



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

MCPB No. 20-102
Preliminary Plan No. 120200080
Mar Thoma Church of Greater Washington
Date of Hearing: September 24, 2020

OCT 06 2020

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on December 5, 2019, Mar Thoma Church of Greater Washington ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on 11 acres of land in the RE-2 zone, located at 15400 New Hampshire Avenue ("Subject Property"), in the Cloverly Policy Area and 1997 *Clover Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120200080, Mar Thoma Church of Greater Washington ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated September 11, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 24, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120200080 to create one (1) lot on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The layout of the subdivision, including size, width, shape, orientation and density 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 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.

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 approved in the RCCG Jesus House preliminary plan (120160040). The Application

utilizes 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. 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.

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 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

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 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 1: 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 is safe and adequate for the use.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the lot. On July 7, 2020 under Resolution No. 19-521, 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. The Fire Department Access Plan provides a fire code compliant access roadway from New Hampshire Avenue/MD 650 to adequately access for all 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. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the 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. 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 will 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.

B. Forest Conservation Variance

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

This Application will require the removal or CRZ impact to one (1) Protected Tree as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

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

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

Granting the variance will not confer a special privilege on the Applicant as the 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 development is not unique to this Applicant. The Planning Board that the granting of this variance is not a special privilege that would be denied to other applicants.

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

The 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.

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

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

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. 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 the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board did not require any mitigation because no mitigation is required for Protected Trees that are impacted but retained.

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. 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 located. The calculations do not include the portion of the sidepath 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 2 - Impervious Surfaces in the Upper Paint Branch Overlay Zone

Imperviousness	Maximum Allowed	Approved
Square Footage	9,124 Square Feet	8,240 Square Feet
Acres	0.21 Acres	0.19 Acres
Percent Imperviousness ²	8%	7.3%

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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 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.

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**

² Based on 114,045 SF (2.62 acre) tract area within the Upper Paint Branch Overlay Zone

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. In addition, the County Council limited the approval of S-1 to a Private Institutional Facility (PIF) approval only.

The Planning Board 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 is substantially the same as Concept Plan 520190160. Because the capacity, impervious levels, building footprint, and overall layout are so similar between this Application and Concept Plan No. 520190160, the Planning Board finds that the Application meets the conditions set forth in County Council Resolution No. 19-521. Furthermore, the religious assembly use in the Application is consistent as a PIF use.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 06 2020 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor, and Vice Chair Fani-González and Commissioner Patterson absent at its regular meeting held on Thursday, September 24, 2020, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board