



Mar Thoma Church of Greater Washington, Preliminary Plan No. 120200080

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Completed: 9/11/20

Description

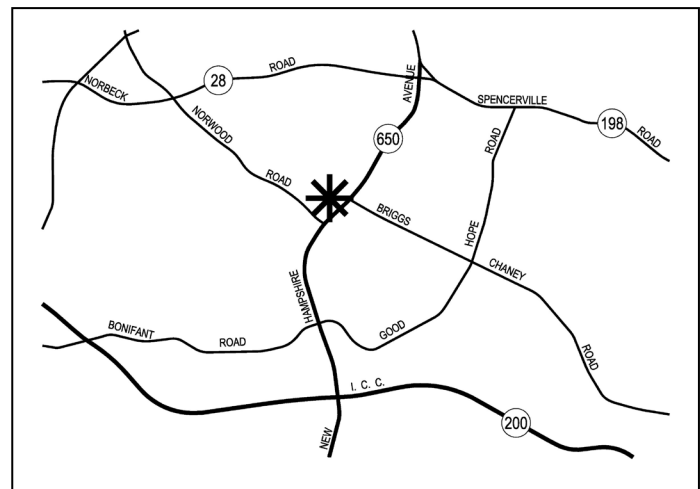
Mar Thoma Church of Greater Washington, Preliminary Plan No. 120200080: Request to create one lot for a religious assembly and one-family residential/parsonage use; located at 15400 New Hampshire Avenue; 11 acres; RE-2 Zone; Upper Paint Branch Special Protection Area and Overlay Zone; 1997 *Cloverly Master Plan*.

Staff Recommendation: *Approval with conditions*

Applicant: Mar Thoma Church of Greater Washington

Accepted Date: December 5, 2019

Review Basis: Chapter 50, 22A, 19



Summary

- Staff recommends **approval with conditions**
- Recommends approval to create one lot for a religious assembly and one-family residential/parsonage use including associated parking. This includes a religious assembly use with 350 seats, up to four (4) classrooms, associated office space, and fellowship hall without child day care, and one-family residential/parsonage use.
- Meets requirements of Chapter 22A, Forest Conservation Law.
- Meets requirements of Chapter 19 for Water Quality Plan, including stormwater management.
- Meets requirements of Chapter 59, Zoning Ordinance, including Section 4.9.19, Upper Paint Branch Overlay Zone.
- Impervious surfaces are limited to no more than eight percent of the Application within the Upper Paint Branch Overlay Zone.
- Provides a 10-ft wide shared-use side path along the west side of New Hampshire Avenue/MD 650 per the 2018 Bicycle Master Plan recommendations.
- Substantially conforms to the *1997 Cloverly Master Plan*.
- Staff has not received community correspondence on this application.

SECTION 1 - RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120200080: Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Application is limited to one (1) lot for a religious assembly use with 350 seats, up to four (4) classrooms, associated office space, and fellowship hall without child day care, and one-family residential/parsonage use.
2. The Applicant must comply with the conditions of approval for the Preliminary/Final Forest Conservation Plan No. 120200080, approved as part of this Preliminary Plan, as follows:
 - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c. Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest planting as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - d. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by Staff, to the M-NCPPC Planning Department for the 1.70 acres of new forest planting credited toward meeting the requirements of the FCP.
 - e. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP or as determined by the Forest Conservation Inspection Staff.
 - f. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a Maintenance and Management Agreement ("MMA") approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas credited toward meeting the requirements of the FCP. The time period for the MMA will adhere to the requirements in place when the MMA is approved by the M-NCPPC Office of General Counsel.
 - g. The Applicant must provide invasive species management control measures within the proposed Category I Conservation Easement(s) at the direction of the M-NCPPC forest conservation inspector.
 - h. The Applicant must install the Afforestation/Reforestation plantings as shown on the approved FCP, within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

- i. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
 - j. Prior to the installation of the forest plantings, the Applicant must remove the existing fence and any other structures from within the Category I Conservation Easement.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its Combined Preliminary/Final Water Quality Plan letter dated August 16, 2019 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Impervious surfaces are limited to no more than eight percent (8%) of the Application within the Upper Paint Branch Overlay Zone as shown on the approved Post Development Impervious Area Exhibit.
5. Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces to no more than eight percent (8%) of the Application within the Upper Paint Branch Overlay Zone as shown on the approved Post Development Impervious Area Exhibit. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.
6. Prior to the start of any clearing, grading or construction or at the direction of the M-NCPPC Forest Conservation Inspection Staff, the Applicant must remove all existing impervious surfaces shown to be removed on the approved Post Development Impervious Area Exhibit. The existing residence may remain until the new parsonage building is constructed. The areas that are not proposed to be replaced by new impervious surface must be restored to a fully pervious condition. The removal and restoration of pervious surfaces must be in compliance with the M-NCPPC Dept. of Parks *“Guidelines for Converting Paved Areas into Pervious Greenspace.”* M-NCPPC Forest Conservation Inspection Staff must be present at a pre-work meeting prior to the removal of the impervious surfaces.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated February 21, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated March 2, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

9. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
10. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements related to signalization and alignment with Briggs Chaney Road.
11. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate sixty-two and a half (62.5) feet from the existing pavement centerline along the Subject Property frontage south of Briggs Chaney Road for New Hampshire Avenue/MD 650 as shown on the Certified Preliminary Plan.
 - b. All land necessary to accommodate sixty (60) feet from the existing pavement centerline along the Subject Property frontage north of Briggs Chaney Road for New Hampshire Avenue/MD 650 as shown on the Certified Preliminary Plan.
12. The Applicant must construct a 10-foot wide shared use path along New Hampshire Avenue/MD 650 for the entire frontage of the Subject Property.
13. The Applicant must construct a northbound left-hand turn lane on New Hampshire Avenue/MD 650 at the intersection of New Hampshire Avenue/MD 650 and Briggs Chaney Road.
14. The Applicant must construct and/or modify the signalized intersection at New Hampshire Avenue/MD 650 and Briggs Chaney Road in accordance with the requirements of the Maryland State Highway Administration and the MCDOT.
15. Record plat must show all necessary easements.
16. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty (60) months from the date of mailing of the Planning Board resolution.
17. The Certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan set or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of approval of a building permit. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
18. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Indicate the location of short and long-term bicycle parking.

- b. Modify the data table to confirm compliance with County Council Ordinance No. 19-11 for bicycle parking for religious assembly uses.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The property is made up of two unplatted parcels identified as Parcel P032 on Tax Map JS51 and Parcel P053 on Tax Map JS61 (Figure 1), (“Subject Property” or “Property”). The Subject Property is located at 15400 New Hampshire Avenue (commonly known as the O’Keefe Apple Orchard) in Cloverly, Maryland. It is located on the northwest side of New Hampshire Avenue/MD 650 where Briggs Chaney Road intersects New Hampshire Avenue. The Property is located directly to the southwest of the Cloverly commercial area.

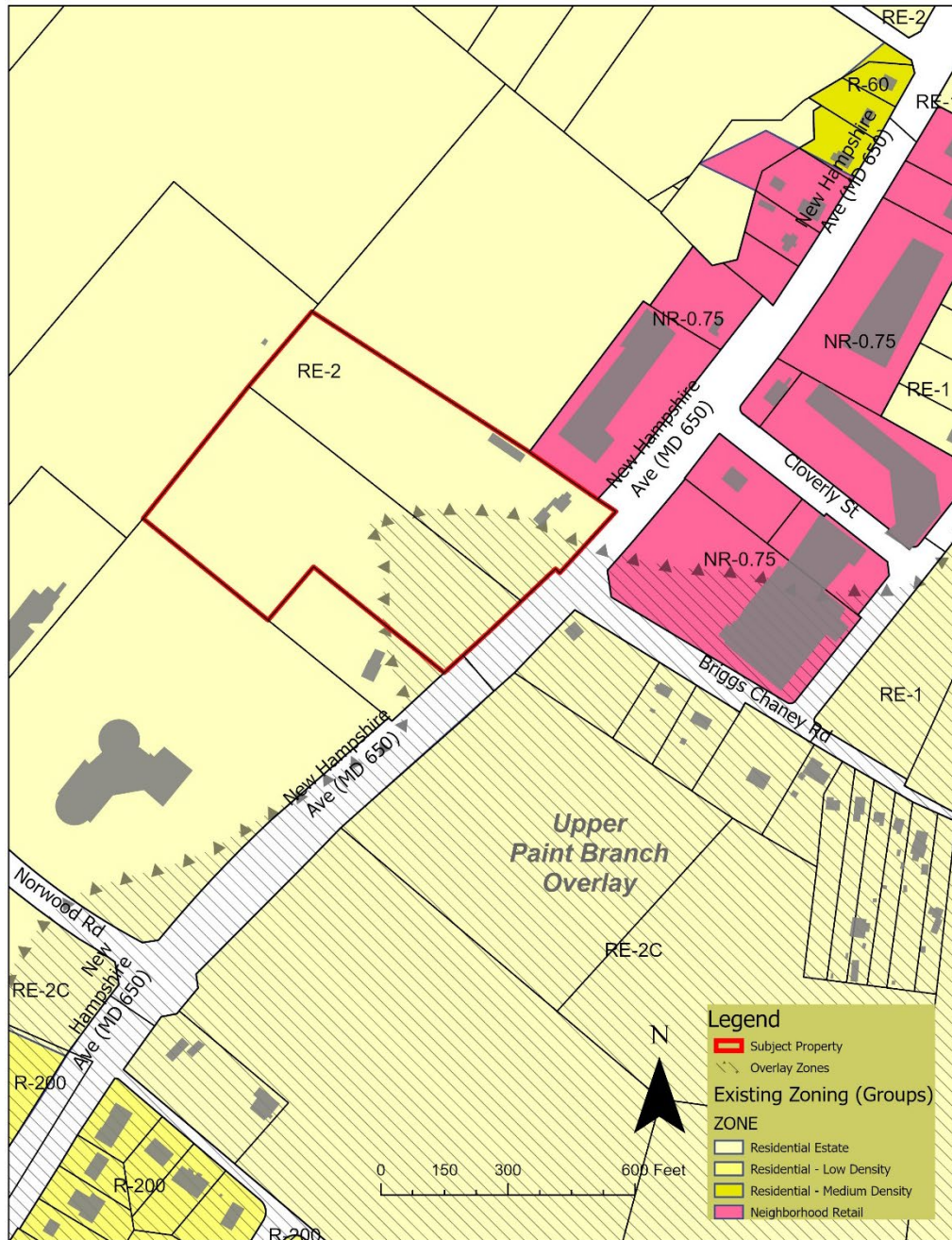


Figure 1– Vicinity

Site Description

Access to the Property is from New Hampshire Avenue via a private residential drive. The 11-acre Property is generally flat. The Property is improved with an existing one-family residential structure which is setback back approximately 77 feet from New Hampshire Avenue/MD 650.

The Property includes a drainage divide with the southern corner draining to the Upper Paint Branch and the remainder of the property to the north, west and east draining to Northwest Branch. The Upper Paint Branch is classified by the State of Maryland as Use Class III and the Northwest Branch is classified as Use Class IV waters. The portion of the Property draining to the Upper Paint Branch is located within the Upper Paint Special Protection Area (SPA) and the Upper Paint Branch Environmental Overlay Zone. There are no streams, wetlands, 100-year floodplain, stream buffers, steep slopes, highly erodible soils, or forest on the Property. There are some individual trees that remain from the previous use as an apple orchard, as well as twenty trees greater than or equal to 24 inches in diameter at breast height (DBH) located on or immediately adjacent to the Property.

Site Vicinity

Directly to the northeast is the Cloverly commercial area in the Neighborhood Retail (NR) zone. All other surrounding properties are located in the RE-2 zone. Within this zone directly to the southwest is the Lutheran Church of St. Andrew and the Peoples Community Baptist Church. All other property surrounding the Subject Property are either undeveloped or consist of large lot (2 acres or more) one-family residential uses.



Figure 2 – Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Sewer Category Change, County Council Resolution 19-521 (Attachment 6)

On July 7, 2020, the County Council approved sewer category change from S-6 to S-1 and a water category change from W-5 to W-1. The County Council conditioned the sewer and water category change to a preliminary plan approval that substantially conforms to Concept Plan No. 520190160 considered by the Development Review Committee on June 25, 2019 (Attachment 13). The sewer category change was restricted to Private Institutional Facility (PIF) use only.

Current Application

Preliminary Plan 120200080

The plan, designated as Preliminary Plan No. 120200080, Mar Thoma Church of Greater Washington ("Preliminary Plan" or "Application"), proposes to create one (1) platted lot for a religious assembly and one-family detached residential/parsonage unit in the RE-2 zone. Public water and sewer will serve all structures associated with the Application.

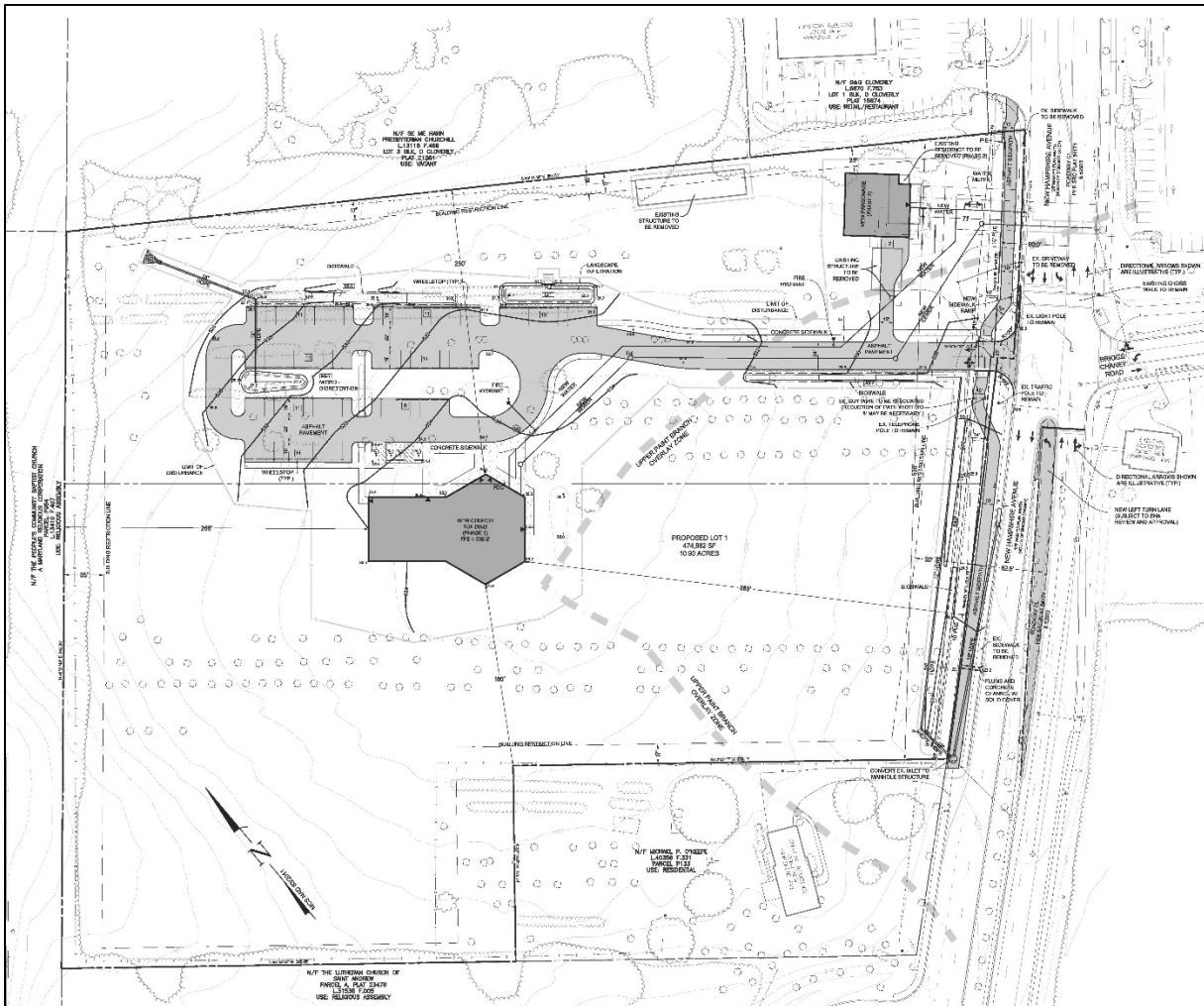


Figure 3 – Preliminary Plan

The Application proposes frontage improvements along New Hampshire Avenue/MD-650 which, based on Master Plan guidance, should be a 10-foot wide shared use path. In addition, the Application will modify the existing signalized intersection at New Hampshire Avenue/MD-650 and Briggs Chaney Road to accommodate the Application's access point as well as construct a northbound left-hand turn lane on New Hampshire Avenue/MD 650 to improve access into the Property.

SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D

- 1. The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape and orientation is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (religious assembly and one-family residential/parsonage use) use contemplated for the Property.

The lot was reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage and can accommodate the religious assembly building which can reasonably meet the width and setbacks requirements in that zone. The one-family residential/parsonage use is not considered by the Montgomery Department of Permitting Services (MCDPS) to be an accessory structure but rather an instrumental use in conjunction with the religious assembly. As a result, the existing one-family/parsonage structure does not need to meet setback requirements for accessory structures. A summary of this review is included in Table 1. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1 – Development Standards Table – RE-2

RE-2	Required by the Zone	Proposed for Approval
Minimum Lot Area	2 acres	10.90 acres
Minimum Lot Frontage	25 ft.	549 feet
Minimum Lot Width at B.R.L.	150 ft.	538 feet
Maximum Lot Coverage	25%	13%
Principle Building, Min. Setbacks (for all lots)		
Front	50 feet ¹	388 ft. (church) 71 feet (parsonage)
Side	17 feet	160 feet (church) 23 feet (parsonage)
Rear	35 feet	266 feet (church) 687 feet (parsonage)
Building Height	50 feet	50 feet max.
Parking	90 spaces	90 spaces ²

¹ 1997 Cloverly Master Plan recommends a 100-foot front setback for non-residential structures

² Includes 4 accessible spaces

RE-2	Required by the Zone	Proposed for Approval
Bicycle Parking	1 short time, 1 long-term ³	To be conditioned as part of the Certified Preliminary Plan
Site Plan Required	No	No

2. *The Preliminary Plan substantially conforms to the Master Plan*

The Subject Property is located in a part of Cloverly described by the 1997 *Cloverly Master Plan* as the Residential Wedge. This area, in the Northwest Branch and Paint Branch watersheds, is made up of relatively low-density residential neighborhoods, at one unit for every one or two acres. The Master Plan makes no specific recommendations for this Property.

For the Residential Wedge, the Master Plan maintains recommendations from the 1981 Eastern Montgomery County Master Plan for low density residential land uses and limits access to public sewer service in some areas to maintain recommended densities. For the planning area as a whole, the Master Plan endorses cluster development that protects natural resources, offers recreation and contributes to residential or rural character. To maintain that character along New Hampshire Avenue, the Master Plan recommends setbacks of 100 feet from New Hampshire Avenue/MD 650 for nonresidential uses.

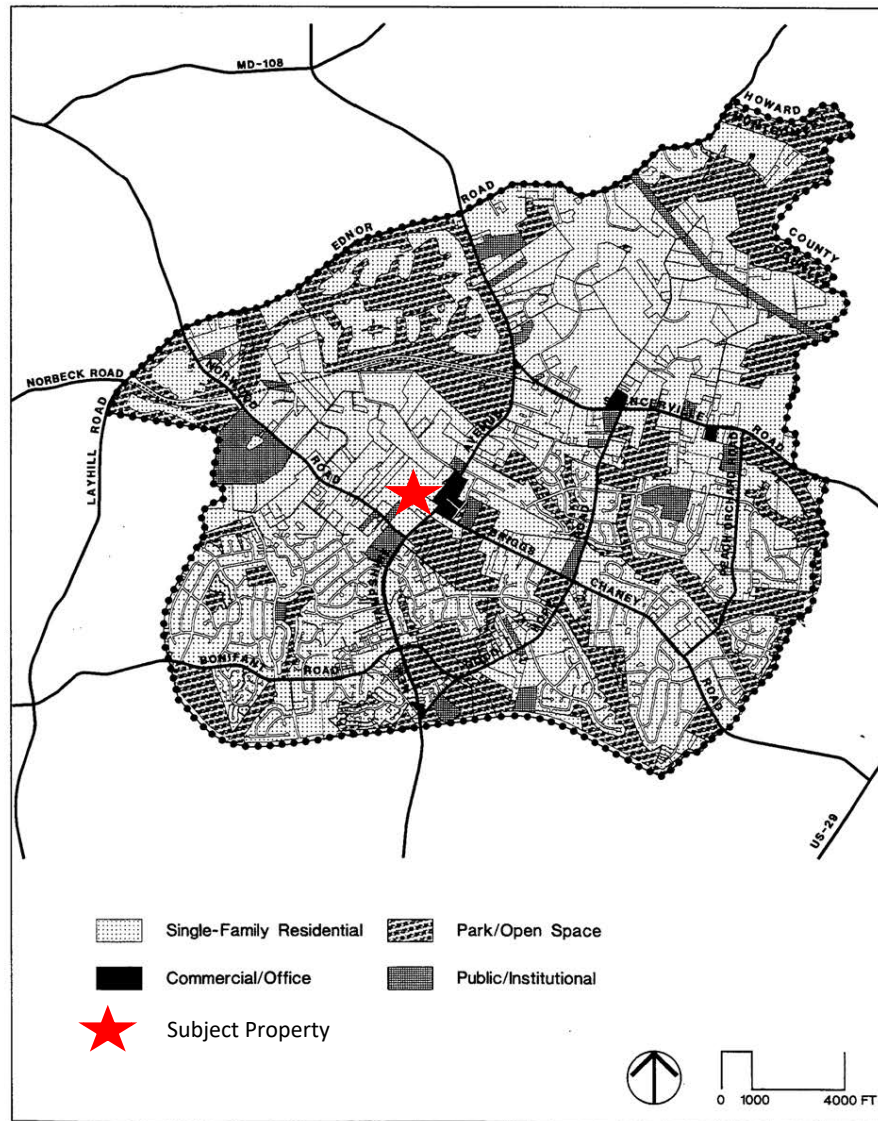
The Subject Property is partially located in the Northwest Branch portion of this district where existing low-density zones help to protect environmental resources. The Master Plan indicates that “ultimate subwatershed imperviousness levels should remain in the 10 to 15 percent range...” (p 21). It also states that individual developments with high site imperviousness should be discouraged. The remainder of the Property is located within the Upper Paint Branch Special Protection Area (SPA) and associated Overlay Zone, where impervious surfaces are limited to 8 percent. These required findings are addressed in the SPA Water Quality Plan findings section, later in this report.

The Bryants Nursery Run tributary, in which approximately 364,870 square feet (8.38 acres) of the Subject Property is located, has an imperviousness level of approximately 11.51 percent, which includes the impervious surfaces proposed by the approved RCCG Jesus House preliminary plan (120160040). The Application proposes approximately 52,590 square feet of impervious surfaces for the construction of a new church building, parsonage, driveways and parking lot, walkway along the driveway, and sidepath along New Hampshire Avenue, resulting in 14.4 percent impervious coverage on the portion of the Property within the Bryants Nursery Run subwatershed (Attachment 5). This level of imperviousness will result in an increase in the imperviousness in the Bryants Nursery Run subwatershed from its current level of 11.51 percent to 11.63 percent. Therefore, the Application is consistent with the Master Plan recommendation to maintain impervious surface levels between 10-15 percent for the subwatershed.

³ Bike parking required for religious assemblies per ZTA 19-11 effective August 10, 2020

LAND USE PLAN

FIGURE 10



APPROVED AND ADOPTED

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CLOVERLY MASTER PLAN

Figure 4 – Cloverly Master Plan, Land Use Plan

The Master Plan also recommended significant setbacks for nonresidential development along New Hampshire Avenue, to maintain rural and suburban character as well as enhance roadway character. The Master Plan states that the additional setbacks would help to “minimize the impact of buildings that tend to be taller, wider, and more massive than homes,” (p 31) and settled on 100 feet as a recommended setback for non-residential uses, with language allowing flexibility to match already established setbacks or to reduce environmental impacts. The proposed church building is setback 388 feet from the front property line which exceeds the Master Plan recommendation as a non-

residential structure. The existing residential structure, to remain, is setback approximately 77 feet which conforms to the Master Plan as a residential structure associated with the religious assembly.

Master-Planned Roadway and Bikeways

The Property is located along New Hampshire Avenue/MD 650, identified by the 2018 *Master Plan of Highways and Transitways* as a four-lane Major Highway with a 125-foot right-of-way (ROW) south of Briggs Chaney Road and 120 ft of right-of-way north of Briggs Chaney Road. Adequate dedication is provided as part of this Application to accommodate the master planned right-of-way.

The 2018 *Bicycle Master Plan* recommends a 10-ft wide shared-use sidepath along the west side of New Hampshire Avenue/MD 650; this is provided by the Application within the road right-of-way. Additionally, the northern leg of the New Hampshire Avenue/MD 650 and Briggs Chaney Road intersection will be improved with a wider bikeable crosswalk to accommodate crossing bike and pedestrian traffic on the sidepath currently built on the north side of Briggs Chaney Road.

Pedestrian and Bicycle Facilities

As mentioned, a shared-use sidepath will be constructed along the property frontage on New Hampshire Avenue/MD 650 and will accommodate a bikeable crosswalk to the existing Briggs Chaney shared use path. A sidewalk will be constructed alongside the Property driveway to provide pedestrian access from the church to the sidepath along New Hampshire Avenue/MD 650.

The proposed use is consistent with the 1997 *Cloverly Master Plan*, the 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan*.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Local Area Transportation Review (LATR)

The Application is exempt from additional LATR review as it does not generate 50 or more person trips in the peak AM or PM periods under the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual.

Table 2: Site Vehicle Trip Generation

Use	Development	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed: Church, ITE-560	350 Seats	2	2	4	4	6	11
Person Trips		--	--	5	--	--	14

Circulation and Connectivity

The Property is accessed via a driveway that is approximately 365 feet in length, operating as a new 4th leg of the existing New Hampshire Avenue/MD 650 and Briggs Chaney Road intersection. As this will impact intersection operations, as per SHA requirements, the Application will install additional signal equipment to handle the added movements. A dedicated left turn lane in the center median also be constructed on the northbound side on New Hampshire Avenue/MD 650 to enter the Subject Property. Parking is located adjacent to the church in two main bays connected by a two-way drive aisle. The circulation pattern, as proposed, is safe and adequate for the use.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. On July 7, 2020 under Resolution No. 19-521 (Attachment 6), the County Council approved water and sewer from W-5 to W-1 and S-6 to S-1, respectively. As a result, the Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer. The conditions related to the sewer category change are discussed in Finding No. 7.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on March 2, 2020 (Attachment 7 & 8). The Fire Department Access Plan provides a fire code compliant access roadway from New Hampshire Avenue/MD 650 to adequately access for all existing and proposed structures. The fire compliant access road and parking areas meet all the required turning radii, widths, and turnaround requirements for fire trucks serving the Subject Property. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy in effect at the time that the Application was submitted.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied

The Subject Property is in compliance with all of the applicable requirements of the Forest Conservation Law.

Natural Resource Inventory/Forest Stand Delineation

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420191790 was approved for the Property on June 5, 2019. The northern, eastern, and western portions of the Property are located within the Northwest Branch watershed, which is classified by the State of Maryland as Use Class IV waters. The southern corner of the Property is located within the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III waters. The southern corner of the Property is also located within the Upper Paint Branch SPA and the Upper Paint Branch Overlay Zone, where impervious surface for new development is limited to 8 percent. There are no streams, wetlands, 100-year floodplain, stream buffers, steep slopes, highly erodible soils, or forest on the Property. There are twenty trees greater than or equal to 24 inches in diameter at breast height (DBH) located on or immediately adjacent to the Property. There is an existing Category I conservation easement located adjacent to the western Property boundary.

Forest Conservation Plan

As required by the County Forest Conservation Law, Chapter 22A of the County Code, a Preliminary and Final Forest Conservation Plan (FCP) for the project was submitted with the Application (Attachment 4). The total net tract area for forest conservation purposes is 11.31 acres, which includes 0.32 acres of disturbance for off-site road and path improvements. The Property is zoned RE-2 and is considered Institutional Development Area (IDA) under Chapter 22A of the County code.

Since there is no forest on the Property, there will be no forest removal, and the result is an afforestation requirement of 1.70 acres. The Applicant proposes to meet the afforestation requirement by planting 1.70 acres in the western corner of the Property, adjacent to an existing off-site Category I conservation easement. The planted forest will be protected in a Category I conservation easement.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted.

Variance Request

The Applicant submitted a variance request in a letter dated August 7, 2019, (Attachment 11) for the impact of one (1) Protected Tree that is 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Tree #5, a 44" DBH red maple will have approximately 21% of its critical root zone (CRZ) impacted in order to remove an existing shed that is not needed for the new development and will reduce the amount of impervious surfaces in the subwatershed as recommended by the Master Plan.

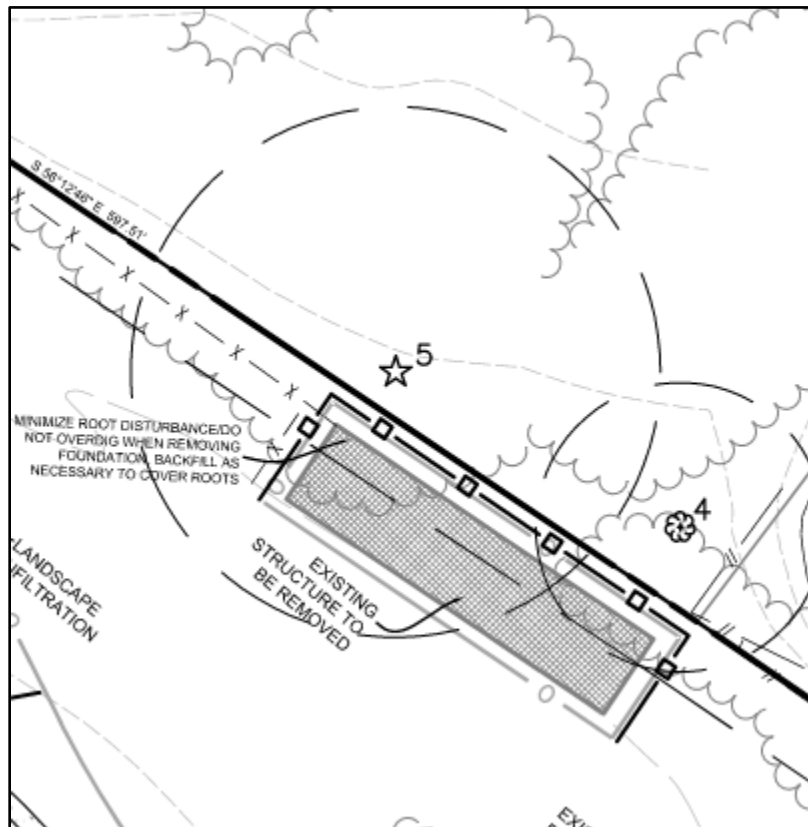


Figure 5 - Variance for Impacts to Tree #5

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on and adjacent to the Property and the zoning and development requirements for the Property.

Protected Tree #5 is located off-site and adjacent to the Property. The Protected Tree will be impacted due to the removal of an on-site shed. The shed is located within the portion of the Property that drains to the Northwest Branch and the Master Plan recommends minimizing impervious surfaces within the watershed. The shed is not needed for the proposed church use and its removal is in conformance with the Master Plan recommendations. If the impacts to the critical root zone of Tree #5 were not permitted, the existing shed would remain, serving no purpose, and resulting in a higher level of imperviousness than necessary. These existing conditions are such that any application to develop this Property for the recommended use would result in the need for a tree variance. The location of the tree in relation to the existing shed to be removed and the development requirements create an unwarranted hardship. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the forest conservation plan:

Granting of the requested variance:

- a. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Tree, is due to the reasonable development of the Property, including the removal of existing structures that are no longer needed. The requested impacts to a Protected Tree are due to recommendations to reduce impervious surfaces that would be necessary under any application for development of the Property. Any development considered for this Property would be faced with the same considerations. Granting a variance to allow the removal of existing structures that are not part of the proposed development is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

- b. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Tree within the developed area and the goal to reduce impervious surfaces.

- c. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed removal of an existing structure, and not a result of land or building use on a neighboring property.

- d. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. None of the Protected Trees will be removed and the one Protected Tree that will be impacted, will continue to provide the same functions it currently provides.

Mitigation for Protected Trees - Staff does not recommend mitigation for trees affected, but not removed. The affected root systems of these trees will receive adequate tree protection measures allowing the roots to regenerate and the functions provided restored.

County Arborist's Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on August 5, 2020. The County Arborist provided a recommendation to grant the requested variance in a letter dated August 10, 2020 (Attachment 12).

Variance Recommendation – Staff recommends that the variance be granted.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

As part of the requirements of the Special Protection Area Law, a Special Protection Area Water Quality Plan must be reviewed for the portion of the Property located within the Upper Paint Branch SPA, in conjunction with this Preliminary Plan. Under the provision of the law, MCDPS, the Planning Board, and MCDEP have different responsibilities in the review of the Water Quality Plan.

MCDPS has reviewed and conditionally approved the elements of the Preliminary/Final Water Quality Plan under its purview as outlined in their August 16, 2019 letter (Attachment 9). The Application will meet stormwater management goals through the use of micro bioretention, bio-swales, and landscape infiltration. MCDEP has reviewed the Water Quality Plan and will require payment of a stream monitoring fee and Best Management Practices (BMP) monitoring fee. MCDEP's requirements are incorporated into the Preliminary/Final Water Quality Plan approval letter provided by MCDPS. As part of this Application, the Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation planting requirements, and site imperviousness limits have been satisfied.

Planning Board Special Protection Area Review Elements

Environmental Buffer Protection

The Property does not contain any environmental buffers.

Forest Conservation and Planting Requirements

This Property meets all applicable requirements of Chapter 22A of the County Code. There is no existing forest on the Property. As part of the FCP, the Application proposes to meet the 1.70 acres of planting required on-site. The on-site planting will be located adjacent to existing protected forest on the adjacent property and will be protected in a Category I conservation easement.

Imperviousness

Impervious surface restrictions for development projects in the Upper Paint Branch SPA are set forth in the Upper Paint Branch Overlay Zone. As per Chapter 59, Section 4.9.19, imperviousness is restricted to a maximum of 8 percent of the tract of any application for development. The Application includes the creation of one lot for a religious institution and related parsonage. The 114,045 square foot (2.62 acres) tract area for impervious surface calculations is the result of deducting 364,870 square feet (8.37 acres) of land that is outside of the Upper Paint Branch Overlay Zone and including a portion of the off-site area where the sidepath along New Hampshire Avenue is proposed. The calculations do not include the portion of the proposed sidepath proposed within the right-of-way along New Hampshire Avenue that was previously conveyed to the Maryland State Highway Administration (SHA) by deed dated July 11, 1995. The Zoning Ordinance defines a “tract” as *“a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title. A tract does not include land conveyed to a government for more than nominal consideration.”* Since SHA paid \$54,500.00, a sum considered to be more than a nominal consideration, to the then owners of the Subject Property for additional right-of-way for New Hampshire Avenue, this land is not part of the “tract” and is excluded from the impervious surface calculations per the Zoning Code.

Table 3 - Impervious Surfaces in the Upper Paint Branch Overlay Zone

Imperviousness	Maximum Allowed	Proposed
Square Footage	9,124 Square Feet	8,240 Square Feet
Acres	0.21 Acres	0.19 Acres
Percent Imperviousness ⁴	8%	7.3%

The Applicant is required to provide a left turn lane into their Property from New Hampshire Avenue. The turn lane will be constructed within the existing median of the road to provide access to the Property across oncoming traffic. Since this proposed turn lane will be located within existing right-of-way that was not previously dedicated by the owner or a predecessor in title, nor is it contiguous with the Property, it is not considered part of the “tract” and therefore, not included in the impervious surface calculations for the Application. The Application proposes 8,240 square feet of impervious surfaces within the 114,045 square feet of the tract under Application located within the Overlay Zone, resulting in 7.3% imperviousness, as depicted on the Post Development Impervious Area Exhibit (Attachment 5).

⁴ Based on 114,045 SF (2.62 acre) tract area within the Upper Paint Branch Overlay Zone

Montgomery County Department of Permitting Service Special Protection Area Review Elements

MCDPS has reviewed and conditionally approved the elements of the SPA Final Water Quality Plan under its purview in a letter dated August 16, 2019. These elements include site performance goals, stormwater management, sediment and erosion control, and monitoring of Best Management Practices.

- **Site Performance Goals**
As part of the Water Quality Plan, the following performance goals were established for the site: minimize storm flow runoff increases, minimize increases to ambient water temperature, and minimize sediment loading.
- **Stormwater Management Concept**
The approved stormwater management concept plan utilizes various ESD practices including micro bioretention, bioswales, and landscape infiltration.
- **Sediment and Erosion Control**
Super silt fence will be required for this Application. MCDPS will require a more detailed review of sediment control measures prior to issuance of a sediment control permit.
- **Monitoring of Best Management Practices**

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

7. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

As part of County Council Resolution No. 19-521, the County Council placed a condition on the water and sewer category change which required that the Planning Board approve a preliminary plan that substantially conforms to Concept Plan No. 520190160 considered by the M-NCPPC Development Review Committee on June 25, 2019 (Figure 11 and Attachment 12). In addition, the County Council limited the approval of S-1 to a Private Institutional Facility (PIF) approval only.

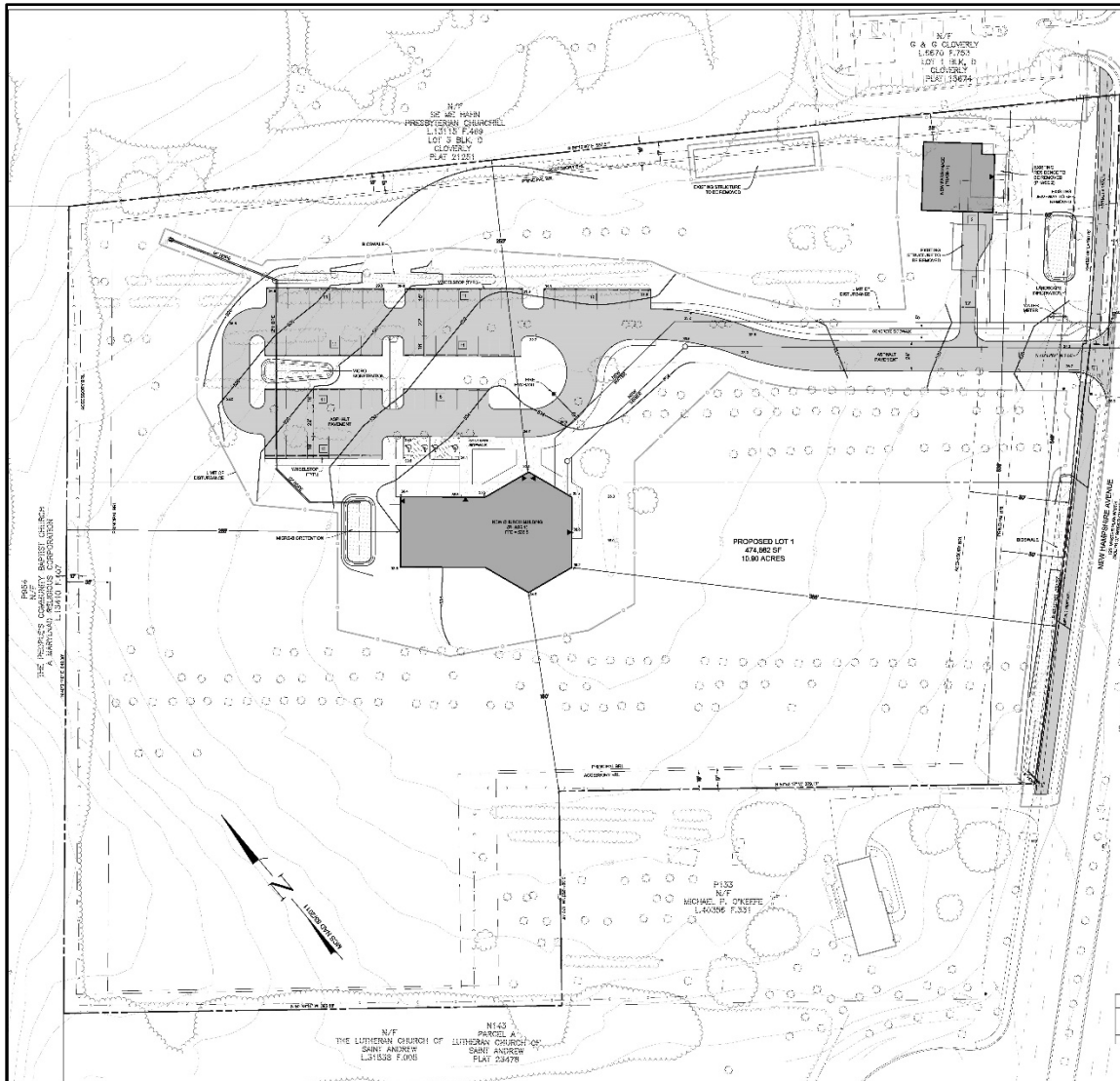


Figure 6 – Concept Plan No. 520190160

Staff finds that the Application has met the conditions of County Council Resolution 19-521, Concept Plan No. 520190160 and this Application are for a religious assembly with 350 seats and a one-family residential/parsonage. The impervious levels of the Application are consistent with Concept Plan No. 520190160. Finally, the overall layout and building footprint of the Application (Figure 7) is substantially the same as Concept Plan 520190160 (Figure 6). Because the capacity, impervious levels, building footprint, and overall layout are so similar between this Application and Concept Plan No. 520190160, Staff finds that the Application meets the conditions set forth in County Council Resolution No. 19-521. Furthermore, the religious assembly use proposed in the Application is consistent as a PIF use.

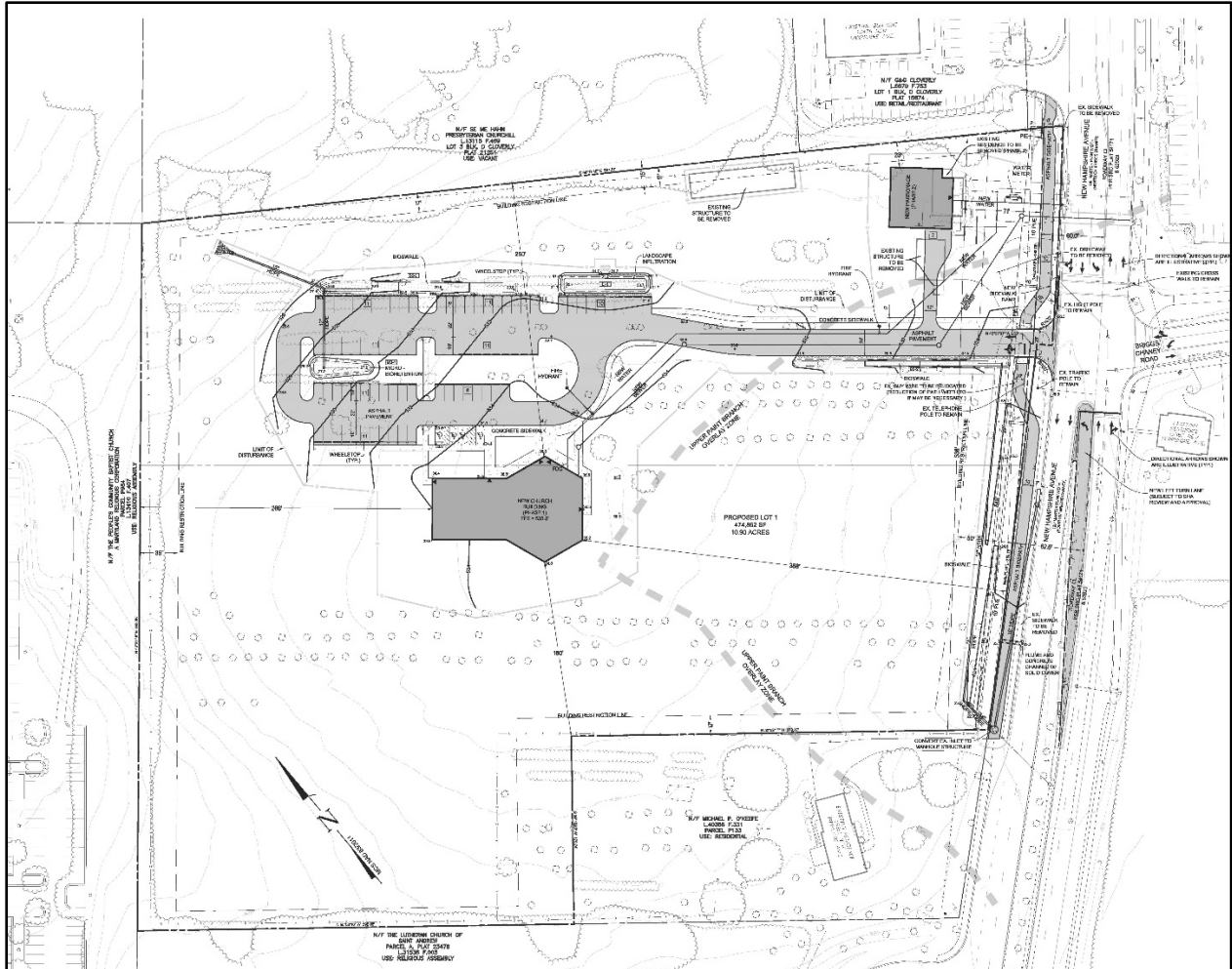


Figure 7 – Proposed Preliminary Plan No. 120200080

SECTION 5 – COMMUNITYCORRESPONDENCE

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed Application was posted along the Subject Property's frontage. A pre-submission meeting was held at the Stonegate Elementary School located at 14811 Notley Road in Silver Spring, Maryland on October 11, 2019.

As of the date of this report, Staff has not received community correspondence regarding this Application.

SECTION 6 – CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations in Chapter 50, Forest Conservation Law in Chapter 22A, Water Quality Plan Reviews in Special Protection Areas in Chapter 19, and the proposed use substantially conforms to the recommendations of 1997 *Cloverly Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the

Preliminary Plan with the conditions provided. Therefore, approval of the Application with the conditions specified herein is recommended.

ATTACHMENTS

- Attachment 1 – Statement of Justification
- Attachment 2 – Preliminary Plan, Sheet 1
- Attachment 3 – Preliminary Plan, Sheet 2
- Attachment 4 – Final Forest Conservation Plan
- Attachment 5 – Impervious Surface Exhibit
- Attachment 6 – County Council Resolution No. 19-521
- Attachment 7 – Approved Fire Department Access Plan, March 2, 2020
- Attachment 8 – DPS Fire Department Access and Water Supply Approval Letter, March 2, 2020
- Attachment 9 – MCDPS Water Quality Plan Approval Letter, August 16, 2019
- Attachment 10 – MCDOT Approval Letter, February 21, 2020
- Attachment 11 – Tree Variance Request, August 7, 2019
- Attachment 12 – County Arborist Tree Variance Recommendation, August 10, 2020
- Attachment 13 – Concept Plan No. 520190160

**Planning Area Three Division
Montgomery County Planning Department
The Maryland National Capital Park & Planning Commission**

Project Name: Mar Thoma Church of Greater Washington
Preliminary Plan No: 120200080
Address: 15400 New Hampshire Ave, Silver Spring, Maryland
Location: New Hampshire Avenue between Norwood Road and Briggs Chaney Road
Tax Map: JS61
Tax Account No.: 05-00272872
Zone: RE-2
Owner/Applicant: The Buddy O’Keefe Family Trust/ Mar Thoma Church of Greater Washington
Submission Date:

**STATEMENT OF JUSTIFICATION
IN SUPPORT OF PRELIMINARY PLAN NO. 120200080**

Pursuant to the Manual of Development Review Procedures, Applicant, Mar Thoma Church of Greater Washington, hereby submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval of the proposed Preliminary Plan of Subdivision Application No. 120200080 (the "Preliminary Plan"), a subdivision of the property identifiable as “Parcel P032, Tax Map JS51, and Parcel P053 on Tax Map JS61” (the "Subject Property"). The proposed use is Religious Assembly pursuant to Section 59-3.4.10 of the Montgomery County Zoning Ordinance (the “Zoning Ordinance”).

Introduction

This subdivision application proposes to combine the two aforementioned Parcels to create one record lot for the purpose of constructing a church and parsonage along with ancillary parking pursuant to Section 59-3.4.10 of the Zoning Ordinance.

The proposed Preliminary Plan complies with all applicable provisions of the Subdivision Code, Chapter 50 of the Montgomery County Code (2004), as amended. The layout of the proposed subdivision, including size, width, shape, orientation of the proposed structures and

parking, are all appropriate for the proposed subdivision given its location. The proposed religious institution contemplated by this Preliminary Plan application is consistent with the applicable requirements of the Zoning Ordinance. Further, the proposed subdivision will provide a form of development consistent with the 1997 Approved and Adopted Cloverly Master Plan (the “Master Plan”).

Pre-Application Community Meeting

The applicant conducted a pre application community meeting on October 11, 2019, at 7:00 p.m. at Stonegate Elementary School, 14811 Notley Road, Silver Spring, MD to present information about the proposed Preliminary Plan. Nineteen people attended the meeting. Copies of the meeting minutes and notices are included with this application.

The Subject Property

The Subject Property is classified in the RE-2 Zone pursuant to the Montgomery County Zoning Ordinance and it is identified as the “O’Keefe Apple Orchard.” The Subject Property currently contains one single-family detached dwelling that will be initially retained and used as a parsonage upon approval and recordation of the Final Record Subdivision Plat.

The Subject Property is generally flat, with no forest or other special environmental features. The Subject Property is partially within the Upper Paint Branch Overlay Zone, which is considered a Special Protection Area. The Subject Property has frontage along New Hampshire Avenue.

The Surrounding Neighborhood

For analysis purposes, the surrounding neighborhood is defined by Snider Lane to the north, Norwood Road to the south, the east property line of Parcel P790 extended to connect with Bryants Nursery Road to the west and Gallaudet Avenue to the east. New Hampshire Avenue serves as the “spine of the neighborhood” and is characterized primarily with retail and institutional uses. A few single-family detached homes are also located along New Hampshire Avenue within the defined neighborhood.

The Proposed Subdivision

This Preliminary Plan application proposes to develop the Subject Property with a two-story church building with a primary structure that consists of a 350-seat sanctuary, 3-4 classrooms, office spaces and fellowship hall to continue serving the Applicant's congregation, many of whom reside in the Cloverly area, along with and associated facilities including parking. The Applicant's current church is located at 322 Ethan Allen Avenue in Takoma Park.

A 3,500 square foot Parsonage is also proposed. The proposed Parsonage will initially be located within the existing residential building located on the site. The existing residential structure will eventually be demolished and replaced by a new parsonage. There is an existing accessory building on the site that will be demolished prior to construction of the church.

APPROVAL CRITERIA

Master Plan Compliance

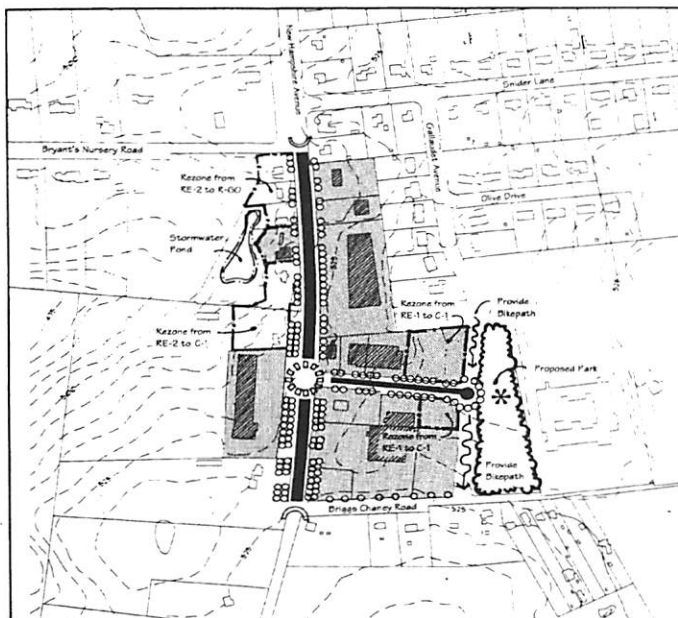
The Subject Property is located within the Eastern Montgomery County Planning Area, within Planning Area 3, and is recommended for continuation in the RE-2 zone by the 1997 Cloverly Master Plan (Page 35). There are no site specific Master Plan recommendations for the Subject Property, other than its retention in the RE-2 Zone. Religious assembly is an allowed use in the RE-2 Zone. The Cloverly Master Plan vision for growth is that "development is to be concentrated in suitable areas." (Page 5-6). The area surrounding the Subject Property includes retail commercial uses on both sides of New Hampshire Avenue and existing church facilities that are all currently served by public water and sewer in Service Categories W-1 and S-1.

The area within which the Subject Property is located, generally bounded by Norwood Road to the south and Briggs Chaney Road to the north is identified in the Master Plan as the "Residential Wedge." The Master Plan notes that the predominant zoning in the Residential Wedge is RE-1, RE-2, and RE-2C. (Page 9). The Residential Wedge contains portions of the Northwest Branch and Paint Branch watersheds.

Watershed protection is "a fundamental planning concept" of the Cloverly Master Plan. A portion of the Subject Property lies within the Paint Branch watershed, which is a Special Protection Area that includes an 8% impervious surface limit. In compliance with the Master Plan's impervious limit recommendation, development of the Subject Property is located toward

the western portion of the property, away from the protected area. This Preliminary Plan does not exceed impervious limit recommendations in any respect. This specific Preliminary Plan implements the Cloverly Master Plan recommendations by limiting impervious area in the Special Protection Area to less than 8% of the tract area as required by the Zoning Ordinance. Additionally, the Applicant has given attention to providing significant setbacks to minimize impacts on the Special Protection Area, as well as to maintain the rural character of the neighborhood.

The Subject Property is outside of the Cloverly Commercial area, but is adjacent to it. As a result, the east and north property lines of the Subject Property are partially bounded by existing retail commercial uses, as well as an existing church on the south. See Figure 12 of the Cloverly Master Plan, reproduced below.



Twenty two years ago, the 1997 Cloverly Master Plan recommended that sewer service not be extended to the RE-2 zoned area bordered by Norwood Road, Northwest Branch, Hampshire Greens, and New Hampshire Avenue. That recommendation, as stated in the Master Plan, was intended to “maintain the rural character that results from low-density residential development that in turn relies on septic suitability of soils to determine the location and number

of houses.” Over the past twenty two years, the character of the area surrounding the Subject Property has significantly changed. Today, the Subject Property is now the proverbial “hole in the donut” surrounded by properties served by both public water and sewer. Existing mains are in fact located in the right of way abutting the Subject Property.



As it pertains to the Subject Property, the 22 year old recommendation against the extension of sewer service is no longer viable and has not previously been observed along New Hampshire Avenue and elsewhere in Cloverly. The precedent for category change approval in for Private Institutional Facilities (“PIF’s) has been established by the prior approvals for the Lutheran Church of St. Andrew and the People’s Community Baptist Church which are both now in Category S-1 and are both zoned RE-2. It is noteworthy to recognize that the 1997 Master Plan actually recognized that the extension of public water and sewer service was appropriate, providing that the “timing of necessary extensions of public water and sewer service should be determined by development activity and the need to correct existing health problems.”

Forest Conservation

Natural Resources Inventory/Forest Stand Delineation No. 420191790 was approved for the Subject Property on June 5, 2019. There is no existing forest on-site. Pursuant to Section 22A-12 of the Montgomery County Code the forest afforestation threshold is 1.68 acres. As shown on the Preliminary Forest Conservation Plan significant new tree planting is proposed in

the southwest corner of the site. The planted area will be placed into a Category I Forest Conservation Easement to assure compliance with afforestation requirements.

Public Facilities

Water and Sewer Service: An application to change the water and sewer categories to W-1 and S-1 is pending action by the County Council. It is the intent of this applicant that the Subject Property will be served by public water and sewer consistent with the service provided to those properties that surround the Subject Property on both sides of New Hampshire Avenue. The water and sewer mains that provide service to the adjacent properties are located in the right of way of New Hampshire Avenue. Additionally, a public utility easement is proposed along the New Hampshire Avenue right of way at the front of the Subject Property, as shown on the Preliminary Subdivision Plan.

Stormwater management: Stormwater management for the Subject Property will be implemented through environmental site design facilities to the maximum extent practicable. The Stormwater Management Concept and Preliminary/Final Water Quality Plan was approved by the Water Resources Section of the Montgomery County Department of Permitting Services on August 16, 2019 (MCDPS SM File no. 285033).

Transportation Facilities: The Subject Property is located in Traffic Analysis Zone 8 of the Cloverly Policy Area. A trip generation analysis for the subject development was prepared by MHG in accordance with the 2017 Local Area Transportation Review (LATR) Guidelines (enclosed). Trip calculations were determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition) in conjunction with Appendix Tables 1a and 1b of the LATR Guidelines. According to the Analysis, the proposed development of a place for religious assembly will generate 5 AM peak hour and 14 PM peak hour person trips. Therefore, because the proposed development generates less than 50 total person trips, an LATR transportation study is not required. The analysis established that the surrounding road network has sufficient capacity to accommodate the projected site generated traffic.

Schools: Development of the Subject Property in accordance with the Preliminary Plan will have no impact on any of the public schools that serve the surrounding area.

Police, fire and health services: are adequate to serve the Subject Property. The Subject Property is served by 4D District (Wheaton) of the Montgomery County Police and Fire Station No. 24. The Subject Property is proximate to Montgomery Medical Center in Sandy Spring.

Conclusion

Accordingly, the Applicant, Mar Thoma Church of Greater Washington, hereby requests that the Planning Board approve Preliminary Plan No. 120200080.

Certification

On behalf of the Applicant, Mar Thoma Church of Greater Washington the undersigned certifies that the information set forth in this Statement of Justification is true, complete, and correct to the best of his knowledge, information, and belief.

Respectfully Submitted,

MCMILLAN METRO, P.C

By:


Stephen J. Orens


Peter E. Ciferri

11/6/19
Date

Professional Certification

I hereby certify that these documents were prepared or
approved by me, and that I am a duly licensed
Professional Engineer under the Laws of the State of
Maryland, Lic. No. 18065 Exp. Date: 06/21/2021

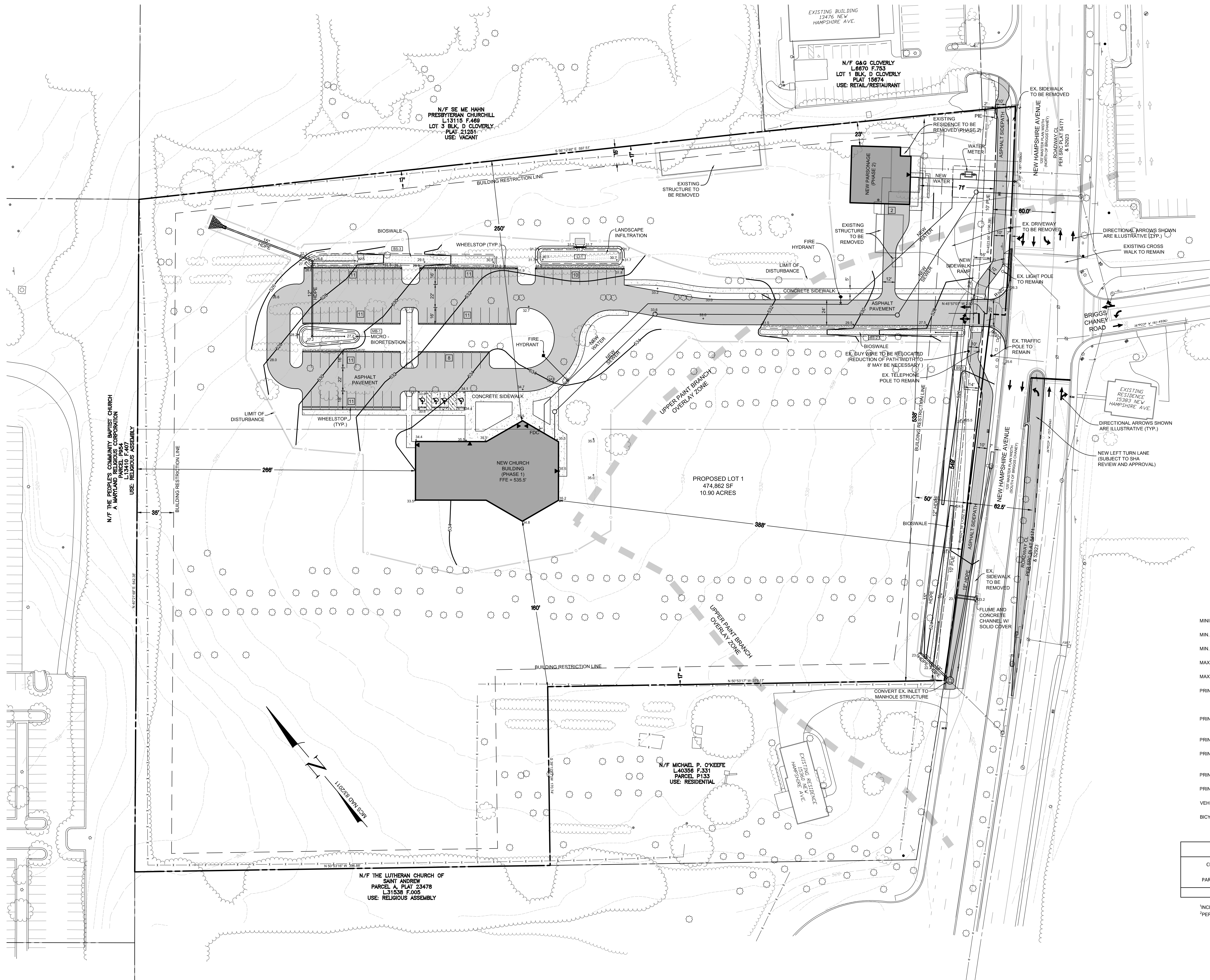
Applicant: Mar Thoma Church of
Greater Washington
322 Ethan Allen Avenue
Takoma Park, MD 20912

Pence Jacob
614-537-0753
pencej@yahoo.com

Owner: Buddy O'Keefe Family Trust
Jennifer Ruggles, Trustee

c/o James R. Clifford
316 East Diamond Avenue
Gaithersburg, MD 20877
301-840-2232
clifford@debelleus.com

Attachment 3



DEVELOPMENT STANDARDS: RE-2 ZONE 59-4.4.4 PROPOSED LOT 1

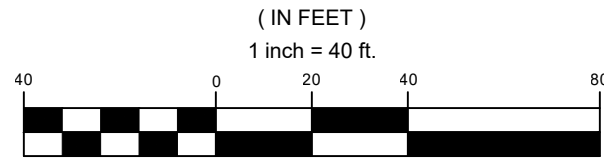
	PERMITTED/REQUIRED	PROVIDED PER THIS PLAN
MINIMUM NET LOT AREA:	2 ACRES	10.9013 ACRES
MIN. LOT WIDTH AT FRONT BUILDING LINE:	150 FT	538 FT
MIN. LOT WIDTH AT FRONT LOT LINE:	25 FT	549 FT
MAXIMUM DENSITY:	1 UNITS/2 ACRES	1 UNIT/10 ACRES
MAXIMUM COVERAGE:	25%	13%
PRINCIPAL BUILDING MIN. FRONT SETBACK:	50 FT	385 FT (CHURCH); 71 FT (PARSONAGE, PHASE 1); 71 FT (PARSONAGE, PHASE 2)
PRINCIPAL BUILDING MIN. SIDE SETBACK:	17 FT	160 FT (CHURCH); 23 FT (PARSONAGE)
PRINCIPAL BUILDING MIN. SUM OF SIDE SETBACKS:	35 FT	183 FT
PRINCIPAL BUILDING MIN. REAR SETBACK:	35 FT	266 FT (CHURCH); 687 FT (PARSONAGE)
PRINCIPAL BUILDING MAX. HEIGHT:	50 FT	50 FT MAX.
PRINCIPAL BUILDING MAX. GFA:	N/A	20,000 MAX.
VEHICLE PARKING SPACES REQUIRED:	90	90;
BICYCLE PARKING SPACES REQUIRED:	0	0

PARKING SCHEDULE²

USE	USE CATEGORY	MIN. RATE	MEASUREMENT	PARKING REQUIRED
CHURCH	RELIGIOUS ASSEMBLY	0.25 PER FIXED SEAT OR 20 PER 1,000 SF OF ASSEMBLY AREA	350 SEATS	88
PARSONAGE	SINGLE UNIT LIVING	2.0 PER DU	1 DU	2
TOTAL REQUIRED				90

¹INCLUDES 4 ACCESSIBLE SPACES
²PER 59-4.2.4.B

GRAPHIC SCALE



REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP J5562 WSSC 221NE01

LIBER 42285 FOLIO 277

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

SNOWDENS MANOR ENLARGED

TAX PARCELS P032 & P053

PROJ. MGR KDJ

DRAWN BY KDJ

SCALE 1"=40'

DATE 2/13/20

MAR THOMA CHURCH OF GREATER WASHINGTON

PRELIMINARY PLAN OF SUBDIVISION

PROJECT NO. 2013.196.12

SHEET NO. 2 OF 2

Attachment 4

PLANTING SCHEDULE				
QTY	BOTANICAL NAME	COMMON NAME	CAL	HGT
50	Acer rubrum	Red Maple	3/4"-1"	B&B
79	Quercus alba	White Oak	3/4"-1"	B&B
79	Nyssa sylvatica	Black Gum	3/4"-1"	B&B
34	Ametanchier canadensis	Serviceberry	3/4"-1"	B&B
34	Cercis canadensis	Eastern Redbud	3/4"-1"	B&B
34	Ilex opaca	American Holly	3/4"-1"	B&B
38	Ilex verticillata	Winterberry	18-24"	Cont.
38	Lindera benzoin	Spicebush	18-24"	Cont.
37	Viburnum acerifolium	Mapleleaf Viburnum	18-24"	Cont.

- NOTES:
- The 1.70 acre Planting Area will be planted with the above plant material at a rate of 200 1" caliper trees/acre x 1.70 acres = 340 trees
 - The mix of trees planted shall be 70% dominant species (238 trees) and 30% understory species (102 trees) planted 12" to 15" on-center.
 - Shrub species shall be planted at a rate of a third the rate of trees = 113 shrubs. Shrubs are to be evenly distributed over the planting area and among the trees.

FOREST CONSERVATION WORKSHEET	
Mar Thomas Church	
NET TRACT AREA:	
A. Total tract area ...	11.31
B. Land dedication acres (parks, county facility, etc.) ...	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.00
D. Area to remain in commercial agricultural production/use ...	0.00
E. Other deductions (specify) ...	0.00
F. Net Tract Area ...	11.31

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
0	0	1	0	0	0
G. Afforestation Threshold ...					
H. Conservation Threshold ...					
I. Existing forest cover ...					
J. Area of forest above afforestation threshold ...					
K. Area of forest above conservation threshold ...					

EXISTING FOREST COVER:	
L. Forest retention above threshold with no mitigation ...	0.00
M. Clearing permitted without mitigation ...	0.00

BREAK EVEN POINT:	
N. Total area of forest to be cleared ...	0.00
O. Total area of forest to be retained ...	0.00

PROPOSED FOREST CLEARING:	
P. Reforestation for clearing above conservation threshold ...	0.00
Q. Reforestation for clearing below conservation threshold ...	0.00
R. Credit for retention above conservation threshold ...	0.00
S. Total reforestation required ...	0.00
T. Total afforestation required ...	1.70
U. Credit for landscaping (may not exceed 20% of "S") ...	0.00
V. Total reforestation and afforestation required ...	1.70

PLANTING REQUIREMENTS:	
P. Reforestation for clearing above conservation threshold ...	0.00
Q. Reforestation for clearing below conservation threshold ...	0.00
R. Credit for retention above conservation threshold ...	0.00
S. Total reforestation required ...	0.00
T. Total afforestation required ...	1.70
U. Credit for landscaping (may not exceed 20% of "S") ...	0.00
V. Total reforestation and afforestation required ...	1.70

1.70 ACRES REFORESTATION TO BE PLANTED ON-SITE
NET TRACT AREA INCLUDES 0.32 ACRES OF OFF-SITE DISTURBANCE

FOREST CONSERVATION NOTES:	
SUBJECT PROPERTY:	PARCEL #032 AND #053 L.42285 F.00277
ZONING CLASSIFICATION:	TAX ACCOUNT #000272883 AND #000272872
WATERSHED:	RE-2
SPECIAL PROTECTION AREA:	PAINT BRANCH (USE CLASS III) AND NORTHWEST BRANCH (USE CLASS IV)
PRIMARY MANAGEMENT AREA:	UPPER PAINT BRANCH

SOIL KEY
1C - Gaily silt loam, 8 to 15 percent slopes (Hydrologic Soil Group B)
Not hydric, not highly erodible
2B - Gaily silt loam, 3 to 8 percent slopes (Hydrologic Soil Group B)
Not hydric, not highly erodible, prime farmland

MHG

Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhga.com

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VICINITY MAP
SCALE 1" = 2,000'

Legend

SIGNIFICANT TREE

SPECIMEN TREE

TREE CANOPY

EXISTING CATEGORY I FOREST CONSERVATION EASEMENT

STEEP SLOPES >= 25%

SOIL BOUNDARY

SUBJECT SITE PROPERTY BOUNDARY

ADJACENT PROPERTY BOUNDARY

EX. FENCE

OVERHEAD UTILITIES

SPECIAL PROTECTION AREA BOUNDARY

PROPOSED CATEGORY I FOREST CONSERVATION EASEMENT FOREST PLANTING

LIMITS OF DISTURBANCE

TREE PROTECTION FENCE & ROOT PRUNE WHERE NOTED

CRITICAL ROOT ZONE

FOREST CONSERVATION MONUMENT

IMPERVIOUS AREA TO BE REMOVED AND SOIL RESTORED (SEE NOTES SHEET 2)

FOREST CONSERVATION DATA TABLE			
DESCRIPTION	SIZE		
Property Area	10.99 Acres		
Off-site Disturbance	0.32 Acres		
Total Tract Area	11.31 Acres		
Tract remaining in Ag use	0.00 Acres		
Road & Utility ROW (unimproved)	0.00 Acres		
Existing Forest	0.00 Acres		
Total Forest Reforestation	0.00 Acres		
Total Forest Cleared	0.00 Acres		
Land Use Category	IDA		
Afforestation Threshold	10%		
Reforestation Threshold	20%		
Stream(s) Length:	Average Buffer Width:		
Acres of Forest in:	Retained	Cleared	Planted
Wetlands			
100yr Floodplain			
Stream Buffers			
Other Priority Areas			

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. #120200080, including financial bonding, forest planting, maintenance and all other applicable agreements.

Developer's Name: Mar Thomas Church of Greater Washington
Pence Jacob
Contact Person

Address: 322 Ethan Allen Avenue Takoma Park, MD 20912
Phone: 614-537-0753
Email: pencej@yahoo.com

Signature: _____

TREE TABLE				
TREE ID#	COMMON NAME	BOTANICAL NAME	SIZE (DIAMETER)	CONDITION
1	WHITE OAK	QUERCUS ALBA	29"	FAIR - EPICORMIC GROWTH, PRUNED FOR OVERHEAD LINES, DIEBACK, VINES
2	RED MULBERRY	MORUS RUBRA	24"	GOOD - DEADWOOD VINES
3	RED MAPLE	ACER RUBRUM	24"	FAIR - DEADWOOD, GROWING
4	BLACK CHERRY	PRUNUS SEROTINA	24"	POOR - DIEBACK, HEAVY VINES
5	RED MAPLE	ACER RUBRUM	44"	GOOD - DEADWOOD, WOUND CLOSURE, VINES
6	BLACK CHERRY	PRUNUS SEROTINA	24"	FAIR - DEADWOOD, VINES
7	BLACK CHERRY	PRUNUS SEROTINA	30"	FAIR - DEADWOOD, DIEBACK VINES
8	WHITE OAK	QUERCUS ALBA	40"	GOOD - DEADWOOD, VINES
9	BLACK CHERRY	PRUNUS SEROTINA	24"	FAIR - DEADWOOD, VINES
10	WHITE OAK	QUERCUS ALBA	25"	GOOD - DEADWOOD, LEAN
11	TULIP POPLAR	LIRIODENDRON TULIPIFERA	48"	POOR - LARGE CAVITY VINES, DEADWOOD, DIEBACK
12	BLACK CHERRY	PRUNUS SEROTINA	24"	FAIR - DEADWOOD, DIEBACK, LEAN, VINES
13	AMERICAN ELM	ULMUS AMERICANA	30"	GOOD - DEADWOOD, LEAN, VINES
14	RED MAPLE	ACER RUBRUM	25"	FAIR - WOUND CLOSURE, VINES
15	BLACK CHERRY	PRUNUS SEROTINA	24"	FAIR - DEADWOOD, VINES, LEAN
16	TULIP POPLAR	LIRIODENDRON TULIPIFERA	30"/20"	FAIR - DEADWOOD, VINES, DAMAGE
17	PIN OAK	QUERCUS PALUSTRIS	25"	FAIR - VINES, CAVITY AT TOP
18	BLACK CHERRY	PRUNUS SEROTINA	24"	FAIR - DEADWOOD, VINES
19	SILVER MAPLE	ACER SACCARINUM	26"	GOOD - DEADWOOD, BRANCH DAMAGE
20	NORWAY SPRUCE	PICEA ABIES	28"	GOOD

SPECIMEN TREE/VARIANCE IMPACT TABLE					
TREE ID#	SPECIES	DBH	IMPACT/REMOVE	IMPACT %	CONDITION
5	RED MAPLE	44"	IMPACT	21%	GOOD

Frank C. Johnson

01/21/2020

DATE

RECOGNIZED AS QUALIFIED PROFESSIONAL BY
MD DEPT. OF NATURAL RESOURCES
COMAR 08.19.06.01

Qualified Professional Certification
I hereby certify that the information shown herein is correct and that this plan has been prepared in accordance with the requirements of the existing state and county forest conservation legislation.

OWNER: Mar Thomas Church of Greater Washington

ADDRESS: 322 Ethan Allen Avenue Takoma Park, MD 20912

PHONE: 614-537-0753

EMAIL: pencej@yahoo.com

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J561 WSSC 220NE01 & 221NE01
Snowdens Manor Enlarged
PARCELS P032 & P053

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

Mar Thomas Church of
Greater Washington

PROJ. MGR	KDJ
DRAWN BY	FCJ
SCALE	1"= 50'
DATE	10/24/19

COMBINED PRELIMINARY/
FINAL FOREST
CONSERVATION PLAN

PROJECT NO.	13.196.12
SHEET NO.	1 OF 2

1113196.dwg, 12.01.dwg, 1 of 2 - 30x42, 12/1/2020 2:02:38 PM, Copyright © 2017 Macris, Hendricks & Glascock, P.A.

Attachment 5

IMPERVIOUS AREA LEGEND

Post Development Imp. Area - SPA

Post Development Imp. Area - Northwest Branch

Upper Paint Branch Overlay Zone Boundary

MHG

Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20888
Phone: 301.670.0840
www.mhga.com

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APPLICANT:

MAR THOMAS CHURCH OF
GREATER WASHINGTON
322 ETALAN ALLEN AVENUE
TAKOMA PARK, MD 20912

OWNER:

BUDDY O'KEEFE FAMILY TRUST
JENNIFER RUGGLES, TRUSTEE

C/O JAMES R. CLIFFORD
316 EAST DIAMOND AVENUE
GAITHERSBURG, MD 20877
301-840-2232
clifford@debellius.com

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J561 WSSC 220NE01

LIBER 42285 FOLIO 277

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

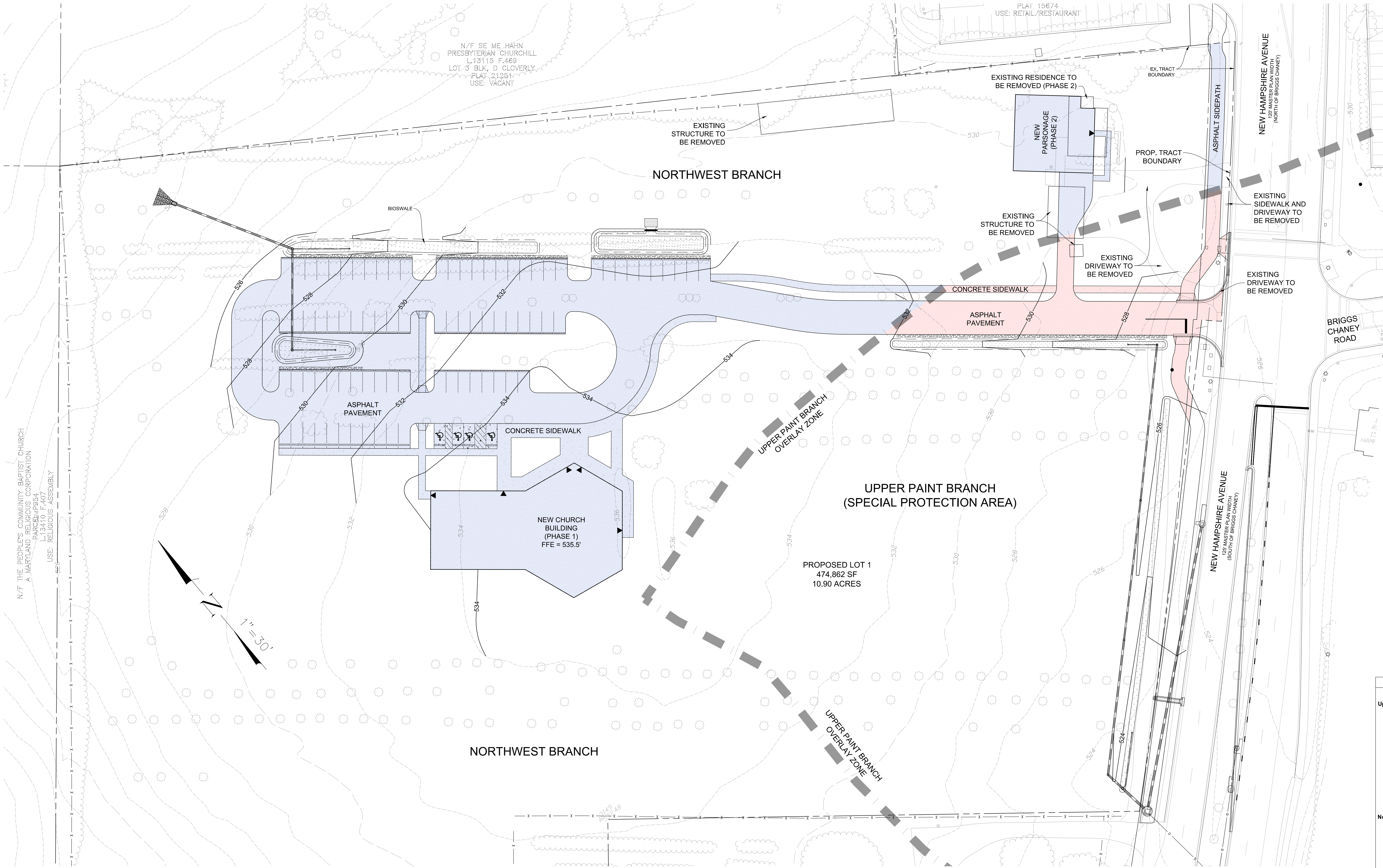
SNOWDENS MANOR
ENLARGED

PARCEL 53

PROJ. MGR	KDJ
DRAWN BY	JDS
SCALE	1"= 30'
DATE	2/12/20

POST DEVELOPMENT
IMPERVIOUS AREA
EXHIBIT

PROJECT NO.	2013.196.12
SHEET NO.	1 OF 1



N/F THE PEOPLE'S COMMUNITY BAPTIST CHURCH
A MARTIAN RELIGIOUS CORPORATION
L13410 F.407
USE: RELIGIOUS ASSEMBLY

N/F SE ME HAHN
PRESBYTERIAN CHURCHILL
L13115 F.469
LOT 3 BLK. D CLOVERLY
PLAT 21251
USE: VACANT

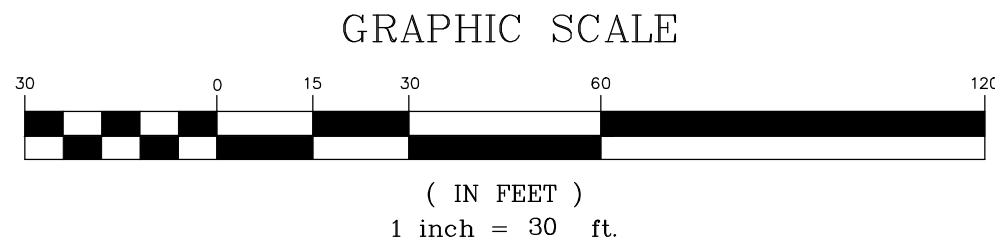
PLAT 15674
USE: RETAIL/RESTAURANT

NORTHWEST BRANCH

UPPER PAINT BRANCH
(SPECIAL PROTECTION AREA)

PROPOSED LOT 1
474,862 SF
10.90 ACRES

NORTHWEST BRANCH



Impervious Area Summary

Under existing and proposed conditions, runoff from the property is tributary to both the Upper Paint Branch and Northwest Branch watersheds. Within the Upper Paint Branch Overlay Zone, impervious surfaces are restricted to a maximum of 8% of the tract of any application for development (59-4.9.19.D). Within the Northwest Branch watershed, the Cloverly Master Plan states, "The ultimate subwatershed impervious levels should remain in the 10 to 15 percent range which is within the generally acceptable limits for the protection of cold water stream systems in Maryland. Individual developments with high site-impervious should be discouraged."

To conform the requirements of the Overlay Zone and to the recommendations of the Master Plan regarding imperviousness, a variety of site design techniques have been utilized. In general and in comparison to other similar uses in the area, the scale of the development has been minimized. Additionally, the number of proposed parking spaces is equal to the minimum number required per the Zoning Ordinance given the proposed use and its size. To further reduce imperviousness a number of existing impervious features are proposed to be removed including the existing gravel driveway, existing buildings, and the existing sidewalk along the New Hampshire Avenue property frontage. As a result of these design considerations, the total post-development impervious area conforms to the requirements and recommendations for both watersheds.

Impervious Calculations*	
Upper Paint Branch	
Tract Area =	114,045 SF
Entrance Drive =	5,380 SF
Parsonage Driveway =	610 SF
Concrete Sidewalk =	790 SF
Asphalt Sidepath =	1,460 SF
Total =	8,240 SF
Percent Impervious =	7.3%
Northwest Branch	
Tract Area =	364,870 SF
New Church Building	9,030 SF
Parsonage =	3,020 SF
Entrance Drive and Parking =	32,580 SF
Parsonage Driveway =	910 SF
Concrete Sidewalk =	5,990 SF
Asphalt Sidepath =	1,060 SF
Total =	52,590 SF
Percent Impervious =	14.5%
* Note: Impervious quantities shown on this plan are subject to change. Refer to the Zoning Ordinance (59-4.9.19.D) and the Preliminary Plan (120200080) conditions of approval for impervious limits within the Upper Paint Branch Overlay Zone. Refer to either the Preliminary Plan (120200080) and/or the Water and Sewer Category Change (19-CLO-03A) conditions of approval for impervious limits within the Northwest Branch watershed.	

811

FOR UTILITY LOCATIONS
CONTACT "ONE CALL" AT 811
AT LEAST 48 HOURS
PRIOR TO CONSTRUCTION

Know what's below.
Call before you dig.

Resolution No.:	<u>19-521</u>
Introduced:	<u>July 7, 2020</u>
Adopted:	<u>July 7, 2020</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 60 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 45 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On April 16, 2020, the County Council received recommendations from the County Executive regarding three Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
7. A public hearing was held on June 9, 2020

8. The County Council's Transportation and Environment Committee held a worksession on these amendments on June 15, 2020.

Action

The County Council for Montgomery County, Maryland approves the following actions on amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.

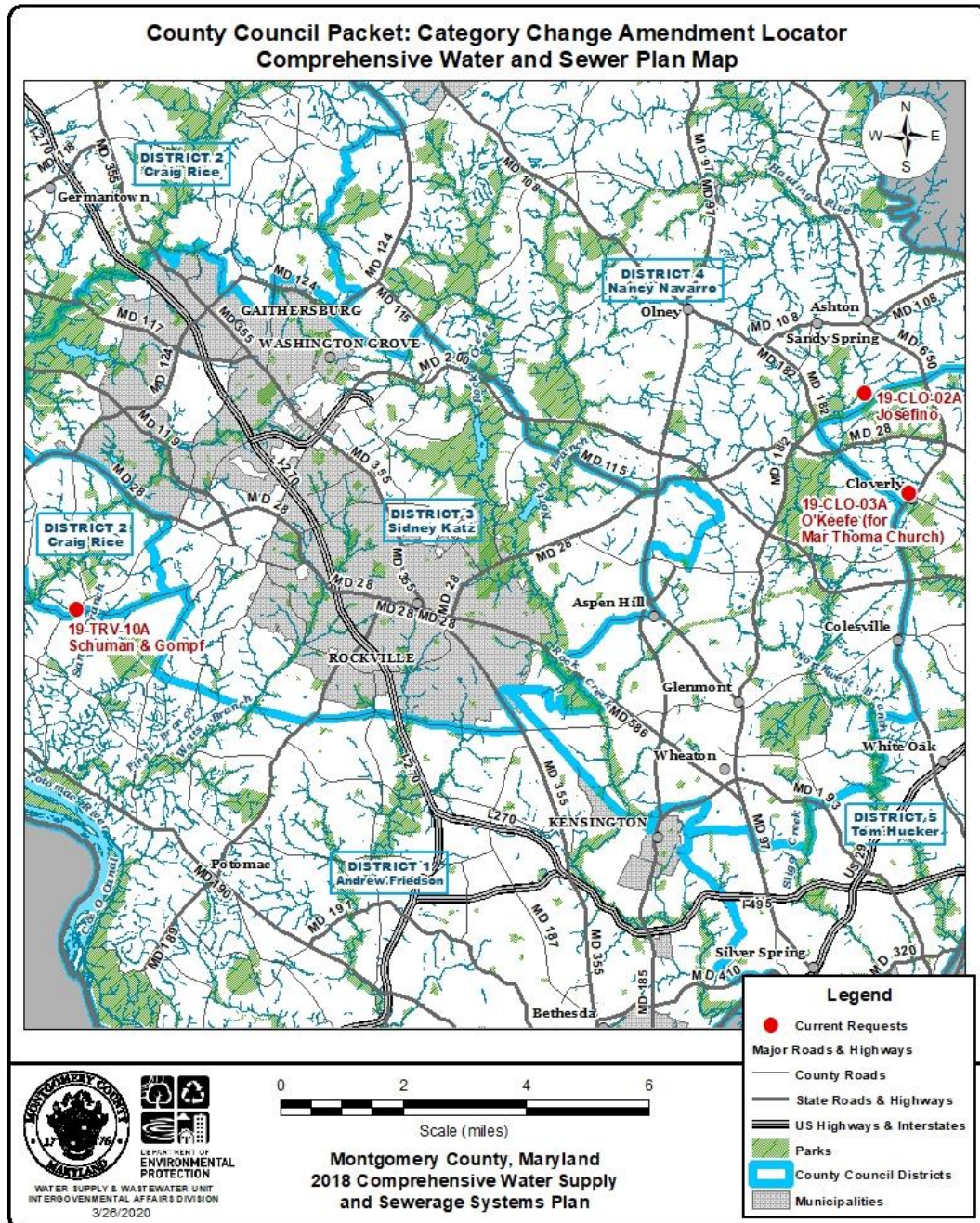


Selena Mendy Singleton, Esq.
Clerk of the Council

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use onsite systems, usually wells and/or septic systems. Category 1 identifies properties approved for public service and that have access to public system mains. Category 3 identifies properties approved for public service but need new main extensions in order to receive public service. Categories 4 and 5 identify properties that currently should use on-site systems but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years. (See page 3 for additional information.)

Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following charts present the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted by the County Executive to the Council for consideration on April 16, 2020.



- Applicants receiving a denial under this resolution may not apply again until July 7, 2021, unless specifically allowed by DEP.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments

Request [1] **WSSCR 19-CLO-02A: Rubens Josefino**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 340 Ednor Rd., Silver Spring Parcel P900, Heart of Md Etc (acct. no. 01634484) Map tile: WSSC – 223NW01; MD –JT41 North side of Ednor Rd., 670 ft north of Ednor Rd, and 200 ft south of the intersection with Harbour Town Dr. RE-2 Zone; 2.0 acres (87,120 sq. ft.) Cloverly Planning Area Sandy Spring Ashton Master Plan (1998) Northwest Branch Watershed (MDE Use IV) <u>Existing use</u>: Single Family Home <u>Proposed use</u>: Single Family Home (no change) 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6 W-6 (no change)</p> <p>S-6 S-1</p> <p>T&E Committee Recommendation</p> <p>Defer action on the request for sewer category S-3 to allow the applicant time to work out an alignment for the sewer hookup from WSSC's service connection to the existing house. Approval for category S-1 can be considered under the Water and Sewer Plan's "abutting mains" policy. However, it appears that a change to the existing conservation easement is needed to allow for the service hookup for the to the house.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

Request [2] **WSSCR 19-CLO-03A: Buddy O'Keefe Family Trust**
Planned PIF User: Mar Thoma Church of Greater Washington

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 15400 New Hampshire Ave., Silver Spring Parcels P032 and P053, Snowdens Manor Enl (acct. nos. 00272883 and 00272872) Map tile: WSSC – 220NE01; MD –JS51 West side of New Hampshire Ave., at the intersection with Briggs Chaney Rd. RE-2 Zone; 10.93 acres (total) Cloverly Planning Area Cloverly Master Plan (1997) Northwest Branch Watershed (MDE Use IV) and Paint Branch Watershed (MDE Use III) <u>Existing use</u>: Single Family Home <u>Proposed use</u>: Place of Worship - Concept Plan No. 520190160 & Preliminary Plan No. 120200080: Mar Thoma Church of Greater Washington 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-5 W-1</p> <p>S-6 S-1</p> <p>T&E Committee Recommendation</p> <p><u>County Executive's Recommendation:</u> Maintain W-5 and S-6, with final approval for W-1 and S-1 conditioned on the Planning Board's approval of a preliminary plan that substantially conforms to the concept plan (520190160) considered by the Development Review Committee on June 25, 2019. S-1 final approval will be restricted to a PIF use only.</p> <p><i>(Note that this conditional category change approval will expire five (5) years from the date of this action. Applicants may request a five (5)-year extension upon notification to DEP before the initial five-year expiration date. If this conditional action expires, DEP will grant administrative approval for W-1 and S-1, as a single sewer hookup by a utility service error, for the existing house on Parcel P053. This administrative approval will <u>not</u> also apply to Parcel P032, which will retain W-5 and S-6.)</i></p>

- Applicants receiving a denial under this resolution may not apply again until July 7, 2021, unless specifically allowed by DEP.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments

Request [3] **WSSCR 19-TRV-10A: Benjamin Gompf & Renee Shuman**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> 13546 Travilah Road., Gaithersburg Lot 6, Versailles (acct. no. 02823835) Map tile: WSSC – 218NW12; MD –ER62 North side of Travilah Rd., 400 feet West of the intersection with Dufief Mill Rd. RE-2 Zone; 2.0 acres Travilah Planning Area Potomac Subregion Master Plan (2002) Muddy Branch Watershed (MDE Use I) <u>Existing use:</u> Residence/Child Care Facility <u>Proposed use:</u> Expanded childcare use 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6 S-1</p> <p>T&E Committee Recommendation</p> <p>Deny S-1 request; maintain S-6.</p>

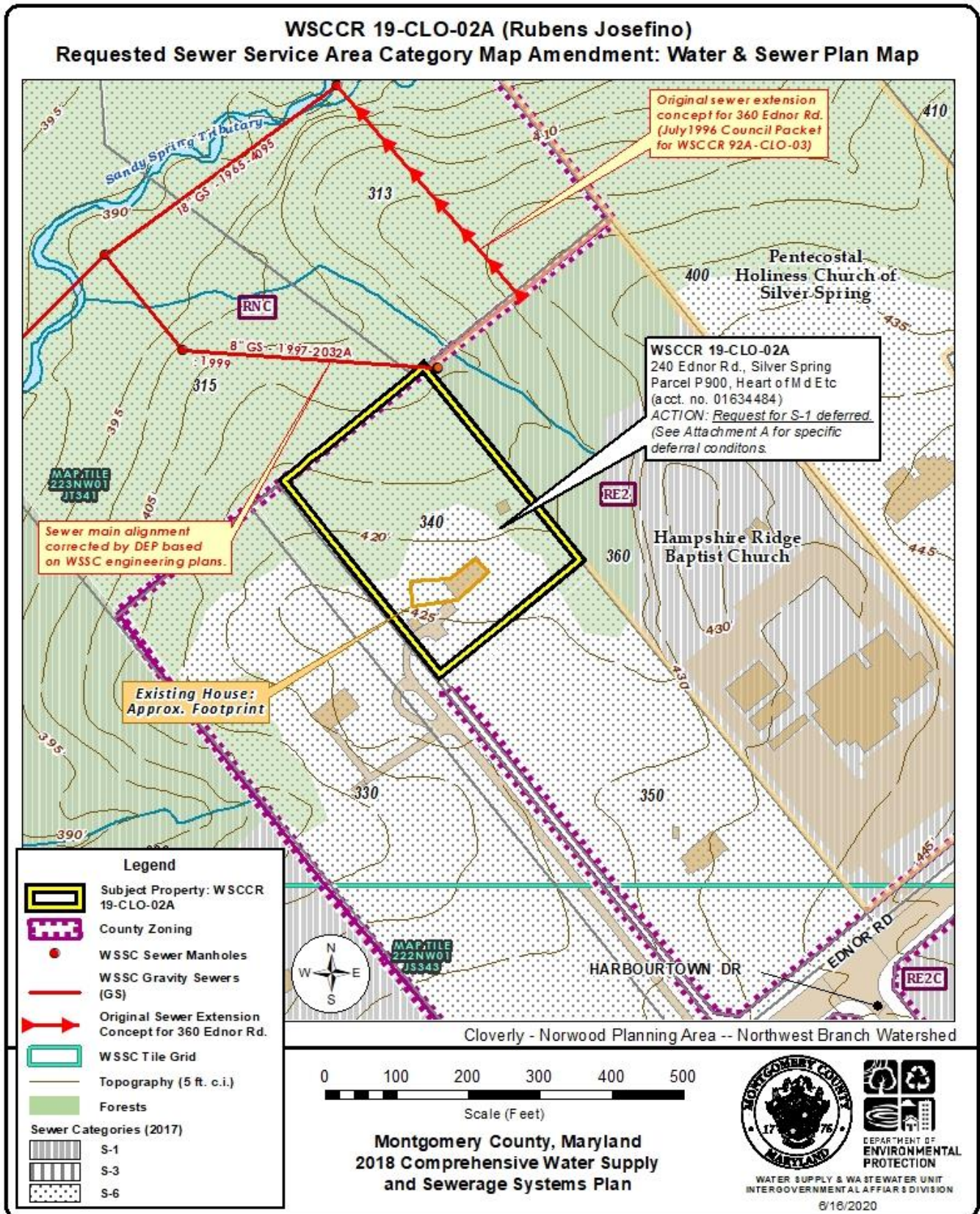
Water & Sewer Service Area Categories Summary

Category Definition and General Description	Category Definition and General Description
<p>W-1 and S-1</p> <p>Properties approved for and generally with existing access to community (public) service. This may include properties which have not yet connected to existing community service.</p>	<p>W-5 and S-5</p> <p>Properties planned for future public service, but which may use private, on-site systems (wells and septic systems) on a permanent basis. • Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period.</p>
<p>W-3 and S-3</p> <p>Properties planned and approved for community (public) service, but <u>without</u> existing access to public service. • Public service will generally be provided within two years as development and requests for community service are planned and scheduled.</p>	<p>W-6 and S-6</p> <p>Properties that will use private, on-site systems (wells and septic systems), where community (public) service is not planned. • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.</p>
<p>W-4 and S-4</p> <p>Properties planned for future public service, but which need to use private, on-site systems (wells and septic systems) in the interim. • Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. B</p>	<p>Note: Although the majority of properties in the county have the same water category as sewer category (i.e. W-3 and S-3, or W-5 and S-5), this is not always the case. The County does not always assign water and sewer categories in tandem, due to differences in service policies or to actual service availability. For example, a particular property could have service area categories W-1 and S-6. Therefore, it is important to know both the water <i>and</i> sewer service area categories for a property. Montgomery County does not use categories W-2 and S-2 in its Plan.</p>

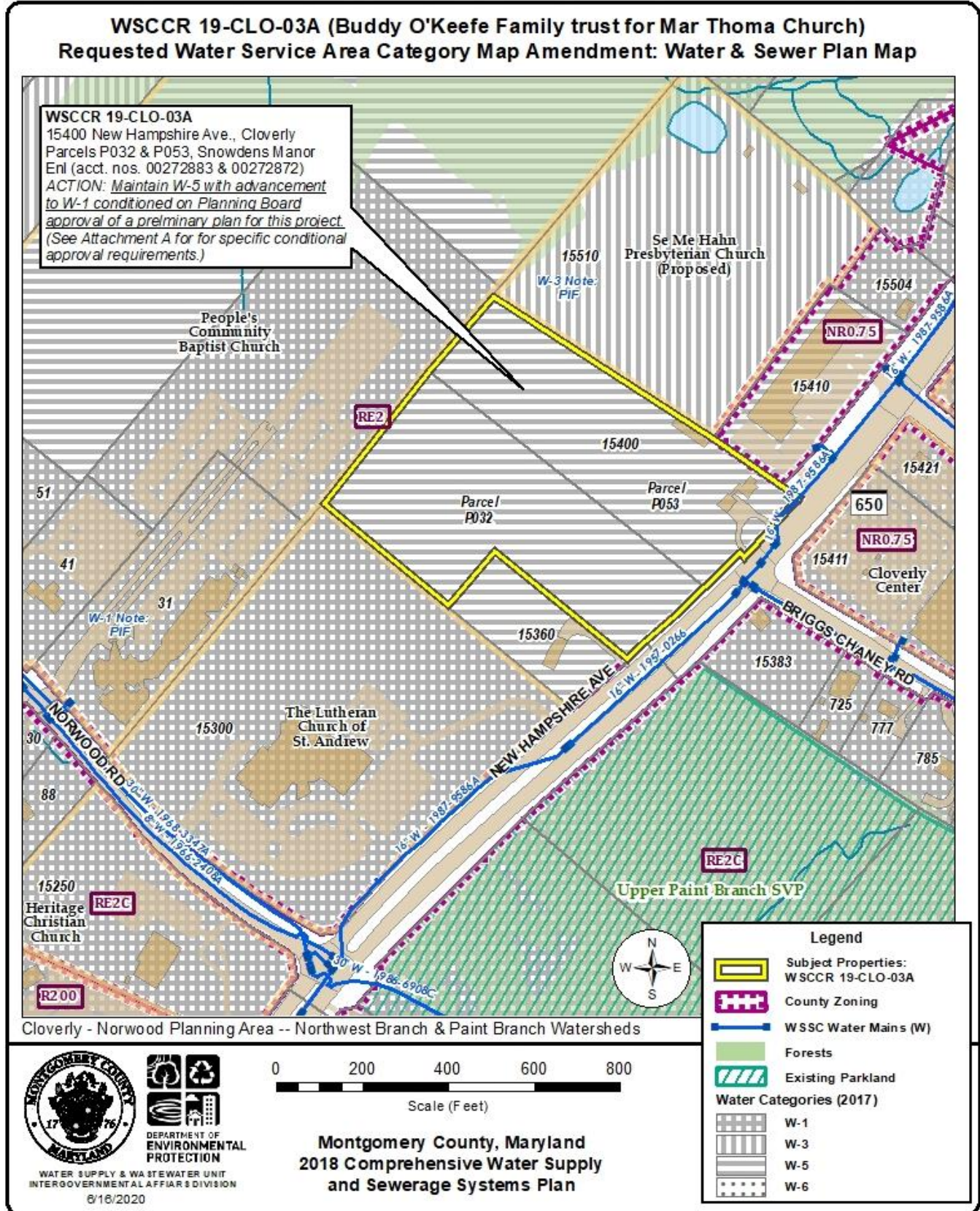
F:\Levchenko\WSSC\Water and Sewer Plan\Category Changes\20 Package 1\cr-attachment-A-draft-2020-0702.docx

- Applicants receiving a denial under this resolution may not apply again until July 7, 2021, unless specifically allowed by DEP.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

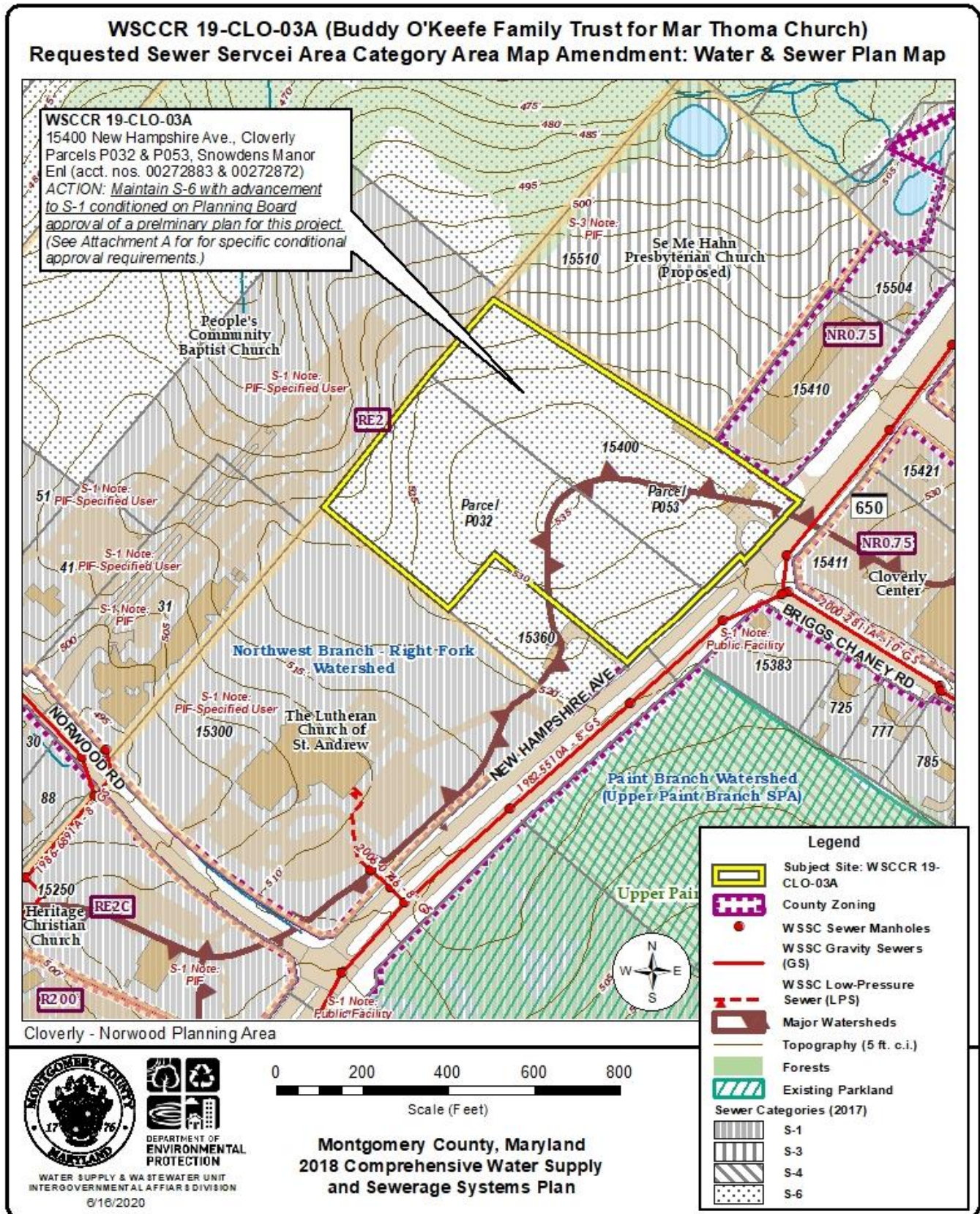
**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**



**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**



**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
April 2020 Amendment Transmittal: Water/Sewer Category Map Amendments**



Attachment 7

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
www.mhgpa.com
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STATE OF MARYLAND
STEPHEN EDWARD GRAM
No. 16205
REGISTERED PROFESSIONAL ENGINEER
02-27-20

Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland. Lic. No. 16905 Exp. Date: 04/21/2020

APPLICANT: MAR THOMA CHURCH OF GREATER WASHINGTON
322 ETAJAN ALLEN AVENUE
TAKOMA PARK, MD
DR. PAUL POULOSE
301-891-3511
pouloses@yahoo.com

OWNER: BUDDY O'KEEFE FAMILY TRUST
JENNIFER RUGGLES, TRUSTEE
C/O JAMES R. CLIFFORD
316 EAST DIAMOND AVENUE
GAITHERSBURG, MD 20877
301-840-2232
clifford@debelius.com

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J5602 WSSC 221NE01

LIBER 42285 FOLIO 277

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

**SNOWDENS MANOR
ENLARGED**

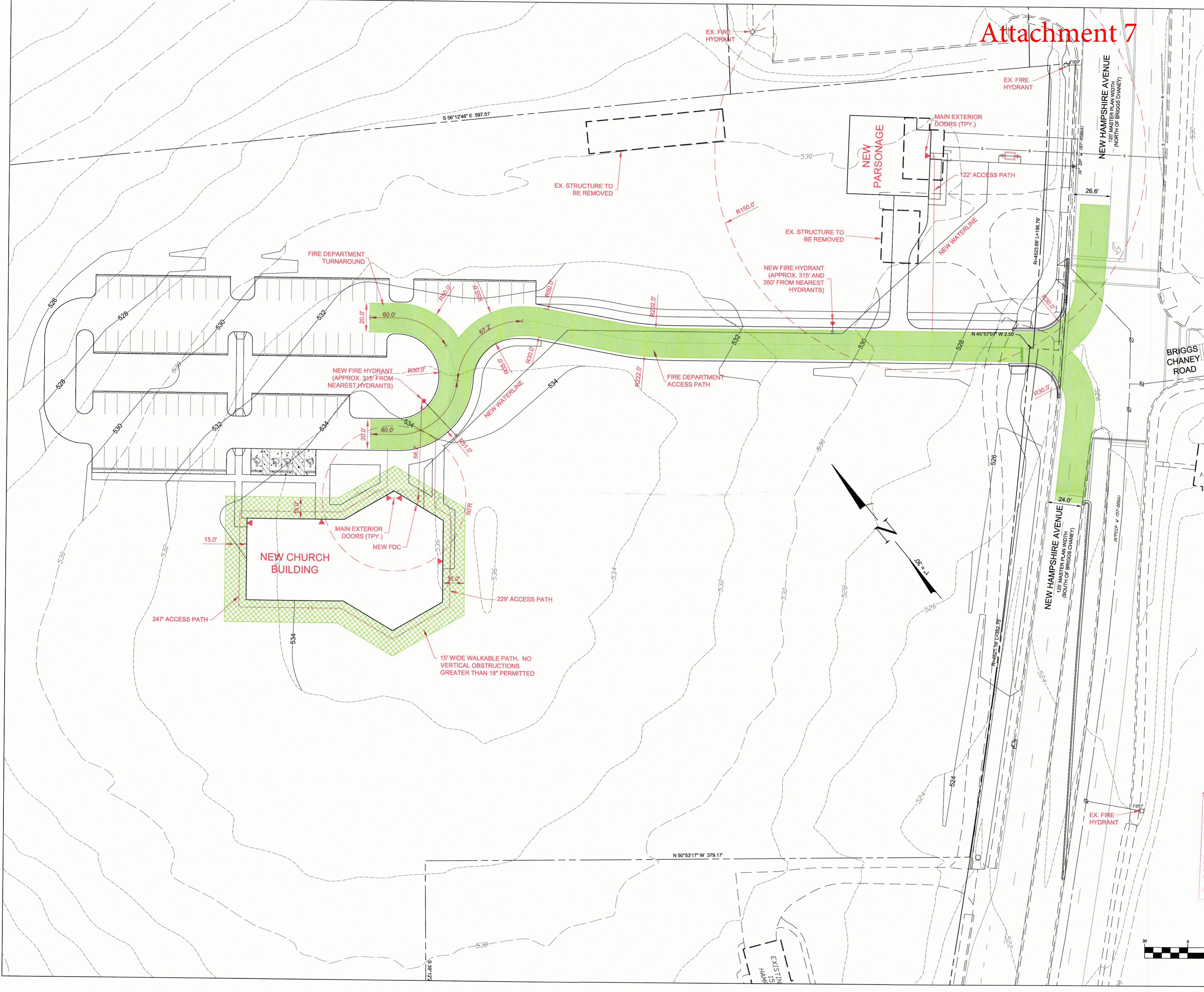
**TAX PARCELS P032 &
P053**

PROJ. MGR	KDJ
DRAWN BY	MSH
SCALE	1"=30'
DATE	2/27/20

**MAR THOMA CHURCH OF
GREATER WASHINGTON**

**FIRE DEPARTMENT
ACCESS PLAN**

PROJECT NO.	2013.196.12
SHEET NO.	1 OF 1

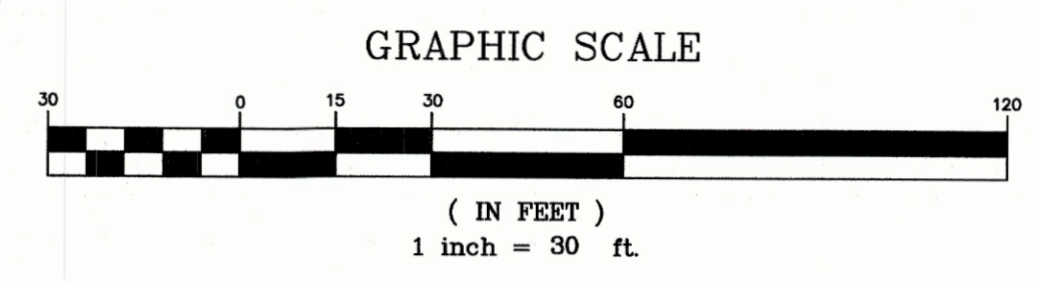


LEGEND
N.T.S.

- FIRE DEPARTMENT ACCESS PATH
- 15' CLEAR & WALKABLE PATH AROUND BUILDING
- MAIN EXTERIOR DOORS
- EX. FIRE HYDRANT (FH)
- NEW FIRE HYDRANT (FH)
- NEW FIRE DEPARTMENT CONNECTION (FDC)

New parsonage approved for single family use only SEC 3/2/20

FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: *9/26* FM: *43* DATE: *3/4/2020*





Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 02-Mar-20
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Mar Thoma Church
120200080

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 02-Mar-20. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

*** Plan approved for parsonage as single family use only ***



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Hadi Mansouri
Acting Director

August 16, 2019

Pearce Wroe
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **COMBINED PRELIMINARY AND FINAL
WATER QUALITY PLAN/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for
Mar Thoma Church of Greater Washington
Preliminary Plan #: N/A
SM File #: 285033
Tract Size/Zone: 10.99 acres/RE-1
Total Concept Area: 10.99 acres
Lots/Block: N/A
Parcel(s): P032 and P053
Watershed: Upper Paint Br. and Northwest Br.

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept and Preliminary/Final Water Quality Plan for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via micro bioretention, bioswales and landscape infiltration.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review. Note that a separate calculation for Pe must be done for each of the two major drainage areas (Upper Paint Branch and Northwest Branch).
2. Provide documentation as to who will be assuming maintenance responsibility for the bioswale that treats the impervious area within the Maryland State Highway Administration right-of-way. The underdrain from bioswale BS-2 may have to tie directly into storm drain structure 50 to avoid connecting with bioswale BS-1 if it's to be a MSHA maintained structure.

This list may not be all-inclusive and may change based on available information at the time.

The performance goals that were established at the pre-application meeting are to be met through the implementation of the Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize increases to ambient water temperature.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

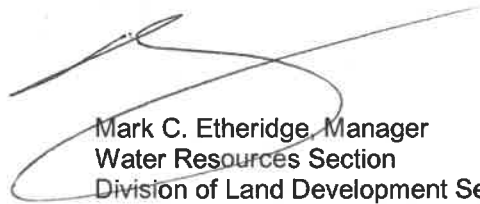
Mr. Pearce Wroe
August 16, 2019
Page 2 of 2

3. Minimize sediment loading.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: lmg

cc: N. Braunstein
SM File # 285033

ESD: Required/Provided 6270 cf / 6734 cf
PE: Target/Achieved: 1.0"/1.03"
STRUCTURAL: 0 cf
WAIVED: 0 ac.



Attachment 10

DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R Conklin
Director

February 21, 2020

Mr. Ryan Sigworth, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120200080
Mar Thoma Church of Greater Washington

Dear Mr. Sigworth

We have completed our review of the revised preliminary plan uploaded to eplans dated February 13, 2020. A previous plan was reviewed by the Development Review Committee at its January 07, 2020 meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

PRELIMINARY PLAN COMMENTS:

1. The applicant will need to provide at a minimum a signal head for their site access point. Additional traffic signal equipment and related items may be required for the applicant in order to design, construct and install it at their expense. If the proposed development will alter or impact existing transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.) on New Hampshire Avenue (MD-650), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

2. The proposed 10-foot shared use path shall be a minimum of 2-feet clear of any obstructions/traffic signs per the Montgomery County Bicycle Facility Design Tool Kit. Any existing sign or structures located where the proposed shared use path will be installed, shall be relocated or removed.
3. All manhole/solid cover(s) in the proposed shared use path should be American with Disabilities Act (ADA) compatible.
4. The proposed shared use path along the site frontage shall be ADA compliant. Any changes to the proposed shared use path shall be coordinated with Mr. Corey Pitts of our Transportation Engineering Section. He can be reached at corey.pitts@montgomerycountymd.gov, or at 240-777-7217.

STANDARD COMMENTS:

1. We defer to Maryland State Highway (MDSHA) for any improvements along New Hampshire Avenue (MD-650).
2. **Storm Drain Analysis:** We defer to MDSHA for any portion of the site draining to public storm drain system maintained by them.
3. The sight distance study shall be approved by MDSHA.
4. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Deepak Somarajan, Engineer III
Development Review
Office of Transportation Policy

Mr. Ryan Sigworth
Preliminary Plan No. 120200080
February 21, 2020
Page 3

cc: Letters notebook

cc-e:	Kenneth Jones	MHG
	Michael L. Paylor	MCDOT DTEO
	Mark Terry	MCDOT DTEO
	Kamal Hamud	MCDOT DTEO
	Dan Sanayi	MCDOT DTEO
	Corey Pitts	MCDOT DTE
	Kwesi Woodroffe	MDSHA District 3
	Rebecca Torma	MCDOT OTP
	Deepak Somarajan	MCDOT OTP

Macris, Hendricks & Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279



Phone 301.670.0840
Fax 301.948.0693

August 7, 2019

Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Mar Thoma Church of
Greater Washington FFCP
MHG Project No. 13.196.12

To Whom It May Concern:

On behalf of Mar Thoma Church of Greater Washington, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance for the impact of one specimen tree, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. In accordance with Chapter 22A-21(b) of the Montgomery County Code, the proposed impact of a tree over thirty inches in diameter would satisfy the variance requirements.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The subject property is 10.99 acres. The property is developed with a single-family residential building, a shed, and an orchard. The development proposes a church and a new parsonage. The existing residence and shed are proposed to be removed. In order to remove the shed tree #5, a 44" Red Maple, will need to be impacted. The critical root zone of tree #5 encompasses a large portion of the foundation of the shed. In order to remove the shed it is necessary to impact tree #5. The shed is not needed by the church and creates additional imperviousness which is necessary to remove for stormwater management requirements.

Removal of the shed foundation can be done in a way to protect the roots and potentially not cut and remove any of the trees roots. Impacts to the tree to remain have been minimized and will be mitigated with all stress reduction requirements necessary.

Given the needs for removing the shed, not allowing the impacts would be a hardship that is not warranted in light of the special conditions particular to the property.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The tree impact consists of reasonable improvements for the maintenance and betterment of the property. Removal of the shed is both necessary for proper upkeep of the property and to minimize imperviousness. The inability to impact the subject tree would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

A Stormwater Management Concept has been submitted for the improvements. The approval of the Stormwater Management Concept will confirm that the goals and objectives of the current state water quality standards are being met.

4. *Provide any other information appropriate to support the request.*

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

The variance will not confer a special privilege because the impacts are due to the development of the site and are the minimum necessary in order to provide needed improvements to the property. The site constraints are explained above. The constraints constrict the development area of the property and do not leave a reasonable alternative to meet the needs of the property per design requirements and county code.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The variance is based upon site conditions and development constraints that developed and existed before the enactment of the specimen tree legislation and are not based on conditions or circumstances which are a result of actions of the Applicant. The variance is based on the existing location of the shed and tree and cannot be avoided while removing the shed.

(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The location of the tree and existing shed are dictating the need for the variance. The requested variance is a result of the existing on-site conditions and not a result of land or building on a neighboring property.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The Montgomery County Department of Permitting Services approval of the Concept will demonstrate that the variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being impacted is not within a special protection area.

A copy of the Forest Conservation Plan and variance tree table has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

Frank Johnson

Frank Johnson

SPECIMEN TREE IMPACT TABLE

TREE ID#	SPECIES	DBH	IMPACT/REMOVE	IMPACT %	CONDITION	MITIGATION
5	RED MAPLE	44"	IMPACT	21%	GOOD	STRESS REDUCTION



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Adam Ortiz
Director

August 10, 2020

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Mar Thoma Church – Plan 120200080

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department (“Planning Department”) has completed all review required under applicable law, I am providing the following recommendation pertaining to the revised request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

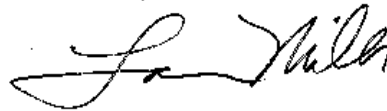
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting all 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

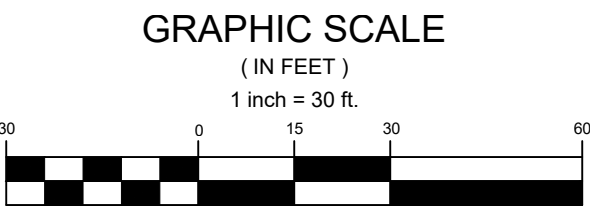
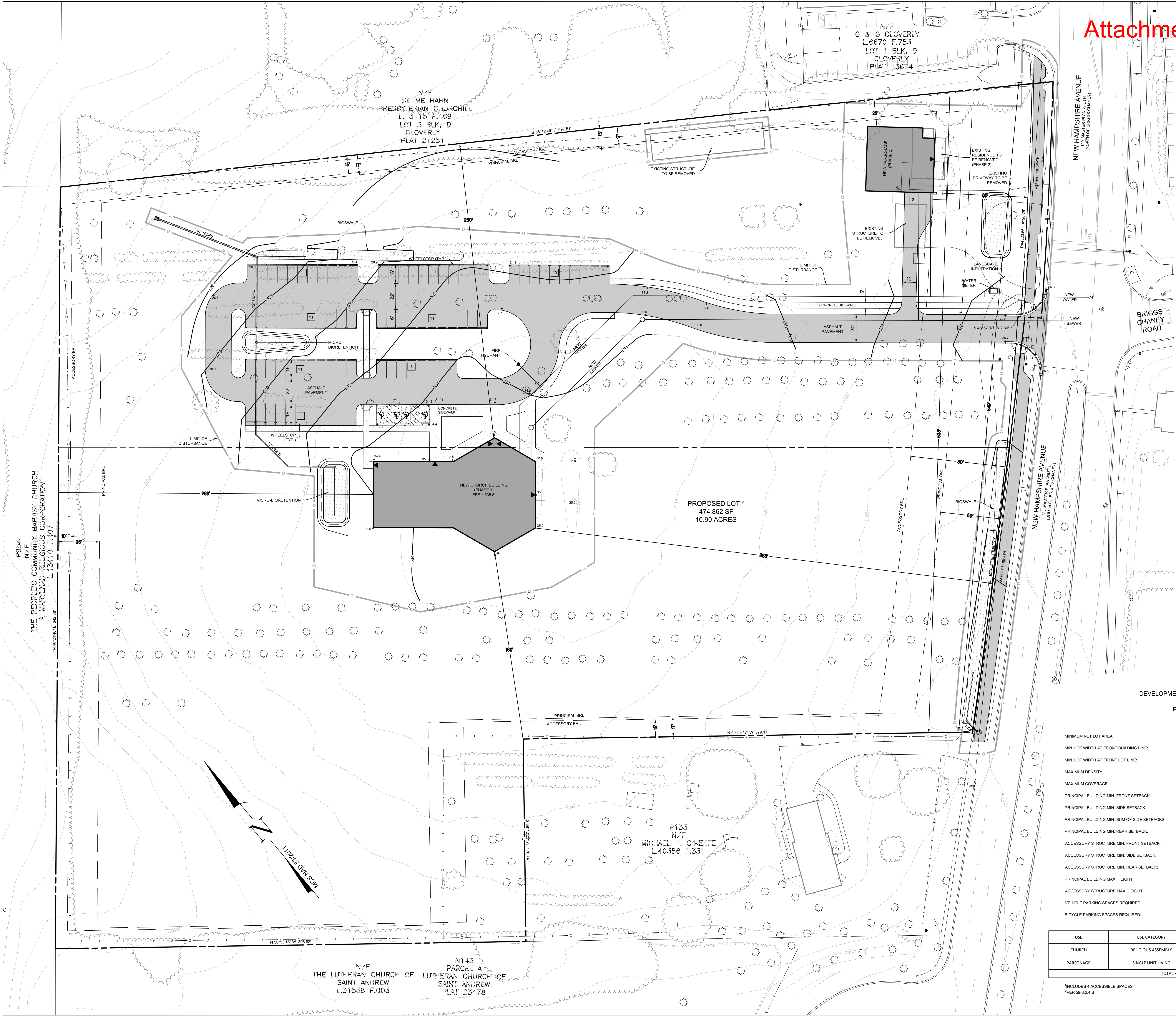
If you have any questions, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Miller', written in a cursive style.

Laura Miller
County Arborist

cc: Mary Jo Kishter, Planner Coordinator



DEVELOPMENT STANDARDS: RE-2 ZONE
59-4.4
PROPOSED LOT 1

	PERMITTED/REQUIRED	PROVIDED PER THIS PLAN
MINIMUM NET LOT AREA:	2 ACRES	10.9013 ACRES
MIN. LOT WIDTH AT FRONT BUILDING LINE:	150 FT	538 FT
MIN. LOT WIDTH AT FRONT LOT LINE:	25 FT	549 FT
MAXIMUM DENSITY:	1 UNITS/2 ACRES	1 UNIT/10 ACRES
MAXIMUM COVERAGE:	25%	13%
PRINCIPAL BUILDING MIN. FRONT SETBACK:	50 FT	388 FT
PRINCIPAL BUILDING MIN. SIDE SETBACK:	17 FT	160 FT
PRINCIPAL BUILDING MIN. SUM OF SIDE SETBACKS:	35 FT	410 FT
PRINCIPAL BUILDING MIN. REAR SETBACK:	35 FT	266 FT
ACCESSORY STRUCTURE MIN. FRONT SETBACK:	80 FT	72 FT
ACCESSORY STRUCTURE MIN. SIDE SETBACK:	15 FT	23 FT
ACCESSORY STRUCTURE MIN. REAR SETBACK:	10 FT	687 FT
PRINCIPAL BUILDING MAX. HEIGHT:	50 FT	50 FT
ACCESSORY STRUCTURE MAX. HEIGHT:	50 FT	50 FT
VEHICLE PARKING SPACES REQUIRED:	90	90 ¹
BICYCLE PARKING SPACES REQUIRED:	0	0

PARKING SCHEDULE ²				
USE	USE CATEGORY	MIN. RATE	MEASUREMENT	PARKING REQUIRED
CHURCH	RELIGIOUS ASSEMBLY	0.25 PER FIXED SEAT OR 20 PER 1,000 SF OF ASSEMBLY AREA	350 SEATS	88
PARSONAGE	SINGLE UNIT LIVING	2.0 PER DU	1 DU	2
TOTAL REQUIRED				90

¹INCLUDES 4 ACCESSIBLE SPACES
²PER 59-4.4.8

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP J5562 WSSC 221NE01
LIBER 42285 FOLIO 277
5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

TAX PARCELS P032 & P053

PROJ. MGR KDJ
DRAWN BY KDJ
SCALE 1"= 30'
DATE 5/22/19

MAR THOMA CHURCH OF
GREATER WASHINGTON
CONCEPT PLAN