palustris	30	Good	
23	white pine	Pinus strobus	28	Good	
24	white pine	Pinus strobus	27	Good	
25	cherry	Prunus serotina	24	Good	Multiple stem
26	white pine	Pinus strobus	27	Good	
27	white pine	Pinus strobus	24	Good	
28	red maple	Acer rubrum	24	Good	
29	red maple	Acer rubrum	25	Good	
30	pin oak	Quercus palustris	27	Good	
31	pin oak	Quercus palustris	29	Good	
32	pin oak	Quercus palustris	24	Good	
33	pin oak	Quercus palustris	27	Good	
34	pin oak	Quercus palustris	27	Good	
35	pin oak	Quercus palustris	28	Good	
36	pin oak	Quercus palustris	28	Good	
37	pin oak	Quercus palustris	30	Good	
38	pin oak	Quercus palustris	32	Good	
39	pin oak	Quercus palustris	30	Good	
40	pin oak	Quercus palustris	30	Good	
41	white pine	Pinus strobus	25	Good	
42	pin oak	Quercus palustris	28	Good	
43	pin oak	Quercus palustris	24	Good	
44	pin oak	Quercus palustris	27	Good	
45	pin oak	Quercus palustris	28	Good	
46	pin oak	Quercus palustris	28	Good	
47	pin oak	Quercus palustris	28	Good	
48	red maple	Acer rubrum	28	Good	
49	white pine	Pinus strobus	25	Good	
50	white pine	Pinus strobus	24	Good	
51	white pine	Pinus strobus	35	Good	
52	cherry	Prunus serotina	24	Poor	Trunk damage
53	red maple	Acer rubrum	24	Fair	
54	red maple	Acer rubrum	27	Fair	
55	red maple	Acer rubrum	35	Fair	Triple stem
56	white pine	Pinus strobus	24	Good	
57	white pine	Pinus strobus	25	Good	
58	white pine	Pinus strobus	26	Good	
59	white pine	Pinus strobus	28	Good	
60	cherry	Prunus serotina	24	Good	
61	white pine	Pinus strobus	24	Good	
62	pin oak	Quercus palustris	28	Good	
63	pin oak	Quercus palustris	28	Good	
64	pin oak	Quercus palustris	28	Good	
65	pin oak	Quercus palustris	27	Good	
66	pin oak	Quercus palustris	27	Good	
67	pin oak	Quercus palustris	28	Good	
68	pin oak	Quercus palustris	30	Good	
69	pin oak	Quercus palustris	30	Good	
70	pin oak	Quercus palustris	26	Good	
71	pin oak	Quercus palustris	29	Good	
72	pin oak	Quercus palustris	25	Good	
73	pin oak	Quercus palustris	25	Good	
74	pin oak	Quercus palustris	24	Good	
75	pin oak	Quercus palustris	24	Good	
76	pin oak	Quercus palustris	32	Good	
77	cherry	Prunus serotina	24	Fair	
78	white pine	Pinus strobus	28	Fair	
79	white pine	Pinus strobus	26	Fair	
80	white pine	Pinus strobus	24	Good	
81	white pine	Pinus strobus	26	Good	
82	white pine	Pinus strobus	24	Good	
83	pin oak	Quercus palustris	32	Good	
84	pin oak	Quercus palustris	27	Good	
85	pin oak	Quercus palustris	32	Good	
86	pin oak	Quercus palustris	35	Good	
87	pin oak	Quercus palustris	30	Good	
88	pin oak	Quercus palustris	30	Good	
89	pin oak	Quercus palustris	27	Good	
90	pin oak	Quercus palustris	27	Good	
91	pin oak	Quercus palustris	28	Good	
92	pin oak	Quercus palustris	27	Good	
93	pin oak	Quercus palustris	28	Good	
94	pin oak	Quercus palustris	25	Good	
95	pin oak	Quercus palustris	28	Good	
96	pin oak	Quercus palustris	24	Good	
97	pin oak	Quercus palustris	27	Good	
98	pin oak	Quercus palustris	24	Good	
99	pin oak	Quercus palustris	28	Good	
100	Tag Not Used				
101	boxelder	Acer negundo	24	Fair	
102	boxelder	Acer negundo	24	Fair	Twin stem
103	pin oak	Quercus palustris	30	Good	
104	pin oak	Quercus palustris	28	Good	
105	pin oak	Quercus palustris	30	Good	
106	Tag Not Used				
107	pin oak	Quercus palustris	27	Good	
108	black willow	Salix nigra	28	Poor	Trunk damage

- ### NRIFSD - GENERAL NOTES
- Site Description & History**
    - Gross Tract Area: 43.36 Acres
    - The property consists of multi-family apartment buildings, associated drive lanes and parking lots, accessory buildings, recreation areas, and maintained lawns. Ornamental and shade trees occur throughout the property as well as along the property boundary.
  - Vegetation**
    - Total Forested Area: 0.09 acres
    - Where appropriate, specimen or significant trees (generally, those trees > 24 inches DBH or 75% of the diameter size of the currently listed State Champion for a given species) are noted on the NRIFSD plan.
    - There are 106 specimen trees located on the property. These trees were located by field survey and GPS.
  - Hydrology**
    - Watershed: Great Seneca Creek Long Drought Branch, Use 1.
    - Stream Condition: The section of Long Drought Branch that is located on the site is currently degraded. The City's 2002 Stream Assessment identifies the stream segment on this property as a high priority restoration area (GS1-105).
    - Wetland Area: 0.03 Acres, Forested Wetland Area: 0.00
    - Wetland Delineation Source: Field survey by Loidelman Solesz Associates, Inc. dated January, 2006. The wetlands and waters information shown on the NRI Plan should be considered preliminary until a formal delineation is completed and until the US Army Corps of Engineers (USACE) makes a jurisdictional determination.
    - Stream valley buffers (SVB): 3.64 Acres, Forested SVB: 0.00 Acres
    - Floodplain Area: 1.72 Acres, Forested Floodplain: 0 Acres
    - Source: The floodplain information was digitized from the Flood Insurance Rate Map, Montgomery County, Maryland, Panel Number 189 of 480, Map Number 24031C0188D, Effective September 29, 2006.
  - Topography**
    - The topography shown on this plan is from aerial topography and field survey, Dec. 2006 - Jan. 2006.
  - Rare, Threatened or Endangered Species**
    - No rare, threatened, or endangered (RTE) species were observed during the field investigation. A letter from the Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Division dated March 4, 2009 states that there are no State or Federal records for RTE species with the boundaries of the project site.
  - Historical Features**
    - Historical Features: No historic feature exist onsite.
    - Source: Locational Atlas and Index of Historic Sites for Montgomery County, Maryland (MNCPPC, 1976).
    - Scientific/Historic Roads: No Scientific/Historic Roads exist onsite.
    - Source: Designated Scenic and Historic Road List of Montgomery County, MD.



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NRIFSD COVER SHEET  
NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION  
ORCHARD POND  
GATHERSBURG (06) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND



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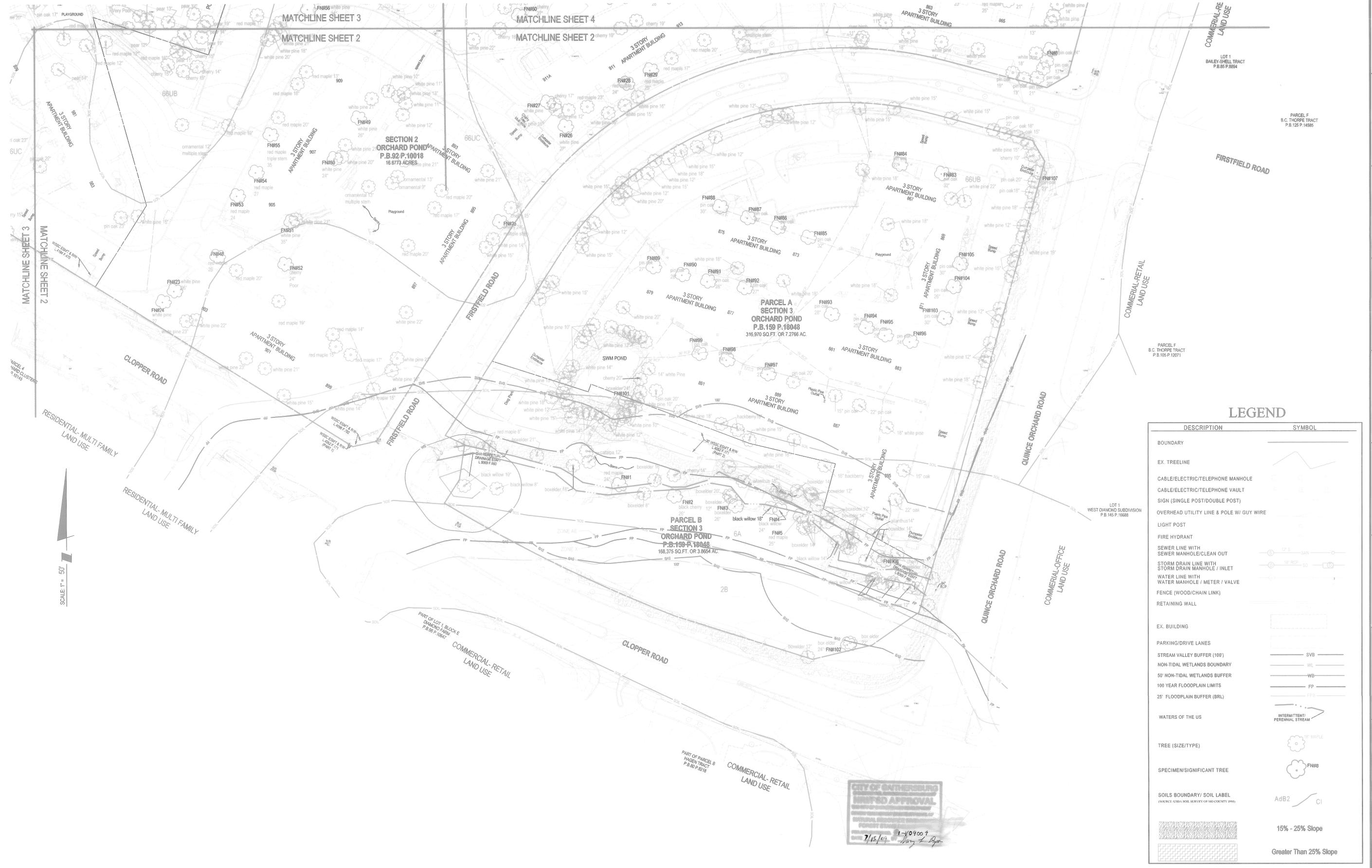
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(703) 847-0990  
(703) 847-4681  
Malcolm Van De Riet

COPYRIGHT AND THE DULP PEOPLE PERMITTED USE NUMBER 2011159	MAP 19 GRID B-B
FT22	ZONING CATEGORY R-20
WSSC 200' SHEET 244N11	
SITE DATUM	
HORIZONTAL	
VERTICAL	



PROJECT NO: 0774-80-00  
SHEET 4 OF 4  
P:\07740800\ENGINEERING\NRIFSD\_01\_COVER.dwg Scale: 100.0000 1 in. User: jgriffiths PLT\jgriffiths\p\0774-TEXT.SUB.TBL 7/14/2008 11:44:16 AM

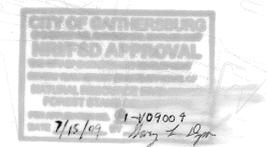
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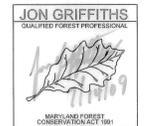
SCALE: 1" = 50'

**LEGEND**

DESCRIPTION	SYMBOL
BOUNDARY	
EX. TREELINE	
CABLE/ELECTRIC/TELEPHONE MANHOLE	
CABLE/ELECTRIC/TELEPHONE VAULT	
SIGN (SINGLE POST/DOUBLE POST)	
OVERHEAD UTILITY LINE & POLE W/ GUY WIRE	
LIGHT POST	
FIRE HYDRANT	
SEWER LINE WITH SEWER MANHOLE/CLEAN OUT	
STORM DRAIN LINE WITH STORM DRAIN MANHOLE / INLET	
WATER LINE WITH WATER MANHOLE / METER / VALVE	
FENCE (WOOD/CHAIN LINK)	
RETAINING WALL	
EX. BUILDING	
PARKING/DRIVE LANES	
STREAM VALLEY BUFFER (100')	
NON-TIDAL WETLANDS BOUNDARY	
50' NON-TIDAL WETLANDS BUFFER	
100 YEAR FLOODPLAIN LIMITS	
25' FLOODPLAIN BUFFER (BRL)	
WATERS OF THE US	
TREE (SIZE/TYPE)	
SPECIMEN/SIGNIFICANT TREE	
SOILS BOUNDARY / SOIL LABEL <small>(COLORS: USDA SOIL SURVEY OF MD COUNTY 1996)</small>	
15% - 25% Slope	
Greater Than 25% Slope	



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**NRI/FSD**

**NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION**  
**ORCHARD POND**

GAITHERSBURG (BII) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

**LSA** Leadman Sothez Associates, Inc.  
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1	JANUARY 2009	CAD STANDARDS VERSION V8 - 2000	JAG	
2		TECHNICIAN JAG		
		CHECKED: KBB		

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**OWNER/DEVELOPER/APPLICANT**  
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Malcolm Van De Riet

COPYRIGHT AND THE MAP PEOPLE PERMITTED USE NUMBER 2081199	MAP NO. 10	GRID: B-8
TAX MAP: FT22	ZONING CATEGORY: R-30	
REGO 200' SHEET: 244NW11		
SITE DATUM: HORIZONTAL		
VERTICAL:		



1" = 50'
SHEET 2 OF 4
PROJECT NO. 0774-00-00

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### LEGEND

DESCRIPTION	SYMBOL
BOUNDARY	
EX. TREELINE	
CABLE/ELECTRIC/TELEPHONE MANHOLE	
CABLE/ELECTRIC/TELEPHONE VAULT	
SIGN (SINGLE POST/DOUBLE POST)	
OVERHEAD UTILITY LINE & POLE W/ GUY WIRE	
LIGHT POST	
FIRE HYDRANT	
SEWER LINE WITH SEWER MANHOLE/CLEAN OUT	
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PARKING/DRIVE LANES	
STREAM VALLEY BUFFER (100')	
NON-TIDAL WETLANDS BOUNDARY	
50' NON-TIDAL WETLANDS BUFFER	
100 YEAR FLOODPLAIN LIMITS	
25' FLOODPLAIN BUFFER (BRL)	
WATERS OF THE US	
TREE (SIZE/TYPER)	
SPECIMEN/SIGNIFICANT TREE	
SOILS BOUNDARY/ SOIL LABEL	



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**NR/IFSD**

**NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION**

**ORCHARD POND**

GAITHERSBURG (00) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

PROJECT NO:  
0774-00-00

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				KSB

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COPYRIGHT AND THE MAP PEOPLE PRINTED USE NUMBER 0011103	MAP 19 GRID B-B
TAX MAP FT22	ZONING CATEGORY R-20
WSSC 200' SHEET 244NW11	XXXX
SITE DATUM	XXXX
HORIZONTAL	
VERTICAL	

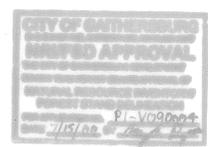
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SCALE: 1" = 50'



**LEGEND**

DESCRIPTION	SYMBOL
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EX. TREELINE	
CABLE/ELECTRIC/TELEPHONE MANHOLE	
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SIGN (SINGLE POST/DOUBLE POST)	
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25' FLOODPLAIN BUFFER (BRL)	
WATERS OF THE US	
TREE (SIZE/TYPER)	
SPECIMEN/SIGNIFICANT TREE	
SOILS BOUNDARY/ SOIL LABEL <small>(SOURCE: USDA SOIL SURVEY OF MONTGOMERY 1995)</small>	



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**NRI/FSD**

**NATURAL RESOURCE INVENTORY/FORREST STAND DELINEATION**

**ORCHARD POND**

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DATE: JANUARY 2009 CAD STANDARDS VERSION: V8 - 2008  
DESIGNED: JAG TECHNICIAN: JAG CHECKED: KBB

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(703) 847-4681  
Malcolm Van De Riet

TAX MAP	FT22	ZONING CATEGORY	R-20
WSSC 20P SHEET	244NW11	XXXX	XXXX
SITE DATUM			
HORIZONTAL			
VERTICAL			

**LS**  
1" = 50'  
SHEET 4 OF 4  
PROJECT NO. 0774-00-00

**Site: Orchard Pond Apartments**

NRI-FSD Plan Date: 2/9/09

Review Date: 3/3/09

**Natural Resource Inventory:**

**General Comments**

1. A noise study will be required due to the proximity of the site to two state roads, a Maryland State Highway depot, and the CSX railroad (per Section 34 of the Environmental Standards for Development Regulation). Add proximity to railroad in the noise pollution narrative.
2. Show building numbers to serve as a reference to identify locations of items needed for the NRI/FSD.
3. Hydrology, Wetlands, and Waters of the US:
  - a. The City's 2002 Stream Assessment identifies the stream segment on this property as a high priority restoration area (GST-106). In addition, the First Field Road/Clopper Road intersection is one of the only intersections in the City that experiences routine flooding. Furthermore, this site is with the Clopper Lake watershed which has a TMDL for phosphorus and sediment established by the Maryland Department of the Environment. According, improving stormwater management, water quality, and stream restoration will be a high priority for this site.
  - b. A stream quality enhancement plan is required per Section 33 of the Environmental Standards for Development Regulations. The 2002 Stream Study (page 3-14) recommended (at a minimum) to remove the old bridge culvert, reestablish stable channel dimensions, patterns, and profiles. The slope of the adjacent berm is too steep and should be laid back and stabilized and a riparian buffer should be established. Any slope stabilization must avoid sanitary sewer impacts.
  - c. The MD DNR wetland inventory and MNCPPC 2006 planimetrics data identify the stormwater management structure as a pond/wetlands. The 1970 aerial indicates that there was a pond in this location. Please provide a JD for this area with sample sheets to confirm the presence/absence of wetlands.
  - d. Cite source of floodplain data. There are two 100 FP lines along the south of the property, there should be one line.
  - e. Gaithersburg has a 50' wetland buffer (more stringent than USACE 25'). Include this 50' wetland buffer.
  - f. Show existing storm drain network and outfalls.
4. Features for NRI/FSD should extend a full 100' beyond the property line to place the site in context with the surrounding areas and identify important transportation connections, adjacent buildings, potential visual concerns (SHA maintenance yard), etc. Please identify existing bus stops and note that the site is within a half a mile radius of the proposed CCT station and existing MARC station.

### Sheet 2 of 4

5. Label berm by playground by building #895.
6. Darken sanitary sewer features.
7. Delineate all inlets storm drain pipes, and show storm drain pipes with sizes and conditions; inlets by bldg. #893 may outfall to SWM facility on property
8. Show wall between bldgs. #897 and #899
9. Label cherry tree shown on rectangular median bulb-out by bldg. #911-A
10. Show fire hydrant by #5 above.
11. Show dumpster by bldg. #911-A.
12. Show overhead utilities and streetlights along Clopper Rd. and Quince Orchard Rd.
13. Show pipe and outfall from on site SWM facility.
14. Make sure all utility features are labeled as shown in the legend (include letter).
15. Show HDPE pipe that outfalls to stream near bldg. #885.
16. Label berm between apartments and stream.
17. Show outfall from inlet at parking lot by bldg. #885.
18. Show plastic pipe outfall from roof drains by bldg. #885.
19. Show size of culvert from Quince Orchard Road.
20. Show all lights and inlets between bldgs. #873 and #877.
21. Label playground by bldg. #871.
22. Label speed bumps.
23. Highlight steep slopes (especially by stream) and make key in the legend.
24. Label dog park west of SWM facility.

### Sheet 3 of 4

25. Dumpster locations have changed. Please revise.
26. Show fire hydrant by FN #46.
27. Show inlet by FN #34.
28. Show streetlight by FN #1a.
29. Label playground by FN #73.
30. Darken sewer and storm drain features; inlet should be shown as rectangular; show storm drain pipes and sizes
31. Show fence along SHA property.
32. Darken lights hidden by trees on median that includes FN #32

### Sheet 4 of 4

33. Dumpster locations have been changed. Please revise.
34. Label rip-rap storm drain features along SHA property line.
35. Delineate inlets and pipes and provide sizes.
36. Show fence along SHA property.
37. Show metal fence by bldg. #865.
38. Features for NRI/FSD should extend a full 100' beyond SHA property line.
39. Label volleyball court.

Please feel free to contact Environmental Services at 301-258-6310 with any questions or comments.



CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

**NOTICE OF JOINT PUBLIC HEARING**

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

*Meeting:* **MAYOR AND CITY COUNCIL**  
*Application Type:* **ZONING MAP AMENDMENT**  
*File Number:* **Z-312**  
*Location:* **CLOPPER RD. AT INTERSECTION W/QUINCE ORCHARD RD. PARCELS A AND B; AND SECTIONS 1 AND 2 ORCHARD POND SUBDIVISION**  
*Applicant:* **JODY KLINE FOR 893 CLOPPER ROAD INVESTORS CORP.**  
*Current Zoning:* **R-20 (MEDIUM DENSITY RESIDENTIAL) ZONE**  
*Requested Zone:* **MXD (MIXED USE DEVELOPMENT) ZONE**  
*Day/ Date/Time:* **MONDAY, JANUARY 4, 2010; 7:30 PM**  
*Place:* **GAITHERSBURG UPCOUNTY SENIOR CENTER  
80A BUREAU DRIVE, GAITHERSBURG, MARYLAND**

**\*\*\*IMPORTANT\*\*\***

This is an application to rezone 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone in accordance with §24-196 (Map Amendments) of the City Code. The property is located at Clopper and Quince Orchard Roads, and is commonly known as Orchard Pond Apartments. This is a joint public hearing, which allows the public an opportunity to participate and comment on this request. Contact the Planning and Code Administration City Planner listed below at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>

CITY OF GAITHERSBURG

By: \_\_\_\_\_  
Eliza Voigt, Planner  
Planning and Code Administration

**SEE LOCATION MAP ON REVERSE SIDE**

Joint Hearing - MCC & PC  
Z 312  
13

**NOTICES SENT THIS 11<sup>th</sup> DAY OF DECEMBER, 2009, TO:**

**APPLICANT AND INTERESTED PARTIES**

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

**MAYOR AND COUNCIL**

**PLANNING COMMISSION**

**CITY STAFF**

Angel Jones, City Manager  
Tony Tomasello, Assistant City Manager  
Lynn Board, City Attorney  
Britta Monaco, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

**LOCATION MAP**





December 8, 2009

Bonnie Geiger  
Law Section  
The Gazette Newspaper  
2-A North Market Street  
Frederick, Maryland 21701

Dear Ms. Geiger:

Please publish the following legal advertisement in the **December 16 and December 23, 2009**, issues of the *Gaithersburg Gazette*.

Sincerely,

Eliza Voigt, Planner  
Planning and Code Administration

ASSIGN CODE: **Z-312**

Acct# **133649**

**NOTICE OF PUBLIC HEARING**

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on Z-312, filed by Jody S. Kline, for 893 Clopper Road Investors Corporation c/o JPI, on

**MONDAY  
JANUARY 4, 2010  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Gaithersburg Upcounty Senior Center at 80A Bureau Drive, Gaithersburg, Maryland.

This is an application to rezone 43.33 acres of land from the R-20 (Medium Density Residential) Zone to the MXD (Mixed Use Development) Zone in accordance with §24-196 (Map Amendments) of the City Code. The property is located at Clopper and Quince Orchard Roads, and is commonly known as Orchard Pond Apartments.

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov).

Eliza Voigt, Planner  
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-258-6149 • TTY 301-258-6430 • [cityhall@gaitersburgmd.gov](mailto:cityhall@gaitersburgmd.gov) • [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov)

MAYOR  
Sidney A. Katz

CITY COUNCIL MEMBERS  
Jud Ashman  
Cathy C. Drzyzgula  
Henry F. Marraffa, Jr.  
Michael A. Sesma  
Ryan Spiegel

CITY MANAGER  
Angel L. Jones

Joint Hearing - MCC & PC  
Z 312  
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CRISWELL FAMILY LLC  
503 QUINCE ORCHARD RD  
GAITHERSBURG MD 20878

FEDERAL REALTY INVESTMENTTRUST  
C/O DIR PROPERTY ANALYSIS  
1626 E JEFFERSON ST  
ROCKVILLE MD 20852

FAIRFIELD QUINCE ORCHARD 2 LLC  
C/O DONALDSON GROUP  
15245 SHADY GROVE RD #160  
ROCKVILLE MD 20850

MOTEL 6 OPERATING LP  
4001 INTERNATIONAL PKWY  
CARROLLTON TX 75007

FORESEES LLC  
503 QUINCE ORCHARD RD  
GAITHERSBURG MD 20878

POTOMAC ENERGY HOLDINGS LLC  
12700 NORTHBOROUGH DR  
HOUSTON TX 77067

USRP I LLC  
C/O PROPERTY TAX DEPT  
PO BOX 790830  
SAN ANTONIO TX 78279

SHELL OIL CO  
C/O MKTG PROP TAX  
PO BOX 2099  
HOUSTON TX 77252

893 CLOPPER ROAD INVESTORS CORP  
200 E RANDOLPH ST  
CHICAGO IL 60601

893 CLOPPER ROAD INVESTORS CORP  
PO BOX 130156  
CARLSBAD CA 92013

MALCOLM VAN DE REIT  
JEFFERSON APARTMENT GROUP  
8300 GREENSBORO DR #400  
MCLEAN VA 22102

JODY KLINE  
MILLER, MILLER & CANBY  
200B MONROE STREET  
ROCKVILLE MD 20850

STEPHEN TAWES  
LOIDERMAN SOLTESZ ASSOC  
2 RESEARCH PLACE #100  
ROCKVILLE MD 20850

JOESEPH SCHNEIDER  
LESSARD GROUP  
8521 LEESBURG PIKE #700  
VIENNA VA 22182

QUINCE DIAMOND LTD PTNSHP  
24012 FREDERICK RD #200  
CLARKSBURG MD 20871

DISTRICT 3 SHA  
900 KENILWORTH AVE  
GREENBELT MD 20770

NEA'S MEMBER BENEFIT CORP  
900 CLOPPER RD FL 3  
GAITHERSBURG MD 20878

METROGROVE LLC  
% MCKELVIE  
800 17TH ST NW # 1100  
WASHINGTON DC 20006

STATE OF MARYLAND MVA  
PLAN & FACILITIES DEVEL DIV  
6601 RITCHIE HWY NE # 224  
GLEN BURNIE MD 21062

BALAMAR INC  
% FEDERAL REALTY INV TR  
1626 E JEFFERSON ST  
ROCKVILLE MD 20852

SENECA MEWS HOA INC  
% THE MANAGEMENT GROUP ASSOC INC  
20440 CENTURY BLVD # 100  
GERMANTOWN MD 20874

Joint Hearing - MCC & PC  
Z 312  
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