



City of Rockville

MEMORANDUM

June 11, 2010

TO: Planning Commission

FROM: Nicole Walters, Planner II

SUBJECT: Chestnut Lodge - Architectural Review

Background

The Chestnut Lodge development was approved by the Mayor and Council on February 6, 2006 for 36 new single family detached dwelling units with detached garages, 7 residential condominiums (in the Main Lodge building) and two rehabilitated buildings (Little Lodge and Frieda's Cottage), each to be used as single family homes. The development also included the reconstruction of the Stable and the Icehouse and the rehabilitation of the Rose Hill Barn/Creamery. Neither the Stable, nor the Icehouse reconstruction is complete but are underway. To date 5 single family homes have been built by the original developer, Chestnut Lodge Properties. The 5 homes that have been built consist of one (1) owner occupied home, one model home and 3 homes that are still under construction as indicated in Attachment 1. In 2009, the Main Lodge that was to include the 7 condominiums was destroyed by fire.

Current Proposal

The developer is now working with Michael Harris Homes (a.k.a. Streetscape Partners) to build a portion of the remaining homes. The owner/applicant is still guided by the requirements of the Exploratory Application PRU2005-00022 approved by Resolution 3-06 and the Detailed Applications PRU2006-0022A and PRU2006-0022B. (Attachments 2, 3 & 4). The applicable Development Standards are included in 3-06 (p 9 & 10). Although, the house designs and building setbacks are unique to the development, the development standards generally follow the R-90 standards with some special provisions. Also, the Resolution requires that the Planning Commission review and approve architectural designs for the project, consistent with the conceptual site plan and details of the Chestnut Lodge project brochure (Attachment 5).

Proposal

The applicant proposes to build 22 homes. First Floor footprints range from 1400 square feet to 2100 square feet. These homes utilize historic architectural vocabulary from a multitude of styles, including vernacular Victorian, Queen Anne, Arts and Crafts and Colonial Revival. The applicant has provided drawings of ten different exterior designs, several of which utilize the same floor plan as indicated in Attachment 6. Attachment 1 also indicates the lots where Streetscape proposes to build in Gray. The 9 homes that Chestnut Lodge intends to build are shown in the White. Garages are shown attached to the main dwelling via a breezeway.

The biggest change in this proposal is the use of detached garages. As proposed, the drawings indicate that a garage will be attached to a house with a breezeway. This is not consistent with the Exhibit "A" for several reasons:

1. This is inconsistent with the PRU approvals, which provide an exception to the R-90 Zone for detached garages either in the front or side yards, and allowed for smaller setbacks for the detached garages with increased height allowance. Attached garages must meet the setbacks for the main dwelling.
2. This is inconsistent with general guidance for historic properties, as noted in the Technical Guide #16 on Accessory Structures, HDC policy statement #8, which states that "Outbuildings should remain detached from the main building and from each other (Attachment 7). Staff notes that the properties are not designated historic.
3. Detached garages add an element of compatibility to the adjacent Historic Districts by introducing smaller scale outbuildings into the development. For example, this reflects the use of detached outbuildings in the West Montgomery Avenue Historic District.

Staff Comments

The new designs as proposed are reduced in size and incorporate attached garages to allow for a shelter from weather. The homes are well below the maximum lot coverage and the applicant is fully committed to ensuring that the homes meet the required development standards with this proposed design.

The designs incorporate four sided designs, which is consistent with the previous approval. The designs incorporate similar materials as previously approved, so while the redesign proposes

smaller scale homes (first floor footprint ranging from 1400 square feet to 2100 square feet), the homes are still consistent and compatible with the approved designs.

HDC Review

The proposed redesign requires the applicant to receive a "Courtesy Review" by the Historic District Commission (HDC) regarding compatibility with the adjacent historic district, prior to review and approval by the Planning Commission of the architectural designs. The applicant received "Courtesy Review" by the HDC on May 20, 2010. The HDC recommended approval of redesign including the use of attached garages with breezeways as indicated in Attachment 8.

Staff Recommendation

Staff finds that the proposed architectural designs for the homes and garages to be consistent with the prior approvals and the Chestnut Lodge brochure. The designs are not consistent with the Exploratory Plan (Exhibit "A", page 35 of Resolution 3-06) in that the original approval included single family homes with detached garages, and the redesign proposes attached garages.

Staff recommends approval of these architectural design changes. Any change such as breezeways, that is not consistent with the original approvals requires an amended Site Plan to reflect the proposed site changes, to be reviewed and approved by the Planning Commission.

Attachments:

/nrw

cc: Susan Swift, Director of Community Planning and Development Services
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Robin Ziek, Historic Preservation Staff

Resolution No. 3-06

RESOLUTION:

To approve, with conditions, the exploratory application for Planned Residential Unit Application No. PRU2005-00022, as modified, Chestnut Lodge Properties, Inc., Applicant

WHEREAS, Chestnut Lodge Properties, Inc., 7979 Old Georgetown Road, Suite 800, Bethesda, Maryland 20815, filed Planned Residential Unit Exploratory Application PRU2005-00022, for a residential development on the approximately 20.43-acre Chestnut Lodge site located at 500 West Montgomery Avenue. The site is generally south of West Montgomery Avenue, west of Thomas Street, north of Autumn Wind Way and east of Tall Grass Court and Henson Oaks Lane, including approximately 7.69 acres (335,093 sq. ft.) located within the West Montgomery Avenue Historic District as well as the Rose Hill Barn portion of the Rose Hill Farm Historic District consisting of approximately .80 acre (35,000 sq. ft.). The site is currently improved with seven structures of historic significance, including the main Chestnut Lodge hospital facility known as the "Main Lodge," the former home of Dr. Bullard known as the "Little Lodge," the former home of Frieda Fromm-Reichmann known as "Frieda's Cottage," the former Nurses' residence known as the "Upper Cottage," the Icehouse, the Stable, and the Barn with an attached Creamery; and

WHEREAS, as originally filed, Exploratory Application PRU2005-00022 requested approval of 44 residential dwelling units on the site consisting of 36 new single family detached homes with detached garages, the rehabilitation and reuse of the Little Lodge as a single family dwelling unit and the rehabilitation and conversion of the Main Lodge into seven multi-family units, with the reconstruction of the existing Icehouse as an accessory structure. The Application also proposed conveying Frieda's Cottage to Peerless Rockville, Inc. for its use as an

eleemosynary institution, conveying the Barn/Creamery to the owners of the adjacent Rose Hill Mansion property, and placing the 8 acre open space within the West Montgomery Historic District in a conservation and maintenance easement; and

WHEREAS, the proposal was subsequently modified to provide for the conveyance of Frieda's Cottage to Peerless Rockville for use as a single family dwelling unit; and

WHEREAS, on July 21, 2005, the Rockville Historic District Commission approved the Applicant's request (HDC2005-00336) to demolish the Upper Cottage and reconstruct the Icehouse at the Chestnut Lodge property; and

WHEREAS, consistent with the Historic District Commission's actions, the Applicant modified its proposal to provide for the reconstruction of the Stable as an accessory use to the Little Lodge; and

WHEREAS, pursuant to Section 25-556 of the Zoning and Planning Ordinance, the Planning Commission, at its meetings of August 15, 2005 and September 14, 2005, reviewed the subject application as modified and on a motion approved by a 5 to 1 vote recommended approval of the proposed development, as modified, and subject to certain conditions. By memorandum dated September 23, 2005 the Planning Commission's recommendation was transmitted to the Mayor and Council; and

WHEREAS, pursuant to Section 25-557 of the Zoning and Planning Ordinance, the Mayor and Council gave notice that a public hearing on said Application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on September 26, 2005, at 7:00 p.m. or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, on September 26, 2005, the said Application came on for hearing at the time and place indicated in said notice; and

WHEREAS, on December 13, 2005 the Mayor and Council conducted an on-site meeting so as to better understand the site conditions and to discuss issues pertaining to the proposed development; and

WHEREAS, the Mayor and Council further considered the Application at its meetings on November 28, 2005 and January 9, 2006; and

WHEREAS, the Applicant further modified the proposal so as to provide for the rehabilitation of the Barn/Creamery for use as an accessory structure to one of the new single family detached houses, along with certain other modifications to address concerns raised by the Mayor and Council; and

WHEREAS, said matter having been fully considered by the Mayor and Council, the Mayor and Council having found and determined that the proposed development, as modified, and subject to the requirements and conditions set forth herein:

1. WILL NOT AFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSONS WHO WILL RESIDE OR WORK IN THE NEIGHBORHOOD OF THE PROPOSED DEVELOPMENT.

2. WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS LOCATED OR TO BE LOCATED IN OR ADJACENT TO THE DEVELOPMENT AND IS COMPATIBLE WITH THE ADJACENT AND SURROUNDING COMMUNITY.

The proposed single-family and condominium residential development, as conditioned below, is comparable to the density of the surrounding neighborhoods while providing adaptive reuse of the major historic structures on the site as dwelling units – the Main Lodge building, the

Little Lodge and Frieda's Cottage. (Frieda's Cottage is also herein approved for any other use permitted in the R-S Zone, subject to the applicable approval process and requirements for that use.)

The development's reduced setbacks are consistent with smart growth practices and are comparable to other Planned Residential Unit (PRU) developments and Comprehensive Planned Developments (CPDs) within the City of Rockville. These reduced setbacks reflect the resurgence of traditional development patterns, and, when coupled with open space and good design, promote the public welfare by fostering a positive community identity. The proposed setbacks for the new single family homes are similar to the setbacks in the adjacent Rose Hill and Thirty Oaks (Buckingham) neighborhoods.

Extensive landscape buffers surrounding the new development will mitigate any negative aesthetic impacts of the development, including the size and height of the new homes and garages, on the surrounding neighborhoods.

**3. WILL NOT BE CONTRARY TO THE REQUIREMENTS
CONTAINED IN DIVISION 5 OF ARTICLE XII OF THE
ZONING AND PLANNING ORDINANCE.**

The proposed development contains certain common areas that will be owned by the Homeowners Association or similar entity (hereinafter referred to as "Homeowners Association" or "HOA"), which will serve as open space and neighborhood passive parks. The Mayor and Council finds that these areas are consistent with the requirements for open space and common areas. The Mayor and Council further finds that the location, size, shape and topography of such areas are well suited for their intended purposes and that preservation of the common area located in the West Montgomery Historic District portion of the site (identified as Parcels A and

B on attached Exhibit "A") in its natural state would minimize disruption of the environment and foster protection of wildlife, natural features, and historic vistas.

4. WILL NOT BE INCONSISTENT WITH THE INTENT OR PURPOSE OF ARTICLE XII OF THE ZONING AND PLANNING ORDINANCE.

The intent and purpose of the Planned Residential Unit (PRU) Special Development Procedure is to promote a creative approach to development; accomplish a more desirable environment than would be possible with the strict application of the requirements of the Zoning and Planning Ordinance, including preserving natural features and providing more open space than standard requirements; promote the efficient use of land; enhance the appearance and value of neighborhoods; and provide a cohesive neighborhood that is compatible with existing neighborhoods. The proposed development, with the conditions imposed herein, satisfies these requirements by producing an attractive and cohesive neighborhood environment with significant open space and buffers and parkland, while also preserving, through rehabilitation and reuse, significant historic features of the site. The proposed development blends well and is compatible with the surrounding properties and the adjacent historic districts.

5. WILL NOT OVERBURDEN EXISTING PUBLIC SERVICES, INCLUDING WATER, SANITARY SEWER, PUBLIC ROADS, STORM DRAINAGE AND OTHER PUBLIC IMPROVEMENTS.¹

The proposed development will be adequately served by City water and sewer service.

The proposed development is comparable to the density that would be available under the standard development in the R-S Zone. There is no appreciable difference between the

minimal number of vehicular trips generated on West Montgomery Avenue by the proposed development under the PRU procedure and the trip generation of a standard development at the density recommended in the Master Plan for the site. The City and the State Highway Administration have an established policy of not expanding West Montgomery Avenue to accommodate additional vehicular traffic. The various on-site and off-site improvements and other traffic mitigations will help minimize the traffic impact of the proposed development by promoting alternative modes of transportation and facilitating pedestrian access and connectivity.

Both on-site and off-site storm drainage will be improved as a result of the proposed project. The use of the two stormwater management ponds, Great Falls and Bullards Park, located within the Rose Hill community will provide channel protection volume and water quality volume for the proposed development in accordance with the latest *Maryland Department of Environment's* regulations and guidelines as detailed in the *2000 Maryland Stormwater Design Manual*.

6. WILL NOT PROVIDE FOR ANY C-1 ZONE USES PER THE MASTER PLAN RECOMMENDATIONS

The Master Plan does not recommend any C-1 uses for this development and no C-1 uses have been provided; and

WHEREAS, the Applicant has requested and the Mayor and Council has agreed to, and does by virtue of this Resolution, waive and/or modify certain development standards for the residential lots and structures thereon, including but not limited to modification of setback requirements and waiver for certain lots of the requirement that accessory structures be located

¹ Ordinance 24-05, adopted on November 1, 2005, exempts this development from changes made to the required findings for a Planned Residential Unit Development pertaining to the adequacy of public facilities.

only in the rear yard, as reflected on attached Exhibit "A" and in the conditions and requirements set forth herein; and

WHEREAS, the Applicant has requested and the Mayor and Council has agreed to, and does by virtue of this Resolution, waive and/or modify certain requirements of Chapter 21, entitled "Streets and Public Improvements," of the Rockville City Code as reflected in the conditions and requirements set forth herein; and

WHEREAS, the Applicant has requested and the Mayor and Council has agreed to, and does by virtue of this Resolution, waive the requirement of section 25-553 of Chapter 25, entitled "Zoning and Planning," of the Rockville City Code that land be conveyed to the City as a public park; such waiver being subject to the condition that a public access easement and forest conservation easement be placed on approximately 213,500 square feet of the front portion of the development, identified as Parcels A and B on attached Exhibit "A"; and

WHEREAS, the Mayor and Council of Rockville, having made the above-referenced findings based upon the entire record in Planned Residential Unit Application No. PRU2005-00022, the Planning Division Staff Report dated September 8, 2005, the July 21, 2005 action of the Rockville Historic District Commission, the memorandum dated September 23, 2005 to the Mayor and Council from the Planning Commission, and including the public hearing held on September 26, 2005 and the December 13, 2005 site visit, has determined that the subject Application, as modified by the requirements and conditions set forth herein, would promote the health, safety and general welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the Planned Residential Unit Development Application No.

PRU2005-00022 as modified, be, and the same is, hereby approved, subject to the conditions and requirements set forth herein.

1. The Exploratory Plan. The property shall be developed substantially in accordance with the revised exploratory plan dated January 20, 2006 and attached hereto and incorporated herein as Exhibit "A" (the "Exploratory Plan"). To the extent that there is a conflict between any of the written terms and conditions in the body of this Resolution and any of the exhibits attached hereto, the written terms and conditions in the body of this Resolution shall control.

2. Land Use.

a. The development shall consist of not more than 36 new single family detached dwelling units with detached garages and other related accessory structures, 7 residential condominium units (in the Main Lodge building), and two rehabilitated buildings (Little Lodge and Frieda's Cottage) each to be used as single family detached homes.² New garages serving the new single family dwellings outside of the Historic Districts shall be used as garages only and shall not be converted to any other use. This condition shall be contained in a Homeowners Association Declaration of Covenants and/or in a covenant recorded on each lot. The construction of the 36 new single family detached dwelling units is conditioned upon the reconstruction/rehabilitation of the historic structures as described herein.³ The Planning Commission and the Historic District Commission may not impose any condition at Detailed Application stage or the historic review stage, respectively, that would require the Applicant to

² Frieda's Cottage may also be used for any other use allowed in the R-S zone, subject to the applicable approval process and requirements for that use.

³ Per Section 16.c. of this Resolution, the reconstruction/rehabilitation of the historic structures shall be completed in accordance with a construction phasing plan to be approved by the Planning Commission.

reduce the number of new single family dwelling units to less than 36 units or the multi-family dwelling units to less than seven (7) units.

b. The development shall also include the reconstruction of the Stable and the Icehouse, and the rehabilitation of the Rose Hill Barn/Creamery to be used as accessory structures as approved by the Historic District Commission and Planning Commission at the Detailed Application stage consistent with the terms and conditions contained herein.

c. The development shall also include open space to be conveyed to a Homeowners Association as common area. Such open space shall include, but not necessarily be limited to that property identified as Parcels A, B, C, and I in attached Exhibit "A." The final boundaries of the open space areas shall be determined by the Planning Commission at the Detailed Application stage. Such open space shall include such improvements and easements as approved by the Planning Commission at the Detailed Application stage consistent with the conditions and requirements of this Resolution.

3. Development Standards.⁴

The development shall comply with the development standards and uses set forth below and with those development standards of the R-90 Zone not inconsistent with the standards and uses set forth below:

a. The new single family detached dwelling units:

i. Minimum lot size: 9,000 square feet.

ii. Maximum lot coverage: 25% per lot. (The lot area includes the street tree panels encompassing the street trees.)

⁴ The Applicant may install temporary construction/sales trailer(s) on the site, subject to compliance with all applicable permitting requirements.

iii. Minimum rear yard set back:

- A. Lots 28 and 37: 11 feet.
- B. Lots 17, 18, and 19: 35 feet.
- C. All other lots: 25 feet.

iv. Minimum front yard setback measured from the right-of-way line. (Right-of-way line generally begins at the front of the sidewalk.)

- A. Front yards abutting Autumn Wind Way (Lots 14, 15 and 16): 30 feet.
- B. All other lots: 23 feet.

v. Minimum side yard setback: 11 feet.

vi. Maximum height⁵ of single family detached dwelling units: 35 feet.

vii. New detached garages, will be permitted in the side yards, except for lots abutting Autumn Wind Way (identified on Exhibit "A" as Lots 14, 15 and 16), where new detached garages will be permitted in the front yards abutting Autumn Wind Way and in the side yards. New detached structures are subject to the following limitations:

- A. Height: not to exceed 18 feet and one story
- B. Minimum front yard setback from the public right-of- way:
 - (1) Lots 14, 15, and 16: 30 feet
 - (2) Lot 32: 23 feet.
 - (3) All other lots: 45 feet.
- C. Minimum rear yard setback:
 - (1) Lots 17, 18, 19 and 20: 35 feet.
 - (2) Lots 21, 22, 23, and 24: 15 feet.

⁵ Height shall be measured in accordance with the definition of "Building, height of" as contained in Chapter 25, "Zoning and Planning" of the Rockville City Code in effect as of the date of adoption of this Resolution. All height measurements shall be made from the development's internal road (Bullards Circle).

(3) All other lots: 3 feet.

D. Minimum side yard setback: 3 feet.

viii. Except for the new detached garages and the Icehouse, accessory structures are permitted only in the rear yard of the single family lots.⁶

ix. Encroachments in the setback areas on the new single family detached dwelling units may be allowed as permitted by the Zoning and Planning Ordinance as contained in Chapter 25 of the Rockville City Code, except that bay windows, vestibules, and balconies that are less than 10 feet in width may project no more than three (3) feet into side yards, and in no event shall the separation between any two houses be less than 19 feet measured at the closest points.

b. The Main Lodge containing the residential condominium units:

i. Minimum lot area: 9,000 square feet.

ii. Maximum height:

A. Existing building: 63 feet tall.

B. New addition: 41 feet tall.

iii. Maximum lot coverage: 25 percent.

iv. Minimum setbacks:

A. Front yard: 30 feet.

B. Side yard: 11 feet.

C. Rear yard: 25 feet.

c. Frieda's Cottage, to be renovated for single family use or other use allowed in the R-S

Zone:

- i. Minimum lot size: 9,000 square feet.
- ii. Minimum front yard setback: 12 feet.
- iii. Maximum height: 35 feet.
- iv. Maximum coverage: 25 percent per lot.

d. The Little Lodge, to be renovated for single family use:

- i. Minimum lot size: 9,000 square feet.
- ii. Minimum front yard setback: 23 feet.
- iii. Minimum rear yard setback: 25 feet.
- iv. Minimum side yard setback: 11 feet.
- v. Maximum height: 35 feet.
- vi. Maximum coverage: 25 percent per lot.

e. Reuse of existing historic buildings as accessory structures:

- i. The Stable may be located in the rear yard and shall be

rehabilitated/reconstructed for use as an accessory structure to the Little Lodge. No accessory apartment will be permitted in the Stable.

- A. Maximum height not to exceed 23 feet or two stories.
- B. Minimum rear lot line setback: 0 feet.
- C. Minimum side lot line setback: 0 feet.

- ii. The Icehouse may be located in the front yard and shall be reconstructed for use as an accessory structure.

- A. Maximum height: 15 feet.

⁶ Should it be determined that the location of the Barn as shown on Exhibit A is deemed to be in the front yard of a lot, such location shall be permissible, and the minimum front yard setback for the Barn shall be 7 feet.

B. Minimum front yard setback: as determined by the final location of the internal road (Bullards Circle) as approved by the Planning Commission at the Detailed Application stage.

C. Minimum side and rear yard setback: 3 feet.

iii. The Rose Hill Barn/Creamery shall be rehabilitated for use as an accessory structure to one of the new single family detached dwelling units, as generally shown on Exhibit "A." No accessory apartment shall be permitted in the Barn/Creamery.

A. Minimum rear yard setback: 7 feet.

B. Minimum side yard setback: 11 feet.

C. Maximum height: 22 feet.

D. Maximum gross floor area: 3,550 square feet, which includes the Creamery.

E. An easement, in a form acceptable to the City Attorney, shall be placed across the land located between the Barn/Creamery and the Rose Hill Mansion property line so as to protect and preserve the historic relationship between the two structures in accordance with the recommendations of the Chestnut Lodge Design Guidelines. The easement shall prohibit placement of any structure or improvement (including but not limited to fences and landscaping) in the easement area without the approval of the Historic District Commission .

f. The parcel of land identified as Parcel J on attached Exhibit "A" shall be included in the easement described in the preceding section 3.e.iii.E . If the owners of the Rose Hill Mansion do not consent to the acquisition of Parcel J, said parcel shall become the property of the Homeowners Association and maintained as part of the development's common area, or, if approved by the Planning Commission, may be incorporated into an adjacent single family lot.

g. Parcel C as shown on Exhibit "A" must have a minimum lot area of 8,000 square feet, and shall become the property of the Homeowners Association and maintained as part of the development's common area. The amenities to be provided on this parcel will be approved at Detailed Application stage. A public pedestrian access easement, in a form acceptable to the City Attorney, shall be placed across Parcel C prior to the issuance of the thirtieth (30th) building permit.

4. Historic District

a. Those portions of the development located within the West Montgomery Avenue and Rose Hill Farm Historic Districts (including but not limited to the Main Lodge (Parcel I), the Little Lodge (Lot 1) Frieda's Cottage (Parcel H), the Stable, the Barn/Creamery, the Icehouse, Parcel J, portions of Lots 10, 11, 12, and 13, and the tree lawn within Parcels A and B as shown in attached Exhibit "A") are subject to review and approval by the Historic District Commission as required by applicable law.

b. Appropriate conservation easements shall be placed across these areas as may be required by the conditions and requirements of this Resolution in a form acceptable to the City Attorney prior to the issuance of any grading permit. In addition, a public pedestrian access easement in a form acceptable to the City Attorney shall be placed across all of Parcels A and B prior to the issuance of the thirtieth (30th) building permit.

c. The Historic District Commission shall provide a "courtesy" review of the following:

i. Detailed Application; and

ii. The architectural designs (inclusive of size, scale, massing, and materials) of structures that may be constructed on those lots along the perimeter of the West Montgomery Avenue and Rose Hill Farm Historic Districts. The Applicant may request this review either at

the Detailed Application stage or at the Certificate of Approval stage to satisfy the requirements of the City's Technical Guides for Exterior Alteration for review of new construction along the perimeter of historic districts, except that nothing herein shall prevent the Historic District Commission from requesting additional information deemed necessary to complete its review.

5. Architectural Design. At the Detailed Application stage and following applicable review by the Historic District Commission, the Planning Commission shall review and approve the architectural designs for the project generally consistent with Exhibit "A" and with the proposed Victorian architectural style, details, and elements as set forth in the "Chestnut Lodge" project brochure submitted on April 27, 2005.

6. Forest Conservation.

a. All tree preservation and planting requirements of the City's Forest and Tree Preservation Ordinance (FTPO) shall be met on site.

b. The Applicant shall work closely with the City's Forestry staff to develop a Forest Conservation Plan to facilitate preservation of quality specimen trees within the Historic District. A conservation easement shall be placed over Parcels A, B, H and I, and Lot 1 to ensure long-term protection of trees within the Historic Districts designated for preservation in accordance with the Forest and Tree Preservation Ordinance (FTPO).

c. Invasive exotic tree and plant species shall be removed and eradicated throughout the site, except that, subject to the approval of the City Forester, such trees and/or plants may remain where they are deemed to be integral to the historic fabric and context of the landscape.

7. Landscape Plan

a. The Applicant shall submit a detailed landscape plan for approval by the Planning Commission at the Detailed Application stage. The landscape plan shall be generally consistent

with the conceptual landscape plan attached hereto as Exhibit "B" (the "Conceptual Landscape Plan"), and with the streetscape design and landscape amenity features shown on the conceptual drawings provided in the "Chestnut Lodge" project brochure submitted on April 27, 2005.

b. The detailed landscape plan shall provide for, but not be limited to, the following:

i. Three (3) trees per each single family residential lot as required by the Subdivision Regulations of the Zoning and Planning Ordinance. Required street trees may not be used to meet this requirement.

ii. Street trees as required by the Zoning and Planning Ordinance, consistent with the following:

A. The street trees in the portion of the site outside of the West Montgomery Avenue and Rose Hill Farm Historic Districts shall have a seven foot tree panel (measured from face of curb to front of sidewalk) with street trees planted at a minimum size of 2.5 inches in caliper in accordance with City specifications for planting alongside streets.

B. No utilities can be placed within the tree panel except for lateral connections and, if approved by the Department of Public Works, underground transformer vaults. The location of utilities shall be determined at the Detailed Application stage.

iii. Screening of all mechanical equipment from view from the public rights-of-way.

iv. The 10 foot and 20 foot landscape buffers described below.

v. Landscaping of Parcels A, B, C, H, and I and Lot 1.

c. The landscape plan shall include standards for the design and location of fencing within the development.

8. Historic District Tree and Landscape Maintenance Plan.

a. The Applicant shall submit, for approval by the City, a comprehensive tree maintenance and landscape maintenance plan providing for the protection, preservation, maintenance, and replacement of mature trees and landscaping within the West Montgomery Avenue Historic District portion of the development (Parcels A, B, I, H, and Lot 1 as shown on Exhibit "A")⁷, and the preparation of a budget to maintain the trees and landscaping.

b. The maintenance plan shall include, among other items, the submission of a three-year work program highlighting:

i. Tree maintenance measures.

ii. Lawn maintenance program, particularly the lawn area fronting West Montgomery Avenue.

iii. A budget containing the estimated costs of the maintenance programs and the means by which such programs will be funded.

c. The first maintenance plan shall be submitted and approved at the Detailed Application stage and shall serve as a baseline for future maintenance plans. With respect to the submission of subsequent maintenance plans, the City shall have 30 days from the date of submission to review and approve the maintenance plan and work program. Following consultation with any professional arborist, forester, landscaper or other similar professional retained by the Applicant or its successor Homeowners Association, the City may require modifications to the maintenance plan and/or work program. If the City does not provide any written comments within 30 days of

receipt of the submission, the maintenance plan and work program shall be deemed to be approved by the City.

iii. The City may require the Applicant, or a successor Homeowners Association, to submit annual reports to the City describing conformance with the work program.

iv. The requirement that Applicant submit a work program every three years for the City's review will be perpetual, unless modified or terminated with the approval of the City.

v. In addition to the right of the City to take enforcement action pursuant to the Rockville City Code for the violation of any conditions or requirements set forth herein,⁸ if the City determines that Applicant or its successor Homeowners Association has failed to adopt or fully adhere to an approved maintenance program for Parcels A and/or B, the City shall, after notice to the Applicant or successor Homeowners Association, have the right (but not the obligation) to enter the property and perform the repairs and maintenance as the City deems necessary. Any such repairs and/or maintenance performed on the site may be assessed to the Applicant or its successor Homeowners Association and collected as a debt owed the City.

9. Buffers.

a. The Applicant shall plant or reinstall the landscaping within the 20 foot buffer area between the Rose Hill development and the Chestnut Lodge site, as generally shown on attached Exhibit "F") (the "Rose Hill Landscape Buffer")⁹, consistent with, or exceeding the requirements

⁷ Planting of significant trees and landscaping in the West Montgomery Avenue and the Rose Hill Farm Historic Districts and removal or substantial cutting of historically significant trees in the Historic Districts requires the approval of the Historic District Commission.

⁸ Failure to comply with any condition or requirement of this Resolution, including but not limited to the Historic District Tree and Landscape Maintenance Plan, shall constitute a violation of the City's Zoning and Planning Ordinance as contained in Chapter 25 of the Rockville City Code, and as may be subsequently amended or recodified.

⁹ The entire 20-foot buffer area along Autumn Wind way is located on the Chestnut Lodge site. In the remainder of the buffer area, 10 feet of the buffer is located on the Chestnut Lodge site and 10 feet is located on property within the Rose Hill development.

of, the approved Rose Hill landscape plan. Applicant shall install additional plantings within the Rose Hill buffer to enhance screening qualities of that buffer. Any changes to the Rose Hill landscape plan must first be submitted to and approved by the Chief of Planning. The Applicant shall be relieved of the requirement to plant on any portion of the Rose Hill Buffer located on property within the Rose Hill development where the owner of said property fails to give Applicant permission to plant.

b. The Applicant shall install a 10-foot landscape buffer along the rear property line of the lots (Lots 21 through 24 as shown on Exhibit "A") that back up to the properties at 11, 12, and 14 Henson Oaks Lane in the Thirty Oaks development, as generally shown on attached Exhibit "F" (the "Thirty Oaks Landscape Buffer").

c. An easement(s), in a form acceptable to the City Attorney's office, shall be placed across the Thirty Oaks Landscape Buffer area and that portion of the Rose Hill Landscape Buffer area located on the Chestnut Lodge site. This easement(s) shall be in addition to the required Forest Conservation easement. The Homeowners Association shall be responsible for the maintenance of the Thirty Oaks Landscape Buffer and that portion of the Rose Hill Landscape Buffer located on the Chestnut Lodge site, and such requirement shall be included in the Homeowners Association Declaration of Covenants. The easement(s) shall not prevent the installation of fences in either the Thirty Oaks or Rose Hill Landscape Buffer areas, provided that the fences are in compliance with the design standards for fences to be approved at the Detailed Application stage, the requirements of the Homeowners Association Declaration of Covenants, all City permitting requirements, and further provided that no fence may be placed in any area subject to a Forest and Tree Conservation Easement without the written approval of the City Forester, which approval is rarely granted.

d. At Detailed Application stage the Planning Commission may require additional screening as deemed necessary and appropriate, without substantially altering the site layout as generally represented in Exhibit "A."

e. The Applicant shall install a split-rail fence along the southern boundary line of those properties in the Thirty Oaks (Buckingham) neighborhood that are adjacent to that portion of the proposed development designated as Lots 21, 22, 23, and 24 on Exhibit "A." The fence must be installed prior to the issuance of the occupancy permit for any one of Lots 21, 22, 23 and 24. The Applicant must give the affected adjoining Thirty Oaks property owners written notice seeking their consent to the installation of the fence. The Applicant shall be relieved of the requirement to install the fence to the extent that any affected property owner fails to consent to the installation, or the timing of the installation, of the fence on his or her property within thirty (30) days of receipt of the written notice from the Applicant, or fails to obtain all necessary approvals for the fence installation from the Thirty Oaks Homeowners Association or other required approvals. Once installed, maintenance of the fence shall become the responsibility of the affected property owner.

10. Vehicular and pedestrian ways.

a. A publicly owned and maintained internal road identified on attached Exhibit "A" as "Bullards Circle" (the "internal road") shall be constructed so as to provide access from West Montgomery Avenue through the site. The internal road shall comply with the secondary road standards contained in Chapter 21, "Streets and Public Improvements," of the Rockville City Code and with the City of Rockville Standards and Details for Construction, except as modified herein.

i. The portion of the internal road located within the West Montgomery Avenue Historic District:

A. Standard curb and gutter, or modified curb as approved by the Department of Public Works, shall be provided along both sides of the road to be shown on plans to be approved at the Detailed Application stage.

B. The dedicated right-of-way may be less than 60 feet. Final road design and alignment shall be approved at the Detailed Application stage. City utilities shall be placed within the right-of-way or within easements as determined by the Department of Public works during detailed engineering.

C. A sidewalk shall be constructed on the east side of the internal road so as to provide pedestrian access to the Lodge while preserving as many significant trees as possible. The sidewalk shall be located outside of the right-of-way, and shall be owned and maintained by the Homeowners Association. Final design and alignment of the sidewalk shall be determined at Detailed Application stage.

ii. The portion of the internal road located outside of the Historic Districts:

A. A 40 foot right-of-way shall be dedicated from front of sidewalk (behind the seven (7) foot tree lawn as measured from face of curb per City standards) to front of sidewalk to encompass the roadway section, curb and gutter, driveway aprons and seven (7) foot tree lawn panel. (A typical roadway section is attached hereto as Exhibit "C.")

B. Water meters, sewer cleanouts and other City appurtenances shall be placed within the right-of-way in front of the sidewalk (within the seven (7) foot tree lawn). Electric transformers shall not be placed within the public right-of-way unless such placement is approved by the City's Department of Public Works.

C. Driveway aprons within the right-of-way are permitted to be brick, provided that the Applicant and/or its successor Homeowners Association assumes responsibility to maintain, repair, and replace said aprons. The City Attorney may require the execution of a driveway maintenance agreement.

D. A ten (10) foot Public Utility Easement (PUE) must be provided behind the right-of-way. No non-utility related permanent structures are permitted within the PUE. Sidewalks shall be permitted in the PUE.

b. An emergency vehicle access and paved pedestrian path connecting Autumn Wind Way and the internal road shall be constructed on a parcel of land located between Tall Grass Court and Summer Garden Way. The parcel and the emergency access and pedestrian path located thereon shall be owned and maintained by the Applicant or its successor Homeowners Association. The parcel shall be reserved for a potential future road and sidewalk, and upon the written request of both the Rose Hill Homeowners Association and the Chestnut Lodge Homeowners Association, with the consent of the City, the parcel shall be dedicated to the City, at no cost, as a public right-of-way. The Declaration of Covenants for the Homeowners Association shall authorize the Homeowners Association to make such dedication and prohibit the transfer of the parcel to any other entity except the City, without the consent of the City. The final dimensions and location of this parcel shall be determined at the Detailed Application stage and shown as an exhibit as part of the Detailed Application approval. The Planning Commission may waive or modify the setback and lot coverage standards and/or reduce the buffer requirements set forth in this Resolution to the extent reasonably necessary to accommodate, on any adjoining lot that may be impacted by the final location and dimension of this parcel, a new single family residence generally consistent with the size, massing, and Victorian architectural

style, details and elements shown in the "Chestnut Lodge" project brochure submitted on April 27, 2005.

c. All alleys shall be constructed in accordance with Chapter 21, entitled "Streets and Public Improvements," of the Rockville City Code and the City's Standards and Details for Construction.

d. A minimum six (6) foot wide pedestrian connection shall be provided between Bullards Circle and Thomas Street as shown on Exhibit "A".

e. All sidewalks, alleys, and pedestrian paths will be privately owned and maintained by the Homeowners Association. A Public Access Easement (PAE) shall be granted across the sidewalks, alleys, and pedestrian ways in a form acceptable to the City Attorney.

11. Traffic and Transportation.

a. A signing and pavement marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic and Transportation before the issuance of a Public Works Permit. All internal and external traffic control devices (i.e. signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).

b. The Applicant shall contribute \$6,500 to the City's bus shelter CIP Fund for installation of a bus shelter in the vicinity of the development. The contribution must be paid prior to the issuance of the first building permit.

c. Bicycle lockers providing a total of at least five (5) bicycle parking spaces shall be provided for the condominium units at a safe and convenient location as determined at the Detailed Application stage. The bicycle lockers may be located in the reconstructed Icehouse if

the Historic District Commission approves the relocation of the Icehouse to the Main Lodge site, and if deemed appropriate by the Planning Commission at the Detailed Application stage.

d. The Applicant shall contribute \$6,000 to the City's Transportation Improvement CIP Fund for the upgrading of the existing traffic signals to include pedestrian countdown signals (12 signal heads @ \$500 each) at West Montgomery Avenue and Great Falls Road and at West Montgomery Avenue and Laird Street. The payment must be made prior to the issuance of the first building permit. The Applicant shall relocate and/or otherwise modify the traffic signals if such relocation or modification is necessary to accommodate the construction of the internal road.

e. The Applicant shall make a Transportation Demand Management (TDM) contribution of \$600 per dwelling unit, except for Frieda's Cottage. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within Planning Area 4 (West End and Woodley Gardens East-West). A payment of \$600 shall be made before the issuance of each single family dwelling building permit. A payment of \$4,200 shall be made prior to the issuance of the building permit for the Main Lodge.

12. Off-Site Improvements.

a. The Applicant shall construct the off-site improvements described in this section 12 per the City's Standards and Details for Construction. The phasing and details of the improvements will be finalized during Detailed Application review. The Applicant shall provide the City with the information necessary for the City to acquire all rights of ways, easements, and/or authorizations that may be needed for the construction of the improvements.

b. The Applicant shall install a five (5) foot concrete sidewalk along the west side of Laird Street from West Montgomery Avenue to Anderson Avenue, along with any necessary and

incidental improvements, including, but not limited to, curb and gutter, street pavement, driveway aprons, drainage improvements, and tree/grass panels where feasible, per the City's Standards and Details for Construction.

c. The Applicant shall construct a five (5) foot concrete sidewalk on the east side of Luckett Street from Anderson Avenue to Beall Avenue, along with any necessary and incidental improvements, including, but not limited to, curb and gutter, street pavement, driveway aprons, and tree/grass panels where feasible, per the City's Standards and Details for Construction.

d. The Applicant shall construct a five (5) foot concrete sidewalk on one side (to be determined at Detailed Application stage) of Harrison Street between Forest Avenue and North Van Buren Street, along with any necessary and incidental improvements, including, but not limited to, curb and gutter, driveway aprons, and tree/grass panels where feasible, per the City's Standards and Details for Construction.

e. If the Department of Public Works determines that the off-site mitigation projects described in subsections b, c, and/or d of this section are not able to be constructed, the Department of Public Works will select another project in Planning Area 4 to be constructed by Applicant, or will require the Applicant to make a payment to the City's Pedestrian Safety CIP Fund in the amount of the cost estimate of the project that could not be constructed.

f. The Applicant shall upgrade Thomas Street as described in the concept below and as generally shown on attached Exhibit "D," or as modified by the City pursuant to subsection g. of this section 12. Final design and timing to be approved by the Department of Public Works during detailed engineering and subject to the City's acquisition of any necessary rights-of-way, construction easements and/or authorizations from abutting property owners. The upgrade will include the following, to be constructed per the City's Standards and Details for Construction:

i. East side improvements include a four (4) foot brick paver sidewalk, curb and gutter, driveway aprons and necessary and incidental drainage improvements including pavement replacement and grading from West Montgomery Avenue to the dead end of Thomas Street.

ii. West side improvements include a five (5) foot brick paver sidewalk from the proposed path on the north side of Frieda's Cottage on Parcel B (as shown on Exhibit "A") to the dead end of Thomas Street. Improvements shall also include curb and gutter, driveway aprons, and necessary and incidental drainage improvements including pavement replacement and grading from the end of the asphalt curb to the dead end on Thomas Street. Thomas Street shall be widened to the standards of a City secondary residential street in front of the three proposed new homes and Frieda's Cottage. This widening shall occur on the west side of Thomas Street.

iii. The design of the improvements shall provide for adequate drainage and shall be reviewed and approved by the Department of Public Works during detailed engineering. Drainage for the entire street will be reviewed during detailed engineering.

g. If the Department of Public Works determines that the Thomas Street improvements are not able to be constructed as generally shown on Exhibit "D," the Department of Public Works will require modification of the improvements as necessary to facilitate the improvement of Thomas Street, which modified improvements shall be constructed by the Applicant.

h. The Applicant shall, in consultation with City staff, coordinate outreach to the adjacent property owners and surrounding neighborhoods so as to provide information and solicit input with respect to the improvements required by this section 12. The Applicant shall submit concept drawings for all off-site improvements, including Thomas Street, prior to submission of the Detailed Application.

13. Utilities.

a. At the Detailed Application stage the Applicant must demonstrate to the satisfaction of the City's Department of Public Works that:

- i. the water capacity and pressure is sufficient to serve the development; and
- ii. the receiving pipes for the sanitary sewer are of sufficient capacity to serve the development.

b. The location of storm drains and water and sewer lines shall be determined during detailed engineering and approved by the Department of Public Works. The Applicant shall grant the City an easement for all such lines and drains located outside of the right-of-way.

14. Stormwater Management.

a. Stormwater Management shall be provided by the Great Falls Pond and Bullards Park Pond in accordance with the conditions set forth in the conditional approval of the stormwater management concept dated October 15, 2004 (attached hereto as Exhibit "E"), subject to amendment by the Department of Public Works. At Detailed Application stage the Planning Commission may require the Applicant to protect the existing bamboo vegetation in conjunction with the retrofit of the Bullards Park pond.

b. Conceptual site grading will be approved by the Planning Commission at the Detailed Application stage.

c. The Applicant is required to ensure that any runoff from the new homes will not create stormwater runoff that will impact the existing surrounding homes.

15. Publicly Accessible Art In Private Development.

a. The Applicant is required to provide for art for the Chestnut Lodge development in accordance with the Publicly Accessible Art in Private Development Ordinance (adopted

February 2004). The required expenditure for the entire project calculated as follows in accordance with the current rates is \$15,684.90:

Single family residential units	
38 units x \$323.40 per d.us =	\$12,289.20
Multi-family Residential units	
7 units x \$485.10 per d.u. =	\$3,395.70
Total	\$15,684.90

b. Many options for compliance are available to the Applicant. Options may include, but are not limited to visual art on-site, donation to the City's Friends of the Arts fund or to an eligible arts organization, build arts infrastructure or space for arts activities or partner with another development within the same planning area. The Art in Private Development manual is available on the City's website (www.rockvillemd.gov) under the City Business section.

16. Construction Management and Phasing.

a. The Applicant shall develop a plan for ingress and egress of construction traffic for review and approval by the Planning Commission at the Detailed Application stage. This plan shall identify temporary sidewalks, interim lighting, fencing around the site and construction vehicle parking and routes. The plan shall ensure safe pedestrian and vehicular travel outside the site during construction.

b. The Applicant shall identify a designee(s) and alternate designee(s) who will serve as liaison to the community throughout the duration of construction. The designee or an alternate designee shall be accessible throughout the hours of construction, including weekends. Prior to the issuance of the first grading permit, the Applicant shall provide in writing a contact name and phone number to the Chief of Planning and to residents whose property abuts the site and to the presidents of surrounding Homeowners Associations and civic associations.

c. With the submission of the first Detailed Application for the development, the Applicant shall submit for review and approval by the Planning Commission a phasing plan that shall include the timing of the rehabilitation of the Chestnut Lodge main building, the Rose Hill Barn, the Little Lodge, the Stable, and the Icehouse and the construction of the new 36-single family homes. Completion of the rehabilitation of the Main Lodge building, Rose Hill Barn, Little Lodge, the Stable, and the Icehouse shall occur prior to the earlier of the following events: (1) the issuance of the 33rd building permit for a new single family home or (2) a date certain as specified in the phasing plan. The phasing plan shall also provide for the timing of the conveyance of Frieda's Cottage to Peerless Rockville and the timing of its subsequent rehabilitation .

d. The Applicant shall produce a photographic record of development, starting with a photographic record of the site as it appears before demolition and ending during construction. These photographs shall comply with the following specifications:

i. Pre- demolition. Before issuance of the clearing, grading and demolition permit the Applicant shall submit views of north, south, east and west facades of the buildings to be demolished or reconstructed, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished or reconstructed. Applicant must comply fully with documentation and other conditions of HDC Certificate of Approval Application HDC2005-00336 as approved July 21, 2005.

ii. Cleared site. Subsequent to demolition, the Applicant shall submit views of the cleared site facing north, south, east and west, with adjacent buildings and streets included.

iii. Site Completion. Prior to the issuance of the final occupancy permit, the Applicant shall submit views of the north, south, east and west facades of all completed building or buildings, as well as at least one view of the completed project in context of adjacent buildings and streets.

17. Homeowners Association (HOA)

a. A Homeowners Association (HOA) or similar entity shall be created by the Applicant for this development. Prior to the issuance of the fourth (4th) building permit for a new single family dwelling, but in no event later than the issuance of the first occupancy permit for a dwelling unit in the development, the documents establishing the Homeowners Association shall be reviewed and approved by the City Attorney for consistency with the intent, conditions, and purpose of this Resolution and the approved Detailed Application .

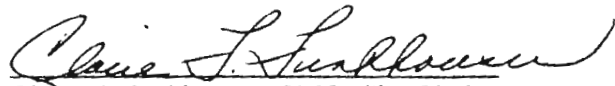
b. The Applicant shall subject the development to a declaration of covenants, which covenants, among other things, shall set forth the obligation of the Homeowners Association. These obligations shall include, but are not limited to (i) the maintenance of the areas owned by the Homeowners Association as labeled on Exhibit A as parcels "A," "B," and "C," and by the condominium association for Parcel "I," as well as the private sidewalks, alleys, pedestrian paths, retaining walls; (ii) the maintenance of the Rose Hill Landscape Buffer and the Thirty Oaks Landscape Buffer; (iii) the maintenance of brick driveway aprons located within the public rights-of-way; (iv) the maintenance of the emergency access road and related pedestrian path; and (v) at the request of both the Rose Hill and Chestnut Lodge Homeowners Associations, and with the consent of the City, the dedication of the parcel encompassing the emergency access road to the City as a public right-of-way. The Homeowners Association documents shall establish a mechanism for funding the cost of maintaining the areas that are the responsibility of the HOA

under this Resolution. The Homeowners Association documents shall also include provisions that prohibit the Homeowners Association from abrogating its responsibility for the maintenance of the trees in the Historic Districts and its other obligations imposed by the conditions of this Resolution. The Homeowners Association documents shall be approved by the City Attorney.

c. Prospective purchasers of property in the development will be provided with copies of the Homeowners Association documents and declaration of covenants prior to entering into a contract to purchase property in the development as required by applicable law. In addition, the Applicant and its sales and marketing agents shall clearly identify for prospective homeowners those sections in the Homeowners Association documents that relate to how the Homeowners Association will manage the landscape buffers and Parcels A and B.

d. The property to be owned by the Homeowners Association shall be conveyed to the Homeowners Association prior to the issuance of the fourth (4th) building permit for a single family dwelling unit in the development, but in no event later than the issuance of the first occupancy permit for a dwelling unit in the development. The conveyance documents are subject to the review and approval of the City Attorney as required by section 25-592 of Chapter 25, "Zoning and Planning" of the Rockville City Code.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of February 6, 2006.


Claire F. Funkhouser, CMC, City Clerk



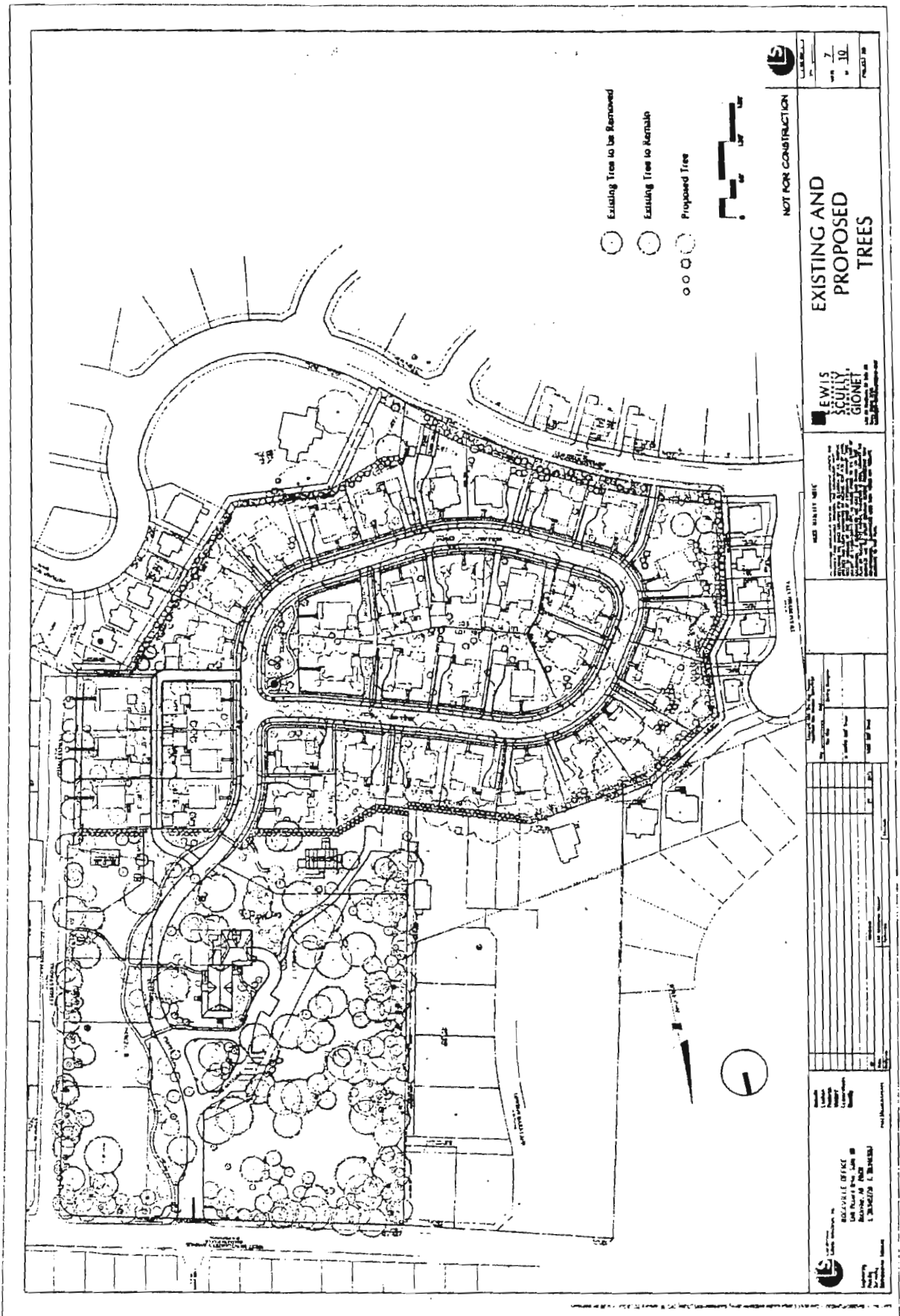
PARCEL AREAS	
PARCEL A	Parcel A
PARCEL B	Parcel B
PARCEL C	Parcel C
PARCEL H	Parcel H
PARCEL I	Parcel I
PARCEL J	Parcel J

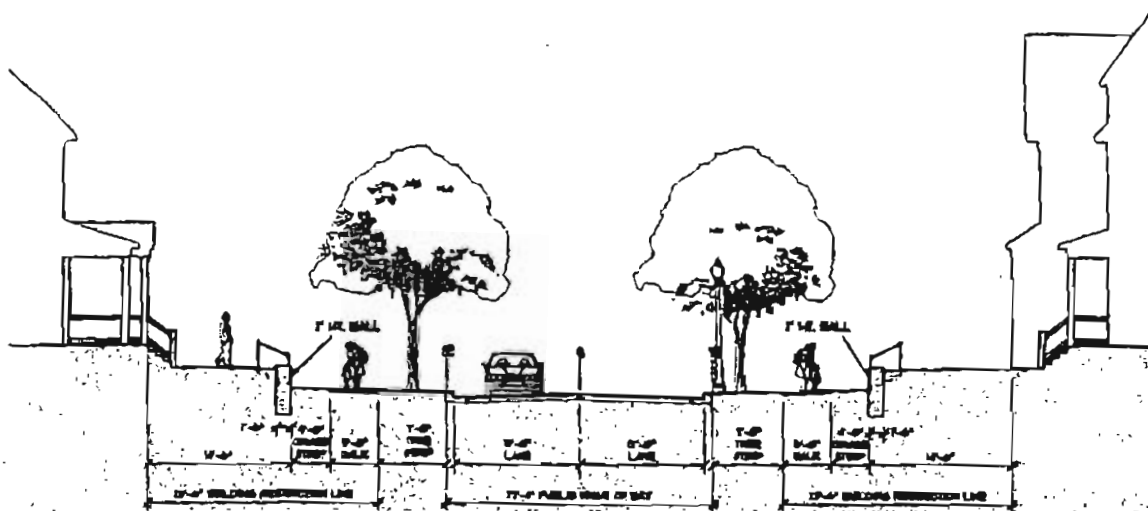
NO.	NAME	DATE	FILE
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2
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CHESTNUT LODGE
CITY OF ROCKVILLE AND
ELECTORAL DISTRICT

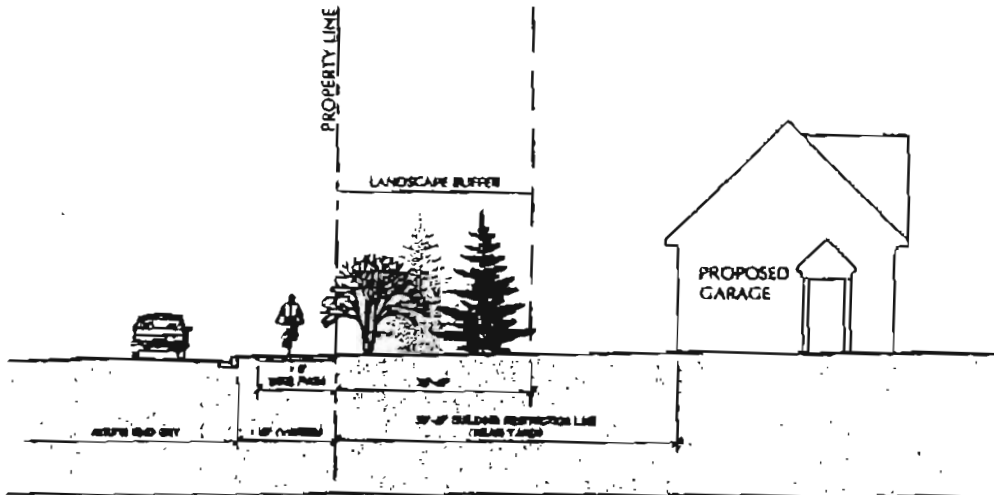
COMPOSITE SITE PLAN

DEPARTMENT OF PUBLIC WORKS
CITY OF ROCKVILLE
MAYOR AND CITY COUNCIL





D TYPICAL STREET SECTION
1/8" = 1'-0"



E SECTION AT BIKE PATH
1/8" = 1'-0"

NOT FOR CONSTRUCTION



W/SE UTILITY HOPE
 INFORMATION CONCERNING CHANGES TO THE PLAN SHALL BE PROVIDED TO THE CLIENT BY THE ARCHITECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED TO THE CLIENT BY ANY OTHER PARTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED TO THE CLIENT BY ANY OTHER PARTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED TO THE CLIENT BY ANY OTHER PARTY.

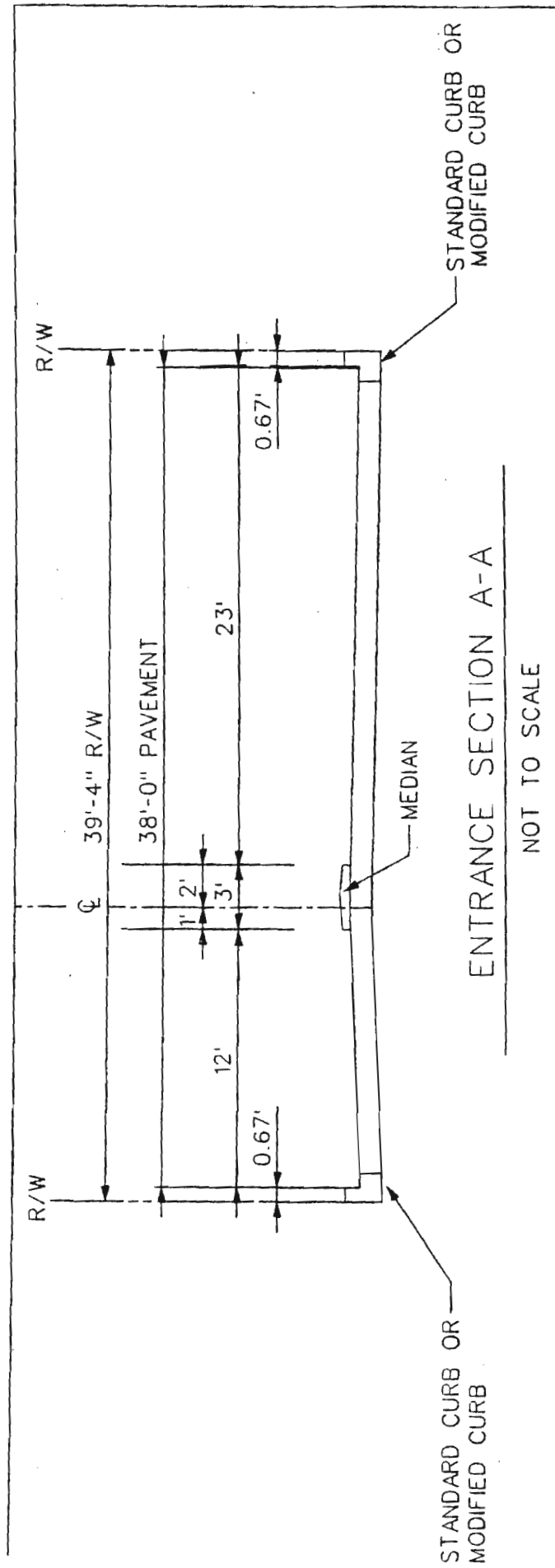
**LEWIS
 SCULLY
 GIONET**
 ARCHITECTS
 2000 W. Broadway St. Suite 200
 Tampa, Florida 33606
 813.251.1111

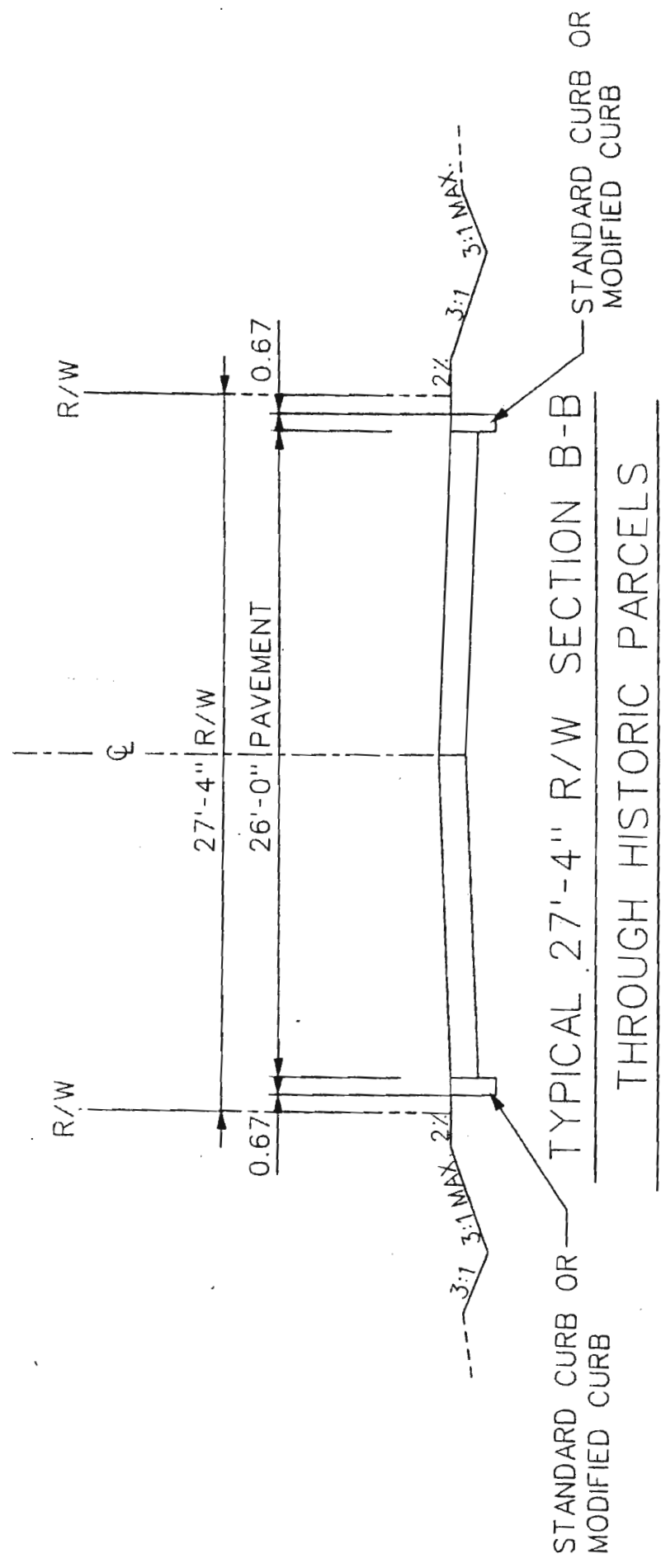
SECTIONS

DATE	1/11/11
SHEET	9
TOTAL	10
PROJECT NO.	

37

Exhibit "C"

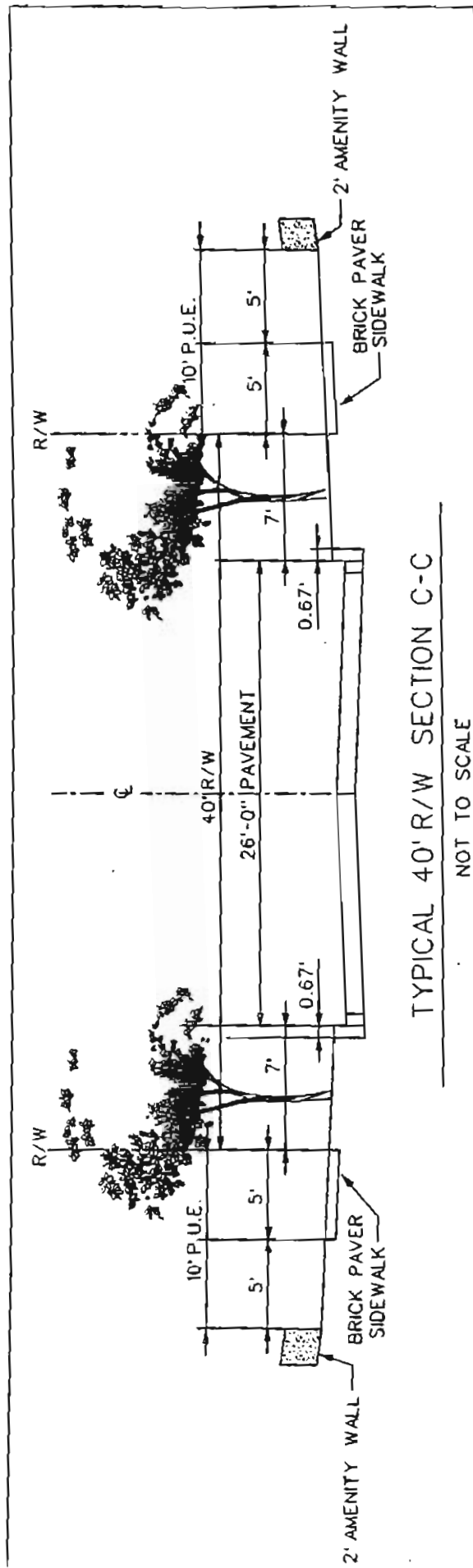




TYPICAL 27'-4" R/W SECTION B-B
THROUGH HISTORIC PARCELS

NOT TO SCALE

Exhibit "C"



TYPICAL 40' R/W SECTION C-C

NOT TO SCALE

Exhibit "E"



October 15, 2004

City of Rockville
1 Maryland Avenue
Rockville, Maryland
20850-2304
www.rockvillemd.gov

Mr. Dan Pino
Loiederman Soltesz Associates
1390 Piccard Drive
Rockville, Maryland 20850

Public Works
240-314-8500
TTY 240-314-8137
FAX 240-314-8539

Subject: Chestnut Lodge
Stormwater Management Concept
SMP2005-00002

Public Works Operations
240-314-8570
FAX 240-314-8589

Dear Mr. Pino: *Dan*

Street Vehicle Maintenance
240-314-8488
FAX 240-314-4489

Your stormwater management (SWM) concept dated July 9, 2004 for Chestnut Lodge is conditionally approved. The Chestnut Lodge site is 22-acres and is located adjacent to West Montgomery Avenue (MD28) and east of I-270. The proposed development will demolish several building structures; construct 36 single-family dwelling units and roads. Two stormwater ponds, Great Falls and Bullards Park, located within the Rose Hill community, are providing Stormwater management.

Water Treatment Plant
240-314-8668
FAX 240-314-8664

The proposed development will result in 5.45 acres of imperviousness requiring SWM. Additionally, SWM will be required for adjacent rights-of-way (Thomas Street and West Montgomery Avenue). The SWM concept proposes the following measures:

1. Channel Protection Volume (Cp_v) and Water Quality Volume (WQ_v) for the entire drainage area will be provided via the reconstruction of the Great Falls and Bullards Park ponds within the Rose Hill community.
2. Recharge volume will be provided within each existing forebays by either sand trenches or filter beds.
3. Stormwater management credit is being requested for the area draining toward West Montgomery Avenue.
4. The stormwater management facilities are controlling off-site runoff; therefore, a request has been made that both ponds be publicly maintained.

This SWM concept is approved subject to the following conditions, which must be addressed at the detailed engineering stage:

1. Provided that both ponds are upgraded to 2000 guidelines and the ponds provide treatment [Channel Protection Volume (Cp_v), Water Quality Volume (WQ_v) and Overbank Flood Protection (Qp₁₀)] for the entire contributing drainage area, the City will assume ownership and maintenance of these facilities;

MAYOR
Larry Glasser

COUNCIL
Robert E. Dorsey
John F. Hall, Jr.
Susan Hoffmann
A. M. Robbins

DEPUTY CITY MANAGER
Sherine Tock Parrish

CITY CLERK
Maire P. Funkhouser

CITY ATTORNEY
Paul T. Glasow

(44)

Mr. Dan Pino
Loiederman Soltesz Associates
October 15, 2004
Page 2

2. The stormwater management ponds shall provide Overbank Flood Protection (Qp₁₀) for the contributing drainage areas;
3. The drainage area maps and computations shall reflect the proposed development plan and existing field conditions;
4. Detailed calculations of imperviousness shall be provided for the contributing drainage areas;
5. Prior stormwater management waivers approved by the Department of Public Works on the Chestnut Lodge property are no longer valid. Your computations (detailed engineering) must be revised to include management of these areas;
6. All existing pond computations shall be based on approved as-built (surveyed) drawings;
7. Stormwater management shall be provided for all adjacent rights of way (Thomas Street and West Montgomery Avenue);
8. The ponds shall treat 1-inch of water quality over the entire contributing drainage area;
9. Staff supports the idea of using stormwater credits for management of imperviousness located in the Historic District. However, since the concept submission did not address specific details on these credits, staff will review the SWM credit issue at the time of detailed engineering at which time we may or may not approve;
10. Provide further documentation of existing ponds where recharge in the forebays was approved by other jurisdictions. Also, provide justification that recharge in the forebays will be practical;
11. If staff does not approve of recharge in the forebays, either full water quality treatment will be required or upstream recharge will be recommended;
12. Perform a storm drain study to ensure existing pipes adjacent to the project site have capacity to carry the storm flows from your development;
13. Post financial security based on the approved construction estimates in a format acceptable to the City Attorney. Approval is coordinated through Public Works staff;

Mr. Dan Pino
Loiederman Soltesz Associates
October 15, 2004
Page 3

14. Submit a Rockville stormwater management permit application, permit fees, and SWM Database Sheet associated with the SWM plans;
15. Provide safe conveyance of storm flows;
16. Lot to lot drainage must be minimized and lawns shall be grading at a minimum of 3%;
17. Rose Hill community must agree to the pond modifications and agree to convey both ponds to Rockville for future ownership and maintenance.

If you have any questions, please contact John W. Hollida, Civil Engineer II, of my staff at 240-314-8513.

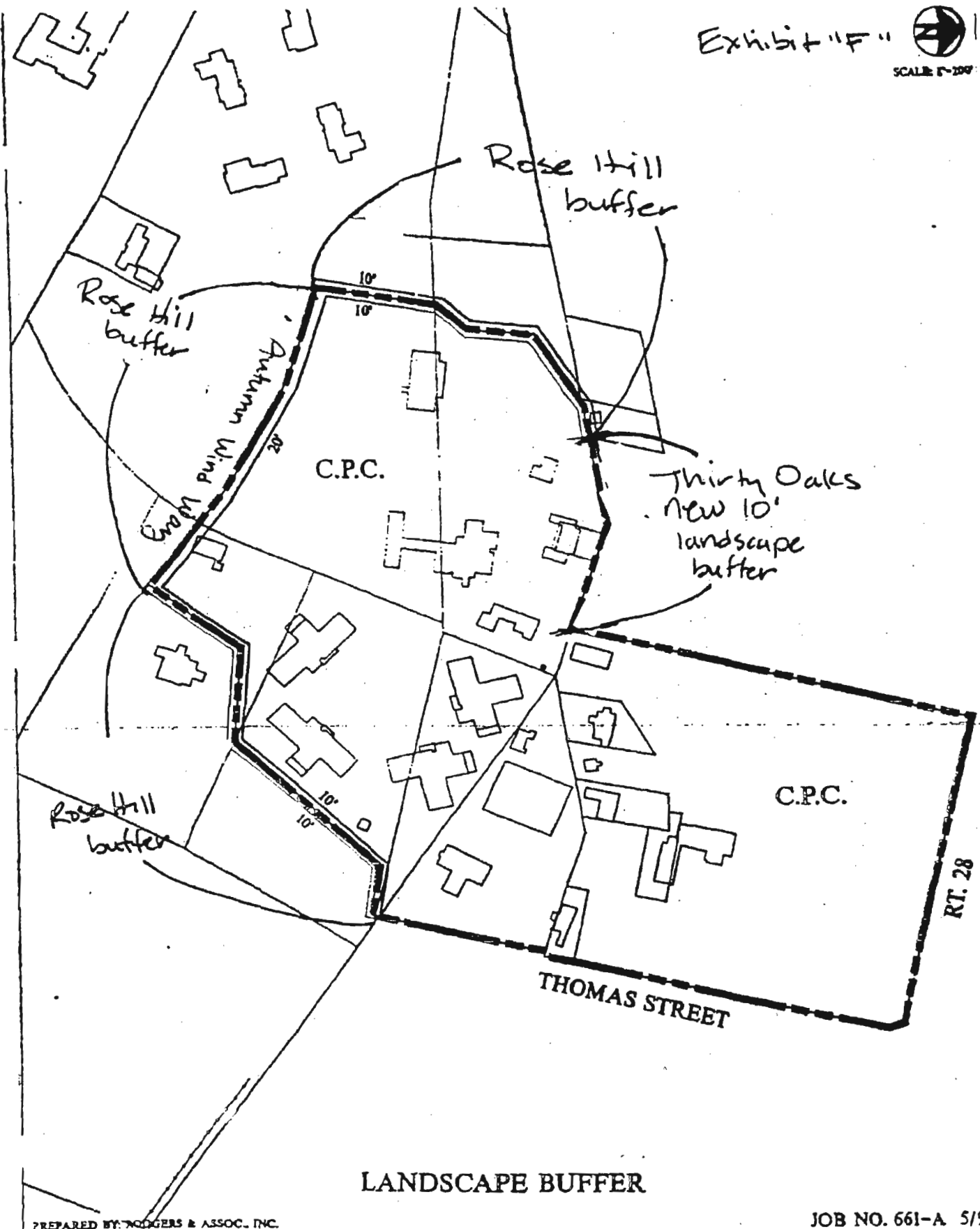
Sincerely,



Susan T. Straus, P.E.
Chief Engineer/Environment

STS/JWH/akm

cc: Bob Spalding, Chief of Planning
Mark Wessel, Civil Engineer III
John W. Hollida, Civil Engineer II-Environment
Permit Plan
Day File



LANDSCAPE BUFFER



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20860-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 CITY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing
 Division
 240-314-8200

MAYOR
 Larry Giammo

COUNCIL
 Robert E. Dorsey
 Susan R. Hoffmann
 Phyllis R. Marcuccio
 Anne M. Robbins

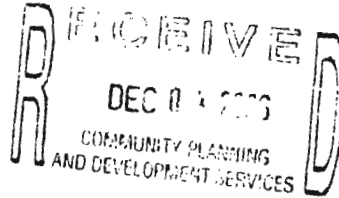
CITY MANAGER
 Scott Ullery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Paul T. Glasgow

November 14, 2006

Chestnut Lodge Properties, Inc.
 C/o Miller, Miller & Canby
 Soo Lee-Cho, Attorney
 200B Monroe Street
 Rockville, MD 20850



Re: Detailed Application PRU2006-0022B, for approval of the demolition portion of the Construction Phasing Plan for Chestnut Lodge Exploratory Application PRU2005-00022.

Dear Ms. Lee-Cho:

At its meeting of August 9, 2006, the Rockville Planning Commission reviewed and conditionally approved the above-referenced Detailed Application. The application is for detailed application approval for the schedule of demolition for the Construction Phasing Plan.

1. Submission, for approval by the Chief of Planning, eleven (11) copies of the demolition site plan as shown to and revised (if necessary) according to the Planning Commission actions on August 9, 2006.
2. Obtain Sediment Control and Public Works Permits and post bonds prior to commencement of demolition work. Submit detailed engineering plans for review and approval by DPW.
3. Disconnection of services/utilities at the right-of-way is acceptable as part of the demolition work, provided final disconnection of services/utilities is completed to the satisfaction of the Department Of Public Works (DPW) (and other applicable agencies) during site construction (as part of PRU2006-0022A).
4. No construction vehicles (as defined by the Maryland Motor Vehicle Department, "Commercial Motor Vehicle" definition, (See Attachment) will be allowed to use Thomas Street during demolition (Phase A and Phase B).
5. Applicant shall comply with all conditions detailed in the Stormwater Management Concept approval letters dated June 8, 2005 and June 21, 2005, as may be amended by the DPW.
6. No mass grading will be permitted during demolition. Only grading incidental and necessary to the demolition of each building will be permitted during the demolition phase.

7. The City Forester requires the following before the demolition can begin on-site:
 - a. Issuance of a Forestry Permit.
 - 1) Approval of a Forest Conservation Plan (FCP).
 - 2) Post tree replacement bond for all significant trees not being protected.
 - 3) Plan must be in substantial conformance with proposed overall FCP. Tree preservation requirements must be met on-site and this plan must protect all required trees.
 - b. The FCP may need to be modified based upon the approval of Detailed Application PRU2006-0022A.
8. The applicant must comply with hauling map as shown to the Planning Commission at its August 9, 2006 meeting and in the August 4, 2006 staff report, attachment #3 . Any modifications to the plan must be submitted in writing to the Director of Public Works for review and approval.
9. Signs must be posted by the applicant along Thomas Street. The signs must indicate that Thomas Street parking is for residents only and spaced every 100 feet, or as approved during sediment control review. The signs must be posted prior to beginning work on the site for demo and shall remain in effect until work on the site is complete.
10. Planning Commission approval for the Site Plan Development Detailed Application (PRU2006-0022A) is required prior to demolition permits being issued for any historic buildings approved for demolition by the HDC.
11. Notify in writing the City of Rockville Preservation staff 30 days prior to demolition of the Doctor's Office building and allow them to access for interior photography.
12. Each historic building is required to get an HDC Certificate of Approval that includes final and complete rehabilitation plans before issuance of a demolition permit. The wing A section on the Main Lodge building is exempted from the requirement of providing complete rehabilitation plans before the issuance of the demolition permit for this section of the building only.

Your attention is directed to Section 25-568 of the City of Rockville Zoning Ordinance, which describes the effect of approval for Detailed Applications. Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this letter (November 14, 2008) or application approval shall expire.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.



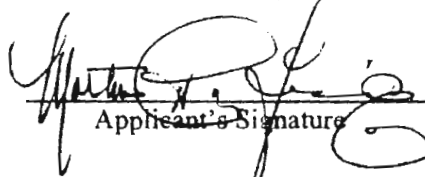
By Direction of the City
of Rockville Planning Commission

R. James Wasilak

R. James Wasilak
Chief of Planning

Note: A demolition permit may be issued only when the conditions of approval have been met, unless otherwise stated in the conditions herein, and a copy of the following acknowledgment, signed and executed by the applicant, has been returned to the Planning Division office. Be advised that this approval does not constitute approval by any department or agency having jurisdiction over this development project.

I ACKNOWLEDGE RECEIPT OF PRU2006-0022B, AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.


Applicant's Signature

12/1/06
Date

CHESTNUT LODGE PROPERTIES, INC.

By: Morty H. Levine 12/1/06
Applicant's Printed Name Date

/rjt

cc: Art Chambers, Director of CPDS
Craig Simoneau, Director of Public Works
Charles Baker, Chief of Inspection Services
Mark Wessel, Civil Engineer III
Nazar Saleh, Transportation Planner I
Craig Daly, Civil Engineer II - Environment
Wayne Noll, City Forester
Rebecca Torma, Planner II
Planning Commission



City of Rockville
 111 Maryland Avenue
 Rockville, Maryland
 20850-2364
 www.rockvillemd.gov

Community Planning and
 Development Services
 240-314-8200
 TTY 240-314-8137
 FAX 240-314-8210

Historic Preservation Office
 240-314-8230

Inspection Services Division
 240-314-8240

Long Range Planning
 Division
 240-314-8200

Planning Division
 240-314-8220

Revitalization/Housing
 Division
 240-314-8200

MAYOR
 Larry Giammo

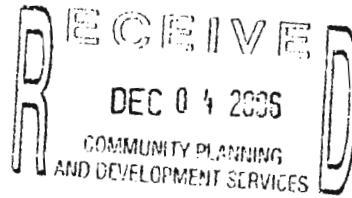
COUNCIL
 Robert E. Dorsey
 Susan R. Hoffmann
 Phyllis R. Marcuccio
 Anne M. Robbins

CITY MANAGER
 Scott Ollery

CITY CLERK
 Claire F. Funkhouser

CITY ATTORNEY
 Paul T. Glasgow

November 28, 2006



Chestnut Lodge Properties, Inc.
 Soo Lee-Cho, Attorney
 c/o Miller, Miller & Canby
 200B Monroe Street
 Rockville, Maryland 20850

Re: Detailed Application PRU2006-0022A, for approval of the site plan of the Chestnut Lodge development, the Construction Phasing Plan and the Three-Year Maintenance Plan for the trees in the historic section, for Chestnut Lodge Exploratory Application PRU2005-00022.

Dear Ms. Lee-Cho:

At its meeting of October 25, 2006, the Rockville Planning Commission reviewed and conditionally approved the above-referenced Detailed Application. The application is for detailed application approval for 36 new one-family detached homes, seven (7) condominiums in the Main Lodge, rehabilitation of the Little Lodge, Frieda's Cottage, and the Rose Hill barn, and the reconstruction of the Stable and Icehouse. The approval also includes the Construction Phasing Plan and the Three-Year Maintenance Plan for the trees in the historic section, as well as approval of the architectural designs for the new single-family residences.

Note that the conditions in *italics* are from the Resolution of Approval for the Exploratory Application.

1. Submit for approval by the Chief of Planning, eleven (11) copies of the Detailed Application plans as shown to the Planning Commission including the revisions required at the October 25, 2006 meeting. These plans, along with the landscape plan, will constitute the Signature Set for the project when stamped and signed by the City.
 - a. Construction Phasing Plan
 - b. The revision date on the plans must be the date of approval by Planning Commission.
 - c. Removal of the three (3) foot wide mountable island shown at the entrance to Bullards Circle.
 - d. *Three trees per each single-family residential lot as required by the Subdivision Regulations of the Zoning and Planning Ordinance. Required street trees may not be used to meet this requirement.*
2. No building permit is to be submitted prior to the approval of the Signature Set.

hike

3. *The applicant shall identify a designee(s) and alternate designee(s) who will serve as liaison to the community throughout the duration of construction. The designee or an alternate designee shall be accessible throughout the hours of construction, including weekends. Prior to the issuance of the first grading permit, the applicant shall provide in writing a contact name and phone number to the Chief of Planning and to residents whose property abuts the site and to the presidents of surrounding Homeowners Associations and civic associations.*
4. Submission for the approval of the City Forester, of the Three-Year maintenance plan, revised to make minor modifications approved by Forestry staff.
5. *All tree preservation and planting requirements of the City's Forest and Tree Protection Ordinance (FTPO) shall be met on site.*
6. *The applicant shall work closely with the City's Forestry staff to develop a Forest Conservation Plan to facilitate preservation of quality specimen trees within the Historic District. A Conservation easement shall be placed over Parcels A, B, H, and I and Lot 1 to ensure long-term protection of trees within the Historic Districts designated for preservation in accordance with the FTPO.*
7. Submission, for the review and approval of the Planning Commission, of a Final Record Plat for the property. Plat must be recorded prior to the issuance of a building permit for building construction.
8. *Invasive exotic tree and plant species shall be removed and eradicated throughout the site, except that, subject to the approval of the City Forester, such as trees and/or plants may remain where they are deemed to be integral to the historic fabric and context of the landscape.*
9. A copy of the utility plans will be forwarded to the utility companies (Washington Gas, Verizon, and Pepco) in order to get their input on the location of the PUE. A copy of their approval shall be submitted to DPW prior to issuance of DPW permits and recording of any plats.
10. Record plats shall be recorded prior to issuance of DPW permits. The record plat shall reference lots that have dry wells and surface drainage swales on them. Standard language shall be drafted and included on the record plat that is intended to preserve and maintain the dry wells and surface drainage swales.
11. Dry wells shall be located such that they do not conflict with patios, decks, and any other proposed lot improvements.
12. Obtain MSHA approval for all proposed improvements within the State right-of-way. Work within the state right-of-way cannot begin without MSHA permits.
13. The proposed entrance feature at Bullards Circle is located within a Traffic Signal easement. This easement must be abandoned/created, amended, revised or modified or the improvements must be licensed or permitted as necessary to ensure that the entrance feature is compatible with the easement. The easement must sufficiently accommodate all the necessary

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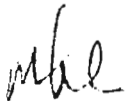
- traffic signal appurtenances for the correct functioning of the traffic signal. Abandonment is subject to Mayor and Council approval.
14. A SWM maintenance agreement shall be provided for the SWM structure located within Parcel C. This shall be provided prior to issuance of the Stormwater Management permit.
 15. Transformers must be located within the Public Utility Easements (PUEs).
 16. Abandon existing water lines at the main, unless otherwise approved by DPW at the time of detailed engineering.
 17. Assess the condition of the existing sewer currently serving the Main Lodge building, including a CCTV evaluation. A copy of the evaluation report must be submitted to DPW, including a copy of the CCTV recording, prior to approval of detailed engineering. If the pipe is not in satisfactory condition based on the City staff review of the information then the line must be repaired, lined, or replaced to the satisfaction of the DPW.
 18. Brick pavers located within the emergency access parcel (Parcel F), shall be designed to withstand the proposed traffic loads.
 19. Verify that there is acceptable capacity to receive proposed storm drain flows within the 21-inch storm drain behind lot 17. Preliminary computations indicate that there is sufficient capacity, however, detailed drainage calculations shall be submitted as part of the detailed engineering and shall be based on as-built information. If there is insufficient capacity, then the receiving system shall be upgraded to the satisfaction of DPW to ensure that adequate capacity is provided.
 20. All storm drains, public and private, that pass beneath any retaining wall, shall be sleeved to facilitate future maintenance and repair.
 21. Lawns shall be graded to a minimum of 2.5 percent slope. Builder's site plans shall be submitted for approval as part of the SFD permit application and shall be reviewed and approved by DPW prior to issuance of the SFD permit. The builder's site plans shall ensure that the site grades are in conformance with the grades shown on the Signature Set. Once site work is complete, an as-built drawing and certification of grades shall be submitted for review, to ensure that the site grades are in conformance with the builder's site plans and the Signature Set. An example of the builder's site plan and certification letter is included as an attachment (Attachment #5).
 22. *The applicant shall construct a five (5) foot concrete sidewalk along the west side of Laird Street from West Montgomery Avenue to Anderson Avenue, along with any incidental improvements, included but not limited to, curb and gutter, street pavement, driveway aprons, drainage improvements, and tree/grass panels where feasible, per the City's Standards and Details for Construction.*
 23. *The applicant shall construct a five (5) foot concrete sidewalk on the east side of Luckett Street from Anderson Avenue to Beall Avenue, along with any incidental improvements, including, but not limited to, curb and gutter, street paving, driveway aprons, and tree/grass panels where feasible, per the City's Standards and Details for Construction.*
 24. *The Applicant shall upgrade Thomas Street as described below:*

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- a. *East side improvements include four (4) foot brick paver sidewalk, curb and gutter, driveway aprons and incidental improvements, including pavement replacement and grading from West Montgomery Avenue to the dead end of Thomas Street.*
 - b. *West side improvements include a five (5) foot brick paver sidewalk from the proposed path on the north side of Frieda's Cottage on Parcel B to the dead end of Thomas Street. Improvements shall include curb and gutter, driveway aprons, and incidental drainage improvements, including pavement replacement and grading from the end of the asphalt curb to the dead end of Thomas Street. Thomas Street shall be widened to the standards of the City's secondary residential street in front of the three proposed new homes and Frieda's Cottage. This widening shall occur on the west side of Thomas Street.*
 - c. *The design of these improvements shall provide for adequate drainage and shall be reviewed by DPW during detailed engineering. Drainage for the entire street shall be reviewed during detailed engineering.*
25. *The applicant shall make a payment, in lieu of construction of the Harrison Street improvements, in the amount of \$64,371.20, on or before July 1, 2007, to be used for construction of pedestrian improvements within Planning Area 4 (West End and Woodley Gardens East-West).*
 26. *The Laird and Luckett Street Improvements will commence prior to the issuance of the 12th occupancy permit and the construction of the improvements will be completed within 120 days thereafter, subject to force majeure.*
 27. *Thomas Street improvements will commence prior to the issuance of the 33rd occupancy permit or the building permit for the first house on Thomas Street. Construction of the improvements will be completed within 120 days thereafter, subject to force majeure.*
 28. *A signing and pavement marking plan shall be submitted to DPW and approved by the Chief of Traffic and Transportation prior to issuance of DPW permits, except those onsite permits related to sediment and erosion control, clearing and grubbing, grading, sanitary sewer lines and water lines. All internal and external traffic control devices (i.e. signs, signals, marking and devices placed on, over or adjacent to a roadway or pathway to regulate, warn or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).*
 29. *The applicant shall contribute \$6,500 to the City's bus shelter CIP fund for installation of a bus shelter in the vicinity of the development. The contribution must be paid prior to issuances of the first building permit.*
 30. *Provide a total of at least five (5) bicycle parking spaces for the condominium units at a safe and convenient location as determined at detailed engineering.*

mbe

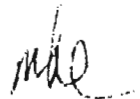
31. *The applicant shall contribute \$6,000 to the City's Transportation Improvement CIP Fund for the upgrading of the existing traffic signals to include pedestrian countdown signals (12 signal heads @ \$500 each) at West Montgomery Avenue and Great Falls Road and at West Montgomery Avenue and Laird Street. The payment must be made prior to the issuance of the first building permit.*
32. A street lighting plan shall be submitted to DPW and approved by the Chief of Traffic and Transportation prior to the issuance of DPW permits, except those permits related to onsite sediment and erosion control, clearing and grubbing, grading, sanitary sewer lines and water lines.
33. A traffic signal relocation and control plan for MD 28 and Bullards Circle shall be submitted to DPW and MSHA for review and approval. Work within the state right-of-way cannot begin without MSHA permits.
34. *The applicant shall make a Transportation Demand Management (TDM) contribution of \$600 per dwelling unit, except for Frieda's Cottage. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within Planning Area 4 (West End and Woodley Gardens East-West). A payment of \$600 shall be made before the issuance of each single family dwelling building permit. A payment of \$4,200 shall be made prior to the issuance of the building permit for the Main Lodge.*
35. Comply with the SWM concept approval letter dated October 3, 2006, with the understanding that yard grades will be a minimum of 2.5 percent slope.
36. Submit detailed engineering plans for sediment control, stormwater management and public improvements for review and approval by DPW.
37. Post Bonds and obtain permits from the Department of Public Works for sediment control, stormwater management and public improvements.
38. Granite curb can be used within the historic district portion of Bullards Circle, including a brick gutter in conjunction with the granite curb. Provide more detail at the detailed engineering stage to ensure that the brick gutter is installed and appropriately supported such that it can withstand the proposed use. Staff will also require additional details showing that the brick gutter can be properly depressed so that the grass swale captures and treats the maximum amount of run-off possible. If the details provided at the time of detailed engineering are not adequate to support the necessary function of the gutter, then a concrete gutter will be required in place of a brick gutter. The applicant must deliver five (5) sections of granite curb, in addition to those required for Bullard's Circle construction, to the City's Maintenance Facility prior to the issuance of the final occupancy permit.
39. Contribute \$5,000 for the upgrade of three (3) existing streetlights on Thomas Street. This contribution shall be made prior to the issuance of the 33rd occupancy permit or the building permit for the first house on Thomas Street.
40. In order to allow for material deliveries to continue during the construction of Bullards Circle in the historic section of the site, Thomas Street may be used for a limited period of up to four (4) months. An extension to this four (4) month period may be granted by the Chief of Traffic and Transportation



if a reasonable need (weather, delays, force majeure) is presented to DPW. The use of Thomas Street for material deliveries is contingent upon the milling and overlaying of the entire street to be completed with the other Thomas Street improvements (as noted in Condition #24) or once the need to use Thomas Street for deliveries is no longer required, whichever is most prudent based on the condition of Thomas Street.

41. The retrofit of the off-site SWM facilities (Bullards Pond and Falls Pond) must be completed by the issuance of the 20th building permit. The applicant may request an extension from DPW in writing, 30 days prior to getting issued the 20th building permit if the work will not be completed by such time.
42. An easement shall be provided to the City of Rockville for the structural maintenance of the off-site SWM facilities (Bullards Pond and Falls Pond). This easement must be provided prior to completion of the retrofit of these two ponds.
43. Building permits for any homes will not be issued until the applicant provides a plan and letter to DPW for review and acceptance showing how emergency vehicles will access the site and how adequate fire protection will be provided during building construction. The plan must be submitted to DPW 30 days prior to the issuance of the first building permit. No residential occupancy permits will be issued, except for the model homes, until base paving is completed for the entire length of Bullards Circle.
44. The applicant will replant any landscaping around Bullards Pond and Falls Pond that is damaged due to the retrofit of the ponds. The existing tree and bamboo must remain undisturbed during construction of the retrofit.
45. This application is subject to the details in the "Schedule of Demolition and Construction of the Chestnut Lodge Project" dated October 20, 2006.
46. The applicant shall work with the City Forester to determine if landscaping can be installed below the retaining walls on lots 17 through 19. If it is determined by the City Forester that the landscaping can be installed below the retaining walls, then the applicant shall install it during the first planting season after the wall is completed.
47. The HOA is responsible for the maintenance of the four trees on lot 17 and the one tree on lot 21. This requirement shall be documented in the Declaration of Covenants.
48. The applicant must submit architectural designs for the historic structures (Main Lodge, Little Lodge, Icehouse, Stable, and Rose Hill barn) following applicable review by HDC to the Planning Commission for review and approval prior to the issuance of the building permit for each structure.

Your attention is directed to Section 25-568 of the City of Rockville Zoning Ordinance, which describes the effect of approval for Detailed Applications. Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this letter (November 28, 2008) or application approval shall expire.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission,



each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

By Direction of the City
of Rockville Planning Commission

R. James Wasilak

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Chief of Planning

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I ACKNOWLEDGE RECEIPT OF PRU2006-0022A, AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.

Morty H. Levine
Applicant's Signature

12/1/06
Date

CHESTNUT LODGE PROPERTIES, INC.

By: Morty H. Levine

12/1/06

Applicant's Printed Name

Date

/tjt

Art Chambers, Director of CPDS
Craig Simoneau, Director of Public Works
Charles Baker, Chief of Inspection Services
Mark Wessel, Civil Engineer III
Nazar Saleh, Transportation Planner I
Craig Daly, Civil Engineer II - Environment
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