



CU-21-06 Reflection Park.: Conditional Use Request for Cemetery and Variance A-6693

MCPB

Item No. 6

Date: 7/08/21



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Completed: June 25, 2021

Description

Conditional Use CU-21-06 Reflection Park: Request for a Conditional Use for a Cemetery on a 40.39-acre property, a single unrecorded parcel shown as Parcel P911, (Tax Account No. 05-00272622).

Location: 16621 New Hampshire Avenue, on the east side of the road, approximately 2,800 feet north of its intersection with Spencerville Road (MD 198) and Approximately 2,600 south of Ednor Road in Silver Spring

Master Plan: 1997 *Cloverly Master Plan*

Zone: RC

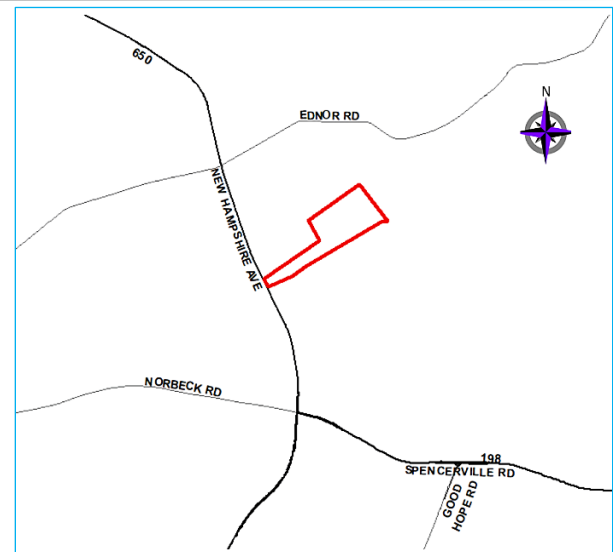
Property Size: 40.39 acres

Applicant: Reflection Park, Inc.

Application Filed: January 21, 2021

Planning Board Hearing: July 8, 2021

OZAH Public Hearing: July 30, 2021



Summary

- Staff recommends approval with conditions to be transmitted to the Hearings Examiner.
- With the recommended conditions, the proposed use conforms to all applicable requirements and regulations for approval of a Cemetery Conditional Use, **Section 59.3.5.4.A** of the Montgomery County Zoning Ordinance and the applicable development standards under the RC-Zone (**Section 59. 4.3.4.B**).
- The subject use is consistent with the recommendations of the 1997 *Cloverly Master Plan* and the 1993 Functional Master Plan for the Patuxent River Watershed. It is compatible with the character of the surrounding area.
- Approval of the requested Conditional Use will not cause undue harm or adverse impact on the immediate neighborhood.
- There are no traffic, circulation, noise, or environmental issues associated with the application, provided that the recommended conditions are satisfied.
- The Applicant has obtained approval of Water Table Tests from the Montgomery County Department of Permitting Services for the proposed use as required in **Section 59.3.5.4.A**.
- The Applicant has received concept approvals for the proposed Storm Water Management Concept Plan, Fire Access Plan, and Septic Facility from the Montgomery County Department of Permitting Services.
- The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Preliminary Forest Conservation Plan detailed in a separate report and the associated tree variances are recommended for approval with conditions.
- Staff recommends Approval of Variance A-6693- front Lot width and front building line width requirements.
- The Conditional Use is subject to approval of a Preliminary Plan of Subdivision.
- Staff supports the Applicant's request of a waiver from the required location of parking spaces within 1/4th mile from the entrance.

SECTION I: STAFF RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff recommends approval of CU-21-06 subject to the following conditions:

1. Prior to the issuance of any building permit for the subject Conditional Use, the Applicant must obtain approval of a Preliminary Plan of Subdivision and a Record Plat pursuant to Chapter 50 of the Montgomery County Code. If changes to the approved Conditional Use Site Plan or other plans filed in this case are required at Subdivision, the Applicant must file a copy of the revised site and related plans with OZAH.
2. Prior to the approval of the Preliminary Plan of Subdivision application, the Applicant must obtain approval of the Stormwater Management Concept Plan from the Montgomery County Department of Permitting Services (MCDPS).
3. The proposed development must comply with the Preliminary Forest Conservation Plan and the conditions of approval.
4. The Applicant must obtain approval of the Final Forest Conservation Plan by the Planning Board, after which time the Applicant must comply with the terms of the Final Forest Conservation Plan.
5. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by the Maryland State Highway Administration ("SHA").
6. While the final amount of dedication will be determined at Preliminary Plan, it is anticipated that the Applicant must dedicate and show on the record plat(s) a minimum right-of-way of one hundred and twenty (120) feet, as measured from the opposite right-of-way line along the Subject Property frontage on New Hampshire Avenue (MD 650).
7. Trip generation for approved use(s) must not to exceed 50 peak hour person trips within the weekday morning and evening peak periods.
8. The Applicant must obtain a sign permit from MCDPS for the proposed freestanding sign. A copy of the sign permit obtained from MCDPS must be submitted to the Hearing Examiner before the sign is installed on the property.
9. Landscaping must be in accordance with the Landscape Plans L2-01 through L2-05-Revision date 06-09-2021.
10. The Applicant must provide for two motorcycle spaces as required by Section 6.2.3.C
11. Impervious surfaces are limited to no more than 10.0 percent of the subject property as shown on the Impervious Surface Plan dated March 16, 2021.
12. Prior to the start of any clearing or grading on the subject property, the owner of the subject property must enter into an agreement with the Planning Board to limit impervious surfaces within the transition area of the Patuxent River Primary Management Area ("PMA") on the subject property to no more than 10.0 percent, as shown on the Impervious Surface Plan dated March 16, 2021. 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.

SECTION II: PROJECT DESCRIPTION

A. Site Description

The subject property is located at 16621 New Hampshire Avenue (MD 650), on the east side of the road Approximately 2,800 feet north of its intersection with Spencerville Road (MD 198) and approximately 2,600 feet south of Ednor Road in Silver Spring, Maryland. It comprises 40.39 acres (1,759,388 square feet.) of land is unimproved and covered with forest. The property is identified as Parcel 911 of Snowden Manor, Tax ID #05-00272622.



Figure 1: The Subject Site

The Property is flag shaped, with its 206-foot-wide narrowest edge abutting New Hampshire Avenue, from which it is accessed, and measures 993 feet wide at the rear (eastern) property line. The approved Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) reveals that the property contains 40.29 acres of forest. Several streams exist on site and traverse the property. There is no wetland identified per National Wetlands online inventory; however, the NRI/FSD indicates that 0.03 acres along channel wetlands were found during site inspection. The site drains to the lower Patuxent River, Rocky Gorge Watershed. There are no rare, threatened, or endangered species on the property. The property is not designated as historic.

B. Neighborhood Description

For purposes of this application, Staff defines the surrounding neighborhood boundaries (Highlighted in red and black —Figure 2) as the area within 2,000 feet (approximately 0.38 miles feet).



Figure 2: Neighborhood Boundaries

The neighborhood as defined by staff, consists of a mixture of residential and nonresidential uses. The property lies in the central part of the defined neighborhood almost bisecting the neighborhood west to east. The portion of the defined neighborhood that lies north of the property consists of a 24-acre local park (Ednor Local Park) and three large religious institutions and a handful of residential dwellings on large properties, some of them fronting on New Hampshire Avenue.

The southern half of the defined neighborhood consists of a 22-acre concrete manufacturing company, the Bartley Corp Concrete Contractor, a small subdivision (Millgrove Gardens) of 44

single-family houses nestled between the Wesley Estates Subdivision and the Bartley Corp Concrete Contractor property. The Wesley Estates of single-family houses on large (6 to 11 acres) size properties, extends to the east of the subject property. The western boundary of the defined neighborhood also includes a portion of the New Hampshire Greens Golf Course across New Hampshire Avenue. With the exception of the RE-2 and RE-2C Zoned sliver of land across New Hampshire Avenue within the New Hampshire Greens Golf Course, the defined neighborhood is within the RC zone.

C. Zoning and Land Use History

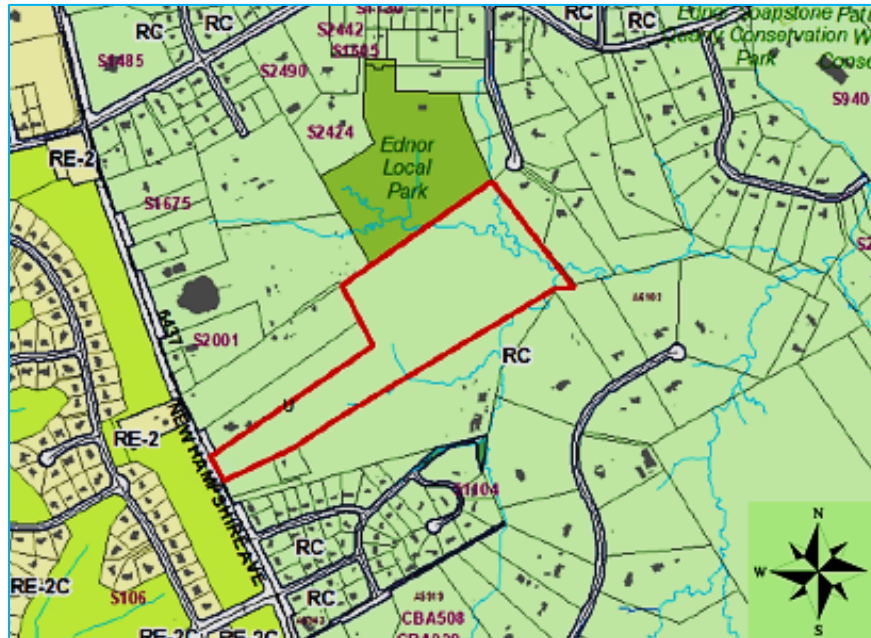


Figure 3: Zoning -Surrounding Area

Available documents indicate that the property was zoned RC when the *Master Plan for Eastern Montgomery County Planning Area: Cloverly, Fairland, White Oak*, was adopted in 1981. The 1997 *Cloverly Master Plan* confirmed the property's RC zoning. The defined neighborhood contains several older approved Special Exceptions, mainly, Accessory Apartments, a landscape contractor business, and a riding academy.

D. Proposed Use

The Applicant, Reflection Park, Inc., proposes to establish a cemetery use on an approximately 40-acre property. The Conditional Use Plan proposes several buildings that will be serving various services for the proposed Cemetery. The buildings will be constructed in three phases.

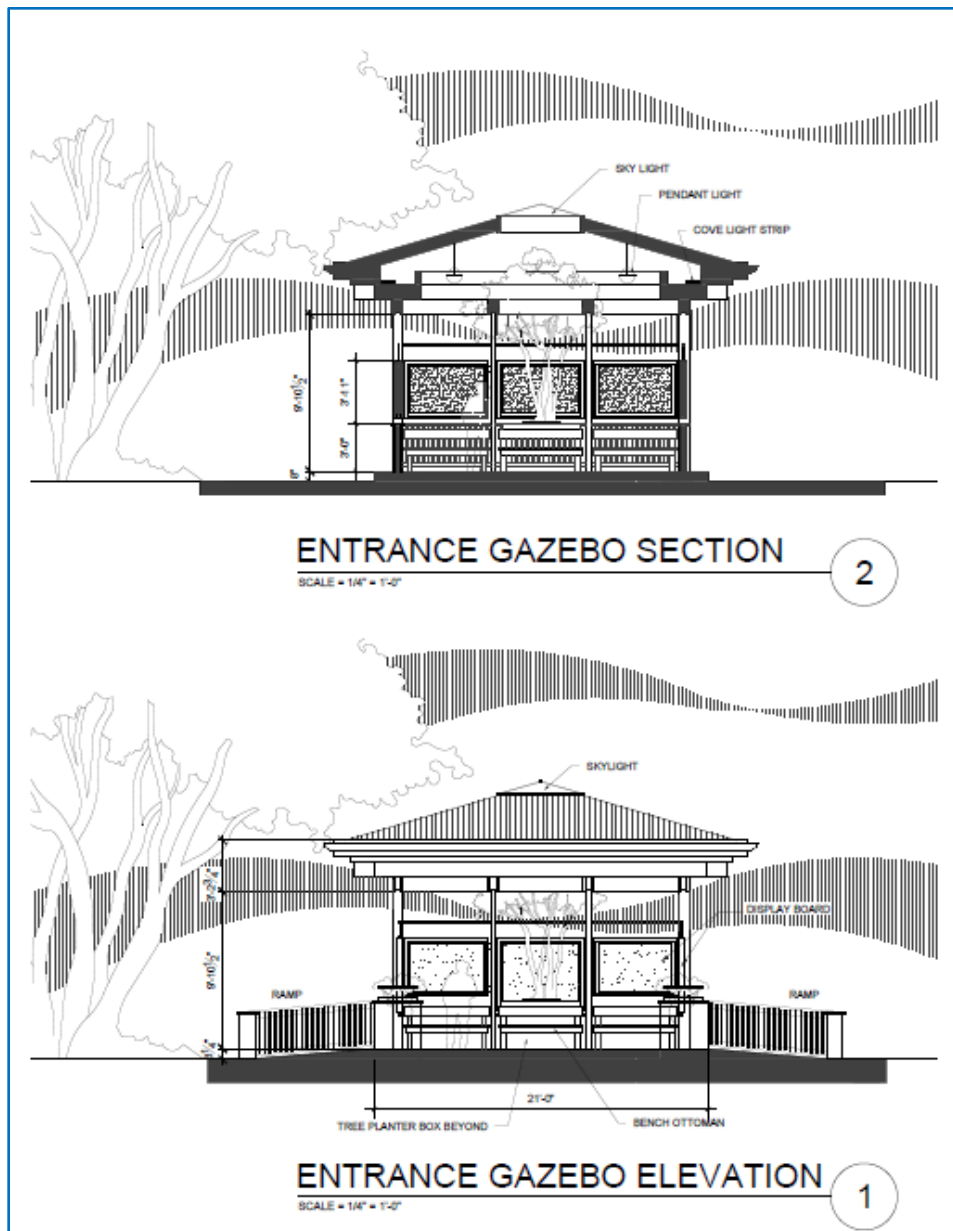


Figure 4: Entrance Gazebo



Figure 5: Phasing Plan

Table 1: Proposed Buildings

| Buildings | Phase | Size | Height |
|---------------------------------------|----------|---------------------|---------|
| Small Maintenance Building -southwest | Phase I | 20' x 26' (520 SF) | 24 ft |
| Small Office Building-southwestt | Phase I | 26' x 24' (624 SF) | 24 ft ± |
| Entry Pavilion/Gazibo- southwest | Phase I | 21' x 21' (441 SF) | 24 ft ± |
| Community Building-northwest | Phase II | 6,000 SF ± | 50 ft ≤ |
| Maintenance building northwest | Phase II | 32' X 32' (1024 SF) | 24 ft ± |

The initial phase of the proposed development will include the three smaller buildings (maintenance, office, and pavilion) that will be located at the western most portion of the property near the entrance. The Applicant's Statement of Justification (SOJ) indicates that the maintenance building will be used to store the equipment used in the maintenance of the grounds and forests on the property. Another small building that is identified on the plan as a pavilion will serve as greeting and information kiosk. The small office building will serve as a temporary office to staff who will be handling sales and administration of the cemetery. The office function will be moved to the multipurpose Community Building that will be constructed at the later phases of the proposed development.

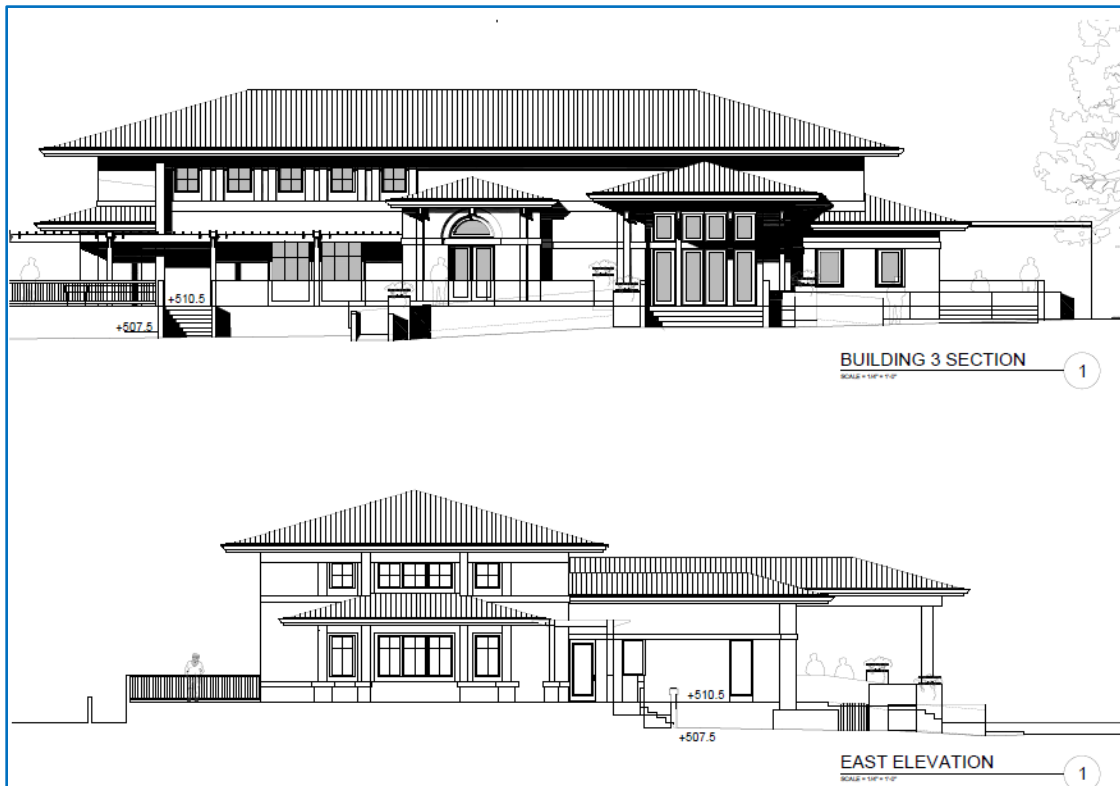


Figure 6: Community Building Section and Elevation

The multipurpose, community building is proposed to have a maximum of 6,000 square-foot of area and a maximum height of 50 feet. According to the Applicant's SOJ, the community building is intended to serve a variety of functions and will include (a) an assembly hall, (b) meeting rooms (c)

office space (for management), (d) bathrooms, (e) warming kitchen, (f) storage space, (g) outdoor terrace, (h) outdoor play structure for youth, (i) loading dock and (j) dumpster/enclosed waste storage area. The site plan shows Parking for 53 spaces on a surface parking lot adjacent to the Community Building. The Applicant proposes that when the community building is fully operational, it will be used for the following purposes:

- **Services associated with burials and commemorations.**
 - 150 individuals seated at tables or 200 individuals without seating in the assembly hall.
 - May include the provision of food through a food catering service approved by the Applicant.
- **Educational Presentations**
 - Workshops, seminars, lectures, and other educational programs to advance the mission of Reflection Park: informing attendees about advance care directives or lectures explaining procedures for conducting home funerals.
 - Seminars or lectures on forest preservation, botany, or the environmental features of Reflection Park
- **A “Community Center”**
 - Making the facility available to community-oriented groups to hold meetings, organize events or conduct retreats.

The later phase of the development also includes the construction of a 1,024 square-foot maintenance building that will be located near the proposed Community building. This building will be used for storage of grounds maintenance equipment and burial equipment such as backhoes, chairs, tents, etc.



Figure 7: Community Building Section and Elevation

A total of 79 parking spaces will be provided to service the cemetery. Only 20 of the total 75 spaces will be constricted In Phase I of the project. 16 of the 20 spaces will be located in the proximity of the three small structures near the entrance to the Cemetery and the remaining four spaces are located about 350 feet north of the entrance from the cemetery, on either side of the long winding driveway.

With respect to graves, the Applicant’s SOJ states that graves are purchased in advance or around the time of death by the family. Each gravesite will typically occupy a space of 4 feet by 5 feet with the actual grave itself dug with dimensions of 3 feet by 7 feet to a depth of approximately 4 feet.

The Applicant’s SOJ further states that the facility would have a total of seven employees: Four office staff, including the Executive Director, and three grounds people responsible for the excavation of graves, maintenance of the grounds, and set up tents and chairs for burial services. Hours of operation for the facility will be between 8:30 a.m. until dusk. Most burials are expected to take place between 9:30 a.m. and 3:30 p.m. The Applicant expects that the cemetery will be open seven days (7) days a week for visitation; however, over the first several years of operation, funerals are not expected to occur every day of the week.

SECTION III: ANALYSIS

A. Master Plan Compliance

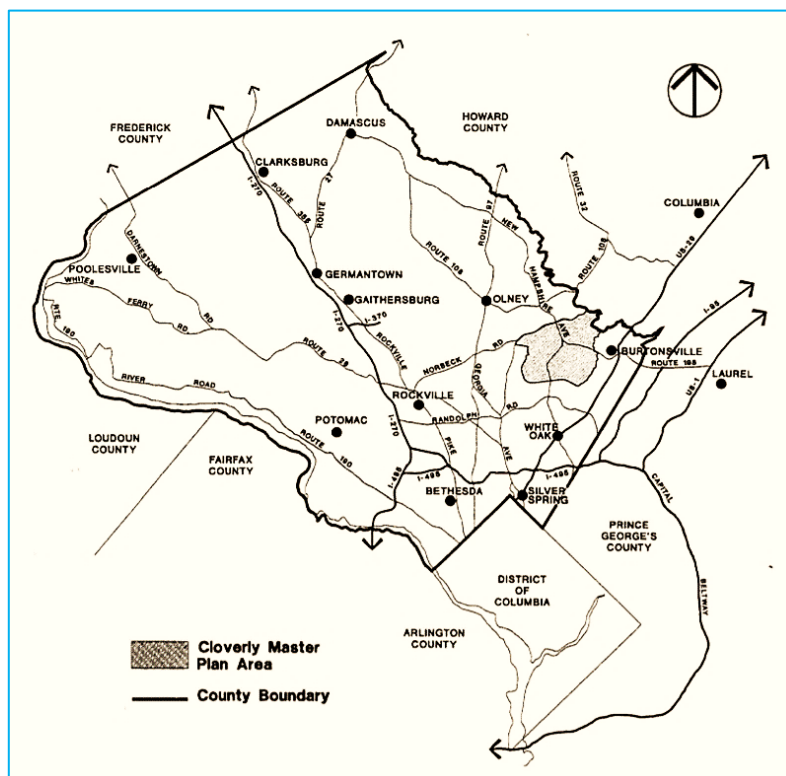


Figure 8.1: Cloverly Master Plan Area: Cloverly Communities

The property is located within the Agricultural Wedge and is in the Rural Cluster. The Master Plan states that in Cloverly, the protection of open space rather than agriculture is the primary purpose of the Agricultural Wedge (p. 9), and the 1997 *Cloverly Master Plan* confirmed the site for RC Zoning (one house per 5 acres with lots as small as one acre). The Master Plan does not provide explicit recommendations for the property, and it does not identify specific areas that are deemed suitable for the proposed use.

The *Master Plan* is guided by two fundamental concepts: protecting watershed and reinforcing the character of Cloverly's communities (p. 13). As noted, the Property is in the Lower Patuxent River watershed, where the Master Plan highlights the importance of maintaining the quality of the bi-county water supply, namely the Rocky Gorge (a.k.a. "T. Howard Duckett" after the dam) Reservoir. Also mentioned are the valuable recreation opportunities and wildlife habitat provided by the watersheds.

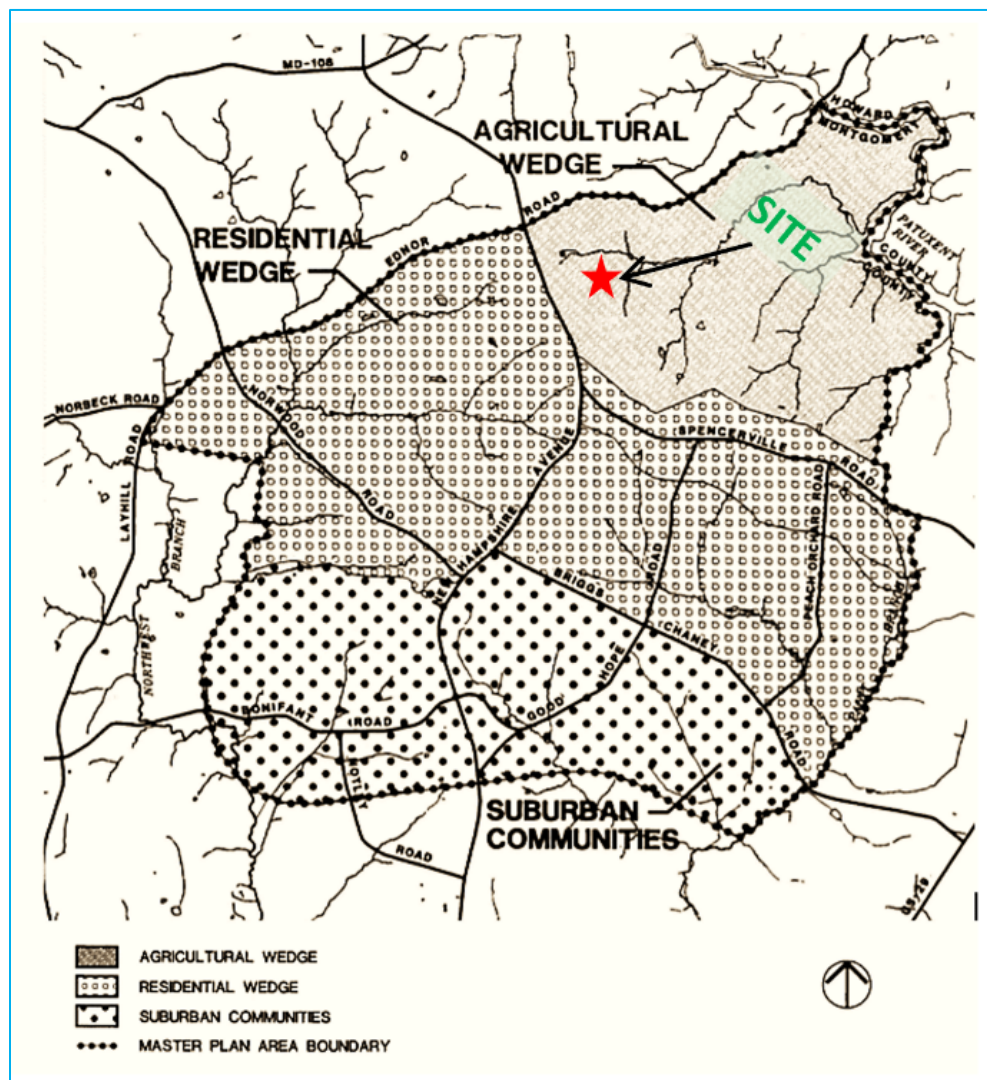


Figure 8.2: Cloverly Master Plan Area-Regional Location

The Master Plan maintained low-density zoning for the area to help protect the watersheds as well as to reinforce the character of the Agricultural Wedge community. It also expressed concern that special exceptions, institutions, places of worship, and other large developments could adversely affect the rural character and water quality (p. 18). Most of the property is within the Patuxent PMA, which was limited by the 1993 *Functional Master Plan for the Patuxent River Watershed* to 10 percent imperviousness.

The Master Plan's Existing Land Use Map (p. 19) shows the property to be vacant in 1997, while the Land Use Plan (p. 20) indicates single-family residential for the property.

The Master Plan recommends maintaining the rural and suburban character of New Hampshire Avenue through a 100-foot front setback for non-residential uses. The Master Plan explains that this setback, which is 20 feet greater than the setback for houses, "is designed to minimize the impact of buildings that tend to be taller, wider, and more massive than homes" (p. 32). It recommends forest or naturalistic landscaping to help maintain the rural and suburban character of New Hampshire Avenue.

The Conditional Use Plan shows three small buildings near New Hampshire Avenue: a maintenance building, an office building, and a pavilion. All three buildings appear to be about 100 feet from the right-of-way line, with the closest at 99 feet. Given the environmental constraints on this part of the site and the required septic field, this is close enough to the recommended distance not be a problem, especially given the very modest sizes of the three buildings compared to the much more massive structures the Master Plan was concerned with. The proposed Landscape Plan shows a wall of shrubs along New Hampshire Avenue to screen the parking lot and buildings, as well as several larger trees around the parking lot. To better meet the Master Plan's recommendations, more naturalistic landscaping should be used.

A much larger community building—up to 6,000 square feet and up to 50 feet high—is proposed in a later phase of the proposed project. This building will be in the back part of the site, substantially distanced from New Hampshire Avenue. A 50-foot wide forest buffer is proposed between the property line and the parking that will surround this community building. Being set well back from the road, this building and parking should have no impact on the residential or rural character of the area.

The Master Plan makes recommendations regarding Special Exceptions (now Conditional Uses) "to prevent erosion of Cloverly's existing and planned low-density residential areas, to encourage commercial uses to locate in the commercially zoned area, and to strengthen the character of Cloverly as a low-density suburban/rural area with unique environmental assets" (p. 37). The proposed use would not be sensible in one of the Master Plan's commercial areas and would, in fact, help retain the low-density rural character of this part of Cloverly. The Plan lists several recommendations that should be considered when reviewing an application for a special exception, several of which are listed below:

- Maintain a residential appearance where feasible.

- Maintain compatibility with the scale and architecture of adjoining neighborhoods.
- Limit the impact of signs, lighting, and other features.
- Locate parking, loading, and other services in a way that maintains residential appearances to the extent feasible.
- Apply landscaping that minimizes the non-residential appearance from surrounding properties and the roads.

The Master Plan places the Patuxent River Watershed into its “Environmental Preservation Area” (see map page 86). The main objective for this area is to protect the public drinking water supply and the aquatic communities by maintaining low-impervious land uses.

Impervious Areas:

Because of its proximity to tributary streams, the property is located within the Patuxent River Primary Management Area (PMA). The PMA on the property is the land area within ½ mile (660 feet) of the streams on and near the property. The 660-foot-wide PMA consists of the stream valley buffer and the transition area. There are specific requirements outlined in the *Environmental Guidelines* for properties located within the PMA. The stream valley buffer is delineated based on the stream buffer calculations outlined in the *Environmental Guidelines*. The remaining area within the 660-foot-wide PMA is the transition area. To protect the water quality within the Patuxent watershed, the *Environmental Guidelines* establish impervious limits and states the following:

Patuxent Primary Management Area (PMA): Overall imperviousness within the PMA transition area of a development site should not exceed 10 percent. If a higher imperviousness is desirable in the transition area to maintain community character, achieve compatibility and/or accomplish master plan goals, imperviousness may be averaged over the entire site (i.e., not to exceed 10 percent on the entire site, p. 25).

The Guidelines further states that the high water quality of the Patuxent River watershed is important to its use as a public drinking water supply and the high-quality aquatic communities currently found in the streams. Continuation of low-density land-use patterns and enforcement of the guidelines for the Primary Management Area are necessary to maintain this quality. Restoration and enhancement activities should be undertaken through the existing programs (p. 58).

The property is located at a transition point along New Hampshire Avenue, where the roadway transitions from a multi-lane roadway to a two-lane roadway, and the neighborhood transitions from suburban to semi-rural. The property has limited frontage on New Hampshire Avenue, the major and larger buildings are located further away from New Hampshire Avenue (and within the PMA) to take advantage of the greater property width and to allow the New Hampshire Avenue frontage to be more in keeping with the semi-rural nature of the neighborhood. The smaller buildings, to be located near New Hampshire Avenue, are more in keeping with the semi-rural neighborhood and better maintain the existing character of the neighborhood. By locating the larger buildings more centrally on the site the existing character of the neighborhood will be maintained as these buildings will not be visible from New Hampshire Avenue. If these larger buildings with located outside the PMA not only would they be visible from New Hampshire Avenue, but they would be out of character with

this semi-rural neighborhood because they are larger than the modest dwellings in the area. Therefore, Staff calculated the imperviousness over the entire property and not just within the transition area.

The property is currently undeveloped. The new construction to accommodate the proposed use will add 3.95 acres of impervious surfaces which equates to 9.77 percent of the entire Property. Of that, 2.41 acres of impervious surface area will be located within the PMA transition area this equates to 12.8 percent imperviousness within the transition area.

When averaged across the entire Property the project is below the ten percent threshold recommended by the *Environmental Guidelines*.

- Impervious surfaces are limited to no more than 10.0 percent of the Subject Property as shown on the Impervious Surface Plan dated [May 5, 2020].
- Prior to the start of any clearing, grading, or demolition on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces within the transition area of the Patuxent River Primary Management Area ("PMA") on the Subject Property to no more than 10.0 percent, as shown on the Impervious Surface Plan dated [May 5, 2020]. 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.

Conclusion

The proposed use substantially conforms to the recommendations of the 1997 Cloverly Master Plan and the 1993 Functional Master Plan for the Patuxent River Watershed. All of the Master Plan's recommendations relevant to the area containing the property are aimed at protecting water quality and rural residential character through low-density zoning and imperviousness limits. The proposed use will maintain a very natural and mostly forested setting on the site, which will result in a much more rural character than even the large residential lots that are possible in the area. The one area where the Conditional Use Plan may need to be slightly revised is in the landscaping proposed near New Hampshire Avenue, which does not appear to be as naturalistic as envisioned by the Master Plan. Final landscaping can be determined at Preliminary Plan.

B. Development Standards

The following table summarizes the RC Zone standard method development standards relative to the proposed development:

Table 2: Development Standards

| 4.3.4.B RC Zone | Required | Provided |
|--|--------------------------------|---|
| Minimum Lot Area | 5 ac | 40.22 ac (Net) |
| Minimum Lot width: <ul style="list-style-type: none"> at front lot line at front building line | 300 ft 300 ft | 214.0 ft (Variance Requested)* 205.8 ft (Variance Requested) * |
| Maximum Building Coverage | 10 percent or 175,198 sf | 0.6 ± percent or 11,263 square feet total |
| Minimum Building Setback Principal Building: <ul style="list-style-type: none"> front Side Street Setback side rear | 50 ft N/A 20 ft 35 ft | 50 ft N/A 20 feet 35 ft |
| Maximum Building Height | 80 ft | ≤ 80 ft |
| Minimum Building Setback Accessory structure: <ul style="list-style-type: none"> front side street side rear | 80 ft N/A 15ft 15 ft | 80 ft N/A 15 ft 15 ft |
| Minimum Setback for parking and loading | | 50.9 ft |
| Maximum Building Height <ul style="list-style-type: none"> Principal Building Accessory Building | 50 ft 50 ft | 50 ft 50 ft |
| Parking | | |
| Min Vehicle Parking spaces 59-6.2.4 (See Table 4 below under: D Parking) | 56 | 79 |

*As

shown in Table 2, the subject property does not meet the minimum requirements for lot width at front building line and at front lot line requirements. The Applicant filed a request for a variance (A-6693) from these requirements with the Board of Appeal and it was transferred to OZAH for review in conjunction with the Conditional Use Application.

C. Transportation

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 2-lane Major Highway with a 120-foot right-of-way. To accommodate the master planned right-of-way, the Applicant is dedicating 7,190 square feet on New Hampshire Avenue. There is an existing 10-foot wide asphalt shared-use path along the west side of

MD 650, on the opposite side of the Subject Property. Per the *2018 Bicycle Master Plan*, there are no bicycle improvements envisioned along the property.

Pedestrian and Bicycle Facilities

Entering the site, pedestrian access will be provided via a proposed 6-foot wide sidewalk along MD 650 that will connect through the front entrance pedestrian gate, leading to an internal natural surface trail system for gravesite access. The Applicant proposes to provide a total of 12 short-term bicycle parking spaces at the front entrance and the Community Building. Internal to the site, the Applicant proposes 5-foot sidewalks to the parking areas and around the buildings, providing efficient pedestrian circulation.

Public Transit Service

The WMATA Z2 line operates along New Hampshire Avenue with low-frequency 60-minute headways. The nearest bus stops are located 515 feet south and 685 feet north of the Subject Property.

Local Area Transportation Review

The proposed application is for a 40-acre cemetery (ITE code 566). According to the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Manual and adjusted for the Rural East Policy Area, this cemetery use will result in seven (7) AM and twenty-four (24) PM peak-hour person trips. The Applicant proposes to conduct workshops, seminars, and other educational programs as well as provide the community building to other community-oriented groups for meetings and events that will take place during off-peak hours. In addition, the Applicant proposes to offer educational seminars during both peak and off-peak hours for up to fifteen (15) students, resulting in twenty (20) AM peak-hour person trips and twenty (20) PM peak-hour person trips. The proposed uses for the Property, a cemetery and the unique educational seminar use for up to fifteen (15) students, results in a combined twenty-seven (27) AM and forty-four (44) PM peak-hour person trips.

The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land uses generate fewer than 50 peak-hour person trips within the weekday morning and evening peak periods. To ensure the proposed uses do not exceed 50 peak hour person trips, a condition will be placed on this application not to exceed 50 peak hour person trips within the weekday morning and evening peak periods.

Table 3: Site Vehicle Trip Generation

| Use | Development | AM Peak Hour | | | PM Peak Hour | | |
|--|-----------------|--------------|-----|-------------|--------------|-----|-------------|
| | | In | Out | Total | In | Out | Total |
| Existing (Credit) Vacant, undeveloped | <u>0 sq. ft</u> | 0 | 0 | 0 | 0 | 0 | 0 |
| Proposed: Cemetery (ITE-566) | 40 Acres | 5 | 1 | 6 | 6 | 12 | 18 |
| Up to 15 students visiting the site for Education Seminars | | 15 | 0 | 15 | 0 | 15 | 15 |
| Total New Vehicle Trips | | 20 | 1 | 21 | 6 | 27 | 33 |
| Total Peak Hour Person Trips | | | | (27) | | | (44) |

Source: Traffic statement, Shahriar Etemadi, PTP., dated March 17, 2021. Sums may not add due to rounding; all numbers are rounded to the nearest whole number for presentation.

Circulation and Connectivity

Vehicular access to the property will be from New Hampshire Avenue via a 20-foot driveway. The entrance driveway will transition to an internal roadway network consisting of loops throughout the property that provides efficient vehicular circulation. The office building is accessible via a full movement loop that connects to its associated parking, consisting of 16 parking spaces, including 2 ADA spaces. The community building is accessible via two different access points, consisting of 53 parking spaces, including 2 ADA spaces.

Internal to the site, pedestrian access will be provided via 5-foot-wide sidewalks to parking areas and around buildings. Also, internal to the site, a trail network will be located throughout the entire property, connecting to sidewalks that lead to building entrances providing efficient pedestrian circulation. Further providing efficient pedestrian circulation, all gravesites are proposed to be located within a walkable distance from the circulating roadway and via the internal trail network. The circulation pattern, as proposed, is safe and adequate for the use proposed.

To ensure compatibility and safe traffic circulation on and near the subject property, staff recommends the following Conditions:

1. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by the Maryland State Highway Administration ("SHA").
2. The Applicant must dedicate and show on the record plat(s) a minimum right-of-way of 120 feet, as measured from the opposite right-of-way line along the Subject Property frontage on New Hampshire Avenue (MD 650).
3. Trip generation for approved use(s) are not to exceed 50 peak hour person trips within the weekday morning and evening peak periods.

D. Parking

In general, the application meets the applicable requirements of Article 59-6. The parking table in **Section 59.6.2.4** requires a base minimum of 1.00 spaces per employee, .33 space for the capacity of assembly area plus 1.0 space per each vehicle operated in connection with the cemetery use.

Table 4: Parking Table

| Parking Requirements 59.6.2.4.B: Vehicle Parking Spaces | | | |
|---|---|---------------------|----------|
| Use | Baseline Minimum | Required | Provided |
| Cemetery | | | |
| • Capacity of Assembly Area | 0.33 sp | 168X.33+55.4 =56 sp | 73 |
| • Employee | 1 sp | 1 X 4 =4 | 4 |
| • Vehicle operated in connection with the use | 1 sp | 1 X 2= 2 | 2 |
| Total Spaces Required | | 62 sp | 79sp |
| Total Spaces Provided | 79 spaces: 75 regular spaces, 4 van accessible handicap spaces | | |

The Conditional Use Site Plan provides a total of 79 spaces including 4 van-accessible handicap spaces located at four different locations. The proposed parking spaces satisfy the number of parking required to sufficiently accommodate the parking needs of the proposed cemetery. Although the use doesn't require a provision of bicycle spaces, the proposal is providing a bike rack with 4 spaces within the larger parking area located in the northwestern portion of the property. for use by employees and visitors. Staff however recommends that the applicant provides for two motorcycle spaces as required by Section 6.2.3.C

Section 6.2.5. Vehicle Parking Design Standards

6.2.5.B.

Location: Each required parking space must be within ¼ mile of an entrance to the establishment served by such facilities.

Sixteen (16) parking spaces including 2 handicap spaces are provided to serve employees and visitors of the visitor's center (pavilion), the office building, and the maintenance building are located near the entrance to the property behind the 50-foot front setback line. In addition, 10 parking spaces are provided at two locations along the long driveway. Further northwest in the vicinity of the proposed 6,000 square-foot multi-propose building, 53 spaces, including 2 handicap spaces, are provided. The revised Conditional Use Plan also provides for six bicycle parking spaces located within the parking lot near the proposed community building.

Waiver

Section 6.2.10. Parking Waiver

The deciding body may waive any requirement of Division 6.2, except the required parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design satisfies Section 6.2.1. Any

request for a waiver of the vehicle parking space requirement under Section 6.2.4.B requires application notice under Section 7.5.2.D.

Due to the size of the property, its irregular shape, and topographical conditions, the parking area with the 53 parking spaces and the 6 spaces along the driveway are slightly farther than 1/4th of a mile from the entrance to the proposed cemetery and therefore, need a waiver from this requirement. Given the nature of the proposed use, the exceptional narrowness of the property's front portion, and the setting of the various buildings associated with the facility on the 40-acre property, a waiver of 1/4th mile from the entrance requirement is appropriate and practical. The entrance to the cemetery is located at the property's 200-foot-wide frontage on New Hampshire Avenue. The front portion of the property (the narrow portion of the inverted "L" shape property) extends for a little more than half (approximately 1,475 feet) the length of the 40-acre property with 206-foot of width before it widens into approximately 700 hundred feet eventually measuring 903 feet at the rear (east) property line.

The larger portion of the proposed improvements including the 6,000 square-foot community building as well as the majority of the parking spaces associated with use will be located at the northwestern portion of the property closer to where most of the burial ceremony would be held. The CU Site Plan also provides for a loading space located adjacent to the community building.

With the requested waiver and recommended conditions, the proposed design meets the intent of Section 6.2.1 to ensure that adequate parking is provided in a safe and efficient manner.

6.2.5.C.

Access: Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

All proposed parking spaces will be directly accessed from MD 650 via a 35-foot wide apron that is connected to a 20-foot-wide winding two-way driveway that traverses the property west to east, eventually splitting into two large loops at the rear portion of the property.

6.2.5.D.

Marking

- 1. Any off-street parking area must be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles.**
- 2. Each individual parking space must be clearly marked, and directional arrows and traffic signs must be provided as necessary for traffic control.**
- 3. Each space or area for compact parking must be clearly marked to indicate the intended use.**

The drive lanes serving the parking spaces will be arranged and marked to allow for safe, adequate, and efficient circulation within the parking areas.

No compact spaces are proposed. However, handicapped parking spaces are identified on the amended Conditional Use Plan and will be similarly marked and identified in the field when installed. All standard parking spaces are perpendicular in orientation and are designed to be 8.5 feet in width and 18 feet in length.

6.2.5.I.

Walkways

An off-street parking facility must have pedestrian walkways or sidewalks as needed for pedestrian safety. A pedestrian walkway or sidewalk must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable deciding body.

Section 6.2.9.C. Parking Lot Requirements for 10 or More Spaces

1. Landscaped Area

- a. A surface parking lot must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5 percent of the total area of the surface parking lot. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.**
- b. A maximum of 20 parking spaces may be located between islands.**
- c. A landscaped area may be used for a stormwater management ESD facility.**

2. Tree Canopy

Each parking lot must maintain a minimum tree canopy of 25 percent coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual, as amended.

3. Perimeter Planting

- a. The perimeter planting area for a property that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:**
 - i. Be a minimum of 10 feet wide**
 - ii. Contain a hedge, fence, or wall a minimum of 6 feet high**
 - iii. Have a canopy tree planted every 30 feet on center**
 - iv. Have a minimum of 2 understory trees planted for every canopy tree.**

The Applicant is proposing a total of 79 parking spaces for this Conditional Use application, 4 handicap and 75 regular parking spaces, separated into 5 different parking lots. The first parking lot of 16 parking spaces, 2 handicap, and 14 standard parking spaces, is located near the main entrance adjacent to the small office building and the maintenance building. The second parking lot of 4 standard parking spaces is located along the main entry drive approximately 500-ft from the entry gate. The third parking lot of 6 standard parking spaces is located along the main entry drive approximately 600-ft from the second parking lot. The fourth parking lot of 9 standard parking spaces is located adjacent to the proposed main maintenance building near the main community building. The fifth parking lot of 44 spaces, 2 handicap, and 42 standard parking spaces, is located adjacent to the community building.

For this application, Staff is treating parking lots 4 and 5 as one parking lot of 53 parking spaces since the two parking lots are adjacent to one another separated by a sidewalk, and both primarily serving the main community building. Staff applied Section 6.2.9.C to the first parking lot of 16 spaces and the combined parking areas adjacent to the main community building of 53 parking spaces. Staff felt that Section 6.2.9.B of the Code, Parking Lot Requirements for Conditional Uses Requiring 5 to 9

Spaces, did not apply to this application since the third parking lot of 6 spaces is located on a section of the property that is not adjacent to a property that is vacant or improved with either an agricultural or residential use.

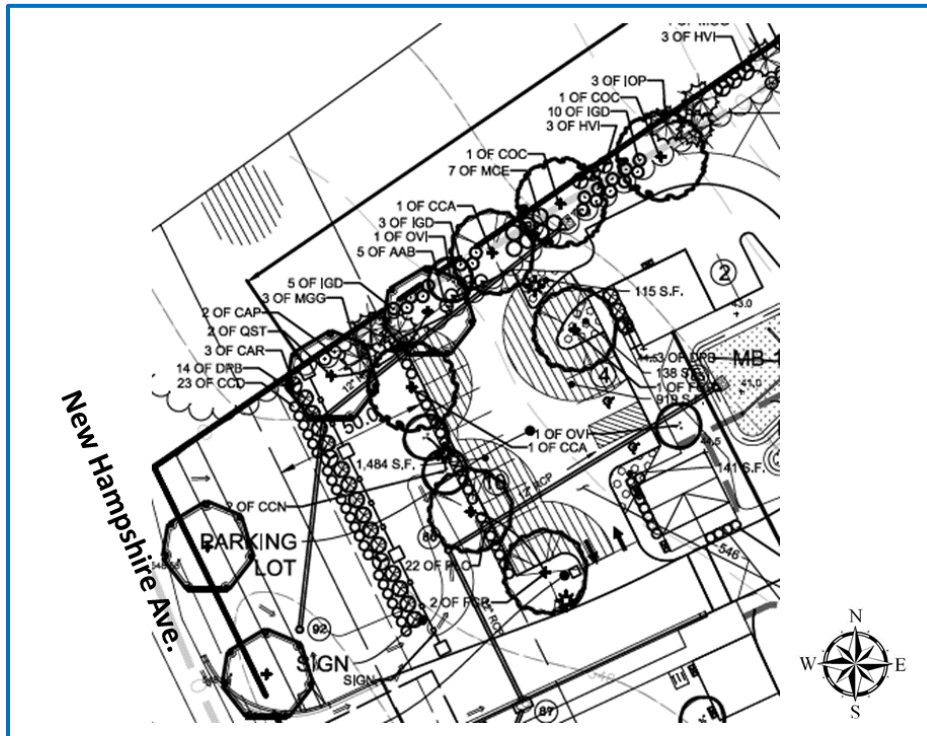


Figure 9.1: Office Bldg. Parking Lot Landscape Buffer

As reviewed, the parking lot of 16 spaces located at the front of the property adjacent to the smaller office and maintenance buildings, and the larger parking lot of 53 spaces located adjacent to the main community building meet or exceed Sec. 6.2.9.C.1 through 4 of the Zoning Code.

The Applicant is showing surface parking of 53 spaces for the main community and maintenance buildings. This parking consists of 51 standard parking spaces and 2 handicap parking spaces (*Figure 9.2*). The Applicant proposes appropriate landscaping, showing tree canopy coverage of approximately 26%, which meets the requirements. Additionally, the Landscape Plan meets the perimeter planting requirements and has adequate lighting that satisfies Sec. 6.4.4 of the Code.

The Applicant is showing surface parking of 16 spaces for the small office and maintenance buildings located at the front of the property just inside the main entrance at New Hampshire Ave. (MD 650). The parking is located adjacent to both the proposed office building and maintenance building and consists of 14 standard parking spaces and 2 handicap parking spaces (*Figure 9.1*). The parking area is set back 50 feet from the proposed right-of-way dedication for MD 650 and approximately 10 feet from the northern property line. The Applicant proposes appropriate landscaping, showing tree canopy coverage of approximately 46% and satisfying the perimeter planting requirements.

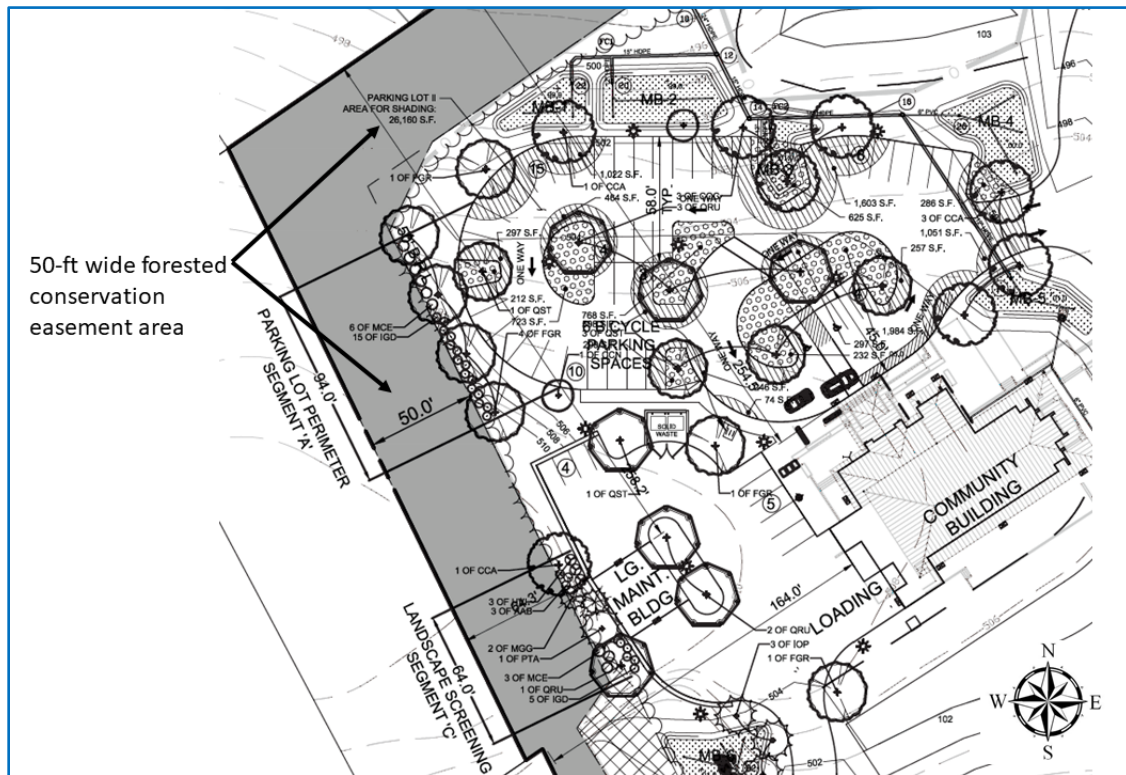


Figure 9.2: Community Bldg. Parking Lot Landscape Buffer

Section 59-6.4.3: General Landscaping Requirements specifies and defines the types of plant materials, canopy trees, understory trees, and evergreen trees. In response to Staff’s comments, the Applicant had submitted a revised Landscape Plan. The revised landscaping satisfies the General Landscape Requirements as defined and specified under Section 59-6.4.3.

E. Lighting-

Per 6.4.4.E, outdoor lighting for Conditional Uses must be directed, shielded or screened to ensure that the illumination is 0.1 foot candles or less at any lot line that abuts a lot with a detached house building type, not located in a Commercial/Residential or employment zone.

The Lighting Plan is adequate and safe for vehicular and pedestrian movement and does not unreasonably spill onto adjacent properties. The Applicant proposes to install a total of 34 pole-mounted lightings located throughout the area of construction. No lighting fixtures are proposed for the active burial areas. 23 pole-mounted lighting fixtures are located along the entrance driveway to the main Community Building, 6 lighting fixtures are located around the perimeter of the parking area associated with the Community Building and 5 lighting fixtures are located in the parking lots associated with the Community Building. No building wall pack lighting or bollard-style path lighting is proposed with this application.

A photometric study submitted with the application shows measured lighting intensity across the area adjacent to the existing structure in foot-candles, the locations of lighting fixtures, and the

manufacturer's specifications on the proposed lighting fixtures. The Photometric Plan shows that the lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines. Moreover, the existing trees and conservation areas, and perimeter landscaping of the CU site will help eliminate the impact of glare. With no direct light or light glare, the lighting, will not have a negative impact on neighboring properties

F. Screening

Per Section 6.5.2.B, in the Agricultural, Rural Residential, and Residential Detached zones, a conditional use in any building type, except a single-family detached house, must provide screening under Section 6.5.3 if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use. All conditional uses must have screening that ensures compatibility with the surrounding neighborhood.

The landscaping meets or exceeds the requirements under Section 6.5.3.C.7. The property is within a Residential Residential Zone, RC, and abuts other properties to the north, east, south, and west within the same zone. Two properties to the east, one property to the southeast, and one property to the south are improved with residential use. The remaining surrounding properties are improved with religious, recreational (Ednor Local Park), or commercial uses.

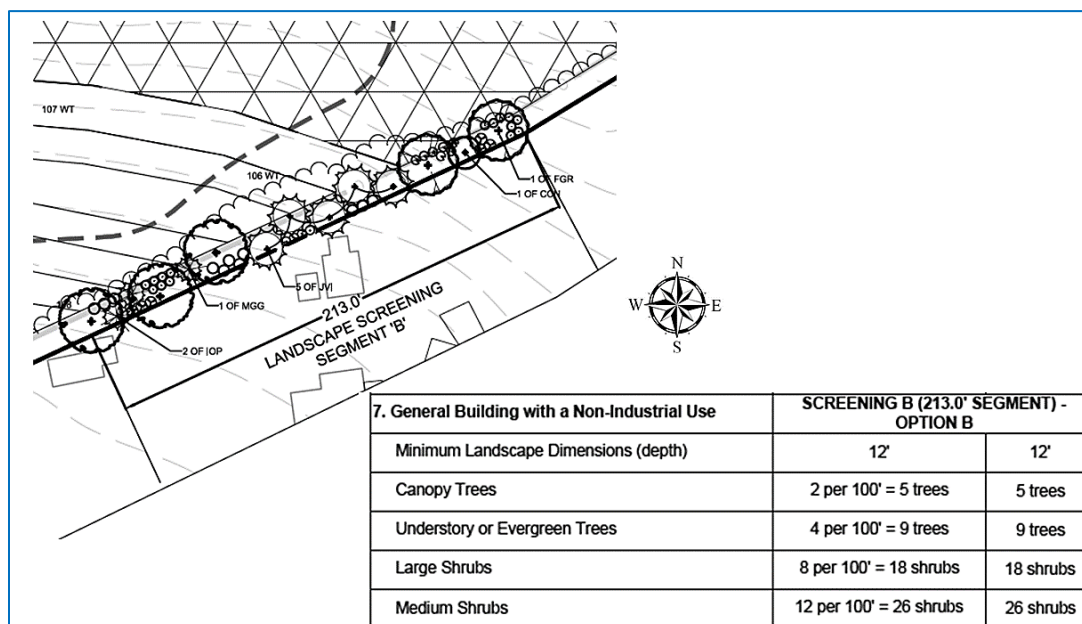


Figure 9.3: Southeastern Property line

The screening to the two properties to the east and the one property to the southeast is provided by a minimum of approximately 245-ft of existing forest that the Applicant proposes to permanently protect by placing into a Category I Conservation Easement. The subject property also shares approximately 213-feet of its southern property line with a property improved with residential use (Figure 9.3). The existing forest along this length of property line will be removed to install a septic field. The Applicant is proposing to install the required landscape screening along this property line

that is a minimum of 12-feet wide, will be planted with 5 canopy trees, 9 understory or evergreen trees, 18 large shrubs, and 26 medium shrubs, and meets the requirements under Section 6.5.3.C.7

G. Signage

The Conditional Use application contains an exhibit of a single face sign that Reflection Park proposes to install near its driveway entrance from New Hampshire Avenue. The sign will be illuminated by ground-mounted light fixtures. The sign is a one-sided free-standing sign that is aligned and connected to the front gate at the entrance to the cemetery. The sign, as depicted on the front gate's detail drawing is appropriate in terms of its size given the surrounding neighborhood and the size of the subject property. It will be discreet and in keeping with the use that it represents.

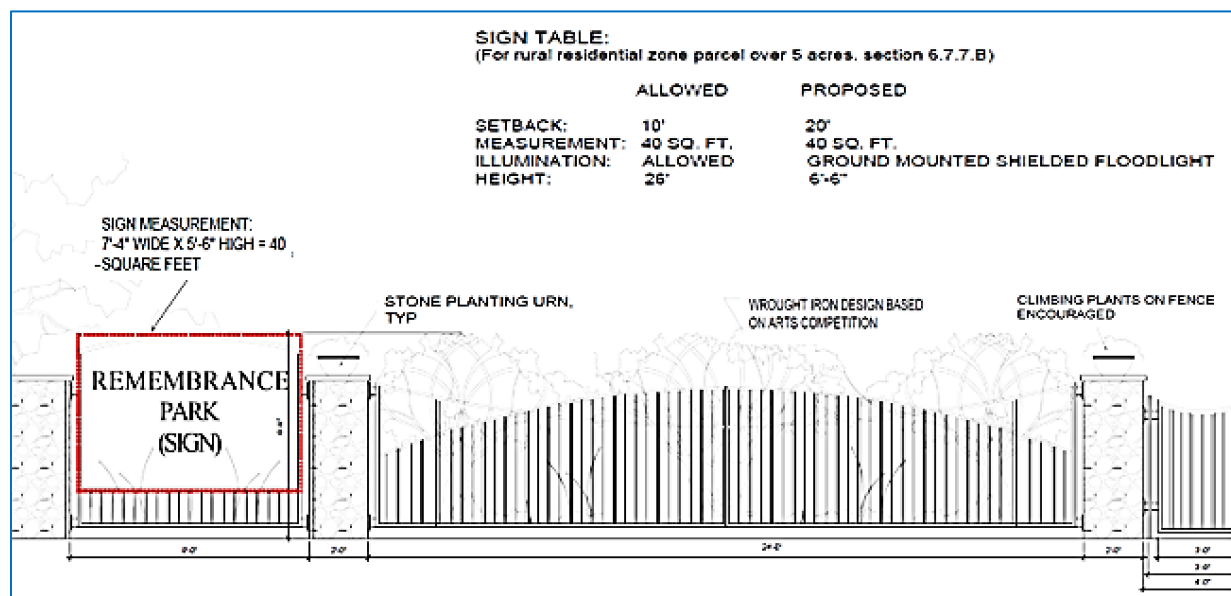


Figure 10: Proposed sign and Front Gate

The sign meets the 200 square feet total sign area for signs in Rural Residential zones since it is the only sign proposed. The revised sign drawing included in the Applicant's pre-hearing package shows that the proposed sign meets the 40 square foot area per-sign for freestanding sign in a Rural Residential zone required under Section 6.7.7.

H. Environment

Consistency with Environmental Guidelines

The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420202290 was approved for the Property on September 10, 2020. There are approximately 40.29 acres of existing forest on the property

The approved Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) reveals that the property contains 40.29 acres of forest. Several streams exist on-site and traverse the property.

There is no wetland identified per National Wetlands online inventory however, the NRI/FSD indicates that a site visit reveals 0.03 acres along channel wetlands

The property drains to the Lower Patuxent River Watershed, which is classified by the State of Maryland as Use Class I-P waters. The Property is located within the Patuxent River Primary Management Area (PMA).

There are no impacts to streams, wetlands, floodplains, or their associated buffers. The project is in compliance with the January 2000 Planning Board approved *Environmental Guidelines – Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”).

Patuxent River Primary Management Area

The subject property is in the Upper Patuxent River watershed and subject to the Patuxent Primary Management Area (PMA) guidelines to protect water quality. The PMA guidelines seek to restrict uses with high impervious levels in close proximity to all tributaries of the Patuxent.

Due to the stream locations within the Property, the Patuxent River Primary Management Area (PMA) applies to the Property. The purpose of the PMA guidelines is to provide strategies to protect, preserve, and restore the Patuxent River and its drinking water supply reservoirs. Montgomery County’s PMA is consistent with the PMA widths recommended in the State’s Patuxent River Policy Plan, which are ¼ mile (1,320 feet) strips of land running along both sides of the Patuxent main stem and 1/8 mile (660 feet) strips of land running along both sides of all tributaries. In addition, Montgomery County also recommends a PMA width of ¼ mile for the main stem of the Hawlings River. The Hawlings River is a tributary to the Patuxent River and its watershed lies almost entirely within Montgomery County. The Environmental Guidelines state that the “*preservation of prime and viable agricultural land is a goal of the Patuxent watershed primary management area as it is throughout upper Montgomery County. It is hoped that the designation of the Patuxent PMA will help achieve the delicate balance between development and agriculture while ensuring water quality*” (p. 52).

Properties that are submitted to the M-NCPPC for subdivision or site plan review are subject to PMA requirements, and land that remains in agricultural use as part of a plan for subdivision will be subject to the recommended PMA stream buffer and transition area requirements outlined in the Environmental Guidelines.

Forest Conservation

The application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Preliminary Forest Conservation Plan has been submitted for review and is recommended for approval by the Planning Board as a separate action with this Conditional Use Application.

Note: For a complete analysis of conformance with Chapter 22A, please refer to the Preliminary Forest Conservation Plan Staff report being considered concurrently with this Conditional Use review (Attachment B).

I. Community Concerns

Staff has received a letter from a resident of the area voicing concern about a combined traffic impact from the project and other proposed uses in the immediate area (Attachment C-2). The letter was received prior to the official filing of the Application following the Applicant's pre-submission meeting with the community a couple of months earlier. There was no other letter received after the official filling. Staff's transportation impact analysis reveals that there should not be alleviated level of transportation issues resulting from the proposed use to negatively impact the immediate area. In response to staff's recommendation, the Applicant has submitted evidence to indicate that efforts made to reach out to the residents of the neighborhood to discuss the proposed use and its operation (Attachment C-1).

SECTION IV: COMPLIANCE WITH THE NECESSARY FINDINGS IN SECTION 59.7.3.1.E AND SECTION 59-3.5.4.A: Cemetery

Section 59.7.1.E. Necessary Findings

7.3.1.E.1: states that, to approve a Conditional Use application, the Hearing Examiner must find that the proposed development satisfies the following requirements of Sections 59.7.1.E.a through g.

7.3.1.E.1.a: Satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.

There is no prior Conditional Use or other approval associated with the subject property.

7.3.1.E.b. Satisfies the requirements of the zone under Division 59-3, the use standards (Division 4), and applicable general requirements under Article 59-6.

With Staff's recommended conditions of approval, the proposal satisfies the specific Conditional Use standards and requirements of Section **3.5.4.A: Cemetery** As shown on the Use Standard Table in Section III of this report, the application meets the requirements of the RC zone development standards per Section 59.4.3.4.B and the applicable parking, screening, and perimeter landscaping requirements of Article 6.

Section 3.5.4.A. Cemetery

1. Defined

Cemetery means a place used for the permanent interment of deceased persons or animals or their cremated remains. Cemetery does not include a memorial garden on the premises of a religious institution (see Section 3.4.10, Religious Assembly).

The proposed cemetery meets the definition of the use as described by this section. Although the cemetery is for followers of a single faith in accordance with the stricter

religious burial practices of the faith, it is not a memorial garden located on the premises of a religious institution.

2. Use Standards

Where a Cemetery is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- a. The proposed location must be compatible with adjacent land uses, and will not adversely affect the public health, safety, and welfare of the inhabitants of the area.**

The location of the proposed use on a 40-acre forested property is in keeping with the existing rural residential characteristics of the surrounding area and adjacent properties.

- b. Screening under Division 6.5 is not required; however, all grave sites must be sufficiently set back from surrounding properties to establish a buffer.**

A combination of existing forest and perimeter landscaping of the CU site will provide considerable screening of improvements and activities on the subject property and impacts on the neighboring properties are substantially minimized. In most areas of the 40-acre property, the gravesites and property boundaries are buffered by forest conservation easements.

- c. Where the subject property is located in an area not served by public water and sewer, water table tests must be conducted to assure that there is adequate filtration of drainage between burial depth and the level of high-water table.**

The subject property is within the S-6 category for sewer service and within the W-3 water service category, and therefore, it is not served by public sewer but is eligible to receive public water. The Applicant has submitted a report that demonstrates adequate filtration of drainage between the depth of burials and the observed level of the water table under the Property. The report was submitted to the Department of Public Services (DPS) for review and approval and has been found to meet standards.

- d. In the AR, R, and RC zones, a family burial site is allowed only as an accessory use on a residentially developed property and may only be approved on a lot or parcel that is appropriate to the circumstances and is a minimum of 25 acres in size. A family burial site must be set back a minimum of 100 feet from any abutting property in a Residential zone and a minimum of 50 feet from any existing or master-planned street. The use of any property for a family burial site must be recorded in the land records of Montgomery County. A family burial site is not restricted by Section 3.1.5, Transferable Development Rights.**

Not Applicable. The proposed use is not a family burial site.

- e. In the AR zone, a cemetery may be prohibited under Section 3.1.5, Transferable Development Rights.**

Not Applicable. The property is zoned RC

7.3.1.E.1.c. Substantially conforms to the recommendations of the applicable Master Plan.

The property is located within the 1997 *Cloverly Master Plan* area. The subject use conforms to the recommendations of the applicable Master Plan (Please see analysis and findings under SECTION III. A: Master Plan).

There are no major Master Plan concerns that are associated with this application. The proposed Cemetery use is consistent with the land use objectives of the *Cloverly Master Plan*. The proposed project is compatible with the existing developments on adjoining properties as well as developments in the immediate neighborhood, in terms of height, size, scale, traffic, and visual impacts.

7.3.1.E.1.d. Is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan.

With the recommended conditions, the proposed use will be in harmony with the general character of the neighborhood. The proposed use will be operated in such a manner that it will not interfere with the orderly use, development, and improvement of surrounding properties. The Conditional Use Plan provides for sufficient off-street parking with 79 spaces, 43 more than the minimum required, spread out at various locations on the property substantially minimizing the possibility of spill over traffic and parking.

The proposed Conditional Use is not likely to result in any notable negative impact on the residential neighborhood, in terms of increased traffic and noise.

7.3.1.E.1.e: Will not, when evaluated in conjunction with existing and approved Conditional Uses in any neighboring Residential Detached zone, increase the number, intensity or scope of Conditional Uses sufficiently to affect the area adversely or alter the predominately residential nature of the area; a Conditional Use application that conforms with the recommendations of a Master Plan does not alter the nature of the area.

Within the defined neighborhood, there are several Accessory Apartment uses that were approved as Special Exception going back as far as two decades. Many of these uses may not be active currently:

S2424 Accessory Apartment, 1205 Ednor Road, approved in 2000. North
S2490 Landscape Contractor, 1101-A Ednor Road, approved in 2002
S-1675 Accessory Apartment, 16915 New Hampshire Avenue
S-1104 Accessory Apartment, 16517 New Hampshire Avenue
CBA-929/CBA-508 Riding Academy, 16301 New Hampshire Avenue

Given the residential nature of the cases listed above, even if some of them are currently active, it is not likely that the approval of the subject Conditional Use would adversely affect the predominantly

residential/institutional area, nor would it represent an over concentration of Conditional Uses in the immediate neighborhood.

7.3.1.E.1.f: Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the Conditional Use is equal or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:

- i. If a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, or storm drainage; or
- ii. If a preliminary plan of subdivision is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.

The Conditional Use will require approval of a Preliminary Plan of Subdivision and Record Plat prior to construction. The adequacy of public facilities will be addressed further, in detail, during a review of the Preliminary Plan and it will be determined by the Planning Board at that time.

a. Water and Sewer Service

The property is classified as Water Category W-3 and Sewer Category S-6 and therefore, the property will be served by public water and septic disposal system. The Applicant had submitted a report and a soil study to DPS Well and Septic Section. By a memorandum dated May 10, 2021, DPS Well and Septic stated that “The reports by these subject matter professionals were accepted as meeting the requirements of Chapter 59 of the Montgomery County Zoning Code, Section 3.5.4.A.2.b and 3.5.4.A.2.c.”(Attachment D-3)

b. Storm Water Concept Plan/ Water Quality Plan

The Applicant’s Storm Water Management Plan had been submitted to Montgomery County Department of Permitting Services (MCDPS) and. By a letter dated June 3, 2021, MCDPS Water Resource Section has indicated that the Applicant’s storm management concept is acceptable provided certain conditions are addressed during the detailed Sediment Control/SWM plan stage (see MCDPS letter-Attachment D-2). A final approval of the Storm Water Management Plan will take place as part of a Preliminary Plan of Subdivision review if the Conditional Use application is approved.

c. Transportation

Adequate Public Facilities Review (APF) and Local Area Transportation Review (LATR)

The Conditional Use Plan for the proposed use of Cemetery with four(4) employees does not trigger LATR based on the operational statement provided by the applicant. According

to the *Local Area Transportation Review (LATR) Guidelines*, the project will not exceed the threshold for an LATR since the operation does not generate more than 50 new person trips in either the morning or evening peak hours.

d Other Facilities

Fire Access

The Applicant submitted a fire access plan to the MCDPS Fire Department Access and Water Supply Office. The Office has given a concept approval of the proposed fire access plan on May 3, 2021 (Attachment D-1).

There are adequate police and fire services to serve the use.

Due to its nature, the proposed Conditional Use does not generate any school aged children; therefore, school facilities review is not necessary.

7.3.1.E.1 g: Will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:

- i. **The use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood.**
- ii. **Traffic, noise, odors, dust, illumination or lack of parking; or**
- iii. **The health, safety or welfare of neighboring residents, visitors or employees.**

This standard requires the Hearing Examiner to identify inherent and non-inherent adverse effects of the proposed use on nearby properties and the surrounding area. Inherent adverse effects are “adverse effects created by physical or operational characteristics of a Conditional Use necessarily associated with a particular use, regardless of its physical size or scale of operations.”, Section 59-1.4.2. Inherent adverse effects, alone, are not enough to deny a conditional use. As established in previous Conditional Use Applications, physical and operational characteristics of the proposed use that are not consistent with the characteristics identified or adverse effects created by unusual site conditions will be considered non-inherent adverse effects. A conditional use may be denied if it will have noninherent adverse effects, alone or in combination with inherent effects, that cause “undue” harm to the surrounding neighborhood. The inherent, generic physical and operational characteristics associated with a cemetery Conditional Use are:

- a. Grave sites
- b. Equipment storage buildings
- c. Office and meeting rooms
- d. Traffic generated by funeral attendees and employees
- e. Potential for queuing vehicles on site
- f. A gathering hall \prayer chapel
- g. Signage
- h. Outdoor lighting

Many of the characteristics of the proposed Conditional Use are inherent. The proposed project does not substantially alter the existing semi-rural/institutional nature of the immediate neighborhood in terms of scale, massing, architectural features, building materials, and orientation. The proposed access driveway, internal vehicular circulation system, and the onsite parking areas shown on the Conditional Use Site Plan are operational characteristics associated with a cemetery.

Staff considers the configuration of the property with an exceptional narrowness of its front portion restricting the size and location of buildings associated with the operation of the cemetery and necessitating an exceptionally long winding driveway deep into the wider portion of the property, to be a noninherent characteristic. However, Staff believes that this non-inherent characteristic does not rise to a level that warrants a denial. The Applicant is requesting a variance from the lot width requirement at street frontage and at building line requirement. As noted, staff supports the variance request (Section V: Variance). A waiver from the 1/4th Maximum distance from the entrance for the parking spaces is also supported by staff.

With the recommended conditions, the use will not cause any objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site. The lighting fixtures which will be used, the environmental protection and conservation built into the use, the strategic location of buildings, the landscape screening, and the limited improvements on the property will ensure that any potential adverse effect is restricted to those within the inherent characteristics of this type of use. Thus, the Conditional Use would be compliant with this provision.

The proposed facility is consistent with all applicable standards of the RC Zone and with the recommended conditions and approval of the requested variance, it satisfies all applicable requirements for a cemetery Conditional Use. The size, scale, and scope of the proposed cemetery will not adversely affect the residential character of the neighborhood or result in any unacceptable noise, traffic disruption, or environmental impact. Thus, there are no inherent or non-inherent adverse effects associated with this application sufficient to warrant a denial of the proposed Conditional Use.

SECTION V: VARIANCE A-6693

The Applicant is requesting a variance from the minimum required width of 300 feet for property located in the RC-Zone:

1. A variance of 94.1 feet for the front lot line as the front lot line is 205.9 feet long and the minimum required is 300 feet per Section 59.4.3.4.B.1.
2. A variance of 85.9' for the lot width at the front building line as the lot width is 214.1 feet and the minimum required is 300 feet per Sections 59.4.3.4.B.1.

Section 59-7.3.2.E: granting the variance may only authorize a use of land allowed by the underlying zone. To approve a variance, the Board of Appeals must find that:

1. denying the variance would result in no reasonable use of the property; or
2. each of the following apply:

- a. **one or more of the following unusual or extraordinary situations or conditions exist:**
 - i. **exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property.**
 - ii. **the proposed development uses an existing legal nonconforming property or structure.**
 - iii. **the proposed development contains environmentally sensitive features or buffers.**
 - iv. **the proposed development contains a historically significant property or structure;**
or
 - v. **the proposed development substantially conforms with the established historic or traditional development pattern of a street or neighborhood.**

Despite its considerably large size, (40 acres), the property has an exceptional shape or extraordinary conditions. The property, with its inverted L shape configuration, is exceptionally narrow on its street frontage (approximately 206 linear feet) triggering a need for a variance of 94 feet at the front property line and 86 feet at the front building line from the required 300 feet of width in the RC zone. In contrast, the property's rear property line measures 993 linear feet, nearly five times wider than the width of its front lot line on New Hampshire Avenue. The narrower width at the property's front line has restricted the types of improvements near the entrance to only small structures necessitating an over 600-foot long winding driveway to access the more developable area for the larger structures, and conducive ground for the burial plots. No other property is configured in such a manner within the RC zoned area between Ednor Road (north) and MD -198 (South).

The property is almost entirely covered by forest. The property also features several streams requiring stream valley buffers for the preservation and protection of the streams.

- b. **The special circumstances or conditions are not the result of actions by the applicant.**

The special circumstances regarding the width of the property's street frontage are not the result of actions by the Applicant. Documentation provided by the Applicant reveals that the property, with its current configuration, was created by deed in 1945, predating the property's placement in the RC zone.
- c. **The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property.**

The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with the specific Conditional Use requirement would impose due to the extraordinary conditions on the property. Any attempt to meet the Conditional Use requirement would require the applicant to acquire additional land on either side of the property, increase its size by at least 97 feet of width with approximately 600 feet long depth, to meet the 300 feet lot line and building front line requirements of the RC Zone.
- d. **The variance can be granted without substantial impairment to the intent and integrity of the general plan and the applicable master plan; and**

The variance can be granted without substantial impairment to the intent and integrity of the General Plan and the 1997 Cloverly Master Plan discussed more fully above in Section III. In addition, the variance, if granted, would be in harmony with the general purpose, intent, and spirit of the Zoning Ordinance.

e. Granting the variance will not be averse to the use and enjoyment of abutting or confronting properties.

Granting the variance will not be averse to the use and enjoyment of abutting or confronting properties. The variance would not result in any change in the current conditions on the property. The requested variances of 94 feet and 86 feet from the 300-foot-wide front property line and building line width requirements, in this case, are practical and appropriate given the fact that the proposed use meets or exceeds all other required setbacks, height, and other development standards. The variance, if granted, would be in harmony with the general purpose, intent, and spirit of the Zoning Ordinance.

Based on the preceding analysis, staff recommends approval of the requested variance.

SECTION VI. CONCLUSION

The proposed Conditional Use satisfies all applicable requirements for approval of a Conditional Use as specified in the Montgomery County Zoning Ordinance. The proposed use is consistent with the recommendations of the *1997 Cloverly Master Plan*. There are no unacceptable traffic, circulation, noise, or environmental impacts associated with the application provided that the recommended conditions are satisfied.

Based on the foregoing analysis, **Staff recommends Approval** of Conditional Use CU-21-06 and Variance A-6693 subject to the conditions found on Page 2 of this report.

ATTACHMENTS

- A. Plans and Drawings
- B. Preliminary Forest Conservation Plan Report and Recommendation
- C. Community
- D. Supplemental Information and Supporting Documents

CU-21-06/etesfaye/060921

A. Plan and Drawings



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, 04.21.2022

REFLECTION PARK, INC.
116 BAUER DRIVE
ROCKVILLE, MD 20853
LDADAHB@GMAIL.COM

DESIGN TEAM

ENGINEER OR SURVEYOR:
MACRIS, HENDRICKS &
LASCOCK, P.A.
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(301) 670-0840
CONTACT: DAVID CROWE
CROW@MHGPA.COM

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HARTERED
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01) 762-5212
CONTACT: JODY KLINE
JKLINE@MMCANBY.COM

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ETEMADI.STS@GMAIL.COM

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SILVER SPRING, MD 20901
(301) 922-5557
CONTACT: BEYHAN TROCK
BEYHANTROCK@GMAIL.COM

REVISIONS

[illegible]X MAP KT11 222NE01 & 02

61240 F. 308
H ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

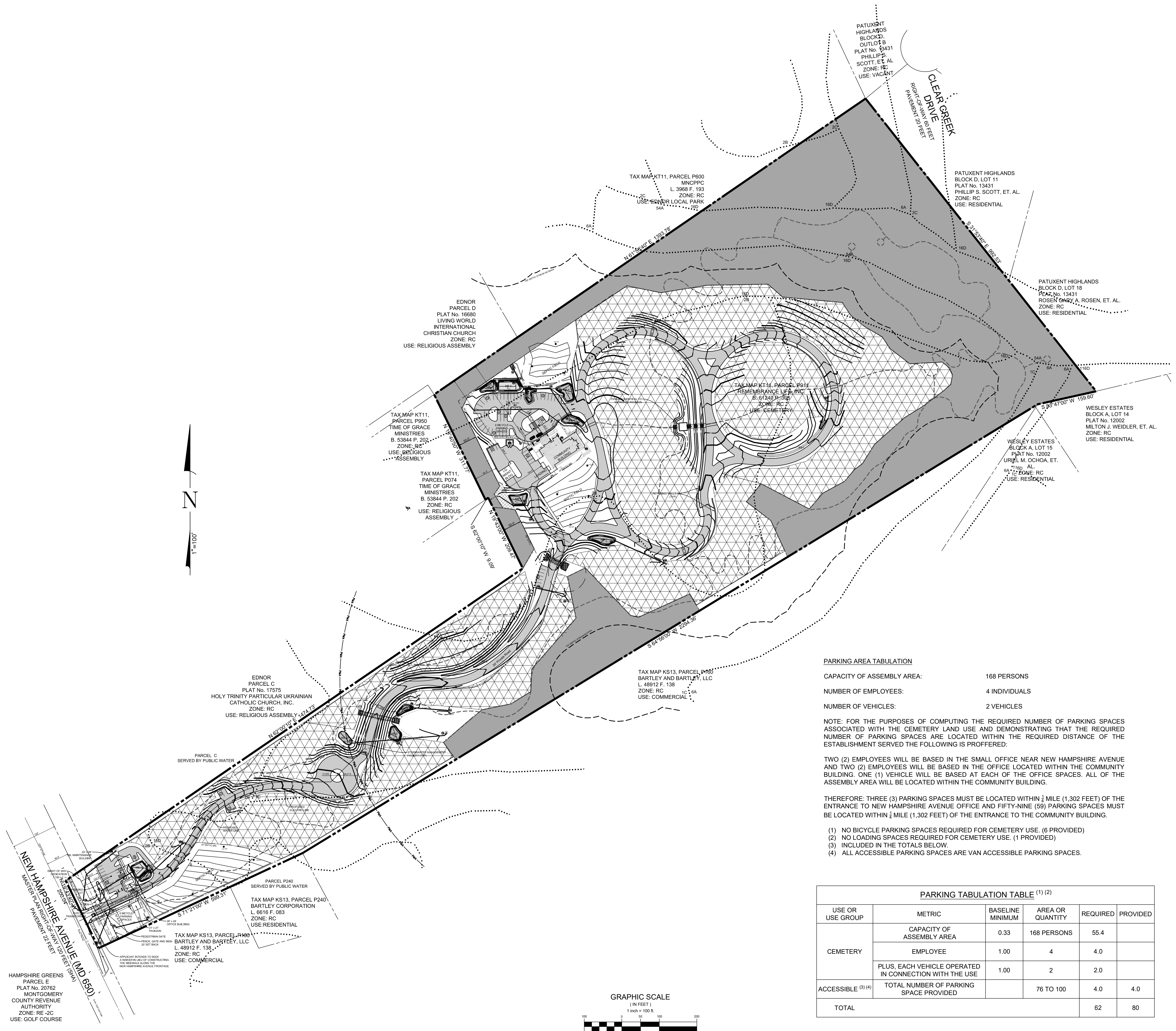
MARCEL -P 911

NOWDEN MANOR

| | |
|-----------|------------|
| PROJ. MGR | DAC |
| DRAWN BY | DBP |
| SCALE | 1"= 100' |
| DATE | 06.09.2021 |

SITE PLAN

C1.02
PROJECT NO. 2018.171.12
SHEET NO. 2 OF 10



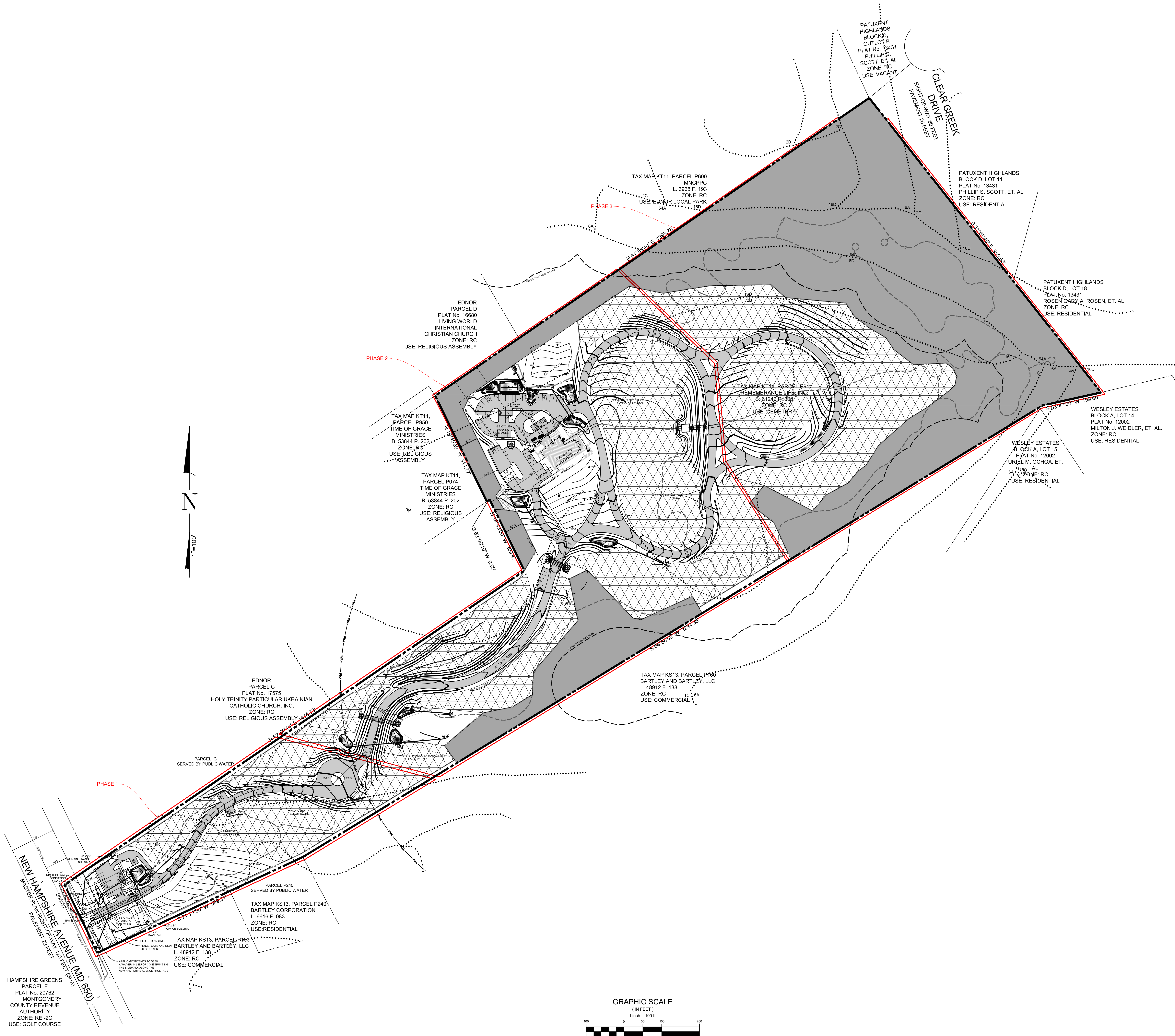
Professional Certification

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Maryland, Lic. No. 16905 Exp. Date: 04.21.2022

REFLECTION PARK, INC.

15116 BAUER DRIVE
ROCKVILLE, MD 20853

ELDADAHB@GMAIL.COM



REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
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| | | |
| | | |

TAX MAP KT11 222NE01 & 02

L. 61240 F. 308

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL - P911

SNOWDEN MANOR

PROJ. MGR DAC

DRAWN BY DBP

SCALE 1"= 100'

DATE 06.09.2021

PHASING PLAN

C1.07

PROJECT NO. 2018.171.12

SHEET NO. 7 OF 10

OWNER/APPLICANT:

REFLECTION PARK, INC.
15116 BAUER DRIVE
ROCKVILLE, MD 20853
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ELDADAHB@GMAIL.COM

DESIGN TEAM

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CONTACT: BEYHAN TROCK
BEYHANTROCK@GMAIL.COM

REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |

TAX MAP: KT11 WSSC GRID: 222 NE 01

B. 61240 P. 308

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL - P 911

REFLECTION PARK

PROJ. MGR DAC

DRAWN BY DBP/CEB

SCALE 1" = 100'

DATE 06.09.2021

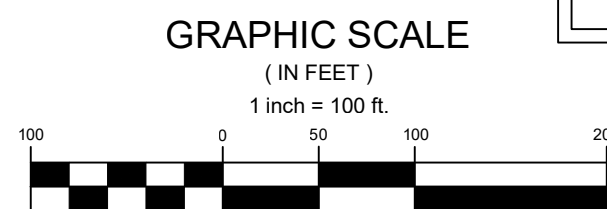
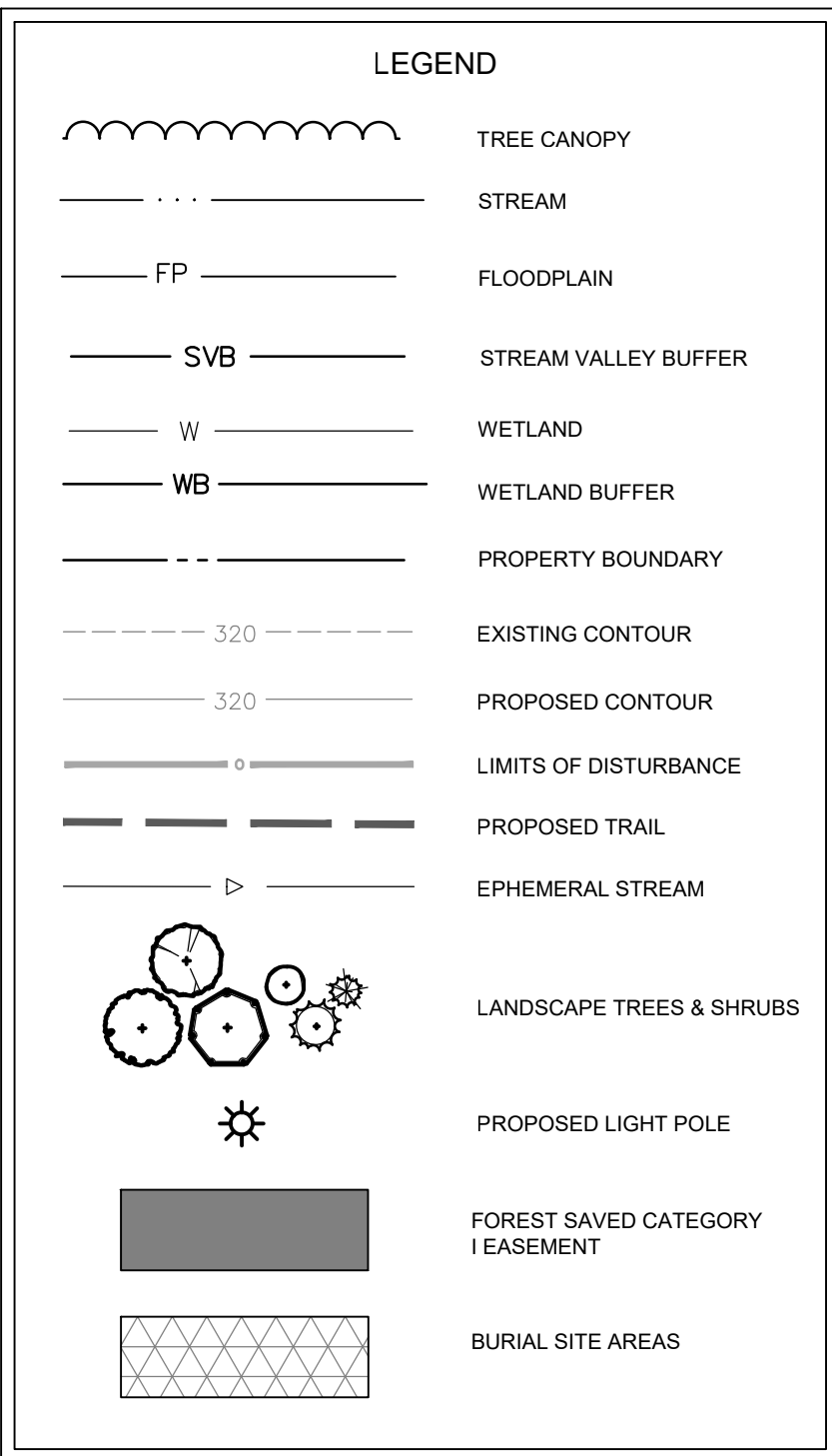
OVERALL
LANDSCAPE PLAN

L2.01

PROJECT NO. 2018.171.12

SHEET NO. 1 OF 5

RESERVED FOR APPROVAL



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

HAMPSHIRE GREENS
PARCEL E
PLAT No. 20762
MONTGOMERY
COUNTY REVENUE
AUTHORITY
ZONE: RE -2C
USE: GOLF COURSE

TAX MAP K813: PARCEL P240
BARTLEY CORPORATION
L. 6616 F. 083
ZONE: RC
USE: RESIDENTIAL

EDNOR
PARCEL C
PLAT No. 17575
HOLY TRINITY PARTICULAR UKRAINIAN
CATHOLIC CHURCH, INC.
ZONE: RC
USE: RELIGIOUS ASSEMBLY

TAX MAP KT11,
PARCEL P074
TIME OF GRACE
MINISTRIES
B. 53844 P. 202
ZONE: RC
USE: RELIGIOUS
ASSEMBLY

TAX MAP KT11,
PARCEL P950
TIME OF GRACE
MINISTRIES
B. 53844 P. 202
ZONE: RC
USE: RELIGIOUS
ASSEMBLY

EDNOR
PARCEL D
PLAT No. 16680
LIVING WORLD
INTERNATIONAL
CHRISTIAN CHURCH
ZONE: RC
USE: RELIGIOUS ASSEMBLY

TAX MAP KT11, PARCEL P600
MNCPPC
L. 3968 F. 193
ZONE: RC
USE: EDNOR LOCAL PARK

TAX MAP KT11, PARCEL P011
REMEMBRANCE LIFE, INC.
B. 61240 P. 308
ZONE: RC
USE: CEMETERY

PATUXENT HIGHLANDS
BLOCK D, LOT 11
PLAT No. 13431
PHILLIP S. SCOTT, ET. AL.
ZONE: RC
USE: RESIDENTIAL

PATUXENT HIGHLANDS
BLOCK D, LOT 18
PLAT No. 13431
ROSEN GARY A. ROSEN, ET. AL.
ZONE: RC
USE: RESIDENTIAL

WESLEY ESTATES
BLOCK A, LOT 14
PLAT No. 12002
MILTON J. WEIDLER, ET. AL.
ZONE: RC
USE: RESIDENTIAL

WESLEY ESTATES
BLOCK A, LOT 15
PLAT No. 12002
URIEL M. OCHOA ET
AL.
ZONE: RC
USE: RESIDENTIAL

PATUXENT
HIGHLANDS
BLOCK D,
OUTLOT B
PLAT No. 13431
PHILLIP S.
SCOTT, ET. AL.
ZONE: RC
USE: VACANT

CLEAR CREEK
DRIVE
RIGHT-OF-WAY 60 FEET
PAVEMENT 24 FEET

NATURAL SURFACE
TRAILS AND SITTING
AREAS

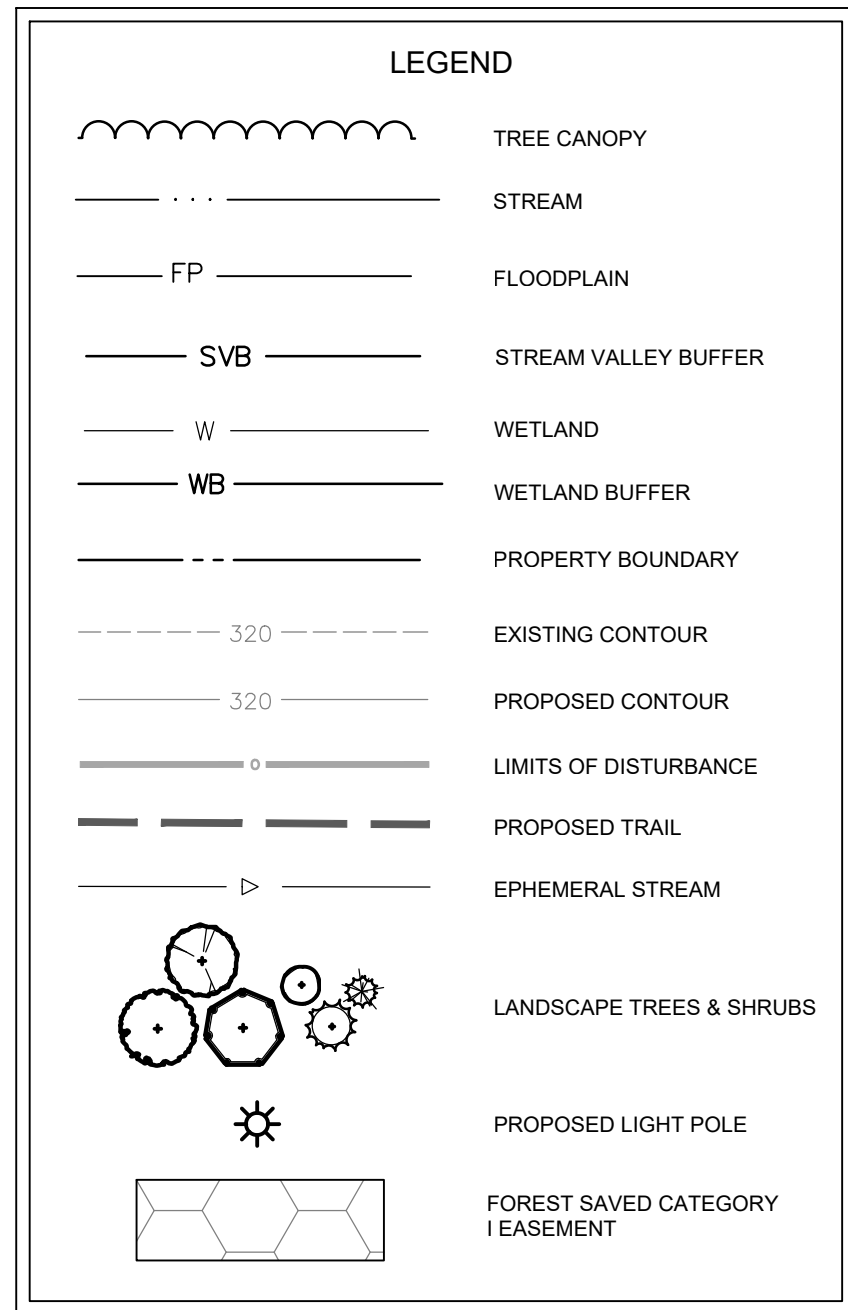
STREAM CROSSING
(TYP)

SIGNIFICANT & SPECIMEN
TREES WERE NOT
INVENTORIED IN THIS AREA

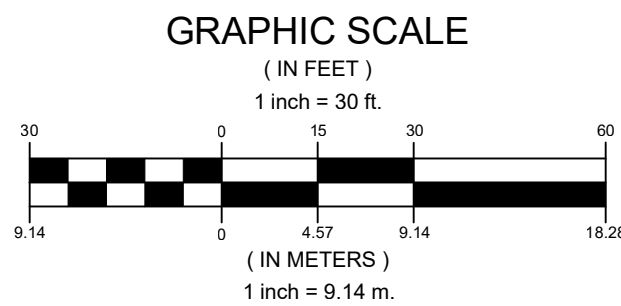
SIGNIFICANT & SPECIMEN
TREES WERE NOT
INVENTORIED IN THIS AREA

SIGNIFICANT & SPECIMEN
TREES WERE NOT
INVENTORIED IN THIS AREA

RESERVED FOR APPROVAL



TYPICAL BURIAL LAYOUT SHOWN TO BE DONE THIS WAY
THROUGHOUT THE BURIAL AREAS.
NATIVE TREES TO BE PLANTED WITHIN THE BURIAL SECTIONS
SHOWN THUSLY



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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Professional Certification
I hereby certify that these documents were prepared or approved by me and that I am a duly licensed Landscape Architect under the laws of the State of Maryland Lic. No. 615 Exp. 09/10/2021

OWNER/APPLICANT:
REFLECTION PARK, INC.
15116 BAUER DRIVE
ROCKVILLE, MD 20853
(301) 789-8309
CONTACT: BASIL ELDADAH
ELDADAHB@GMAIL.COM

DESIGN TEAM
ENGINEER OR SURVEYOR:
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SILVER SPRING, MD 20901
(301) 922-5557
CONTACT: BEYHAN TROCK
BEYHANTROCK@GMAIL.COM

| REVISIONS | | |
|-----------|-------------|------|
| NO. | DESCRIPTION | DATE |
| | | |

TAX MAP: KT11 WSSC GRID: 222 NE 01
B. 61240 P. 308
5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL - P 911
REFLECTION PARK

PROJ. MGR DAC
DRAWN BY DBP/CEB
SCALE 1" = 30'
DATE 06.09.2021

LANDSCAPE PLAN
POTENTIAL GRAVE SITE
ARRANGEMENT EXHIBIT

L2.04
PROJECT NO. 2018.171.12
SHEET NO. 4 OF 5



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

| REVISIONS | | |
|-----------|-------------|------|
| NO. | DESCRIPTION | DATE |
| | | |
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| | | |

TAX MAP: KT11 WSSC GRID: 222 NE 01

B. 61240 P. 308

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL - P 911

REFLECTION PARK

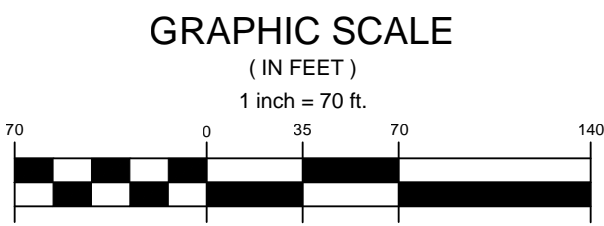
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| PROJ. MGR | DAC |
| DRAWN BY | DBP |
| SCALE | 1" = 70' |
| DATE | 06.09.2021 |

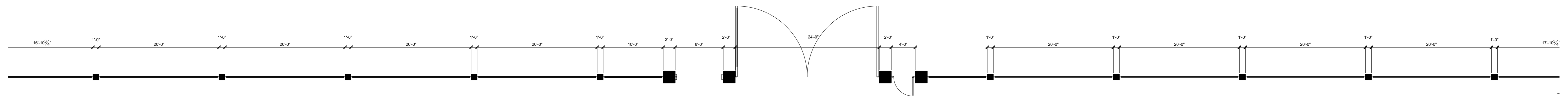
**LIGHTING PLAN &
PHOTOMETRICS**



| Luminaire Schedule | | | | | | | | | |
|--------------------|-----|-------|-------------|-------------|------------|-------|--|------------------------|-------------------------------------|
| Symbol | Qty | Label | Arrangement | Lum. Lumens | Lum. Watts | LLF | Description | [MANUFAC] | Filename |
| | 18 | PT1 | SINGLE | 4204 | 50.5002 | 0.720 | PBDP100-50W64LED3K-MP-PC-C-LE2, 12ft Pole | SIGNIFY LUMEC | PBDP100-50W64LED3K-MP-PC-C-LE2.ies |
| | 4 | PT3 | SINGLE | 4238 | 50.5002 | 0.720 | PBDP100-50W64LED3K-MP-PC-C-LE3, 12ft Pole | SIGNIFY LUMEC | PBDP100-50W64LED3K-MP-PC-C-LE3.ies |
| | 9 | PT4 | SINGLE | 8197 | 95.86234 | 0.720 | PBDP100-95W128LED3K-MP-PC-C-LE3, 12ft Pole | SIGNIFY LUMEC | PBDP100-95W128LED3K-MP-PC-C-LE3.ies |
| | 6 | PT5 | SINGLE | 8496 | 95.86234 | 0.720 | PBDP100-95W128LED3K-MP-PC-C-LE5, 12ft Pole | SIGNIFY LUMEC | PBDP100-95W128LED3K-MP-PC-C-LE5.ies |
| | 2 | AC1 | SINGLE | 1463 | 13.3 | 1.000 | B9-DC, ACCENT, WIDE OPTIC, 13W, Ground Mounted | SIGNIFY HADCO LIGHTING | b9_13w_nw_wide.ies |
| | 17 | | SINGLE | | | | 104L, WALL MOUNT | SIGNIFY GARDCO | |

| Calculation Summary | | | | | | | | | |
|---------------------|-------------|-------|------|-----|-----|---------|---------|--------------|--|
| Label | CalcType | Units | Avg | Max | Min | Avg/Min | Max/Min | Description | |
| Parking Lot | Illuminance | Fc | 1.04 | 7.5 | 0.0 | N.A. | N.A. | 10ft Grid | |
| PL | Illuminance | Fc | 0.00 | 0.1 | 0.0 | N.A. | N.A. | 10ft Spacing | |
| Road | Illuminance | Fc | 0.69 | 3.8 | 0.0 | N.A. | N.A. | 10ft Grid | |





2

SIGN TABLE:
(For rural residential zone parcel over 5 acres. section 6.7.7.B)

| | ALLOWED | PROPOSED |
|---------------|------------|------------------------------------|
| SETBACK: | 10' | 20' |
| MEASUREMENT: | 40 SQ. FT. | 40 SQ. FT. |
| ILLUMINATION: | ALLOWED | GROUND MOUNTED SHIELDED FLOODLIGHT |
| HEIGHT: | 26' | 6'-6" |

SIGN MEASUREMENT:
7'-4" WIDE X 5'-6" HIGH = 40
—SQUARE FEET

— STONE PLANTING URN,
TYP

— WROUGHT IRON DESIGN BASED ON ARTS COMPETITION

- CLIMBING PLANTS ON FENCE ENCOURAGED

REMEMBRANCE
PARK
(SIGN)

66

8'-0"

2'-0"

24'-0"

2'-0"

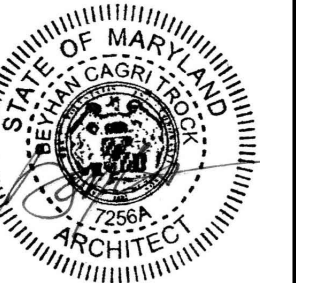
3'-0'

3'-8'

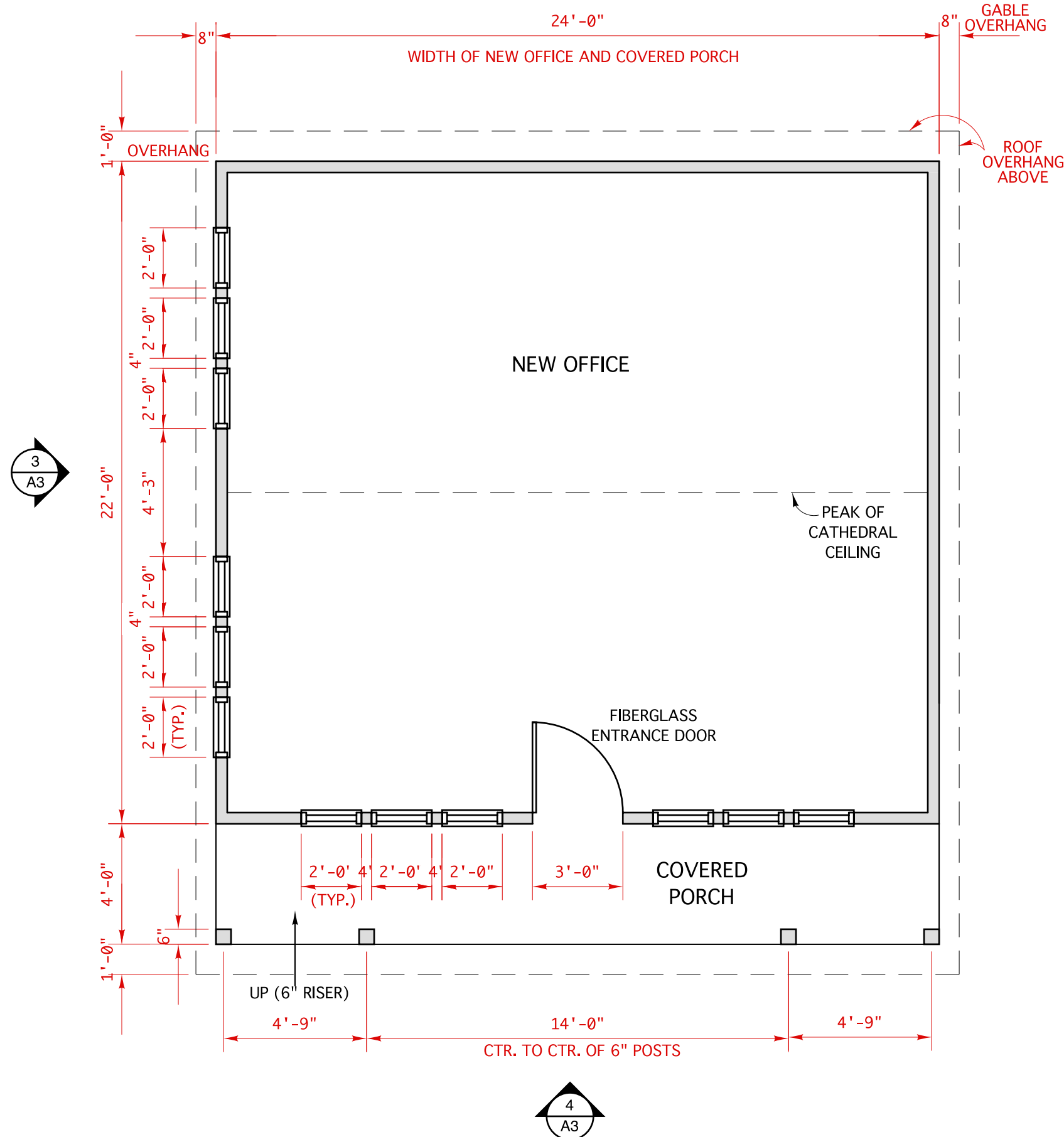
4'-0"

1

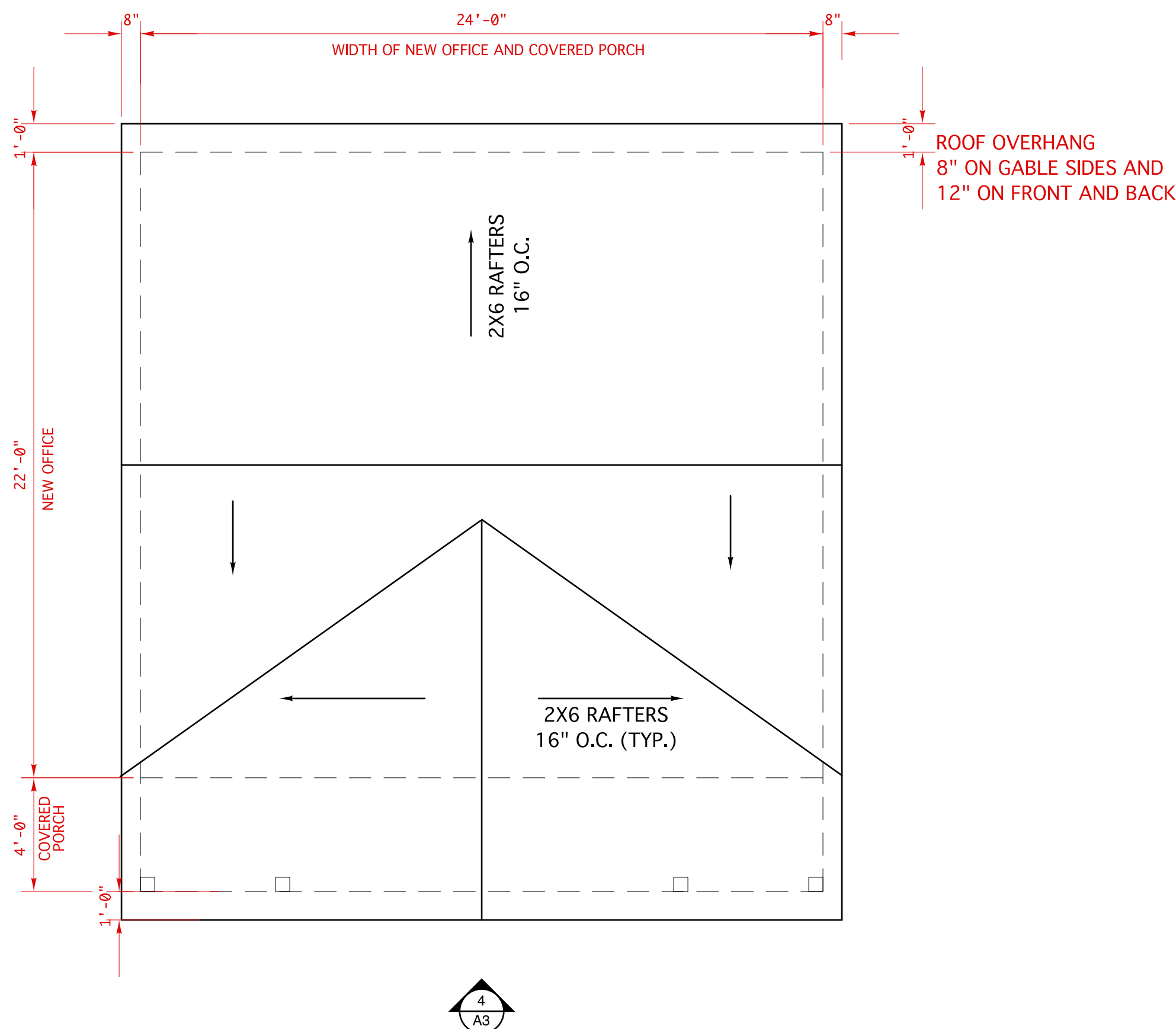
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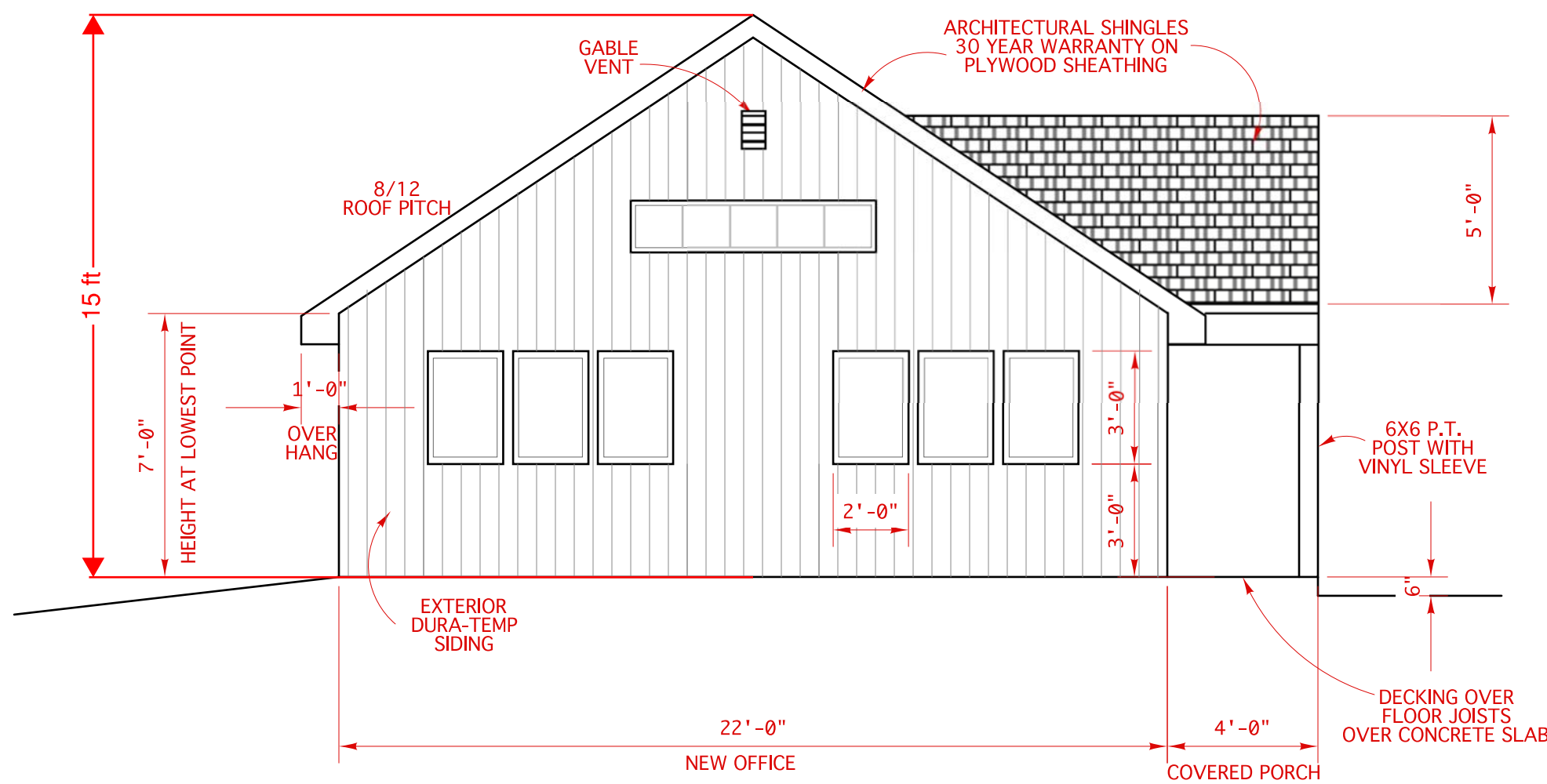
PROFESSIONAL CERTIFICATION
I CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY
ME, AND THAT I AM A DULY LICENSED
ARCHITECT UNDER THE LAWS OF THE
STATE OF MARYLAND, LICENSE
NUMBER 7256, EXP. DATE 09/02/2022



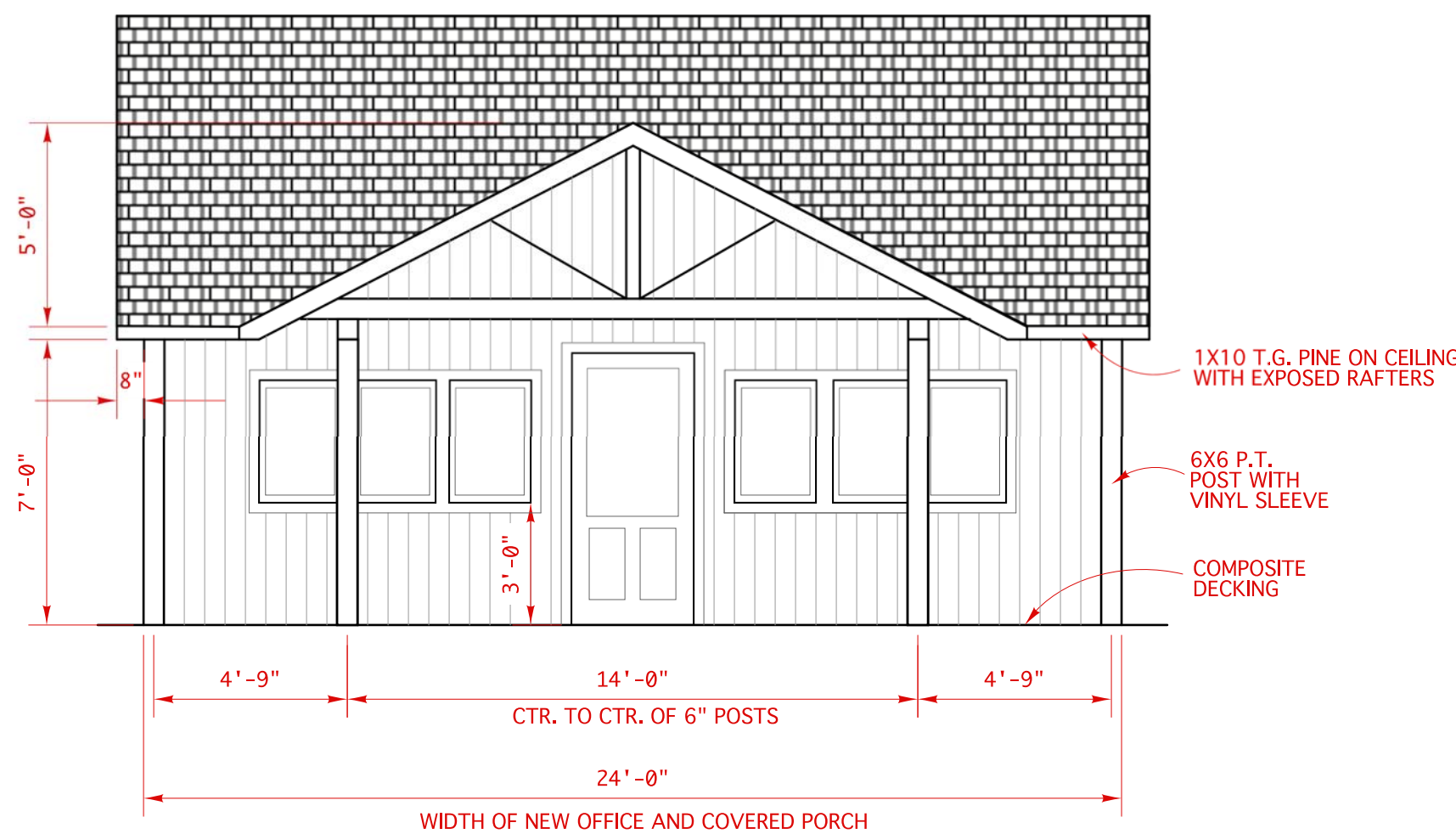
1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 ROOF PLAN
SCALE: 1/4" = 1'-0"



3 SIDE ELEVATION
SCALE: 1/4" = 1'-0"



4 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

SCOPE OF WORK:
A ONE-STORY SLAB ON GRADE (22'x24') OFFICE BUILDING
PLUS (4'x24') COVERED PORCH.

CONSTRUCTION NOTES:

5/8" PLYWOOD SUBFLOOR SECURED TO 16" O.C. PRESSURE
TREATED FLOOR JOISTS

PLYWOOD SHEATHING ATTACHED TO 2x4 FRAMING 16" O.C.
FOR WALLS

PLYWOOD SHEATHING ATTACHED TO 2x6 FRAMING 16" O.C.
FOR ROOF

HRA
Structural Engineers

2437 Henslowe Drive
Potomac, MD 20854

Business : 301-315-0605
Fax: 301-315-0604

HADI@HRAstructural.com

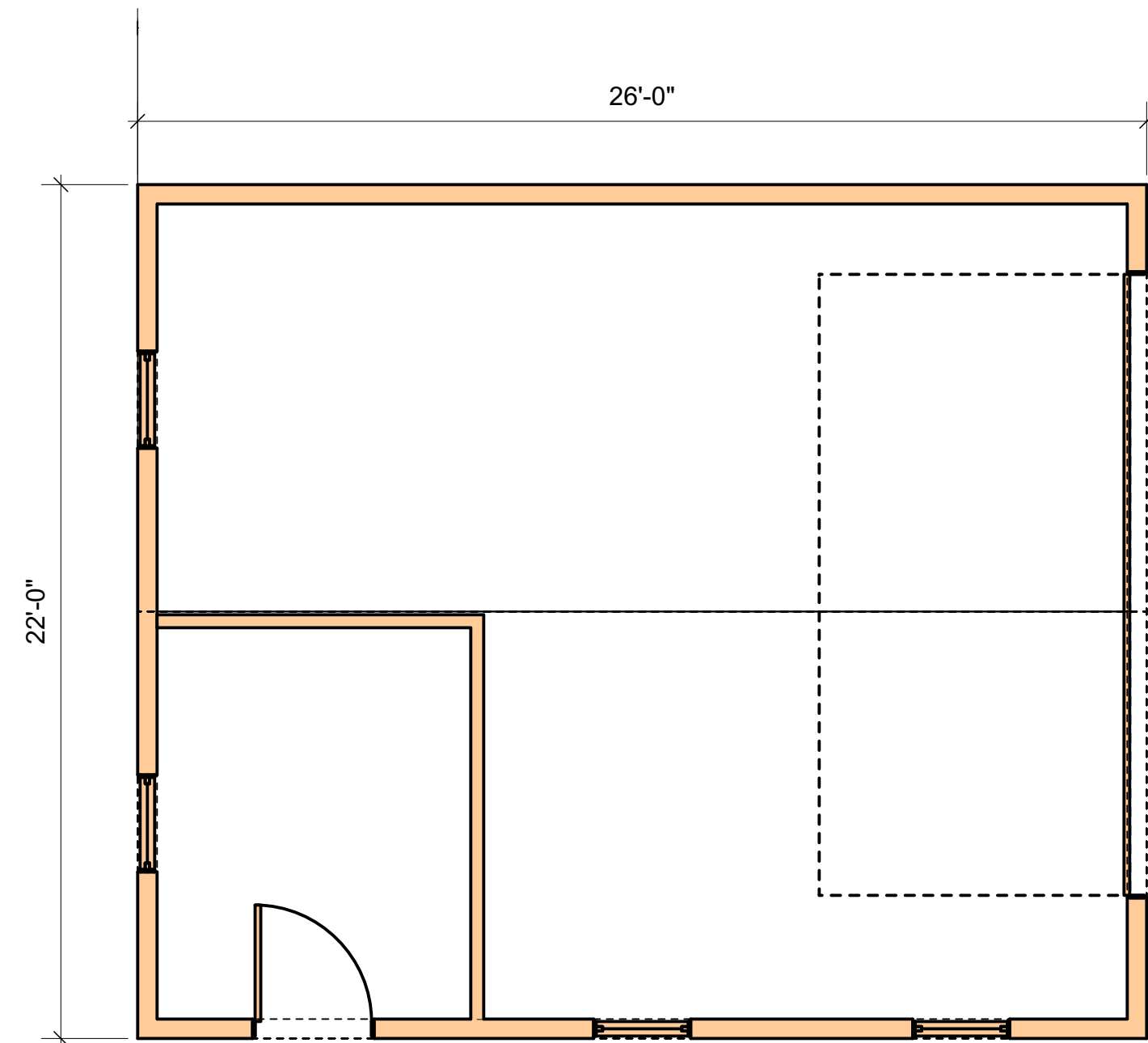
OFFICE BUILDING
16621 NEW HAMPSHIRE AVE
SILVER SPRING, MD

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |



**PLANS &
ELEVATIONS**

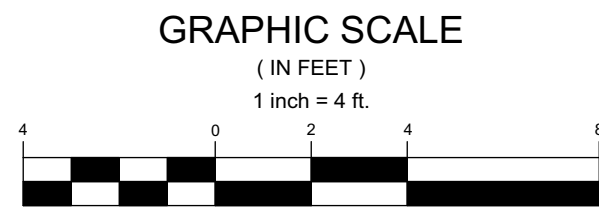
| | |
|------------------|-----------|
| Drawn: MRE | Sheet No. |
| Scale: AS NOTED | A3 |
| Date: 10/26/2020 | |
| Job #: | |



MAINTENANCE SHED FLOOR PLAN
Scale: 1/4" = 1'-0"



MAINTENANCE SHED:
PHASE 1
22' X 26'
16' WIDE OVERHEAD GARAGE DOOR
24' HEIGHT
METAL SIDING AND ROOF (MORTON BUILDINGS OR EQUIVALENT)
EARTH TONE COLOR SCHEME
ELECTRIC
NO PLUMBING



TAX MAP: KT11 WSSC: 22NE018.02

L. 55811 F. 120

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL 911

SNOWDEN MANOR

PROJ. MGR DAC

DRAWN BY DBP

SCALE 1"= 4'

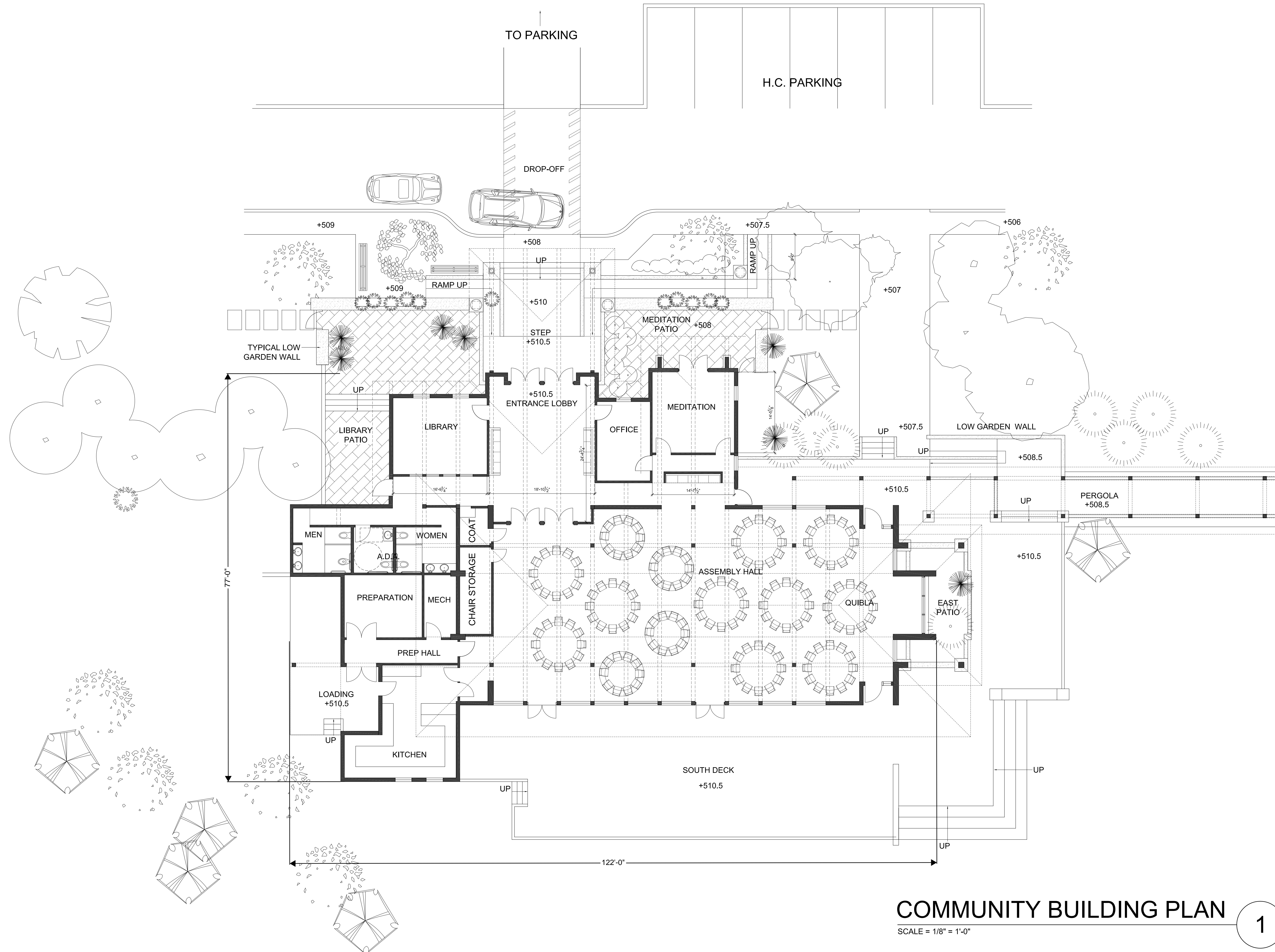
DATE 11/13/2020

SMALL MAINTENANCE
BUILDING PLAN AND
ELEVATION

A-4

PROJECT NO. 2018.171.11

SHEET NO. 4 OF 11





BUILDING 3 SECTION

SCALE = 1/4" = 1'-0"

1



EAST ELEVATION

SCALE = 1/4" = 1'-0"

1



WEST ELEVATION

SCALE = 1/4" = 1'-0"

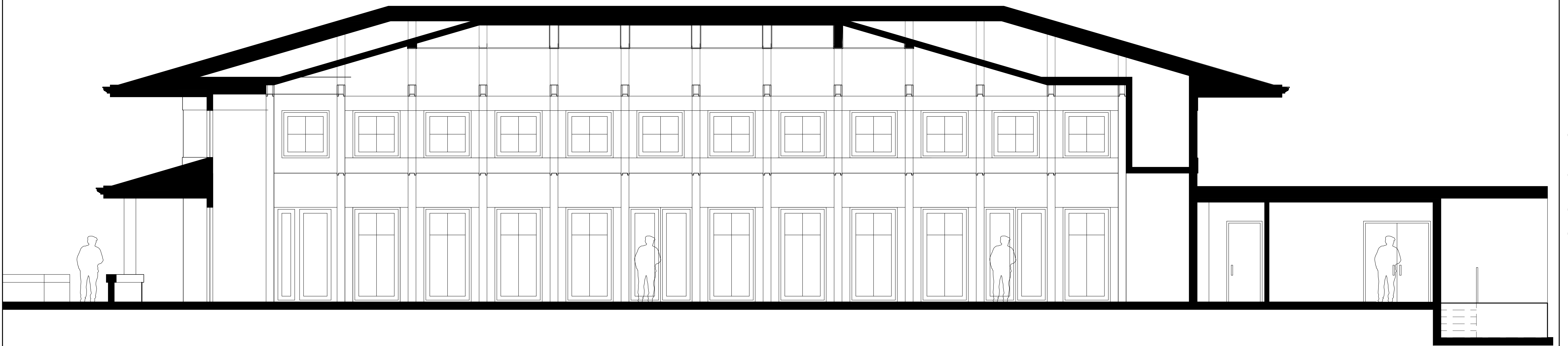
2



SOUTH ELEVATION

SCALE = 1/4" = 1'-0"

1



BUILDING SECTION

SCALE = 1/4" = 1'-0"

1

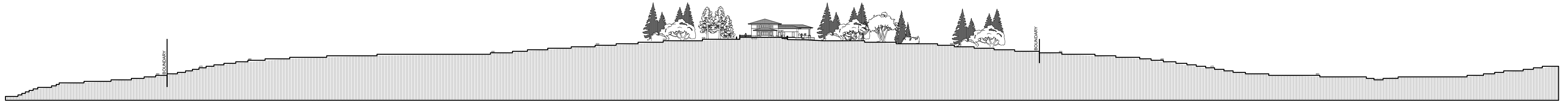


PROFESSIONAL CERTIFICATION
I CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY
ME, AND THAT I AM A DULY LICENSED
ARCHITECT UNDER THE LAWS OF THE
STATE OF MARYLAND, LICENSE
NUMBER 7236, EXP. DATE 09/02/2022

BUILDING SECTION
REMEMBRANCE PARK
SNOWDEN MANOR (PARCEL - 911)

A8

07.28.2020
S.D.



SITE SECTION WITH EAST ELEVATION

SCALE = 1/64" = 1'-0"

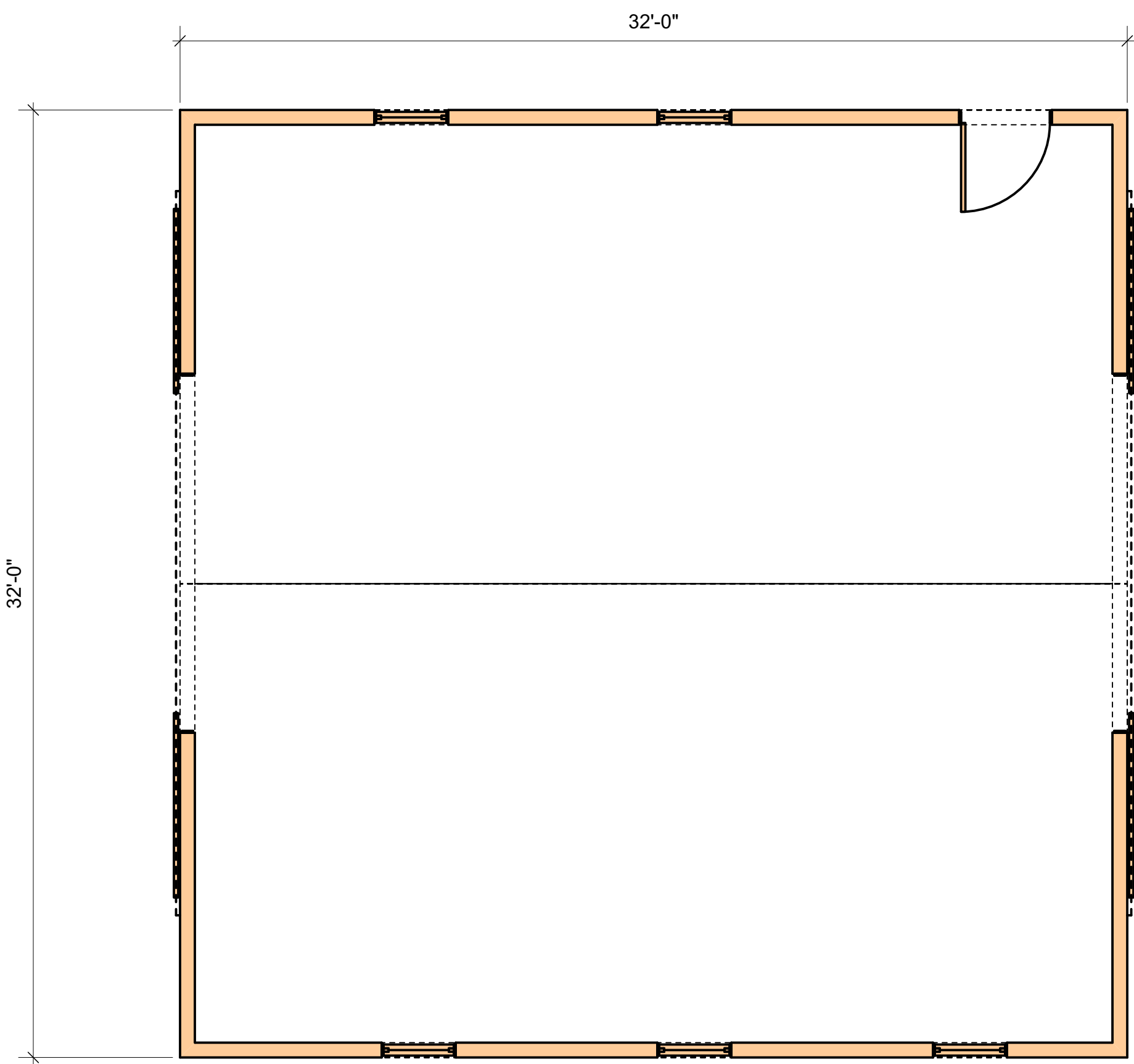
2



SITE SECTION WITH EAST ELEVATION

SCALE = 1/8" = 1'-0"

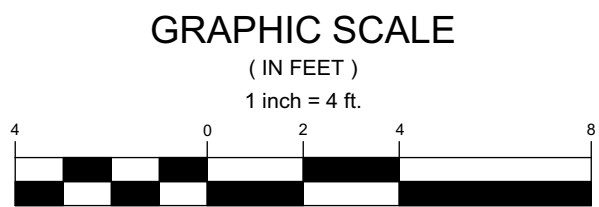
1



MAINTENANCE BUILDING FLOOR PLAN
Scale: 1/4" = 1'-0"



MAINTENANCE BUILDING:
PHASE 2
32' X 32'
12" WIDE BARN DOORS
26' HEIGHT
METAL SIDING AND ROOF (MORTON BUILDINGS OR EQUIVALENT)
EARTH TONE COLOR SCHEME
ELECTRIC
NO PLUMBING



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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Professional Certification
I hereby certify that these documents were
prepared or approved by me, and that I am a duly
licensed Professional Engineer under the Laws of
the State of Maryland.
License No. 16905, Expiration Date: 04/21/2022

REMEMBRANCE LIFE, INC.
ADDRESS: 15116 BAUER DRIVE
ROCKVILLE, MD 20853
ELDADAHB@GMAIL.COM

TAX MAP: KT11 WSSC: 22NE01& 02

L. 55811 F. 120

5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL 911

SNOWDEN MANOR

PROJ. MGR DAC

DRAWN BY DBP

SCALE 1"= 4'

DATE 11/13/2020

LARGE MAINTENANCE
BUILDING PLAN AND
ELEVATION

A-10

PROJECT NO. 2018.171.11

SHEET NO. 10 OF 10

B. Forest Conservation Plan

Attachment-B



Reflection Park, Preliminary Forest Conservation Plan, CU202106

- ☐ Joshua Penn, Planner Coordinator, Joshua.Penn@montgomeryplanning.org, 301-495-4546
- ☐ Patrick Butler, Chief Upcounty Planning, Patrick.Butler@montgomeryplanning.org, 301-495-4561
-

Description

Request for approval of a Preliminary Forest Conservation Plan as part of a Conditional Use application to operate a cemetery.

Staff Recommendation: *Approval with conditions*
Preliminary Forest Conservation

Location: 16621 New Hampshire Avenue

Master Plan: 1997 Cloverly Master Plan

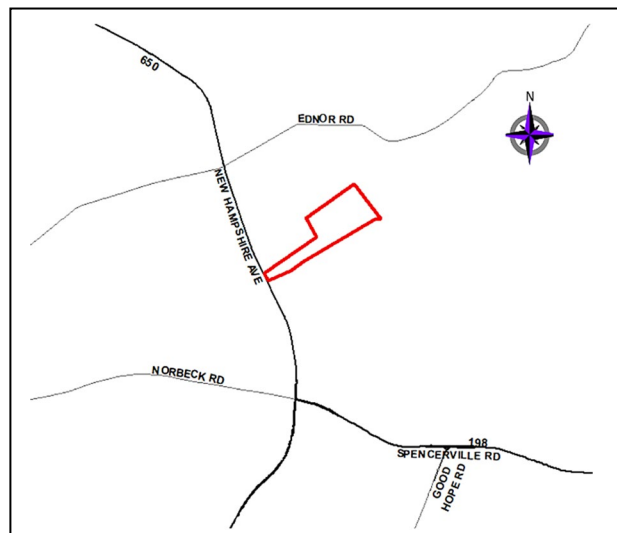
Zone: RC

Property Size: 40.39 acres

Applicant: Reflection Park, Inc.

Accepted Date: January 14, 2021

Review Basis: Chapter 22A



Summary

- There are two items for Planning Board review for this project: The Preliminary Forest Conservation Plan and the Conditional Use.
- This memorandum covers Staff review and recommendations for the Preliminary Forest Conservation Plan. The Planning Board's actions on the Preliminary Forest Conservation Plan is regulatory and binding. The review and recommendations for the Conditional Use are covered in a separate memorandum.
- Staff recommends **approval with conditions** of the Preliminary Forest Conservation Plan
- Meets requirements of Chapter 22A, Forest Conservation Law.
- Staff has not received community correspondence on this application.

Recommendation: **Approval with conditions** of the Preliminary Forest Conservation Plan

1. This Preliminary Forest Conservation Plan approval is no longer valid if the Montgomery County Hearing Examiner denies Conditional Use No. CU202106.
2. Applicant must submit a Final Forest Conservation Plan ("FFCP") to M-NCPPC Staff for review with the Preliminary Plan of Subdivision submittal.
3. The FFCP must be consistent with the final approved PFCP.
4. Applicant must obtain approval of the FFCP prior to certification of the preliminary plan of subdivision.

SITE DESCRIPTION

The subject property is located at 16621 New Hampshire Avenue (MD 650), on the east side of the road Approximately 2,800 feet north of its intersection with Spencerville Road (MD 198) and approximately 2,600 feet south of Ednor Road in Silver Spring, Maryland. It comprises 40.39 acres (1,759,388 S.F.) of land is an unimproved and covered with forest. The property is identified as Parcel 911 of Snowden Manor, Tax ID #05-00272622.

The property is irregularly shaped (flag shaped) with its 206-foot-wide narrowest edge abutting New Hampshire Avenue from which it is accessed and measuring 993 feet wide at the rear (eastern) property line. The approved Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) reveals that the property contains 40.29 acres of forest. Several streams exist on site and traverse the property. There is no wetland identified per National Wetlands online inventory however, the NRI/FSD indicates that a site visit reveals 0.03 acres along channel wetlands. The site drains to the lower Patuxent River, Rocky Gorge Watershed. There are no rare, threatened, or endangered species on the property. The property is not designated as historic.



Figure 2: Aerial Photograph of the Site

PROJECT DESCRIPTION

Preliminary Forest Conservation Plan associated with a Conditional Use for a natural burial ground. A natural burial ground is a cemetery where bodies are not embalmed, graves do not use vaults or liners, do not have upright headstones and replants trees and other vegetation to allow for the burial areas to return to a more natural state. The property will have a building to serve as an assembly hall for funeral services. The building will have a septic system and will be served by public water. A driveway entrance off New Hampshire Avenue provides access to the rear of the property and the proposed building. A loop drive is proposed in the back to enable walking access to the different points of the burial ground at a maximum walking distance of 300 feet from the road.

A. FOREST CONSERVATION PLAN AMENDMENT ANALYSIS AND FINDINGS

The Application meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

Review for Conformance to the Forest Conservation Law

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(b) a person required by law to obtain approval of a special exception or a conditional use, or a sediment control permit on a tract of land 40,000 square feet or larger, and who is not otherwise required to obtain an approval under subsection (a).

The Preliminary Forest Conservation Plan (PFCP) was prepared as part of Conditional Use Application No. CU202106 ("Application"), to operate a Cemetery (Attachment A). While the Planning Board is technically advisory on Board of Appeals applications, the Planning Board must make a finding that the pending Conditional Use Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420202290 was approved for the Property on September 10, 2020. There is approximately 40.29 acres of existing forest on the property.

A Preliminary Forest Conservation Plan has been submitted for review. The project proposes to clear 25.63 acres existing forest. Based on the land use category and the forest conservation worksheet there is no planting requirement generated for the Application. The Applicant proposes to retain 14.66 acres of existing forest onsite. All forest saved as well as environmental buffers will be protected in a Category I Conservation Easement.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to

these trees, including removal of the subject tree or disturbance within the 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. 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. The law requires 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 a 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.

Variance Request - The Applicant submitted a variance request in a letter dated March 16, 2021 (Attachment B). The Applicant proposes to remove seventy-seven (77) trees and impact fifty-one (51) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Due the large number of specimen trees being removed or impacted, separate tree tables and the distribution diagram of tree locations were not provided in this section but can be found in the Variance Request (Attachment B) and the Variance Tree Exhibit (Attachment C).

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the layout, creation of grave sites and access, of the proposed development on the Property. The site is almost completely mature forest with variance trees distributed evenly throughout. The trees requested to be removed or impacted are all located within the developable area of the site and the inability to remove or impact these trees would render the site undevelopable for this project. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

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, in order for a variance to be granted.

Variance Findings

1. *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 removal and impacts of the trees is due to the location of the trees and necessary site design requirements unique to a cemetery use. The Applicant proposes removal of the three trees with mitigation. Therefore, granting of this variance is not a special privilege that would be denied to other applicants.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this specific use.

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

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *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. The specimen trees being removed are not located within a stream buffer, wetland, or special protection area. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There are 77 trees proposed for removal in this variance request. All specimen trees being removed are located within an existing forest stand on the Subject Property. It has been M-NCPPC policy not to require mitigation for specimen trees removed within forest stands since the removal of the forest stand is compensated for through the Forest Conservation Worksheet. Additionally, no mitigation is required for trees that are impacted, but retained.

While not actual mitigation or requirement an element of the natural burial process that is unique to this use is that a variety of native trees and plants will be replanted over the burial areas which will eventually reestablish forest. Additionally, the trees and forest will be removed and replaced in phases over approximately 50 years staggering the effects of clearing. Stress reduction measures will be provided for all of the impacted trees.

Variance Recommendation

Staff recommends approval of the variance request.

CONCLUSION

The Preliminary Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions cited in this Staff Report.

ATTACHMENTS

Attachment A – Preliminary Forest Conservation Plan

Attachment B – Tree Variance Request

Attachment C – Tree Variance Exhibit



C. Community

Attachment-C

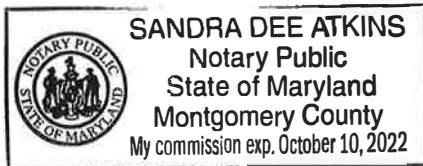
AFFIDAVIT

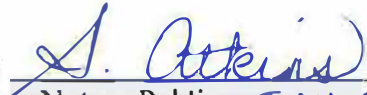
In conjunction with the filing of a preliminary plan of subdivision application for property located on the east side of New Hampshire Avenue, Silver Spring, approximately 2,300 feet north of its intersection with Norbeck / Spencerville Road, I hereby attest to the following:

1. A pre-submission meeting with neighbors was conducted on the evening of Tuesday, December 15, 2020 at 7:00 PM via Microsoft Teams.
2. A copy of the letter of invitation to attend the pre-submission meeting is attached (Exhibit A).
3. A list of all those who received copies of the letter invitation is attached (Exhibit B). This list included all adjoining and confronting property owners; all civic, community, condominium and homeowners associations within a half-mile radius of the site; and MNCPPC's Development Review Division, Intake Section.
4. A typed list showing the meeting attendees (Exhibit C) is attached.
5. Minutes of the discussion at the pre-submission meeting are attached (Exhibit D).
6. A sign was posted on the property subject to the development at least 15 days prior to the pre-submission meeting (Exhibit E).


Jody S. Kline

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this 17th day of Dec., 2020.




Notary Public SANDRA ATKINS

My Commission expires: 10/10/2022

Law Offices Of
MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.762.6044 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
JOSEPH P. SUNTUM
ROBERT E. GOUGH

DONNA E. MCBRIDE (DC)
SEAN P. HUGHES (DC)
CATHY G. BORTEN (DC, VA)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE-CHO (CA)

DAVID A. LUCAS (DC)
DIANE E. FEUERHERD
CHRISTOPHER L. YOUNG (VA)
CALLIE CARNEMARK (VA)
JAMES T. ROTH (DC)

JSKLINE@MMCANBY.COM

Dear Neighbor,

Remembrance Life, Inc. plans to file a preliminary plan application to develop their 40.39 acre property on New Hampshire Avenue to operate a "green burial" cemetery. The site is located on the east side of New Hampshire Avenue (MD Route 650), approximately 2,300 feet north of its intersection with Norbeck Road / Spencerville Road (MD Route 198).

In light of the current social distancing guidelines, the meeting will be held virtually on **Tuesday, December 15, 2020 at 7:00 p.m.** If you wish to participate, the meeting will be convened using the Microsoft Teams platform.

Please RSVP by sending an email to Somer Cross at stcross@mmcanby.com and you will be sent a meeting invite with a direct link allowing you to "**Join the Meeting**" via your computer. Alternatively, for those who would prefer to participate by phone, please use the following dial-in number (+1 470-391-0582) and Conference ID number (491 538 171#). We welcome you to attend or to send a designated representative from your organization to this virtual meeting.

If you have any questions about the meeting, please contact Somer Cross with Miller, Miller & Canby at (301) 762-5212 or stcross@mmcanby.com.

We look forward to speaking with you on December 15th.

Sincerely Yours,

MILLER, MILLER & CANBY



Jody S. Kline

EXHIBIT A

REMEMBRANCE PARK
PRE-FILING COMMUNITY MEETING NOTICE LIST

| Acct | Name | Name2 | Address | City | State | Zip | Lot / Parcel | Situs Address |
|--|--|-------|--------------------------|---------------|-------|-------|--------------|--------------------------------|
| ADJOINING / CONFRONTING PROPERTY OWNERS | | | | | | | | |
| 05 02855113 | Holy Trinity Particular UKR Catholic Church Inc. | | 16631 New Hampshire Ave. | Silver Spring | MD | 20905 | N129 | |
| 05 00256006 | Time of Grace Ministries | | 501 Rosemere Ave. | Silver Spring | MD | 20905 | P074 | |
| 05 02735915 | Living World International Christian Church | | 16819 New Hampshire Ave. | Silver Spring | MD | 20905 | N833 | |
| 05 00269101 | Maryland National Capital Park and Planning Commission | | 2425 Reddie Dr., Flr 14 | Wheaton | MD | 20902 | P600 | 1125 Ednor Rd |
| 05 00267705 | Phillip & Vicki Scott | | 17000 Clear Creek Dr. | Silver Spring | MD | 20905 | Outlot B | 17010 Clear Creek Dr |
| 05 00273956 | Phillip & Vicki Scott | | 17000 Clear Creek Dr. | Silver Spring | MD | 20905 | D / 11 | |
| 05 02090386 | Gary & C A Rosen | | 17001 Clear Creek Dr. | Silver Spring | MD | 20905 | D/ 18 | |
| 05 01839788 | Milton Weidler et al | | 1007 Parrs Ridge Dr | Spencerville | MD | 20868 | A/ 14 | |
| 05 01652825 | Bartley and Bartley LLC | | 22 Brinkwood Rd | Brookville | MD | 20833 | P160 | 16613 New Hampshire Ave. |
| 05 00276083 | Barley Corporation | | P.O. Box 1299 | Ashton | MD | 20861 | P240 | 16609 New Hampshire Ave |
| 05 03230670 | Montgomery County Revenue Auth | | 101 Monroe St., Ste 410 | Rockville | MD | 20850 | A/ Par E | |

EXHIBIT B

REMEMBRANCE PARK
PRE-FILING COMMUNITY MEETING NOTICE LIST

| Acct | Name | Name2 | Address | City | State | Zip | Lot / Parcel | Situs Address |
|---|---|----------------------------------|--------------------------|---------------|-------|------------|--------------|---------------|
| HOMEOWNER AND CIVIC ASSOCIATIONS WITHIN 1/2 MILE | | | | | | | | |
| | Cloverly Civic Assn. | Quent Remein, President | 201 Bryants Nursery Road | Silver Spring | MD | 20905-3844 | | |
| | Cloverly Civic Association | Mary Hemingway, Vice President | 718 Snider Lane | Silver Spring | MD | 20905 | | |
| | Cloverly/Fairland/White Oak CAC | L. Edward O'Hara, Chair | 12510 Prosperity Drive | Silver Spring | MD | 20904-1639 | | |
| | Cloverly/Fairland/White Oak CAC | Ms. Barbara Foresti, Chair | 301 Willington Drive | Silver Spring | MD | 20904 | | |
| | Cloverly/Fairland/White Oak CAC | Quentin Remein | 201 Bryants Nursery Rd | Silver Spring | MD | 20905 | | |
| | East County Citizens Advisory Board | | 3300 Briggs Chaney Road | Silver Spring | MD | 20904 | | |
| | Gamewell Community Assn. | Chuck Selden, President | 1805 Gamewell Road | Silver Spring | MD | 20905 | | |
| | Greater Ashton Civic Association | Jennifer Fajman | 17922 Pond Road | Ashton | MD | 20861 | | |
| | Hampshire Greens Homeowner's Assn. | Steve Szot | 16604 Sea Island Court | Silver Spring | MD | 20905 | | |
| | Hampshire Greens Homeowners Assn. | Ralph Caudle, IKO Management Co. | 3416 Olandwood Ct #210 | Olney | MD | 20832 | | |
| | Millgrove Garden Civic Assn. | Roger Petzold, President | 1212 Millgrove Road | Silver Spring | MD | 20905 | | |
| | Montgomery County Civic Federation | Bailey Condrey, President | 10205 Parkwod Driver | Kensington | MD | 20895 | | |
| | Montgomery County Renters Alliance Inc. | Hermoine Freeman, Chair | | | | | | |
| | Montgomery County Renters Alliance Inc. | Matthew Losak, Director | 1001 Spring Street #316 | Silver Spring | MD | 20910 | | |
| | Montgomery County Taxpayers League | Joan Fidler, President | 7400 Pyle Road | Bethesda | MD | 20817 | | |

REMEMBRANCE PARK
PRE-FILING COMMUNITY MEETING NOTICE LIST

| Acct | Name | Name2 | Address | City | State | Zip | Lot / Parcel | Situs Address |
|---------------|---|---------------------------------------|------------------------|--------------|-------|-------|--------------|---------------|
| | Montgomery Preservation, Inc. | Judith Christensen, Director | 6 Walker Avenue | Gaithersburg | MD | 20877 | | |
| | Northern Montgomery County Alliance | Julius Cinque, Chair | 22300 Slidell Road | Boysds | MD | 20841 | | |
| | Sandy Spring Ashton Rural Preservation | Michelle Layton, Consortium | 17905 Ednor View Ter | Ashton | MD | 20861 | | |
| | Sandy Spring Ashton Rural Preservation | Paul Mannina, Co-Chairperson | 17717 Pond Road | Ashton | MD | 20861 | | |
| | Sandy Spring Civic Assn. | Christine Hill Wilson, Resident Agent | | Sandy Spring | MD | 20860 | | |
| | Sandy Spring Civic Assn. | John Salzberg, President | P.O. Box 205 | Sandy Spring | MD | 20860 | | |
| | Sierra Club - Montgomery County Group | Jennifer Rossmere, Treasurer | P O Box 4024 | Rockville | MD | 20849 | | |
| | Spencerville Civic Assn. | Alan Newcomb, President | 2200 Spencerville Road | Spencerville | MD | 20868 | | |
| | Washington Metro Area Transit Authority | Shyam Kannan, Managing Director | 600 Fifth Street NW | Washington | DC | 20001 | | |
| INTAKE | | | | | | | | |
| | Montgomery County Planning Department | Intake Division | 2425 Reddie Dr., Fl 14 | Wheaton | MD | 20902 | | |

REMEMBRANCE PARK

Pre-Filing Meeting of December 15, 2020

ATTENDEES

| Name | Address |
|---------------------|---|
| Haroon Mokhtarzada | Remembrance Life, Inc. 200 Quaint Acres Dr., Silver Spring |
| Basil Eldadah | Remembrance Life, Inc. 15116 Bauer Dr., Rockville MD |
| David Post | MHG, 9220 Wightman Rd., Suite 120, Montgomery Village |
| Dave Crowe | MHG, 9220 Wightman Rd., Suite 120, Montgomery Village |
| Steve Crum | MHG, 9220 Wightman Rd., Suite 120, Montgomery Village |
| Jack Goodnoe | Cemeteries Planning and Design 202 East Washington, Suite 612, Ann Arbor |
| Jody Kline | Miller, Miller & Canby 200B Monroe St., Rockville |
| Somer Cross | Miller, Miller & Canby |
| Rachel Hickson | Incoming President of Gamewell Association 1600 Gamewell Rd, Silver Spring 20905 |
| David Hickson | 1600 Gamewell Rd, Silver Spring 20905 |
| Michelle Albornoz | Secretary of Cloverly Civic Association, by phone |
| Christine Zynjuk | Member Holy Trinity Ukrainian Church, by phone |
| Andy Bartley | 16613 New Hampshire Ave, Silver Spring |
| Patricia Thomas | 15510 Holly Grove Rd., Silver Spring 20905 Pathomas110@yahoo.com |
| Chuck Selden | Gamewell Community Association 1805 Gamewell Rd., Silver Spring 20905 |
| Roger Petzold | Millgrove Garden Civic Association 1212 Millgrove Rd., Silver Spring 20905 |
| Daniel Blaszkiv | Holy Trinity Ukrainian Church 16631 New Hampshire Ave, Silver Spring 20905 |
| Daniel Bachenheimer | 1700 Gamewell Road, Silver Spring 20905 |

EXHIBIT C

Remembrance Park
Meeting of December 15, 2020
7:00PM VIA Teams

See attendance list for attendees

The meeting started at approximately 7:04pm

1. **Introductions.** After initial overview of how the meeting will run on Teams platform by Somer Cross, each attendee introduced themselves.

Basil Eldadah, a co-founder, explained his background and how this project came about. After the loss of his father in 2012, Basil was moved to pursue a different type of burial process than the “conventional” method. Haroon Mokhtarzada, the other co-founder, introduced himself and explained that he came to the project because he was shocked by the cost of conventional burials.

Remembrance Park is envisioned as a multi-faith natural burial park. The mission is to reduce the cost of burials, preserve the natural lifecycle with the environment, and restore people’s relationship with the natural cycle of life. Basil provided an overview of green burial to return a body to the earth without chemical embalming, burial vaults, grave liners, or metal caskets. With green burials, the body is interred in a shroud and/or readily biodegradable casket which then breaks down naturally. Green burial is an environmentally sensitive process that discourages herbicides, pesticides, etc. The Green Burial Council strongly discourages those types of chemicals.

Basil then provided answers to the most common questions that the co-founders have been asked when talking about green burial:

- *Is it legal?* There is no state or federal law requiring use of burial vaults or grave liners.
- *Is it hazardous to the water supply to put the body directly in the ground?* There is no evidence to date that such practices contaminate ground water. This is likely due to the natural filtering capabilities of soil and mandatory setbacks from water sources.

- *What will the Park look like from the road?* This use is called a cemetery for legal purposes, but really it is envisioned as a park. From the road, you may see an entrance gate and the tops of some buildings, but beyond that is all trees. All the memorial stones will be flush with the ground. Even from a satellite view, it will look very much like a park.
- *How will traffic be affected?* Cemeteries are very slow moving and develop over decades. Once open, we expect burials may be only once a week for the first few years. At its peak (maybe 10 years or so), the site will host about 7-10 burials a week (at most 2 burials a day). Burials are episodic in nature, in that the whole event takes place at one time and does not continue over the course of time. As part of the process, there is a traffic assessment. The traffic engineer found that it does not meet the threshold for a full traffic impact study because the trip number is so slow. We don't expect burials during rush hour.
- *When will it open?* If things proceed smoothly, we hope to open in the latter half of 2021.
- Remembrance-park.org website can provide more information. We hope that this will be a benefit to the whole community within a 30-40 mile radius, and also a benefit to the local community as a park. We hope this can become an opportunity to generate green space.

2. **Overview of Remembrance Park and Green Cemeteries**. Jack Goodnoe, a landscape architect focusing on cemetery planning, provided an overview of how the plan for the cemetery was developed.

- The site itself has a very small frontage on New Hampshire Avenue, so there are minimum views of the cemetery from the road.
- There is a lot of topography on the site that drove the planning of the cemetery. The plans started by considering the floodplain and stormwater buffers and taking those sensitive drainage areas out of consideration for development. What was left was the ridgelines that became the core of the development.
- The development of this site is a long process, with an estimated 100 years worth of life before full build-out is reached. There are 6 phases, and phase 6 is likely about 100 years from now.
- There will be a welcome station at the head of the site. The road throughout the development follows the land to minimize the disruption of the topography and natural features. The main facility will not be seen from the road but will be

located at the high point of the property. That is expected in Phase 2, in approximately 2-5 years. Parking for that will be hidden in the corner. There will be a system of walking trails throughout.

- As each burial area is carved out, softwood trees will be removed. The area will be converted to a meadow until full burial buildout of that area, then hardwood trees will be planted. Tree disruption and replanting will be sequential throughout the site.
- Jack then provided examples of other green cemeteries for reference.

3. **Next Steps** – Jody Kline explained that cemeteries are not allowed by right, but are a conditional use application. That application has been discussed before and has been filed. This meeting is in regards to the preliminary plan application that is required to plat the property. The goal is to file this application in a month or so (simultaneously pursuing it with the conditional use application).

4. **Questions** – The development team then opened it up to questions from the community.

1. David Hickson asked how the trees will be cut down, if the replanting is sequential. Answer: The trees will be cut down sequentially as will the replanting of the trees. The goal is to clear only small pockets of land (approximately an acre in size) at a time for burials. The whole site will never be fully cleared or mowed down. After the clearing, that area will become a meadow, and then replaced with hardwood trees.

2. Chuck Selden – There is a lot of debris on the site. Will that be cleared out? Will you leave major tulip poplars? Answer: Yes, all the debris will be cleared during development. The whole site has been reviewed for individual trees. Over 500 trees have been tagged with details like its diameter, type, and age. We designed the plan to protect the particularly important ones and save those. Dave Post added that of the 40 acres of this site, approximately 14 acres is being saved in perpetuity either due to its location in a buffer or because of certain trees.

3. Patricia Thomas asked for clarification about the activities planned for the center and what impact that will have on traffic. Answer: The community center will host services in conjunction with the burials and also serve as a community resource to groups who need the space. We envision it being used for memorial services, anniversaries, environmental stewardship activities and small classes. It is likely mostly used on evenings and weekends. We do not expect any increased traffic beyond what a burial service would create.

4. Christine Zynjuk from Holy Trinity Church asked if there will be a fence along the perimeter? When will construction likely start? Answer: There will be an entrance gate along the frontage, but no fence around the rest of the property. There will be trees to fill the gaps along the perimeter though. Areas designated as forest conservation easements will have markers every 100' or so to identify the site. Construction will likely begin towards the late spring or early summer if approval runs smoothly. We hope to start right after approvals. The first things to be built will be a maintenance shed and clearing trails.

5. Michelle Alborno asked if the majority of the tagged trees sit in the stream valley buffer. Answer: There are trees in the stream valley buffer that have not been tagged because they are not that close to where clearing will occur. So, there are more trees out there than are on the list. All the trees that have tags on them are either going to be removed someday within the next 100 years or will be preserved, but are tagged because they're close to where the clearing will occur. Tagged trees are those we've studied and include both trees to be preserved and trees to be removed. In the first 5 years, only a handful will be removed towards the front of the property. The others could be 30 years before they're removed. In the meantime, there will be new trees growing where the others have been removed.

6. Patricia Thomas asked about the grave depth and how they prevent animals from trying to dig them up. Answer: Graves will be 4' deep with a minimum 2' of dirt between body and ground. Studies have shown that is sufficient to prevent animals reaching it. The closer to body is to the surface of the ground, the faster decomposition can occur. These measurements balance that decomposition rate with preventing animals from getting it.

Haroon answered another frequently asked question that had not been asked tonight – the cost of the burial at this location will likely only be approximately \$3,500, which is about a third of the average cost of burial in the state of Maryland. It includes the burial lot and burial services.

Somer offered to share the slides presented with anyone who requests it. She will be the designated point of contact for any future questions that the community may have.

The meeting concluded at approximately 8:10pm

REMEMBRANCE PARK

PRE-FILING COMMUNITY MEETING NOTICE SIGN



EXHIBIT E

**Notice of
Pre-Submittal Community Meeting**
Remembrance Park
Preliminary Subdivision Plan Application
To Discuss Proposed Development of
a Cemetery on
40.39 Acres in the Rural Cluster (RC) Zone

Date and Time: December 15, 2020 at 7:00 P.M.
Virtual Location: Join Microsoft Teams Meeting
Call-In Number: +1 470-391-0582 Conference ID: 491 538 171#
For Comments/Questions/Link to Meeting Contact:
Somer Cross, Miller, Miller & Canby
stcross@mmcanby.com or 301.762.5212

11/25/2020 11:0AM



graphcom

1219 Chambersburg Rd Gettysburg, PA 17325

Montgomery County

Application for Development Sign

Affidavit of Sign Posting

Applicant: Macris, Hendricks & Glascock, P.A.

Subject Property Address: Remembrance Life

I have posted the Development Application signs on the above named property in accordance with the required Zoning Ordinance, which has been provided to me. The signs were posted on 11-25-20 and photographs are attached with this form.

I solemnly affirm under penalty of perjury that the contents of this affidavit are true and correct to the best of my knowledge and belief.

Bill Higgins, Graphcom

Bill Higgins Date: 11-25-20

(Signature)

Witnesses before me on this date: Karen Ertel

Notary for the State of: Maryland County of: Montgomery

My commission expires on: 9-13-2023

Carl Higgins Date 11-25-20

(Signature)

From: [Tesfaye, Elsabett](#)
To: [Ronald Nesbitt](#)
Cc: [Tom Hucker](#) ; ["Nasrin Brebbia"](#); [Eduardo Barcelo](#); [Vicky Fera](#); [Butler, Patrick](#)
Subject: RE: Remembrance Park Cemetery
Date: Thursday, January 7, 2021 4:05:00 PM
Attachments: [05 STATEMENT OF JUSTIFICATION.pdf](#)
[Exserpts-OZAH Rules of Procedures.docx](#)

Dear Mr. Nesbit:

Thank you for your email and letting us know of your concerns regarding the Conditional Use CU) application for Remembrance Life (16609 New Hampshire Avenue). We will take it into consideration and include your concerns in the staff report as part of our review of the subject application.

A Cemetery is one of the several uses that is allowed, in the zone within which the subject property is located, through approval of a conditional use application. The Planning staff's review of the application includes, evaluating the proposal for consistency with the specific requirements of **Section 59-3.5.4.A – Cemetery** of the Montgomery County Zoning Code as well as the general requirements for Conditional Uses under **Section 59-7.3.1.E Necessary Findings**, and making findings and recommendation that will be contained in the staff report.

The application package can be viewed at the Montgomery County Planning Board web site <https://montgomeryplanning.org/development/> (Using the application number CU2021xx (when it is assigned)).

Currently, the application is at the Planning Department being checked for Completeness of the application package per Section 7.3.1.B.3., then it will be sent to the Office of Zoning and Administrative Hearings (OZAH) where it will officially be accepted, assigned a case number and scheduled for a public hearing. Subsequently, the application will be sent back to the Planning Department for review and recommendation.

Regarding your interest in closely following the reviewing of the project, we suggest that you and submit a request (in writing) to OZAH (after the application is officially accepted) to become a "Party" to the case so that you will be included in all communications concerning the case.

You may check the hearing schedule for the public hearing by going to OZAH's website after the case is officially accepted:

https://www.montgomerycountymd.gov/OZAH/Resources/Files/pdf/calendar/current_calendar.pdf.

Similarly, you may also check the Planning Board's schedule by going to the Planning Board's web site and checking on the current agenda at <https://montgomeryplanningboard.org/agendas/>.

Concerning notices, it's a standard practice of OZAH, and one that is required by law, to give adequate notices for CU Public Hearings after applications are filled. The Planning Board hearings on Conditional Uses are not noticed since the Board makes recommendations to the Hearing Examiner but does not make final decisions. We web-post staff reports for these cases 10 days prior to the scheduled Planning Board date. I have attached excerpts from OZAH's rules of procedures. I have also attached the applicant's statement of justification for more information on the proposal. The applicant's team communication with the neighbors is an effort, in their part, to reach out to their future neighbors and share information about the proposed project. Although we encourage applicants to communicate and start dialogue with the community, it is not a requirement for CU cases.

I hope this provides clarifications on the review process in which you can still participate as a concerned neighbor. Please email or telephone me if you need more information and clarification.

Best Regards,

Elsabett Tesfaye
Montgomery County Planning Dept | Upcounty

2425 Reddie Drive, Floor 13
Wheaton, MD 20902
301.495.1301
Elsabett.Tesfaye@montgomeryplanning.org

From: Ronald Nesbitt <goodjear@outlook.com>

Sent: Wednesday, January 6, 2021 12:15 PM

To: Tesfaye, Elsabett <elsabett.tesfaye@montgomeryplanning.org>

Cc: Tom Hucker <Tom@tomhucker.com>; 'Nasrin Brebbia' <Brebbia@hotmail.com>; Eduardo Barcelo <ebarcelo2@hotmail.com>

Subject: Remembrance Park Cemetery

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Ms. Tesfaye, I reside in the Hampshire Greens Community located at Routes 650 and 28. We received a briefing from the principals of Remembrance Park. The concern is the entrance for Remembrance Park (briefed to us as a green cemetery) would be on New Hampshire Avenue. Currently, there is a church underway which will have entrances south of 650. I do not believe construction has begun. However, the concern is we will be inundated through the week and weekends with more traffic. My question is has Remembrance Park been approved? Unfortunately, when communities learn of these items, traffic and related impact studies have been completed and there is nominal if any input from the community. No one that I am aware of had any knowledge regarding Remembrance Park.

I await your comments.

Regards,

Ron Nesbitt
Board Member
Hampshire Greens Homeowners Association
202 595 4910

Sent from [Mail](#) for Windows 10



D. Supplemental Information and Supporting Documents

Attachment-D



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 03-May-21
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Reflection Park
16621 New Hampshire Ave

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **03-May-21**. 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.

***** See Statement of Performance Based Design *****



FIRE CODE ENFORCEMENT

Fire Department Access Review

Phone 301.670.0840

Fax 301.948.0693

www.mhgpa.com

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: SAC FM: 43 DATE: 5/3/2021

May 3, 2021

Dr. Marie LaBaw, PhD, P.E.
Montgomery County Department of Permitting Services
Zoning, Well & Septic, and Code Compliance
2425 Reddie Drive, 7th Floor
Wheaton, MD 20902

Re: Fire Department Apparatus Access Plan
Statement of Performance Based Design
Reflection Park, 16621 New Hampshire Avenue,
Sandy Spring, MD 20905
MHG Project No. 1998.360.16

Dear Dr. LaBaw:

On behalf of our Client, Reflection Park, Inc. we hereby propose the use of performance based means to provide Fire Department Access to two (2) maintenance buildings and two (2) pavilions proposed for the above referenced project site.

Both maintenance buildings are relatively small (572 square feet and 1024 square feet of gross floor area respectively) and will be used principally for the storage of maintenance equipment associated with cemetery maintenance. According to the project architect's code analysis, neither building is required to have an automatic fire sprinkler system installed.

Due to environmental constraints; primarily the location of soils suitable to accommodate on-site sewage disposal (septic) systems and to a lesser extent space for providing stormwater management facilities these maintenance buildings are located as indicated on the Fire Department Apparatus Access Plan, attached. While the location of the main exterior side hinged doors are not within 50 feet of a compliant vehicular fire department apparatus access point, the most remote interior portion of each of these buildings is within 150 feet of the compliant vehicular fire department apparatus access point measured as the firefighter walks. Floorplans of these buildings area attached for your review.

All points on the exterior of all buildings without automatic fire sprinkler systems are within 150 feet, 300 feet total, of a compliant fire department vehicular access, measured as the firefighter walks.

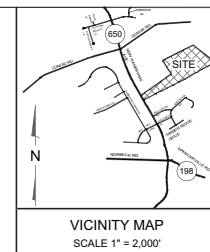
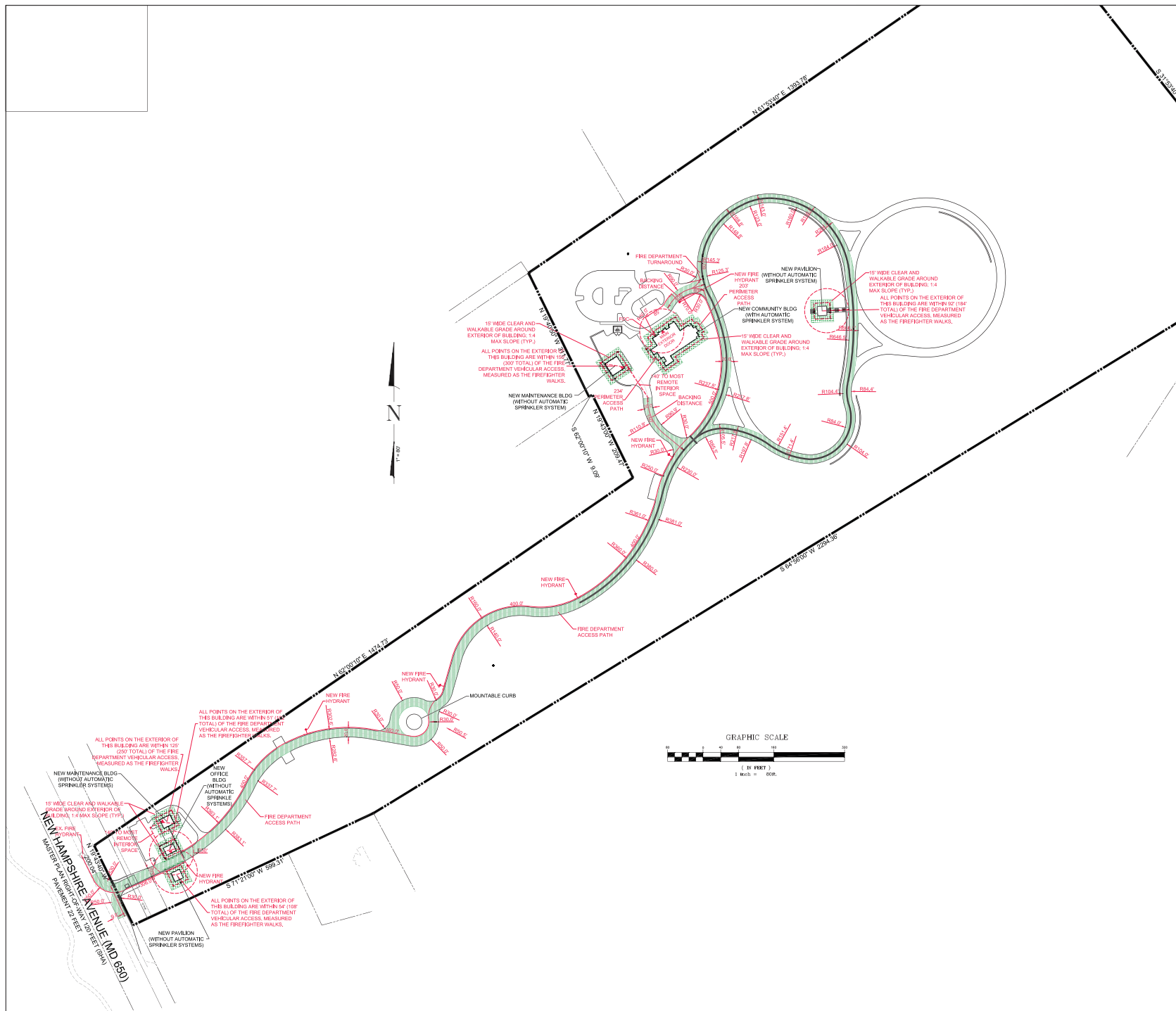
Given the items outlined above, we request your approval of the attached Fire Department Apparatus Access Plan for the above referenced project.

If any additional information is required or questions arise, please contact me at your convenience.



Sincerely,

A handwritten signature in blue ink that reads "Step E. Crum".
Stephen E. Crum, P.E.



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 attain required access will be required if found upon inspection after installation.

BY: SAC FILE # 43 DATE: 5/3/202

THIS FIRE ACCESS PLAN HAS BEEN PREPARED IN SUPPORT OF A PRELIMINARY PLAN. AN EXECUTED FIRE LANE ORDER WILL BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT.

GENERAL NOTES:

1. OVERHEAD CLEARANCE AT THE PORT-A-COCHERE IS A MINIMUM OF 13'-6"
2. TYPICAL FIRE HYDRANT SPACING IS 400'; UNLESS NOTED OTHERWISE.
3. FIRE HYDRANTS SHALL BE INSTALLED WITH A MINIMUM OF 5 FEET OF THE EDGE OF A FIRE DEPARTMENT COMPLIANT VEHICULAR ACCESS.

TAX MAP #CT11 222NE01 & 02

L. 61240 F. 308

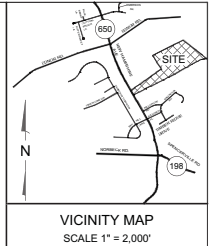
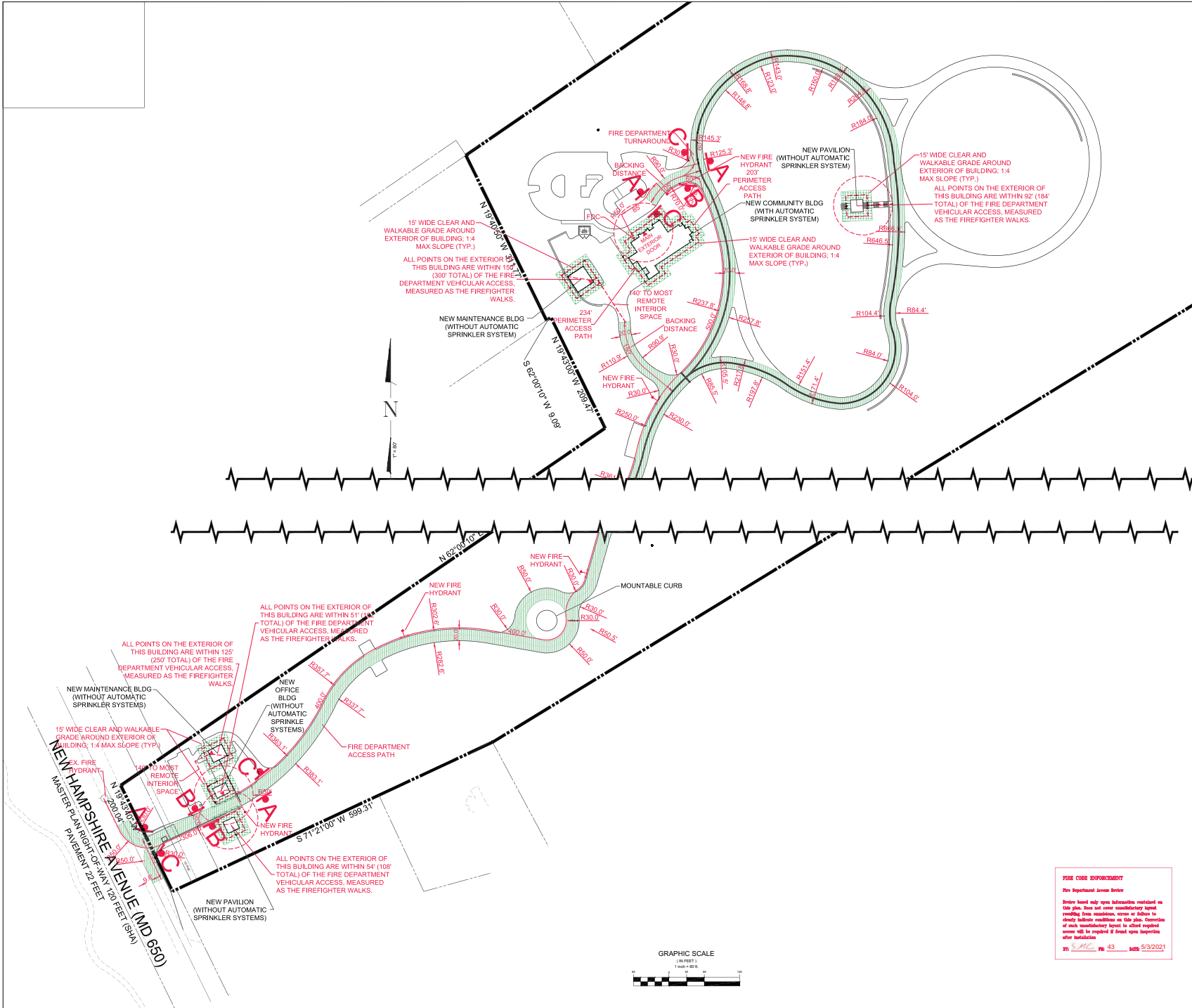
5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL - 911
REFLECTION PARK

| | |
|-----------|------------|
| PROJ. MGR | DAC |
| DRAWN BY | MSH |
| SCALE | 1"= 80' |
| DATE | 05.03.2021 |

**FIRE DEPARTMENT
APPARATUS ACCESS
PLAN, OVERALL VIEW**

| | |
|-------------|-------------|
| PROJECT NO. | 2018.171.12 |
| SHEET NO. | 1 OF 3 |



LEGEND

N.T.S.

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

THIS FIRE ACCESS PLAN HAS BEEN PREPARED IN SUPPORT OF A PRELIMINARY PLAN. AN EXECUTED FIRE LANE ORDER WILL BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT.

- GENERAL NOTES:**
- OVERHEAD CLEARANCE AT THE PROPOSED PORT-A-COCHERE IS A MINIMUM OF 13'-6".
 - TYPICAL FIRE HYDRANT SPACING IS 400', UNLESS NOTED OTHERWISE.
 - FIRE HYDRANTS SHALL BE INSTALLED WITHIN 7.0 FEET OF THE EDGE OF A FIRE DEPARTMENT COMPLIANT VEHICULAR ACCESS.

FIRE CODE ENFORCEMENT
Fire Department Access Drive
Driver based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from construction, errors or failure to clearly indicate conditions on this plan. Construction of such unsatisfactory layout to actual required access will be required if found upon inspection after installation.
BY *SAC* PG. 43 DATE 5/3/2021

MHG
Civil Engineers
Land Planners
Landscape Architects
Land Surveyors
9220 Wighman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.875.8840
www.mhg.com
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Professional Certification
Having verified 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, I do, Notarize, this day 05/01/2021

REFLECTION LIFE, INC.
15116 BAUER DRIVE
ROCKVILLE, MD 20853
ELDADAH@GMAIL.COM

REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------|------|
| | | |
| | | |
| | | |

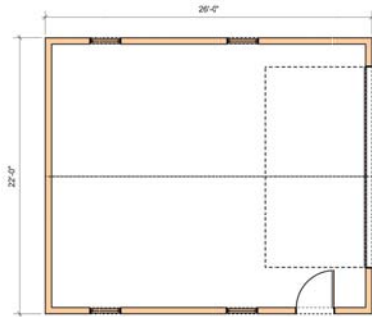
TAX MAP K111 2020/21 & L
L 61240 F. 308
5TH ELECTION DISTRICT
MONTGOMERY COUNTY
MARYLAND

PARCEL - 911
REFLECTION PARK

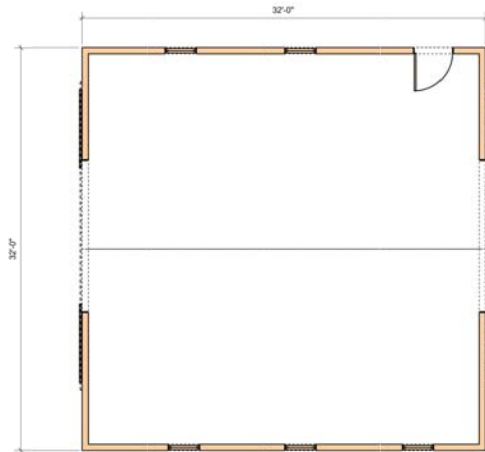
| | |
|-----------|------------|
| PROJ. MGR | DAC |
| DRAWN BY | MSH |
| SCALE | 1" = 50' |
| DATE | 05.03.2021 |

FIRE DEPARTMENT APPARATUS ACCESS PLAN, ENLARGED VIEWS

RESERVED FOR APPROVAL



MAINTENANCE SHED FLOOR PLAN
Scale: 1/8" = 1'-0"



MAINTENANCE BUILDING FLOOR PLAN
Scale: 1/8" = 1'-0"



MAINTENANCE SHED:
PHASE 1
22' X 26'
16' WIDE OVERHEAD GARAGE DOOR
METAL SIDING AND ROOF (MORTON BUILDINGS OR EQUIVALENT)
EARTH TONE COLOR SCHEME
ELECTRIC
NO PLUMBING
HEIGHT OF BUILDING = 24'



MAINTENANCE BUILDING:
PHASE 2
32' X 32'
12' WIDE BARN DOORS
METAL SIDING AND ROOF (MORTON BUILDINGS OR EQUIVALENT)
EARTH TONE COLOR SCHEME
ELECTRIC
NO PLUMBING
HEIGHT OF BUILDING = 26'

PBS CODE ENFORCEMENT
The Department Issues Order
Order based only upon information contained on this plan. How not come unsatisfactory layout resulting from misinterpretation, errors or omissions in this plan. Corrections of such unsatisfactory layout is allowed upon request after installation.
BY: *[Signature]* PD 43 DATE: 5/3/2021





DPS

**Montgomery County
Department of Permitting Services**

2425 Reedy Dr 7th Floor
Wheaton, MD 20902
Phone: 311 in Montgomery County or (240)777-0311
<https://www.montgomerycountymd.gov/dps/>



TO: Elsabett Tesfaye
Up County Planning Team
MNCPPC

FROM: Well and Septic Section

DATE: May 10, 2021

SUBJECT: Compliance of Montgomery County Zoning Code, Section 3.5.4. Funeral and Interment Services for 16621 New Hampshire Avenue (Reflections Park)

The Well and Septic Section received two reports submitted by the applicant and completed by their consultants. The reports by these subject matter professionals were accepted as meeting the requirements of Chapter 59 of the Montgomery County Zoning Code, Section 3.5.4.A.2.b and 3.5.4.A.2.c

The attached reports are as follows:

Snowdens Manor-Mokhtarzada-050620, Reise Enterprises, Inc.

ECS soil analysis final report 060320, Nick C. Bass, C.P.G.

Sincerely,

Jason L. Flemming, LEHS
Department of Permitting Services
Well and Septic Section



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

June 3, 2021

Ms. Amanda Junge
Macreis, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Snowden's Manor/Remembrance Park
Preliminary Plan #: 120210150
SM File #: 286490
Tract Size/Zone: 40.83 Ac / RC
Total Concept Area: 24.73 Ac / 1,077,296 SF
Parcel(s): 911
Watershed: Lower Patuxent River

Dear Ms. Junge:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via microbio retention, enhanced microbio retention and bioswales.

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.
2. A detailed review of culverts and discharge points will occur at the time of detailed plan review.
3. The limit of disturbance cannot overlap the Forest Conservation Area. Please coordinate this work with MNCPPC.
4. An engineered sediment control plan must be submitted for this development.

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

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



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permitting-services

Ms. Junge
June 3, 2021
Page 2 of 2

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 Jean Kapusnick at jean.kapusnick@montgomerycountymd.gov at 240-777-6345.

Sincerely,

Mark Etheridge

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

MCE: jak

cc: N. Braunstein
SM File # 286982

ESD: Required/Provided 17,414 cf / 18,001 cf
PE: Target/Achieved: 1.00"/1.03"
STRUCTURAL: 0.0 cf
WAIVED: 0.0 ac.