

## HAMMER HILL, PRELIMINARY PLAN NO. 120210180 & SITE PLAN NO. 820210090



### Description

Request to create a lot for an existing 3,200 square foot Clinic (Up to 4 Medical Practitioners) and a proposed Day Care Center (Over 30 Persons) and construct a Day Care Center (Over 30 Person) for 204 children and 29 employees.

No. 120210180 and 820210090

Completed: 7-15-2022

MCPB

Item No. 8

7-28-2022

2425 Reddie Drive

Floor 14

Wheaton, MD 20902

RS
JS
SP
PB

Ryan Sigworth AICP, Planner II, Upcounty Planning, [Ryan.Sigworth@Montgomeryplanning.org](mailto:Ryan.Sigworth@Montgomeryplanning.org) 301-495-2112

Jeffrey Server LEED AP, Planner III, Upcounty Planning, [Jeffrey.Server@motngomeryplanning.org](mailto:Jeffrey.Server@motngomeryplanning.org) 301-495-4513

Sandra Pereira RLA, Supervisor, Upcounty Planning, [Sandra.Pereira@Montgomeryplanning.org](mailto:Sandra.Pereira@Montgomeryplanning.org) 301-495-2186

Patrick Butler, Chief, Upcounty Planning, [Patrick.Butler@Montgomeryplanning.org](mailto:Patrick.Butler@Montgomeryplanning.org) 301-495-4561

#### LOCATION

23319 Frederick Road and 23100  
Stringtown Road

#### MASTER PLAN/ZONE

2014 *Ten Mile Creek Limited Amendment* of the  
1994 *Clarksburg Master Plan & Hyattstown Special  
Study Area*

CRT-0.5, C-0.5, R-0.5, H-45 and Clarksburg East  
Environmental Overlay Zones, Clarksburg Historic  
District, Ten Mile Creek Special Protection Area,  
Clarksburg Special Protection Area

#### PROPERTY SIZE

3.52 acres (gross tract)

#### APPLICANT

Jaisai Properties, LLC

#### ACCEPTANCE DATE

March 25, 2021

#### REVIEW BASIS

Chapters 50, 59, 22A and 19



## Summary

- Staff recommends **approval with conditions** of Preliminary Plan No. 120210180 and Site Plan No. 820210090 including a Preliminary/Final Water Quality Plan and a Preliminary/Final Forest Conservation Plan with a Tree Variance.
- The Application creates a lot and constructs a Day Care Center for 204 children with 29 employees with associated parking, open space, and frontage improvements in addition to an existing 3,200 square foot Clinic (Up to 4 Medical Practitioners).
- The Property is located in the Clarksburg Historic District and the Historic Preservation Commission supports the Application.
- The Applicant will construct a sidepath along the property frontage on Stringtown Road as well as a 6-foot-wide sidewalk along the property frontage on Frederick Road.
- Impervious surfaces are limited to no more than 15 percent of the Application within the Clarksburg East Environmental Overlay Zone.
- Staff has received no community correspondence on this Application.

## TABLE OF CONTENTS

SECTION 1 .....	3
Executive Summary	
SECTION 2 .....	4
Conditions of Approval	
SECTION 3 .....	12
Site Location and Vicinity .....	12
Property description .....	13
SECTION 4 .....	16
Previous Approvals .....	16
Current Applications .....	16
SECTION 5 .....	18
Necessary Preliminary Plan Findings	
SECTION 6 .....	33
Necessary Site Plan Findings	
SECTION 7 .....	47
Citizen Correspondence	
SECTION 8 .....	48
Conculsion	

## SECTION 1

### EXECUTIVE SUMMARY

The preliminary plan and site plan applications will create one lot for a 13,200 square foot daycare facility for over 200 children on a property with the existing historic Hammer Hill House, which is currently being used as a medical clinic, within the Clarksburg Historic District.

The location of the new daycare center building was heavily dictated by Zoning Ordinance requirements to have the building fronting on the street with parking in the rear, in addition to, impervious surface limitations on the southwestern portion of the property per the Clarksburg East Environmental Overlay Zone. As a result, the new building was pulled towards Stringtown Road and designed as a backdrop for the historic Hammer Hill House.

Access to the new building is the result of extensive coordination with other agencies and the Applicant, in which numerous options for access were explored. These included Stringtown Road, Observation Drive, and Redgrave Place through the Clarksburg Elementary School. All these options proved challenging and ultimately not viable. Thus, access for the proposed development is from Frederick Road/MD 355 for the daycare center, which overlaps with the existing access for the historic Hammer Hill House.

Given the property's location within the Clarksburg Historic District, very limited improvements are recommended on MD 355 and the existing access driveway within the property. In order to address queuing concerns, the Applicant will construct an additional left turn lane to enter the site from the northbound direction of Frederick Road/MD 355. The Maryland State Highway Administration (SHA) had previously stated the need for acceleration and deceleration lanes on the access drive during the lengthy review process. However, M-NCPPC staff were operating under the understanding that acceleration and deceleration lanes to serve the site's main access would not be required based on a SHA's letter, dated June 24, 2022, in order to better protect the character of the Historic District and to promote safer pedestrian and bike mobility. Unfortunately, an additional SHA letter on the Traffic Impact Analysis on July 5, 2022, appears to reverse SHA's previous conclusion. M-NCPPC staff still does not support any acceleration or deceleration lanes but supports a reduction of speed limit from 30mph to 25mph through this particular segment of Frederick Road/MD 355. The Applicant will construct a 6-foot-wide sidewalk along the property frontage on MD 355 and a sidepath along the property frontage on Stringtown Road.

The property is currently served by public water and sewer. All new structures will also be served by public utilities. As part of the additional development on the property, the stormwater management facilities will be upgraded to meet current stormwater standards.

Staff recommends approval of the both the preliminary plan and site plan including a Preliminary/Final Water Quality Plan and a Preliminary/Final Forest Conservation Plan with a Tree Variance.



## SECTION 2

### Recommendation and Conditions

Staff recommends approval of Preliminary Plan No. 120210180 and Site Plan No. 820210090. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

#### PRELIMINARY PLAN NO. 120210180

- 1) This Preliminary Plan is limited to one (1) lot for a 13,600 square foot Day Care Center (Over 30 Persons) as defined by Section 59.3.4.4.F in addition to the existing 3,200 square foot Clinic (Up to 4 Medical Practitioners) as defined by Section 59.3.5.7.A.
- 2) The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No.120210180, approved as part of this Preliminary Plan:
  - a) The Applicant must plant variance tree mitigation plantings on the Subject Property with a minimum size of 3-inch caliper trees. The number of trees and planting locations are shown on the approved Final Forest Conservation Plan.
  - b) The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
- 3) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 10, 2022, and hereby incorporates them as conditions of the Preliminary Plan approval except for the final paragraph of Comment #1 on Page 2 of the MCDOT letter discussing an additional access point onto Stringtown Road. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated June 24, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
- 5) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its Combined Preliminary/Final Water Quality Plan/Site Development Stormwater Management Plan letter dated April 5, 2021, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

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<sup>1</sup> For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- 6) The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated August 10, 2016 and amended on February 1, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
- 7) The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a) All land necessary to accommodate sixty (60) feet from the existing pavement centerline along the Subject Property frontage for Stringtown Road.
  - b) All land necessary to accommodate sixty-five (65) feet from the existing pavement centerline along the Subject Property frontage for Frederick Road.
- 8) Prior to the recordation of plat(s), the Applicant must ensure construction of the following off-site improvement(s) by satisfying MCDOT requirements to construct a 10-foot-wide sidepath on the north side of Stringtown Road that extends from the Subject Property boundary and across the frontage of property owned by Montgomery County to the intersection of Stringtown Road and Frederick Road/MD 355.
- 9) Prior to the issuance of the building permit, the Applicant must satisfy all necessary requirements of MCDPS and/ or MDSHA to ensure construction of the following:
  - a) A 10-foot-wide sidepath along the property frontage on Stringtown Road
  - b) An off-site improvement of a 10-foot-wide sidepath along the Stringtown Road across the frontage of the Montgomery County owned property to the intersection of Stringtown Road and Frederick Road/MD 355
  - c) A 6-foot-wide sidewalk along the property frontage on Frederick Road/MD 355
  - d) Provide the equivalent of \$5,063 worth of local street tree plantings in locations reviewed and approved by Planning Staff, MCDOT and/or SHA.
- 10) Prior to the issuance of a Use and Occupancy Certificate for the day care center, construction of the following frontage improvements must be completed:
  - a) A 10-foot-wide sidepath along the property frontage on Stringtown Road
  - b) An off-site improvement of a 10-foot-wide sidepath along the Stringtown Road across the frontage of the Montgomery County owned property to the intersection of Stringtown Road and Frederick Road/MD 355
  - c) A 6-foot-wide sidewalk along the Property frontage on Frederick Road/MD 355
  - d) A northbound left hand turn lane on Frederick Road/MD 355 including any associated pavement widening to accommodate this improvement
- 11) Any change to the required frontage improvements on Frederick Road/MD 355, such as acceleration and/or deceleration lanes, will require a Preliminary Plan Amendment to be reviewed and approved by the Planning Board.

- 12) Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for frontage improvements.
- 13) Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
- 14) The record plat must show all necessary easements.
- 15) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).
- 16) The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.
- 17) The Preliminary Plan must contain the following note:

*"Unless specifically noted on this plan drawing or in the conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of approval."*

- 18) Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a) Show resolutions and approval letters from County Agencies on the certified set.
  - b) Include the approved Fire and Rescue Access Plan in the certified set.
  - c) Show a paved pedestrian path from the daycare building to the property line shared with the Clarksburg Elementary School. The exact alignment shall be approved by Staff at the time of Certified Preliminary Plan review.
  - d) Illustrate the locations of off-site street tree plantings to fulfill the LATR equivalent of \$5,063 to be reviewed and approved by Planning Staff, MCDOT and/or SHA
  - e) Submit a revised Preliminary Forest Conservation Plan to reflect the proposed pedestrian path from the daycare building to the Clarksburg Elementary School for Staff review, including an updated Tree Variance Request and associated mitigation, if required.
  - f) Revise the Tree Variance Exhibit to reflect the Preliminary Plan number rather than the Site Plan number and include it as Sheet 3 of the Preliminary Forest Conservation Plan.
  - g) Submit the Impervious Surface Exhibit that has been updated to reflect the required pedestrian path from the daycare building to the Clarksburg Elementary School and signed by a professional engineer.

- h) Ensure consistency of the Public Open Space and Rural Open Space calculations between the data table and the open space exhibit, Sheet 004.

#### **SITE PLAN NO. 820210010**

The development must comply with the conditions of approval for Preliminary Plan No. 120210180. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>2</sup>

#### **Density, Height & Housing**

1) Density

The Site Plan is limited to an existing 3,200 square foot Clinic (Up to 4 Practitioners) and a 13,600 square foot Daycare Center (Over 30 Persons) on the Subject Property.

2) Height

The development is limited to a maximum height of 45 feet, as measured from the building height measuring points, as illustrated on the Certified Site Plan.

#### **Green Space, Facilities and Amenities**

3) Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 34,755 sq. ft. of Public Open Space (22.7% of net lot area) on-site.
- b) Before the issuance of Use and Occupancy Certification for the structure containing the Day Care Center (Over 30 Persons), all Public Open Space areas on the Subject Property must be constructed.

4) Rural Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 25,376 square feet of Rural Open Space (86.0% of net lot area located within the Clarksburg East Environmental Overlay Zone.)
- b) The Applicant must record a protective easement or covenant recorded in the land records. Such protective easement or covenant must for reviewed and approved by the M-NCPPC Legal Department.
- c) Before the issuance of Use and Occupancy Certification for the structure containing the Day Care Center (Over 30 Person), all Rural Open Space areas on the Subject Property must be constructed.

5) Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities within the Subject Property including, but not limited to landscaping, benches, retaining walls, stairways, bike

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<sup>2</sup> For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

racks, playground equipment, trash cans, lighting, fences, mailboxes, walkways and other hardscapes.

## **Site Plan**

### **6) Quality Building and Site Design**

- a) The architectural elevations for the Day Care Center (Over 30 Persons) building must be shown on the Certified Site Plan.
- b) The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.

### **7) Lighting**

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

## **Environment**

- 8) The Final Forest Conservation Plan must be consistent with the Preliminary Forest Conservation Plan.
- 9) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- 10) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- 11) Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Seneca Creek watershed to satisfy the afforestation requirement for a total of 0.57 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits area not available for purchase in the Seneca Creek watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available in any bank.



- 12) Prior to the start of any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all mitigation tree plantings, including variance tree mitigation plantings. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
- 13) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3-inch caliper trees. The number of trees and planting locations are shown on the approved Final Forest Conservation Plan. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- 14) Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings shown on the approved Final Forest Conservation Plan.
- 15) The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- 16) Impervious surfaces for the Application are limited within the Clarksburg Special Protection Area and within the portion of the Ten Mile Creek Special Protection Area that is outside of the Clarksburg East Environmental Overlay Zone to the amounts specified on the approved Impervious Surface Plan.
- 17) Impervious surfaces are limited to no more than 15 percent of the Application within the Clarksburg East Environmental Overlay Zone, as shown on the approved Impervious Surface Plan.
- 18) Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces within the Clarksburg Special Protection Area and the portion of the Ten Mile Creek Special Protection Area that is outside of the Clarksburg East Environmental Overlay Zone, to the amounts shown on the approved Impervious Surface Plan. 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.
- 19) Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 15 percent of the Application within the Clarksburg East Environmental Overlay Zone, and as shown on the approved Impervious Surface Plan. 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.

## Transportation & Circulation

20) The Planning Board has reviewed and accepts the recommendations of the DPS Right-of-Way Section (DPS-ROW) in its memo dated April 20, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

### 21) Site Plan Surety and Maintenance Agreement

a) Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with 59-D-3.5(d) of the Montgomery County Zoning Ordinance in effect prior to October 29, 2014, with the following provisions:

- i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- ii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, landscaping, on-site lighting, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private utilities, paths and sidewalks, and associated improvements of development including storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- iii. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

22) The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated August 10, 2016 and amended on February 1, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS, Fire Department Access and Water Supply Section may amend if the amendment does not conflict with other conditions of Site Plan approval.

23) The Planning Board has reviewed and accepts the recommendations of the MCDPS – Water Resources Section in its Combined Preliminary/Final Water Quality Plan/Site Development Stormwater Management Plan letter dated April 5, 2021, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Site Plan approval.

### 24) Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

25) Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, approved Fire Department Access Plan, and MCDOT approval letter.
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Show a paved pedestrian path from the daycare building to the property line shared with the adjacent Clarksburg Elementary School. The exact alignment shall be approved by Staff at the time of Certified Site Plan review.
- g) Submit a revised Final Forest Conservation Plan to reflect the proposed pedestrian path from the daycare building to the Clarksburg Elementary School.
- h) Submit the Impervious Surface Exhibit that has been updated to reflect the required pedestrian path from the daycare building to the Clarksburg Elementary School and signed by a professional engineer.
- i) Ensure consistency of the Public Open Space and Rural Open Space calculations between the data table and the open space exhibit, Sheet 004.
- j) The Certified Site Plan must contain the following note:

*“The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Site Plan is required to be on-site at all times.”*

## SECTION 3

### SITE LOCATION & DESCRIPTION

#### SITE LOCATION AND VICINITY

The property is located at 23319 Frederick Road and 23100 Stringtown Road ("Subject Property" or "Property") at the northwest quadrant of the intersection of Frederick Road and Stringtown Road. The Property is identified as Parcel P311, Tax Map EW31 (Tax ID #02-0021673) and Parcel N366, Tax Map EW31 (Tax ID #02-0021695) consisting, collectively, of 3.52 acres (gross tract). The Subject Property is located within the 2014 *Ten Mile Creek Limited Amendment* of the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*.

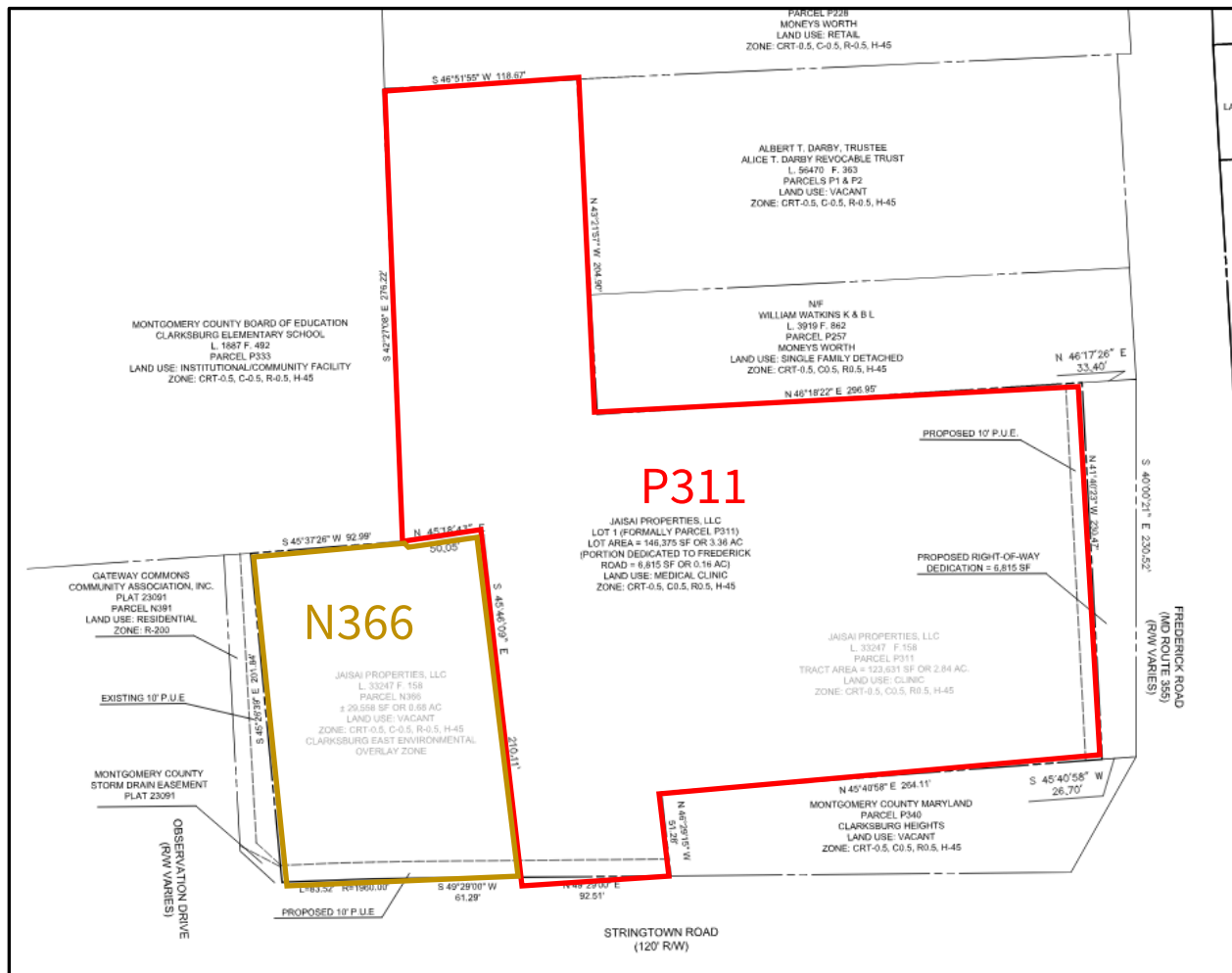


Figure 1- Parcel Layout

The Subject Property is located in the CRT-0.5, R-0.05, C-0.05, H-45 zone with Parcel N366 along Stringtown Road also being located within the Clarksburg East Environmental Overlay zone. The Property is located in the Clarksburg Historic District. The majority of Parcel 311 that fronts on Frederick Road and Stringtown Road is located within the Clarksburg Special Protection Area and the remainder of Parcel 311 and all of Parcel N366 is located within the Ten Mile Creek Special Protection Area.

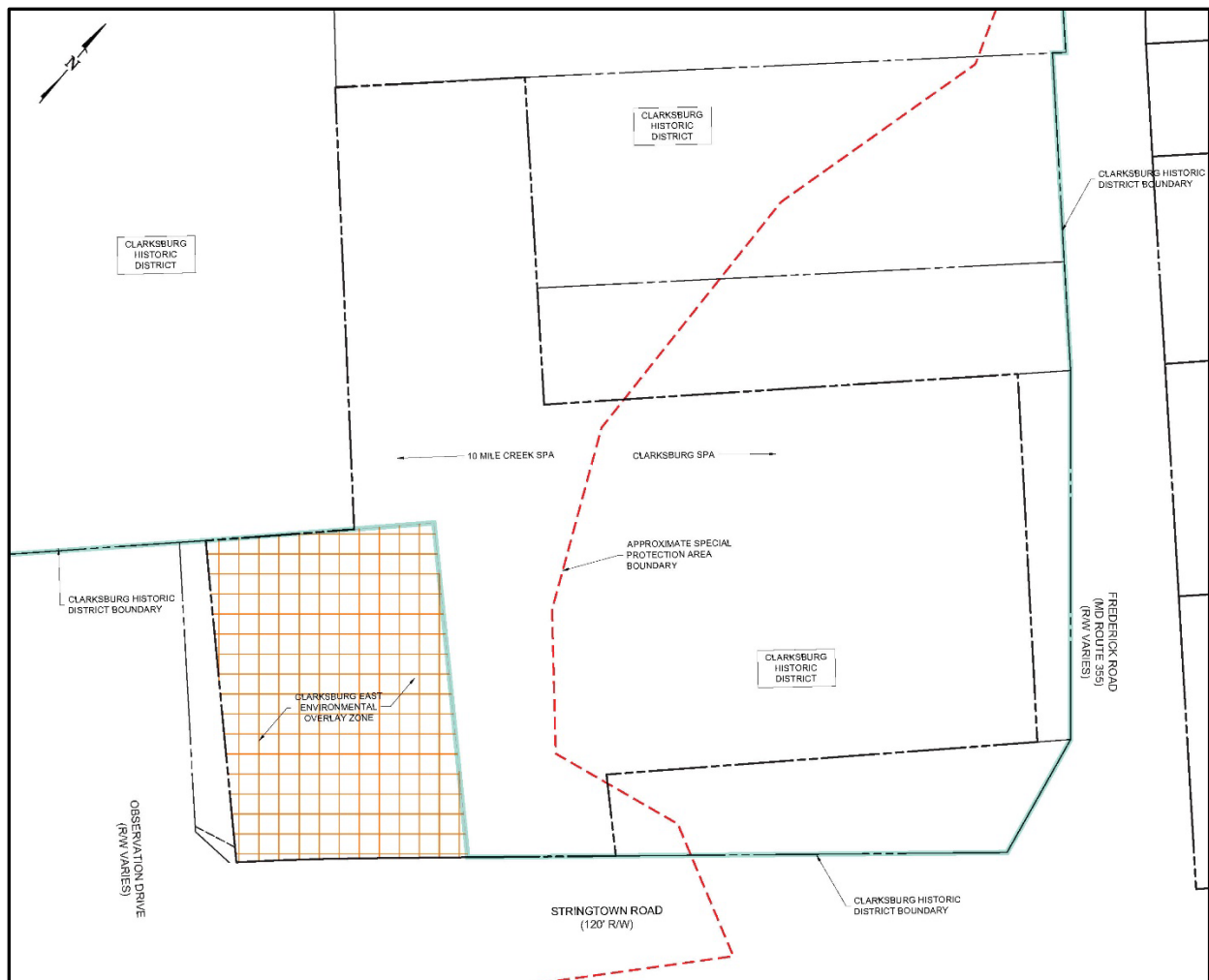


Figure 2 – Clarksburg East Environmental Overlay and Historic District boundary



The Property is bounded by other properties in the CRT zone and the Clarksburg Historic District. The Property is adjacent to the Clarksburg Elementary School to the southwest. The Dowden's Ordinary Special Park is located across Stringtown Road to the east of the Subject Property. To the north across is the Frederick Road/MD 355 is the commercial portion of the Clarksburg Historic District. Other surrounding property consist of single-family detached housing and small commercial use in formerly detached house within the Clarksburg Historic District to the north.

#### PROPERTY DESCRIPTION

The Property is currently improved with an existing medical clinic in the existing historic Hammer Hill structure with an associated small parking lot. There is a private driveway onto Frederick Road/MD 355



which provides full turning movements into and out of the Property. The Subject Property does not contain any forest, streams, wetlands, or environmental buffers. Several trees that are 24 inches in diameter at breast height (DBH) were identified on and immediately adjacent to the Property.

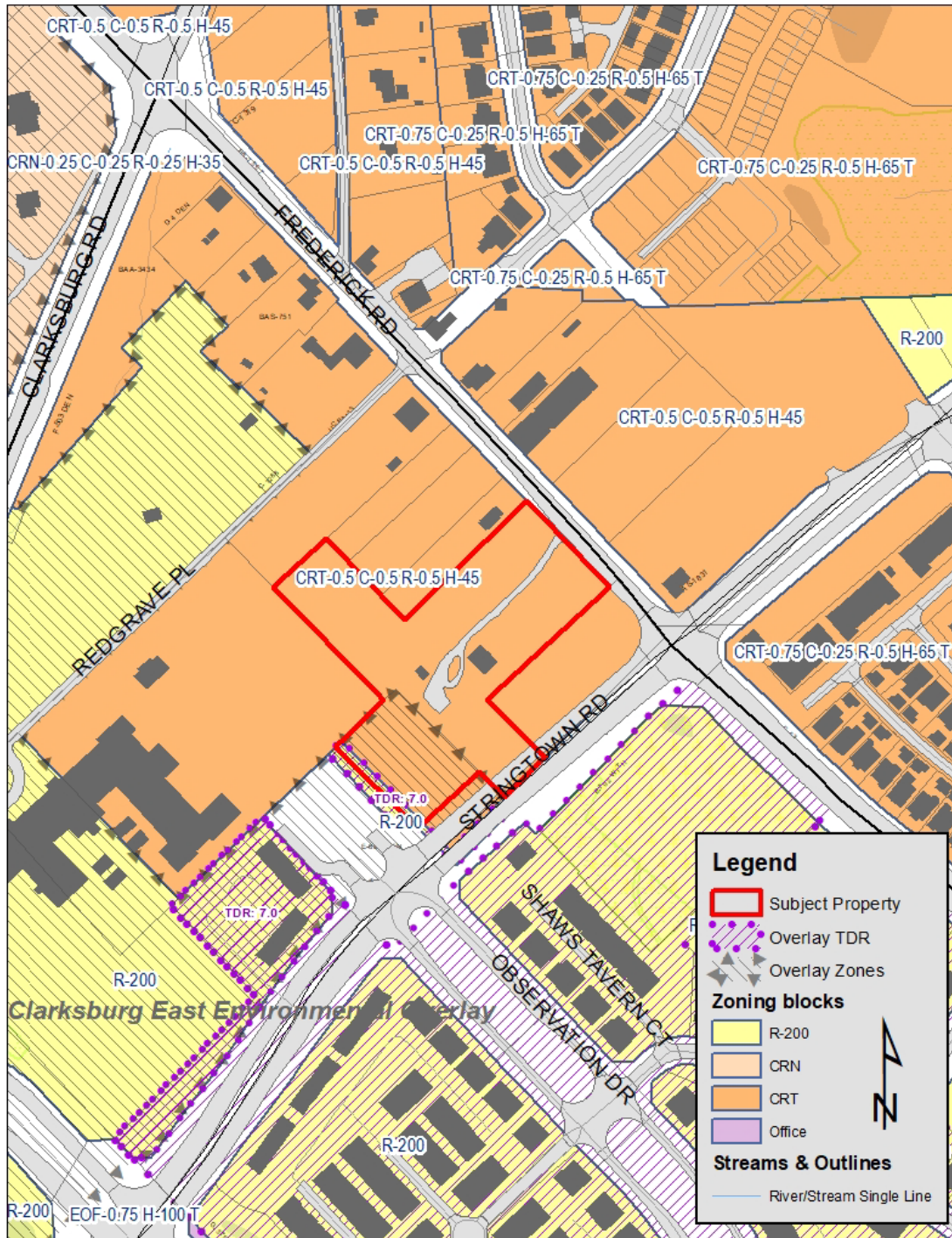


Figure 3– Vicinity





Figure 4 – Aerial View

## SECTION 4

### APPLICATIONS AND PROPOSAL

#### PREVIOUS APPROVALS

##### Concept Plan No. 520210040

A concept plan was submitted prior to the submission of this Application for the proposed day care facility. During the concept plan review some major issues were identified such as the need to bring the building toward the front property line as required by the CRT zone and placing the parking in the rear of the Property. The concept plan also identified issues with public open space and rural open space requirements, historic preservation, and frontage/traffic improvements.

#### CURRENT APPLICATIONS

##### Preliminary Plan No. 120210180

The Applicant proposes to create a lot for the existing 3,200 square foot Clinic (Up to 4 Medical Practitioners) and the proposed 13,600 square foot Daycare Center (Over 30 persons) ('Preliminary Plan Application'). As part of the Preliminary Plan Application, frontage improvements will be constructed to mitigate traffic impacts created by the Preliminary Plan Application and master plan required improvements along Stringtown Road and Frederick Road/MD 355.

##### Site Plan No. 820210010

The Applicant proposes to construct a 13,600 square foot Daycare Center (Over 30 persons) for 204 children and 22 employees with associated open space, playground, landscaping, stormwater facilities ('Site Plan Application').





Figure 5 – Preliminary and Site Plan Rendering

## SECTION 5

### ANALYSIS AND FINDINGS FOR PRELIMINARY PLAN #120210180, 50.4.2.D

*1. THE LAYOUT OF THE SUBDIVISION, INCLUDING SIZE, WIDTH, SHAPE, ORIENTATION AND DIVERSITY OF LOTS, AND LOCATION AND DESIGN OF ROADS IS APPROPRIATE FOR THE SUBDIVISION GIVEN ITS LOCATION AND THE TYPE OF DEVELOPMENT OR USE CONTEMPLATED AND THE APPLICABLE REQUIREMENTS OF CHAPTER 59.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, and for the building type (general building type) and use contemplated for the Property.

The lot was reviewed for compliance with the dimensional requirements of the CRT-0.5, C-0.5, R-0.5, H-45 zone as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage and can accommodate the existing Clinic (Up to 4 Practitioners) and the proposed Daycare Center (Over 30 persons) which can reasonably meet the width and setbacks requirements in that zone. A summary of this review is included in Table 1. The Application is proposed under the standard method in accordance with Section 4.5.3 of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1 – Development Standards Table – CRT (Standard Method)

<b>CRT-0.5 C-0.5 R-0.5 H-45, General Building Type</b>	<b>Required by the Zone</b>	<b>Proposed for Approval</b>
Minimum Lot Area	N/A	N/A
Minimum Lot Frontage	N/A	N/A
Minimum Lot Width at B.R.L.	N/A	N/A
Maximum Lot Coverage	N/A	N/A
Public Open Space (min)	10%	22.7% (34,755 sq. ft.)
Principle Building, Min. Setbacks (for all lots)		
Front	0 ft.	186 ft. (Frederick Road) 41 ft. (Stringtown Road)
Side	0 ft. 18 ft.	121 ft. (Clinic) <sup>3</sup> 122 ft. (Daycare)
Side setback between lot and site boundary	N/A	N/A
Rear	N/A	N/A

<sup>3</sup> The side lot line associated with the existing clinic, which is to remain, does not abut an agricultural, rural residential, residential detached, or residential townhouse zone.



<b>CRT-0.5 C-0.5 R-0.5 H-45, General Building Type</b>	<b>Required by the Zone</b>	<b>Proposed for Approval</b>
Build-To-Area		
Front	20 ft. min.	291 ft. <sup>4</sup>
Building in front street BTA	70%	100% <sup>3</sup>
Side street setback	20 ft.	41 ft. <sup>3</sup>
Building in side street BTA	35%	100% <sup>3</sup>
Maximum Building Height	45 ft. (mapped)	22 ft.
Vehicle Parking		
Clinic <sup>5</sup>	4 spaces	13 spaces
Daycare <sup>6</sup>	41 spaces	55 spaces
<b>Total</b>	<b>45 spaces</b>	<b>68 spaces</b>
Site Plan Required	Yes	Yes

Table 2 – Development Standards Table – Clarksburg East Environmental Overlay  
(Standard Method)

Minimum Rural Open Space	80.0% (23,647 sq. ft.)	86.0% (25,376 sq. ft.) <sup>7</sup>
Maximum Impervious Surface Area	15% (4,434 sq. ft.)	13.8% (4,098 sq. ft.) <sup>8</sup>

## 2. THE PRELIMINARY PLAN SUBSTANTIALLY CONFORMS TO THE MASTER PLAN

The Preliminary Plan Application substantially conforms to the recommendations included in the 1994 *Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area* (“Clarksburg Master Plan”) and the 2014 *Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan* (“10 Mile Creek Master Plan”).

### 1994 *Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area*

The Clarksburg Master Plan is the underlying master plan for the Clarksburg vicinity. The Preliminary Plan Application meets the general goals of the Clarksburg Master Plan by “promoting a healthy economy, including a broad range of business, service, and employment opportunities at appropriate locations” (Page 10). The Clarksburg Master Plan “proposes a transit-oriented, multi-use Town Center which is compatible with the scale and character of the Clarksburg Historic District”

<sup>4</sup> In accordance with 59.4.5.3.C.B the Build-to-Area setback along Frederick Road and side setback along Stringtown Road is increased to accommodate physical constraints of the site.

<sup>5</sup> Based on a minimum of 3.0 per 1,000 sq. ft. and a maximum of 4.0 per 1,000 sq. ft.

<sup>6</sup> Based on a minimum of 1.0 per 1,000 sq. ft. and a maximum of 4.0 per 1,000 sq. ft.

<sup>7</sup> The Rural Open Space requirements for the Clarksburg East Environmental Overlay Zone are based on the portion of the property formerly known as Parcel N366. The previous area associated with this parcel is 29,549 sq. ft. or 0.68 acres

<sup>8</sup> The maximum impervious surface area for the Clarksburg East Environmental Overlay Zone is based on the portion of the property formerly known as Parcel N366. The previous area associated with the parcel is 29,549 sq. ft. or 0.68 acres.

(page 26). The Clarksburg Master Plan also “continues the historic function of Clarksburg as a center of community life” (Page 26).

The Property falls within the analysis area identified as the “Town Center District” (Page 41). The Town Center District includes the Clarksburg Historic District, and both areas are discussed in detail on pages 42-53. The Site Plan Application complies with the following recommendations:

- Create a Town Center which will be a strong central focus for the entire Study Area.
- Encourage a mixed-use development pattern in the Town Center to help create a lively and diverse place.
- Encourage infill within the historic district in accord with the historic development patterns.

Consistent with the Historic District design guidelines (Pages 47-48), the Project also:

- Orients the building to the street, with parking behind.
- Preserves and enhances the existing rural character of streets.
- Assures that all road improvements, including both changes to existing roads and creation of new roads, are sensitive to the historic character of the Clarksburg Historic District.
- Provides new construction compatible with existing historic buildings.
- Assures that prominent resources in the Historic District are highlighted as focal points.
- Encourages appropriate landscaping, lighting, open space and creation of a gateway.

#### *2014 Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan*

The 10 Mile Creek Master Plan “retains the core of the Clarksburg Master Plan’s vision, refining the Clarksburg Master Plan’s recommendations to better achieve two important objectives: the creation of a complete, well-defined corridor town that provides jobs, homes, and commercial activities; and the preservation of natural resources critical to the County’s well-being” (page 5). The Property is located in the far northeast corner of the 10 Mile Creek Master Plan boundary where the 10 Mile Creek Master Plan emphasizes “community building,” as opposed to the majority of the plan boundary which emphasizes “environmental protection” (Page 13). In furtherance of the more specific goals within “community building,” the Preliminary Plan Application complements the Town Center, strengthens the Historic District, and balances mixed-use (Page 13).

The Property falls within one of the subwatershed boundaries with the most impervious surface (Pages 15 and 17). The 10 Mile Creek Master Plan allows the highest levels of imperviousness for new development in the Town Center District where existing imperviousness levels are already high (Page 17). The Preliminary Plan Application proposes a shared driveway consistent with the 10 Mile Creek Master Plan recommendations (Page 21).

The Property also falls within the area of the 10 Mile Creek Master Plan “East of I-270” and within the Historic District. The 10 Mile Creek Master Plan rezoned properties within the Historic District to CRT-0.5 C-0.5 R-0.5 H-45 and excluded the Historic District from the Clarksburg East Environmental Overlay Zone (Page 38). The 10 Mile Creek Master Plan also provides guidelines to the Historic Preservation Commission when reviewing historic area work permits. “The Clarksburg Master Plan identified the Historic District as a focal point of the Town Center, encouraging sensitive and

appropriate infill development in the District as an important component of the Clarksburg Master Plan’s objective for the Town Center” (Page 38). The CRT Zone “allows densities and building heights that will encourage infill development in the District and will allow new uses to be introduced that may help to invigorate the District” (Page 38). The Preliminary Plan Application is consistent with these recommendations and will help to stabilize and reinvigorate the Historic District, while also serving an important Montgomery County need.

The proposed Preliminary Plan Application is in substantial conformance with 1994 *Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area* and the 2014 *Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan*.

### 3. PUBLIC FACILITIES WILL BE ADEQUATE TO SUPPORT AND SERVICE THE AREA OF THE SUBDIVISION.

#### ROADS AND TRANSPORTATION FACILITIES

Frederick Road/MD 355 is classified as a Business District Street with planned BRT in the 2018 Master Plan of Highways and Transitways (MPOHT) and as a Town Center Boulevard under the 2020 Complete Streets Design Guidelines (CSDG) with an existing 55 feet right of way, which will be maintained with additional dedication. Stringtown Road is classified as an arterial street in the MPOHT and as a Town Center Boulevard in CSDG with a recommended right-of-way width of 120 feet with 4 travel lanes. This Application will provide dedication to support 60 feet of dedication from the road centerline along the frontage.

The 2018 Bicycle Master Plan recommends a sidepath along Stringtown Road. The Applicant will construct a 10 foot-wide sidepath along the frontage and continue the sidepath as an off-site improvement approximately 300 feet across the frontage of the neighboring property owned Montgomery County to the Stringtown Road and Frederick Road/MD 355 intersection.

#### LOCAL AREA TRANSPORTATION REVIEW (LATR)

The Application will produce a net increase of 151 and 144 net-new person trips, exceeding the 50 person-trip threshold warranting a transportation study. A full multimodal transportation study following the 2021 LATR Guidelines and under the 2020 – 2024 Growth and Infrastructure Policy was conducted and submitted on February 26, 2021 and revised May 19, 2022.

Table 2 – Trip Generation\*

Development	Measure	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Daycare (ITE 565)</b>	216 Students	80	71	151	68	76	144
<b>Net New Person Trips</b>	--	--	--	151	--	--	144

\*Trip generation rates are based on the ITE Trip Generation Manual, 10th Edition and adjusted as detailed in the 2021 LATR guidelines. Figures are rounded to nearest whole number. Source: Wells & Associates Traffic Impact Analysis Revised May 19, 2022.

Four intersections were studied, all within the Clarksburg Town Center Policy area and studied using the policy area’s recommended HCM methodology. The policy area has a 63 second allowable congestion standard based on the Highway Capacity Manual (“HCM”).

Table 3 — Highway Capacity Manual Methodology - Seconds of Vehicle Delay

Intersection	Traffic Conditions					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
<i>Clarksburg Town Center Policy Area (HCM 63 Seconds)</i>						
1. Clarksburg Rd and MD 355	41	263	36	47	36	48
2. Redgrave Place and MD 355	3	3	3	5	4	6
3. Site Driveway and MD 355	0	0	0	0	2	2
4. Stringtown Road and MD 355	32	39	34	61	34	58

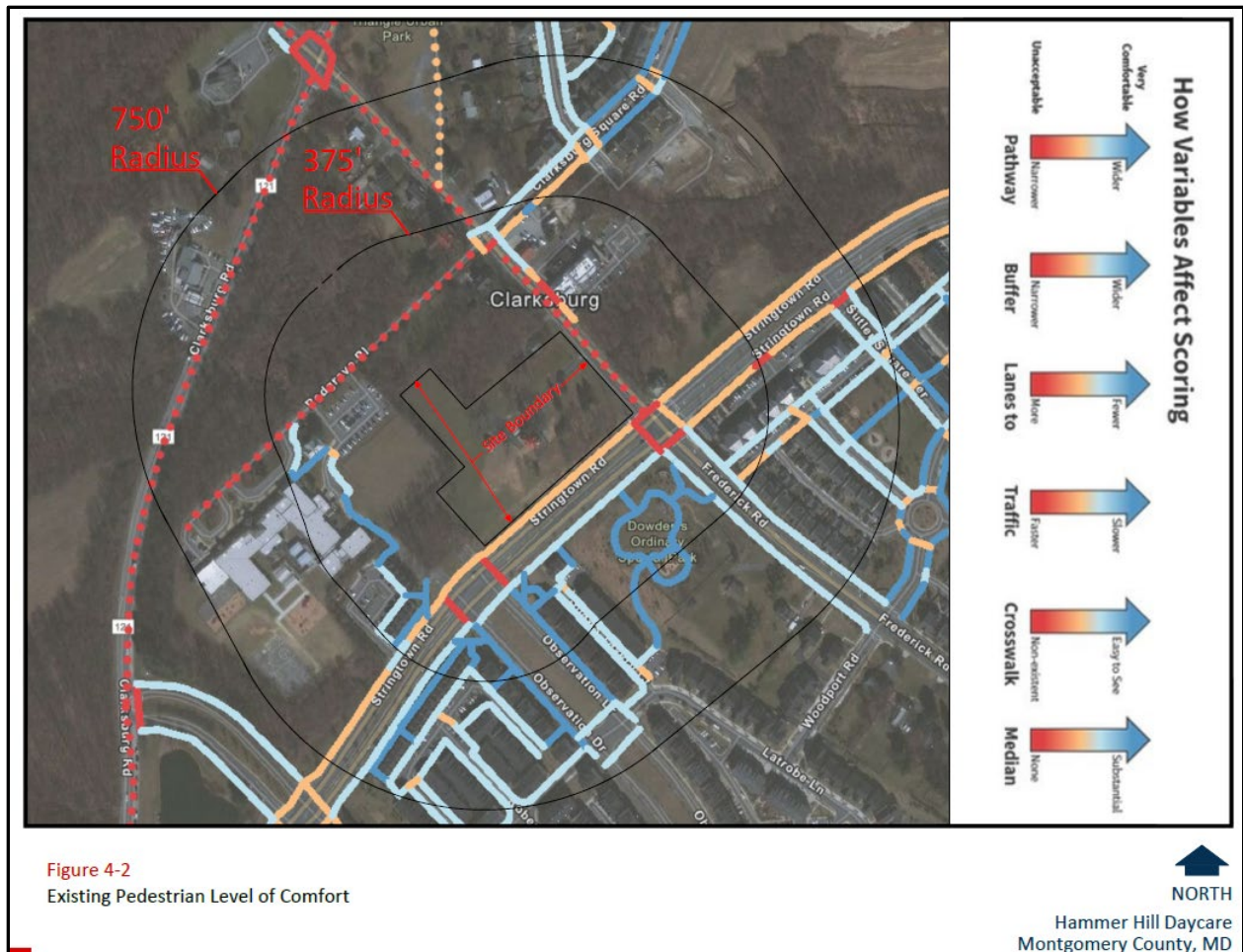
All four intersections operate below the 63 second congestion standards and no improvements are necessary for congestion purposes.

#### *Turning Lane*

In order to address queuing concerns, the Applicant will construct an additional left turn lane to enter the site from the northbound direction of Frederick Road/MD 355. While SHA initially recommended acceleration and deceleration lanes to serve the site's main access, at Planning Staff's request, SHA is no longer requiring acceleration and deceleration lanes, due to the location within the Clarksburg Historic District and the desire to promote safe pedestrian and bike mobility. Thus, acceleration and deceleration lanes to serve the site's main access are not required and any additional later improvement to the site access will require an amendment to the approved plans in coordination with the Historic Preservation Commission.

#### *Multimodal analysis*

The transportation study analyzed multimodal transportation facilities for pedestrians, bicyclists, transit, and ADA compliance. Serious deficiencies in these networks were found in all studies. The local bicycle and pedestrian networks within a 750-foot buffer of the Subject Property. Facilities along major roads, particularly Stringtown Road and Frederick Road, for the most part are either deficient or nonexistent, exceeding the minimum Level of Traffic Stress standards for cycling and Pedestrian Level of Comfort for walking. A majority of the study area ADA ramps are deficient. No bus stops in the study vicinity currently offer shelter.



Additionally, the study area has sizable history of crashes; within the 750-foot area, 52 crashes were recorded between January 2017 and May 2022. Two of these were serious, injury-causing crashes. Three crashes involved pedestrians or bicyclists. Speed studies were conducted along all four legs proximate to the Frederick Rd. and Stringtown Rd. intersection. In all locations, in both directions, 85<sup>th</sup> percentile speeds exceed 120% of posted speeds. Additional speed enforcement along with geometric improvements to both Stringtown Rd. and Frederick Road may improve this condition.

According to the proportionality guidelines of the 2022 LATR, the Applicant is limited to a maximum of \$5,063 in off-site LATR related mitigation improvements. As conditioned, the Applicant proposes to fulfill this mitigation by planting additional street trees in the vicinity to improve user comfort along bike and pedestrian facilities.

As conditioned, public facilities are adequate for the proposed use.

#### OTHER PUBLIC FACILITIES AND SERVICES

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property is in the W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer.



The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on August 10, 2016 and amended for the current Preliminary Plan Application on February 1, 2021 (Attachment 6). The Fire Department Access Plan indicates that fire access will be provided by the existing driveway access off of Frederick Road/MD 355 to access the existing medical office and daycare facilities. Fire apparatus turn-around can be achieved on-site. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Instructure Policy (“GIP”) in effect at the time that the Application was accepted.

#### 4. ALL FOREST CONSERVATION LAW, CHAPTER 22A REQUIREMENTS ARE SATISFIED

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees (Attachment 4). The Preliminary Plan Application and Site Plan Application comply with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

##### NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420210690 was approved in January 2021. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The eastern portion of the Property is located within the Clarksburg Special Protection Area (“SPA”) and drains to the Little Seneca Creek Watershed, which is designated Use IV-P waters by the State of Maryland. The northern and western portions of the Property are located within the Ten Mile Creek SPA and drain to the Ten Mile Creek Watershed, which is designated Use I-P waters by the State of Maryland. The Subject Property contains no forest but does have several trees with a diameter at breast height (“DBH”) of 24 inches or more, with the majority of them located along the perimeter of the Property. The Subject Property does not contain any streams, wetlands, 100-year floodplain, erodible soils, or environmental buffers. There are slopes greater than 25 percent located adjacent to Stringtown Road. There are no documented rare or endangered species on the Property. A portion of the Property is located within the Clarksburg Historic District. No cemeteries are known to exist on the Subject Property.

##### FOREST CONSERVATION PLAN

The Applicant submitted a Preliminary Forest Conservation Plan with the current development application for Preliminary Plan No. 120210180 (Attachment 3). The Application satisfies the applicable requirements of the Forest Conservation Law, County Code, Chapter 22A and complies with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned CRT-0.5 C-0.5 R-0.5 H-45 and is assigned a Land Use Category of Mixed Use Development Area (“MPD”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 3.52-acre Subject Property plus 0.28 acres of offsite disturbance associated with this Application, for a total net tract area of 3.80 acres. Since there is no existing forest within the net tract area, the result is an afforestation requirement of 0.57 acres, which the Applicant proposes to meet by purchasing credits from an M-NCPPC approved forest bank. If there are no credits available for purchase, the Applicant will meet the requirements via fee-in-lieu payment.

#### 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 May 10, 2022 (Attachment 12). For the portion of the Property that is designated an historic site, the variance provision applies to all impacted trees that are one inch caliper and greater (“Protected Trees”). For the remainder of the Property, the variance provision applies to all impacted trees that are 30 inches DBH and greater (“Protected Trees”). The Applicant proposes to impact thirty-three (33) trees and remove ten (10) trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Figure 7 and Tables 4 and 5).



Table 4 – Protected Trees to be impacted but retained

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
911	Japanese Lilac	6"	11%	Historic Site, grading
933	Sugar Maple	41"	11%	Historic Site; grading
932	Norway Spruce	25"	10%	Historic Site; grading
931	Am. Basswood	39"	6%	Historic Site; grading
989	Hickory sp.	17"	28%	Historic Site; grading, SWM
983	Red Maple	20"	27%	Historic Site; parking lot
997	Am. Elm	22"	17%	Historic Site; parking lot
998	Silver Maple	20"	14%	Historic Site; parking lot
980	Silver Maple	24"	11%	Historic Site; grading
974	White Mulberry	18"	35%	Historic Site; grading
959	Black Locust	19"	4%	Historic Site; grading
958	Silver Maple	20"	14%	Historic Site; grading
957	Ailanthus	15"	7%	Historic Site; grading
955	Ailanthus	12"	15%	Historic Site; grading
954	Ailanthus	8"	6%	Historic Site; grading
953	Ailanthus	8"	6%	Historic Site; grading
952	Ailanthus	10"	14%	Historic Site; grading
951	Ailanthus	8"	1%	Historic Site; grading
948	Sweet Cherry	10"	17%	Historic Site; grading
947	Ailanthus	15"	20%	Historic Site; grading
946	White Mulberry	15"	28%	Historic Site; grading
945	Ailanthus	12"	22%	Historic Site; grading
968	Black Locust	22"	40%	Historic Site; grading
967	Ailanthus	14"	19%	Historic Site; grading
962	Ailanthus	6-8"	25%	Historic Site; grading; playground
944	Black Locust	12"	10%	Historic Site; grading
943	Sweet Cherry	12"	10%	Historic Site; grading
942	Ailanthus	12"	31%	Historic Site; grading
941	Sweet Cherry	10"	24%	Historic Site; grading
940	Ailanthus	21"	28%	Historic Site; grading
990	Norway Maple	20-24"	0.4%	Historic Site; grading near MD 355
907	Eastern Hemlock	20"	5.5%	Historic Site; grading entrance drive
908	Blue Spruce	16"	12%	Historic Site: grading near MD 355

Table 5 – Protected Trees to be removed

<b>Tree Number</b>	<b>Species</b>	<b>DBH Inches</b>	<b>Status and Notes</b>
984	Ailanthus	23"	Fair condition; Historic Site; grading for parking lot and SWM
985	Silver Maple	29"	Poor condition; Historic Site; storm drain, parking lot
986	Hickory	19"	Fair condition; Historic Site; storm drain, parking lot
935	Walnut	39"	Fair condition; Historic Site; parking lot, building
912	White Pine	12"	Good condition; Historic Site; grading, storm drain
913	Crepe Myrtle	9"	Good condition; Historic Site; grading, storm drain
914	White Mulberry	12"	Fair condition; Historic Site; building, storm drain
919	White Mulberry	10"	Poor condition; Historic Site; building, storm drain
920	Golden Rain Tree	12"	Good condition; Historic Site; building, storm drain
N/A	Chinese Elm	10"	Good Condition; Historic Site; path along Stringtown Rd.

#### UNWARRANTED HARDSHIP BASIS

Per Section 22A-21, a variance may only be considered 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 necessary layout of the proposed development on the Property, which is dictated by the existing site conditions, including the historic designation, development standards of the zone, including impervious surface limitations and Montgomery County agency requirements.

The ten (10) trees requested to be removed are located within the developable area of the Property and on the historic site. These trees range in size from 9-39 inches DBH. Eight of the Ten trees to be removed are less than 24 inches DBH. None of these trees are located within the forest since there is no forest located on the Property. Trees 912, 913, 914, 919, 920, and 935 will be impacted due to the layout of the proposed daycare building which is dictated by the requirements of the CRT zone, sensitivity to the existing historic structure and setting, the shape of the Property, and the impervious surface limitations. The placement of the building and parking lot resulted in the locations of the storm drain and stormwater management features and the resulting impacts to Trees 984, 985, and 986. The Chinese elm tree is a right-of-way tree along Stringtown Road that appears to have been planted outside of the right-of-way and on the historic site. This tree will be impacted by the recommended two-foot expansion of the existing shared use path along Stringtown Road.

The thirty-three trees requested to be impacted but retained are all located within the historic property and range in size from 6-39 inches DBH. Twenty-eight of these trees are less than 24 inches DBH. The majority of these trees are located along the perimeter of the Property and will be impacted by grading for the proposed development. The Subject Property includes an historic structure and existing driveway that will remain. The layout of the proposed development was designed to be sensitive to the preservation of the historic character of the existing development. Given those considerations, and the odd configuration of the Property and other development requirements, including an impervious surface limit for the portion of the Property within the



Clarksburg East Environmental Overlay Zone, the inability to impact and remove these trees would potentially render portions of the site undevelopable. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the commercial use for which it is zoned, which is a reasonable and significant use of the Property.

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

The following determinations are based on the required findings that granting of the requested variance:

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 disturbance to the specified trees are due to the development of the Property, location of the trees and necessary site design requirements. The Property contains numerous Protected trees located within the developable area of the site. Granting a variance to allow disturbance within the developable portion of the site and meet the objectives of the Master Plan is not unique to this Applicant. The 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, development standards of the zone, and necessary design requirements of this Application.

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 the proposed site design and layout of the Subject Property, 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 Protected Trees being removed are not located within a stream buffer. The Application proposes mitigation by planting larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed trees. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

#### MITIGATION FOR TREES SUBJECT TO THE VARIANCE PROVISION

There are ten Protected Trees proposed for removal in this variance request and the Application proposes mitigation for each of them. The Application proposes to remove 175 caliper inches of Protected Trees that will be mitigated for at a rate that approximates the form and function of the trees being removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 43.75 inches with the installation of fifteen 3-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. The mitigation trees will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the CRZ of thirty-three trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

#### COUNTY ARBORIST'S RECOMMENDATION ON THE VARIANCE

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist as part of the ePlans review process. The County Arborist did not provide comments or a recommendation.

#### VARIANCE RECOMMENDATION

Staff recommends approval of the variance request.

#### 5. *ALL STORMWATER MANAGEMENT, WATER QUALITY PLAN, AND FLOODPLAIN REQUIREMENTS OF CHAPTER 19 ARE SATISFIED.*

#### SPECIAL PROTECTION AREA WATER QUALITY PLAN

The Preliminary Plan Application satisfies all of the applicable requirements of Chapter 19 of the Montgomery County Code, the requirements of the Clarksburg East Environmental Overlay Zone, and the Environmental Guidelines, as conditioned and discussed below.

A portion of this Property is located within the Clarksburg Special Protection Area ("SPA") and the remainder is within the Ten Mile Creek SPA, on privately owned property where land disturbance is proposed; as such, it is required to obtain approval of a water quality plan under Section 19-62(b) of the Montgomery County Code.

As part of the requirements of the SPA law, a Preliminary Water Quality Plan should be reviewed in conjunction with a Preliminary Plan Application. The Final Water Quality Plan is reviewed in conjunction with the Site Plan Application. Under Section 19-65 of the Montgomery County Code, the Montgomery County Department of Permitting Services ("MCDPS"), the Montgomery County Department of Environmental Protection ("MCDEP"), and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS and MCDEP review the Preliminary Plan Application for site performance goals, stormwater management, sediment and erosion control, and monitoring of streams and Best Management Practice performance. The Planning

Board's responsibility is to determine if SPA forest conservation and planting requirements, environmental buffer protection, and limits on impervious surfaces have been satisfied.

#### *MCDPS AND MCDEP SPECIAL PROTECTION AREA REVIEW ELEMENTS*

The Preliminary Plan Application and Site Plan Application received an approved Combined Preliminary/Final Water Quality Plan/Site Development Stormwater Management Plan approval from the Montgomery County Department of Permitting Services, Water Resources Section on April 5, 2022 (Attachment 7). The Application will meet stormwater management goals through the use of micro bioretention with enhancement. The approval is for elements of the Water Quality Plan of which DPS has lead agency responsibility and does not include limits on imperviousness or buffer encroachments. Stream monitoring and BMP monitoring fees will be required by MCDEP per Special Protection Area regulations.

#### *Planning Board Special Protection Area Review Elements*

Following is an analysis of the Planning Board's responsibilities in the review of the Water Quality Plan. Staff recommends the Planning Board approve the elements of the SPA Water Quality Plan under its purview.

#### **A. PRIORITY FOREST CONSERVATION AREAS**

The Preliminary Plan Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Preliminary FCP was submitted with the Preliminary Plan Application and the Final FCP was submitted with Site Plan Application. As discussed previously, in the forest conservation section of this report, there is no forest on the Property, so there is no forest to be retained. The FCP results in a 0.57-acre forest planting requirement, which the Applicant proposes to meet by purchasing credits from an M-NCPPC approved forest bank. If there are no credits available for purchase, the Applicant will meet the requirements via fee-in-lieu payment. There are no environmental buffers on the Property, so the SPA requirement to plant unforested environmental buffers is not applicable to this Preliminary Plan Application.

#### **B. ENVIRONMENTAL BUFFER PROTECTION**

An NRI/FSD No. 420210690 was approved by Staff in January 2021. The approved NRI/FSD did not identify any environmental buffers on the Property, so this requirement is not applicable to this Application.

#### **C. IMPERVIOUS SURFACES**

As noted previously in this report, the Property is partially located within the Clarksburg SPA and partially within the Ten Mile Creek SPA. The Clarksburg SPA does not have a numerical limit on impervious surfaces; however, a main goal for development in all SPAs is to reduce or minimize impervious surfaces. The remainder of the Property is located within the Ten Mile Creek SPA. In addition, the portion of the Property located within the Ten Mile Creek SPA and outside of the Historic Site, is located within the Clarksburg East Environmental Overlay Zone (the historic district is not included within the boundaries of the Overlay Zone). Per Chapter 59, Section 4.9.5.D.1, impervious surfaces are limited to 15% of the area under Preliminary Plan Application and Site Plan Application within the Overlay Zone.

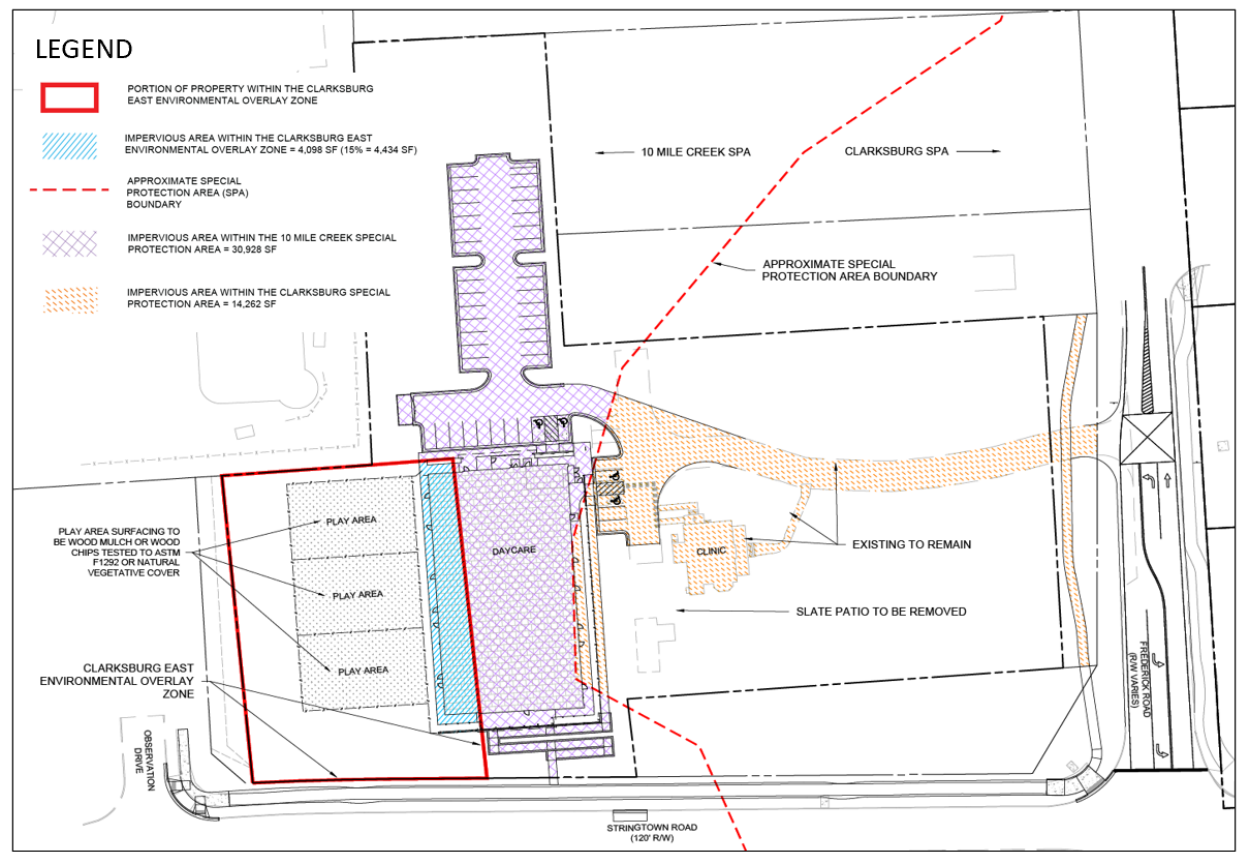


Figure 8 – Impervious Surface Exhibit

The Preliminary Plan Application includes an Impervious Surface Exhibit (Sheet 6 of the Preliminary Plan) (Figure 8 and Attachment 5). The Application proposes to construct 14,262 square feet of impervious surfaces within the Clarksburg SPA which includes the existing medical building, driveway, parking lot and sidewalks that will remain, resulting in 21.5% imperviousness over the 1.53-acre portion of the Property within the Clarksburg SPA. Approximately 30,928 square feet of impervious surfaces are proposed within the Ten Mile Creek SPA, outside of the Clarksburg East Environmental Overlay Zone. This includes the majority of the proposed daycare building and associated parking lot and sidewalks. This results in 38.2% imperviousness over the 1.86-acre portion of the Property within the Ten Mile Creek SPA, but outside of the Clarksburg East Environmental Overlay Zone. In addition, the Preliminary Plan Application proposes 4,098 square feet of impervious surfaces for the construction of a portion of the proposed daycare building, within the Clarksburg East Environmental Overlay Zone. The Overlay Zone exempts Master Planned bikeways, including shared use paths from the impervious surface calculations. The result is 13.8% imperviousness within the Clarksburg East Environmental Overlay Zone, which is below the Overlay Zone's limit of 15%. As conditioned, prior to Certification of the Preliminary Plan, the Impervious Surface Exhibit and calculations will be updated to include the required pedestrian path between the proposed daycare building and Clarksburg Elementary School.

The Applicant minimized impervious surfaces as much as possible; however, the existing features within the Clarksburg SPA which include the driveway, medical building and parking spaces are on the historic site and are to remain. The Application will remove an existing patio that is not needed. Within the Ten Mile Creek SPA, impervious surfaces are limited to the proposed daycare building and required sidewalks and parking, including leadwalks from Stringtown Road. Vehicular access to the proposed daycare building will be provided by sharing the existing driveway from Frederick Road that also serves the medical building. The playgrounds for the daycare building are located within the Overlay Zone, but these areas will remain pervious in the form of mulch or wood chips.

The Preliminary Plan Application meets all applicable requirements of Chapter 19 and Chapter 59 for SPA Water Quality Plans.

6. *ANY BURIAL SITE OF WHICH THE APPLICANT HAS ACTUAL NOTICE OR CONSTRUCTIVE NOTICE OR THAT IS INCLUDED IN THE MONTGOMERY COUNTY INVENTORY AND LOCATED WITHIN THE SUBDIVISION BOUNDARY IS APPROVED UNDER SUBSECTION 50-4.3.*

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

7. *ANY OTHER APPLICABLE PROVISIONS SPECIFIC TO THE PROPERTY AND NECESSARY FOR APPROVAL OF THE SUBDIVISION IS SATISFIED.*

On June 8, 2022, the Historic Preservation Commission (“HPC”) met to review the final revisions of the Application prior to the review by the Planning Board. The HPC was supportive of the Preliminary Plan Application and Site Plan Application (discussed later in this Staff Report). Several Commissioners recommended minimizing the proposed retaining walls/ramp at the south side of the Subject Property, if feasible. The HPC recognized the Property constraints and the need for handicapped accessible access from Stringtown Road. Ultimately, the HPC determined that they would support the project when the Applicant returns to the HPC with an Application for a Historic Area Work Permit (“HAWP”) based on their letter dated June 24, 2022 (Attachment 13).

## SECTION 6

### ANALYSIS AND FINDINGS FOR SITE PLAN #820210090, 59.7.3.4.E

1. *WHEN REVIEWING AN APPLICATION, THE APPROVAL FINDINGS APPLY ONLY TO THE SITE COVERED BY THE APPLICATION.*

The Approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

2. *TO APPROVE A SITE PLAN, THE PLANNING BOARD MUST FIND THAT THE PROPOSED DEVELOPMENT:*



*A. SATISFIES ANY PREVIOUS APPROVAL THAT APPLIES TO THE SITE;*

The Site Plan conforms to all conditions of the Preliminary Plan 120210180, which is being reviewed concurrently.

*B. SATISFIES UNDER SECTION 7.7.1.B.5 THE BINDING ELEMENTS OF ANY DEVELOPMENT PLAN OR SCHEMATIC DEVELOPMENT PLAN IN EFFECT ON OCTOBER 29, 2014;*

This section is not applicable since there are no development plans or schematic plans associated with the Subject Property.

*C. SATISFIES UNDER SECTION 7.7.1.B.5 ANY GREEN AREA REQUIREMENT IN EFFECT ON OCTOBER 29, 2014 FOR A PROPERTY WHERE THE ZONING CLASSIFICATION ON OCTOBER 29, 2014 WAS THE RESULT OF A LOCAL MAP AMENDMENT;*

This section is not applicable since the Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

*D. SATISFIES APPLICABLE USE STANDARDS, DEVELOPMENT STANDARDS, AND GENERAL REQUIREMENTS UNDER THIS CHAPTER;*

The Site Plan Application satisfies the use standards, development standards and general requirements for Clinic (Up to 4 Medical Practitioners) and Daycare Center (Over 30 Persons) in the Commercial Residential Town (CRT) Zone, under the Standard Method Development in Section 4.5.3.

**USE AND DEVELOPMENT STANDARDS IN THE CRT ZONE**

According to Section 3.1.6, a Clinic (Up to 4 Practitioners) is a permitted use in the CRT zone. A Daycare Center (Over 30 Persons) is limited use in the CRT Zone. The limited use standards are as follows under Section 3.4.4.F.2:

**"Use Standards**

- a. Where a Day Care Center (Over 30 Persons) is allowed as a limited use, and the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section 7.3.4."

The Subject Property does abut the R-200 zone in the southwest corner which is a Residential Detached zone. As a result, a site plan application is required and has been submitted by the Applicant, as discussed in this staff report. As proposed, the lots are suitable for the proposed use and conform to the required development standards for the CRT Zone.

The following table, Table 6, shows the Application's conformance to the development standards of the zone.

**Table 6 – Site Plan Data Table - CRT-0.5 C-0.5 R-0.5 H-45, Standard Method**

<b>Data Table</b>	<b>Allowed/Required</b>	<b>Proposed</b>
Gross Tract Area/Usable Area	N/A	3.52 acres
Dedication	NA	0.16 acres
Net Area	NA	3.36 acres
Minimum lot area	N/A	N/A
Density (FAR)	0.5 FAR (mapped)	0.11 FAR (16,800 sq. ft.)
Principal Building Setbacks		
Front	0 ft. (clinic)	190 ft. (Frederick Road) 41 ft. (Stringtown Road)
Side	0 ft. (clinic) 18 ft. (daycare)	121 ft. (Clinic) 122 ft. (daycare)
Rear	N/A	N/A
Min. Parking Setbacks		
Front	Behind front building line in GTA	All parking is located behind front building line in BTA
Side Street	Behind side street building line in the BTA	All parking is located behind side street building line in BTA
Side	10 ft.	77 ft.
Rear	10 ft.	27 ft.
Build-To-Area		
Front	20 ft. min.	291 ft. <sup>9</sup>
Building in front street BTA	70%	100% <sup>8</sup>
Side street setback	20 ft.	41 ft. <sup>8</sup>
Building in side street BTA	35%	100%
Min. Public Open Space	10% (15,310 sq. ft.)	22.7% (34,755 sq. ft.)
Max. Building Height (Principal)	45 ft. (mapped)	22 ft.
Building Orientation, entrance facing street or open space	Required	Provided
Building Orientation, max entrance spacing	100 ft.	65 ft.
Building Transparency		
Front	40%	12.8 % (Stringtown Road) <sup>9</sup>

<sup>9</sup> In accordance with 59.4.5.3.C.B the Build-to-Area setback along Frederick Road and side setback along Stringtown Road is increased to accommodate physical constraints of the site.

<b>Data Table</b>	<b>Allowed/Required</b>	<b>Proposed</b>
Side/Rear	25%	11.3% <sup>10</sup>
Blank Wall, front (max)	35 ft.	21 ft. (Stringtown Road)
Black Wall, side/rear	35 ft.	18.5 ft.
Allowed Building Elements, Gallery/awning	Yes	Awnings Provided
Parking - Vehicle		
Clinic <sup>11</sup> Daycare <sup>12</sup>	Min: 4 sp., Max: 13 sp. Min: 41 sp., Max: 55 sp.	52 spaces
Parking - Bicycles		
Clinic Daycare	1 short time, 1 long term 1 short term, 3 long term	2 short term, 4 long term <sup>13</sup>

## USE AND DEVELOPMENT STANDARDS IN THE CLARKSBURG EAST ENVIRONMENTAL OVERLAY ZONE

The Site Plan Application satisfies the use standards, development standards and general requirements for the Clarksburg East Environmental Overlay Zone. Under Section 4.9.5.E, any development that must file a preliminary plan of subdivision under Chapter 50 require approval of a site plan.

**Table 7 – Site Plan Data Table – Clarksburg East Environmental Overlay, Standard Method**

Minimum Rural Open Space	80.0% (23,647 sq. ft.)	86.0% (25,376 sq. ft.) <sup>14</sup>
Maximum Impervious Surface Area	15% (4,434 sq. ft.)	14.8% (4,403 sq. ft.) <sup>15</sup>

## DIVISION 6 – GENERAL DEVELOPMENT STANDARDS

### i.Division 6.1. Site Access

Access is adequate to safely and efficiently serve the proposed development.

Access to the day care will be provided from a single existing access point on Frederick Rd., located approximately 200 ft. north of the intersection with Stringtown Rd. No new streets will

<sup>10</sup> See architectural plans for details. Although the blank wall requirements are being met the architecture and use of the building requires continuous facade materials that are not transparent. The applicant is seeking relief from the building orientation and transparency requirements in accordance with 59-4.5.3.c.5.a.

<sup>11</sup> Based on a minimum of 3.0 per 1,000 sq. ft. and a maximum of 4.0 per 1,000 sq. ft.

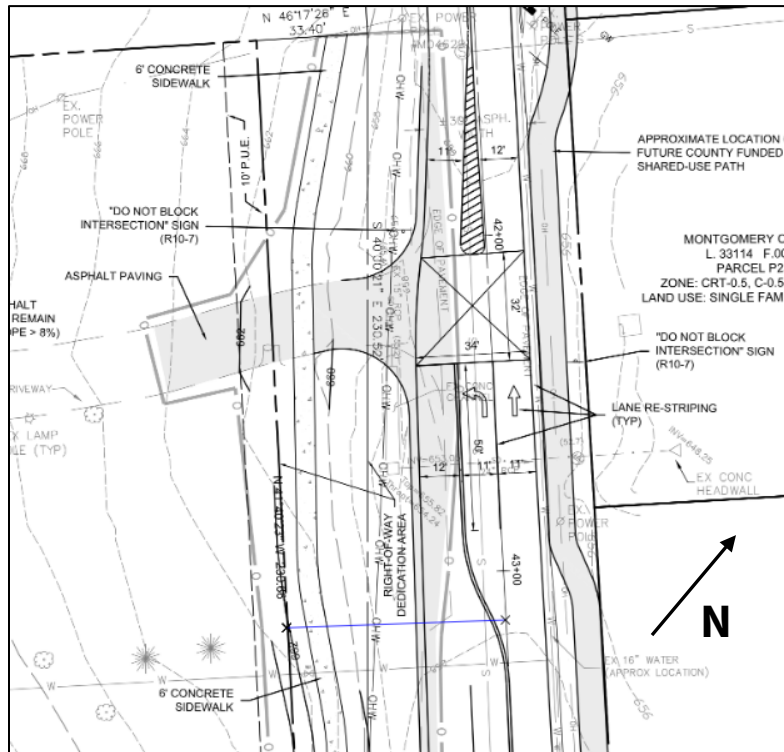
<sup>12</sup> Based on a minimum of 1.0 per 1,000 sq. ft. and a maximum of 4.0 per 1,000 sq. ft.

<sup>13</sup> One long term bicycle parking space has been previously provided on existing covered porch of medical clinic.

<sup>14</sup> The Rural Open Space requirements for the Clarksburg East Environmental Overlay Zone are based on the portion of the property formally known as Parcel N366. The previous area associated with this parcel is 29,549 or 0.68 acres

<sup>15</sup> The maximum impervious surface area for the Clarksburg East Environmental Overlay Zone is based on the portion of the property formally known as Parcel N366. The previous area associated with the parcel is 29,549 sq. ft. or 0.68 acres)

be constructed. The daycare will utilize the existing driveway and construct a new surface parking facility in the rear of the Subject Property.



Additionally, as conditioned, the Applicant will provide a sidewalk within the Subject Property up to the property boundary shared with the Clarksburg Elementary School in the event that in the future this sidewalk could be extended into the school property.

The Applicant is providing 52 off-street parking spaces, exceeding the 42-space minimum, and 4 long-term bike parking spaces as required. The Application meets the parking requirements for the proposed use.

The Site Plan Application will develop under the standards of the CRT zone (Standard Method) and the Clarksburg Environmental East Overlay Zone. The entire Property is covered by the CRT Zone but only a small portion of the Property is located in the Clarksburg Environmental East Overlay Zone. Because there are two different zones associated with the Property, there are

two different types of open space required under the Zoning Ordinance: Public Open Space and Rural Open Space.

The CRT zone requires that a minimum of 10.0 percent (15,319 sq. feet) of the Site Plan Application be devoted to Public Open Space based on Section 59.6.3.6 of the Zoning Ordinance. The Site Plan provides 22.7 percent (34,755 sq. ft.) percent Public Open space, which exceeds the required 10 percent, for passive recreation and enjoyment of the historic setting in the Clarksburg Historic District. As a commercial use, the Site Plan Application is not required to meet Recreation Guidelines. However, the day care use is providing significant green space in front of the historic structure. The Public Open Space is left unprogrammed in order to preserve the historic setting within the Clarksburg Historic District. Under Section 6.3.3.A, the table of allowed features allows for “open space such as lawn, garden, ornamental planting area, patio, walk, and pathway” is an allowed feature for Public Open Space. Furthermore, the Public Open Space meets the design requirements of Section 6.3.6.B because the open space: (1) does about a public sidewalk or other public pedestrian route; (2) is a minimum of 15 feet in width; (3) does include seating and shade, and; (4) is a contiguous space.

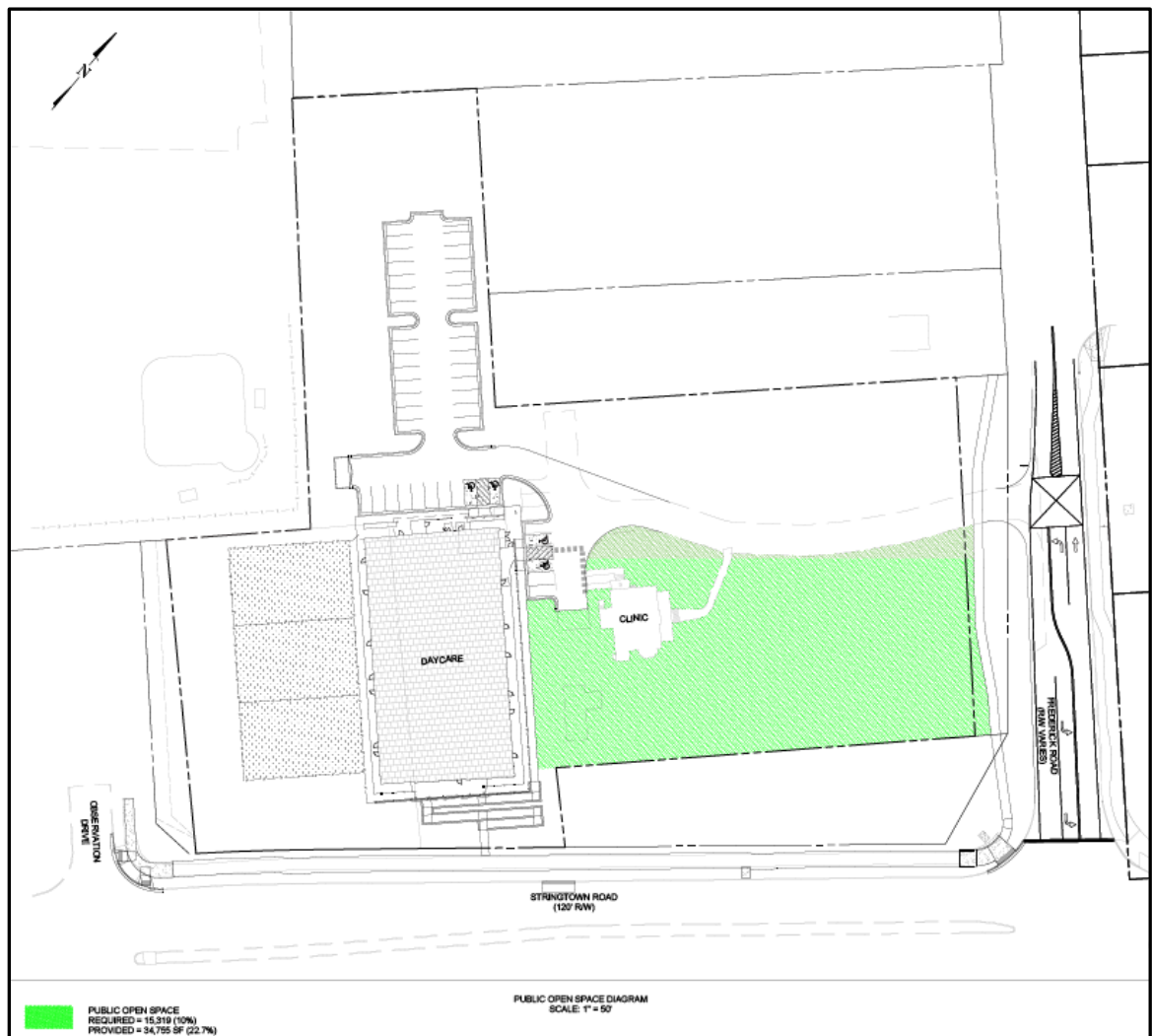


Figure 10 – Public Open Space in the CRT zone



The Clarksburg East Environmental Overlay Zone requires 80.0 percent (23,647 sq. ft.) of the Property within the zone as Rural Open Space per Section 59.4.9.5.D.4 of the Zoning Ordinance. The Site Plan Application provides Rural Open Space in the amount of 86.0 percent (25,376 sq. ft.). Section 6.3.4 does not prohibit any specific uses from Rural Open Space in the CRT or Clarksburg East Environmental Overlay Zone. Specific uses are only prohibited within Rural Open Space located in the RC or RNC zones. The structure for the day care center is not located in the Rural Open Space, the play area associated with the day care is located in Rural Open Space. Given the location, historic context, and lack to environmental features of the Subject Property, having a play area associated with an allowed use is an appropriate amenity to include in this particular Rural Open Space area.

Rural Open Space is required to be recorded in a protective easement or covenant recorded in the land records under Section 6.3.4.B.1. Property located in Rural Open Space also seeks to limit disturbance to the maximum extent possible during construction as well as minimize any potential nuisance or conflict with agricultural uses. There are no agricultural uses nearby making potential nuisances or conflicts a non-issue. However, by placing the playground area within the Rural Open Space, it does minimize the level of disturbance compared to, for example, a parking lot or building. Under the Open Space Allocation requirements in Section 6.3.4.B.2, Rural Open Space must include a list of items one of which is “historic, archaeological, and cultural site, cemetery, and burial ground”. The Subject Property is located in the Clarksburg Historic District and includes the historic Hammer Hill structure on the Subject Property. Thus, the Rural Open meets these requirements.

Configuration of Rural Open Space requires the following:

- a. The minimum width for any rural open space is 75 feet unless the Planning Board grants an exception for items such as a trail easement or linear park when their purpose meets the intent of Section 6.3.4.*

The proposed Rural Open Space exceeds 75 feet in width.

- b. A minimum of 60% of the rural open space must be contiguous or separated only by a residential street.*

All of the Rural Open Space is contiguous.

- c. Where feasible, the rural open space must adjoin any neighboring area of open space, other protected area, or non-protected natural area that would be a candidate for inclusion as part of a future area of protected rural open space.*

The Rural Open Space will adjoin the Public Open Space located outside the Clarksburg East Environmental Overlay Zone. It is not feasible to adjoin the proposed Rural Open Space with any other open space on an adjacent property.

The Public Open Space and Rural Open Space meet the requirements of Division 6.3 of the Zoning Ordinance.

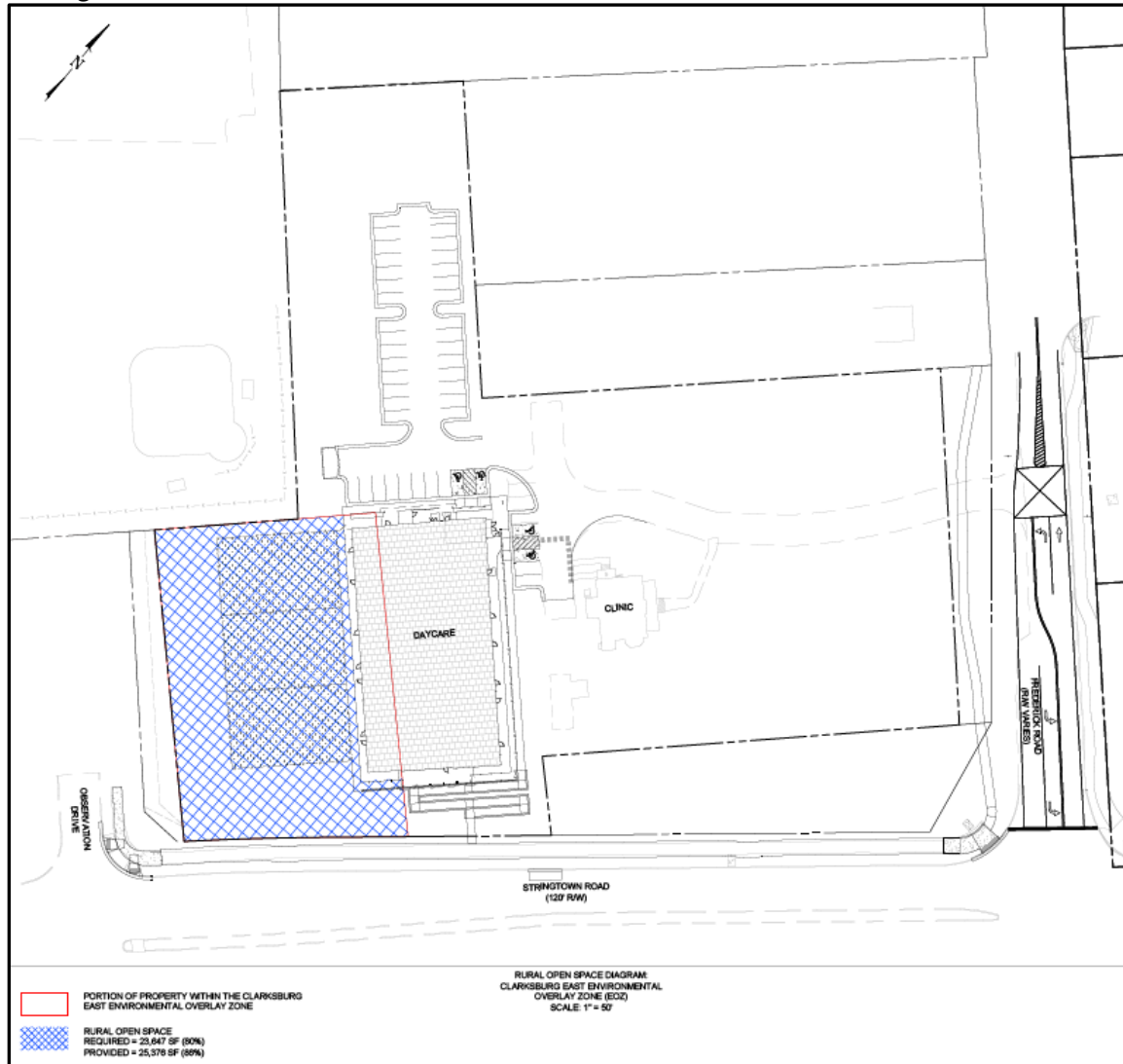


Figure 11 – Rural Open Space in the Clarksburg East Environmental Overlay zone

#### iv.Division 6.4. General Landscaping and Outdoor Lighting

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The provided landscaping and outdoor lighting are safe, adequate, and efficient for the proposed daycare center. The Site Plan Application includes a variety of landscaping and outdoor lighting throughout the Subject Property, primarily around the daycare center, the parking lot, and along Stringtown Road.

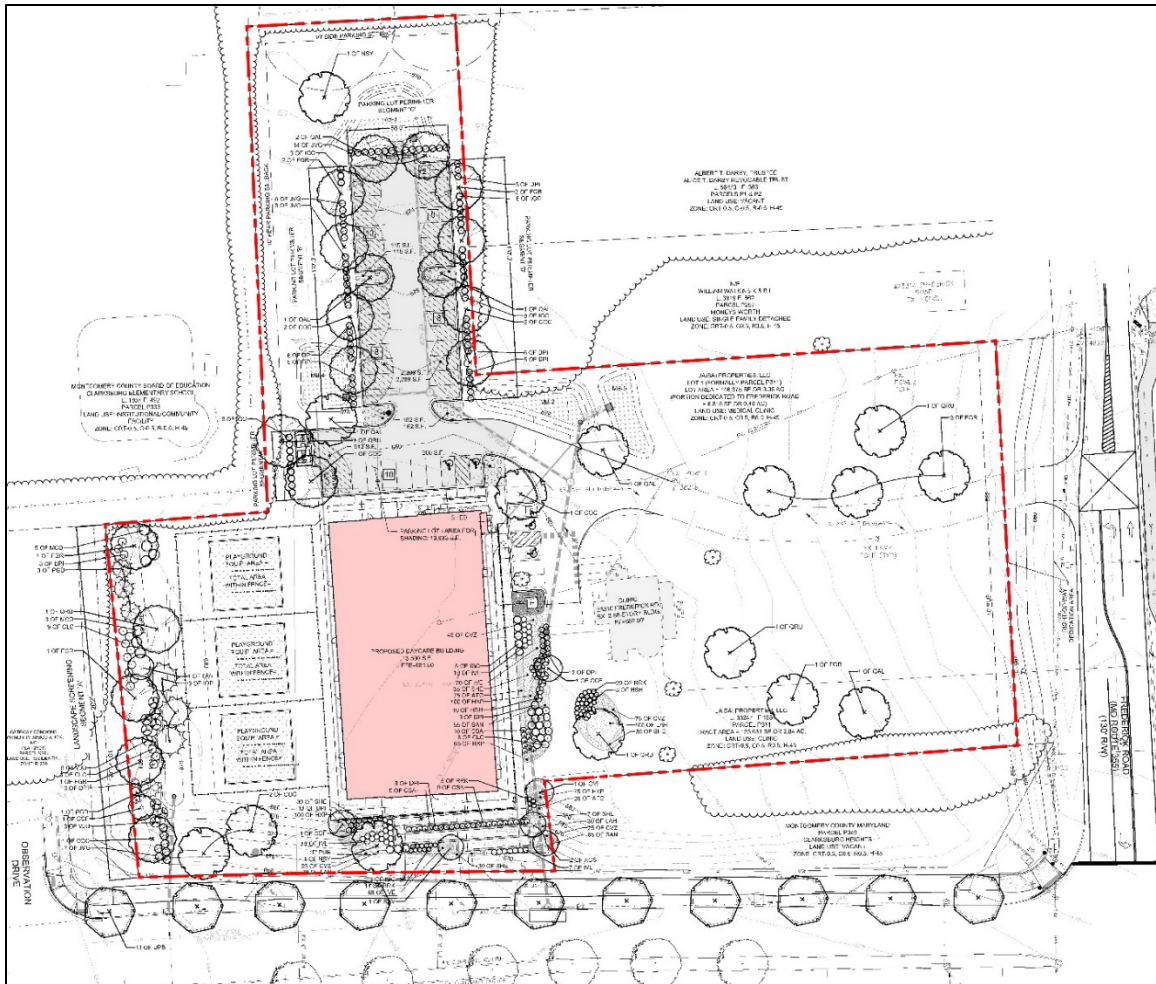


Figure 12 - Overall Landscape Plan

The location and quantity of the proposed landscaping is adequate, safe, and efficient on the Subject Property. The Site Plan is proposing landscaping to serve multiple purposes, including screening and canopy cover in-and-around playground areas, parking facilities, pedestrian areas, streetscapes, and adjacent to the daycare center. The proposed daycare center will have extensive foundation plantings, including shrubs and ornamental grasses, helping to soften the edges of the buildings. The Site Plan includes an existing historical structure and driveway, a terraced pedestrian walkway, three playground areas, and additional smaller landscape areas that incorporate a wide palette of plant materials that are appropriate with groundcover, shrubs, ornamental grasses, and ornamental trees to provide inviting and comfortable open spaces, while also providing respite from the public areas of the surrounding streets. The Site Plan will also include street trees along Stringtown Road and the existing driveway off Frederick Road in order to promote a cohesive community and environment, while also providing landscaping that provides variations to stimulate visual interest, framed views, and focal points within the Subject Property.

Lighting on-site consists of a mix of 8 freestanding streetlights with luminaires mounted on poles at 20 feet above the parking areas, 5 freestanding area lights with luminaires mounted on poles at 20 feet above the playground areas, and 21 wall mounted luminaires mounted at a height of 9 feet around the daycare center. All site lighting is provided as light emitting diode (LED) fixtures. The

light poles and fixtures will be installed throughout the Subject Property to illuminate the pedestrian, occupant, and vehicular circulation environment.

The photometric plan submitted by the Applicant shows that the proposed lighting will adequately illuminate the site creating a safe environment without creating light spillage or excessive glare on adjacent properties or the rights-of-way. All site lighting provides adequate, safe and efficient illumination.

#### v.Division 6.5. Screening Requirements

The Zoning Ordinance does not require screening between the proposed development and adjacent properties. The Subject Property is surrounded on all sides except for one side by other properties in the CRT zone. According to the Table in Section 59.6.5.2.C, screening is not required when the General Building type, with a non-industrial use, abuts another Commercial/Residential Zone. The southwest side of the Subject Property abuts on small sliver of R-200 zones property which sits between the Subject Property and the right-of-way for Observation Drive. The General Building type, with a non-industrial use, does require screening when abutting a residential detached zone such as R-200 when the abutting property is vacant or improved with an agricultural or residential use. This R-200 zone property is vacant, although unlikely to ever be built upon. Nonetheless, the screening is required. The Application provides a landscaping-based screening in this location that complies with “Option A” for the General Building type in Section 59.6.5.3.C.7.

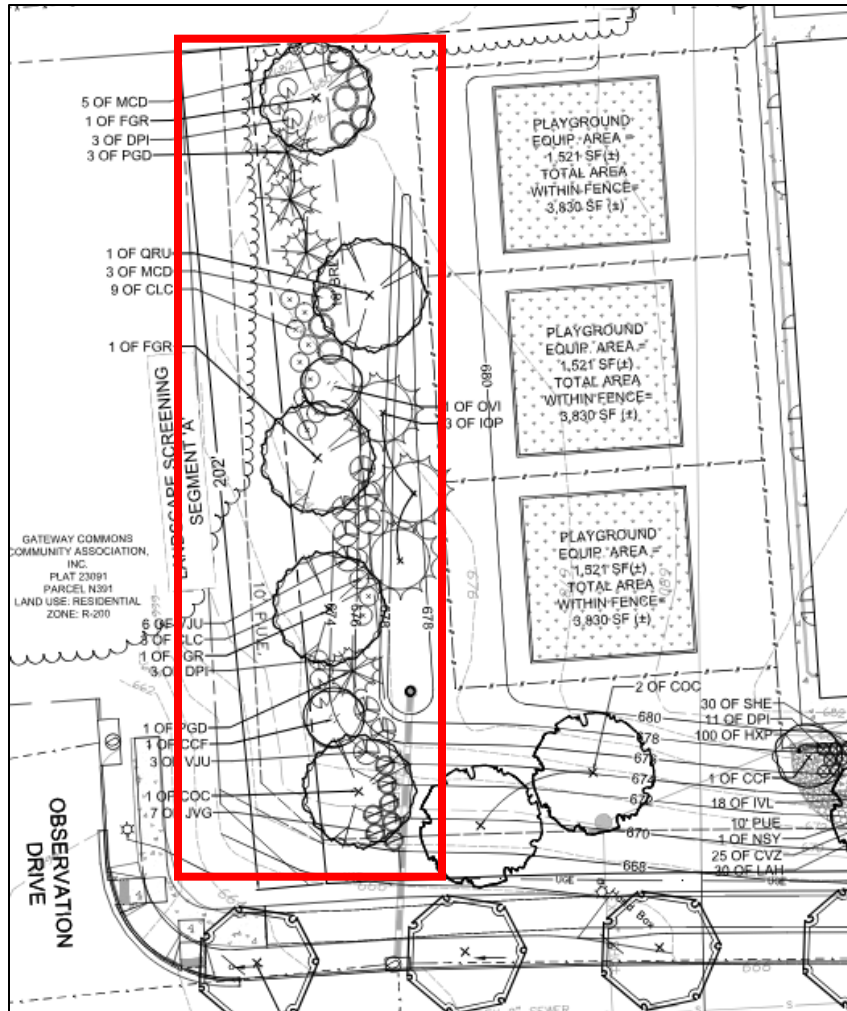


Figure 13 – Area of required landscaping screen on southwest property boundary

e) SATISFIES THE APPLICABLE REQUIREMENTS OF:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Site Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a Combined Preliminary/Final Water Quality Plan/Site Development Stormwater Management Plan approval from MCDPS Water Resources Section on April 5, 2021 (Attachment 7). The Application will meet stormwater management goals using micro bioretention with enhancement. The approval is for elements of the Water Quality Plan of which DPS has lead agency responsibility and does not include limits on imperviousness or buffer encroachments.

The Application meets all applicable requirements of Chapter 19 and Chapter 59 for SPA Water Quality Plans. As previously discussed in this report, the Application satisfies the required elements of the SPA Water Quality Plan under the Planning Board's purview, including forest conservation, environmental buffer protection, and impervious surface limits. Please refer to the environmental section above in the Preliminary Plan findings.



## ii. Chapter 22A, Forest Conservation.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. Per Chapter 22A of the Montgomery County Code, a Final Forest Conservation Plan was submitted as part of the Site Plan application. The Final Forest Conservation is consistent with the Preliminary Forest Conservation Plan that was discussed previously in this report as part of the Preliminary Plan application. Please refer to the environmental section above in the Preliminary Plan findings.

- f) *PROVIDES SAFE, WELL-INTEGRATED PARKING, CIRCULATION PATTERNS, BUILDING MASSING AND, WHERE REQUIRED, OPEN SPACES AND SITE AMENITIES;*

The proposed layout provides, safe, well- integrated parking, circulation, building massing and open space. The Application integrates the existing and expanded parking area by locating the parking behind the buildings while providing safe pedestrian circulation to all structures on the Property. The architecture and massing on the proposed building integrates well with the massing and architecture to appear more like an accessory structure to the existing historic structure. The open space is well integrated by primarily preserving the historic setting of the Clarksburg Historic District and utilizing the open space as passive green area. The Site Plan provides well-integrated circulation patterns by widening the existing shared use path along Stringtown Road and a new sidewalk along Frederick Road/MD 355 in an increasing pedestrian-oriented area of the Clarksburg Historic District. The Applicant does not propose, and Staff does not recommend the use of acceleration or deceleration lanes at the entrance on Frederick Road due to the location within the historic Clarksburg Town Center.

- g) *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As outlined in the Preliminary Plan findings above, the Site Plan Application substantially conforms to the recommendations included in the 1994 *Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area* ("Clarksburg Master Plan") and the 2014 *Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan* ("10 Mile Creek Master Plan").

- h) *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 development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required 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 Application will be served by adequate public services and facilities including schools, police and fire protection, public roads, storm drainage, and other public facilities, as determined as part of the Preliminary Plan findings.

- i) *on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

Not applicable, this finding does not apply to this Application.

- j) *on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Subject Property is zoned CRT, a mixed-use zone, with the surrounding properties being a mix of CRT and R-200 zoned properties. The Subject Property is proposed for development with a daycare center, which by the nature of the use will be compatible with the existing elementary school and residential development surrounding the Property.

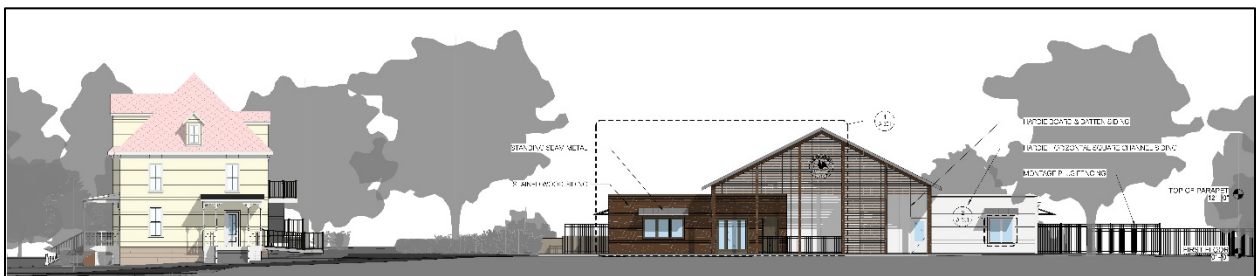


Figure 14 – North Elevation from Parking Lot of Daycare Center and Historical Structure



Figure 15 – South Elevation from Stringtown Road of Daycare Center and Historical Structure

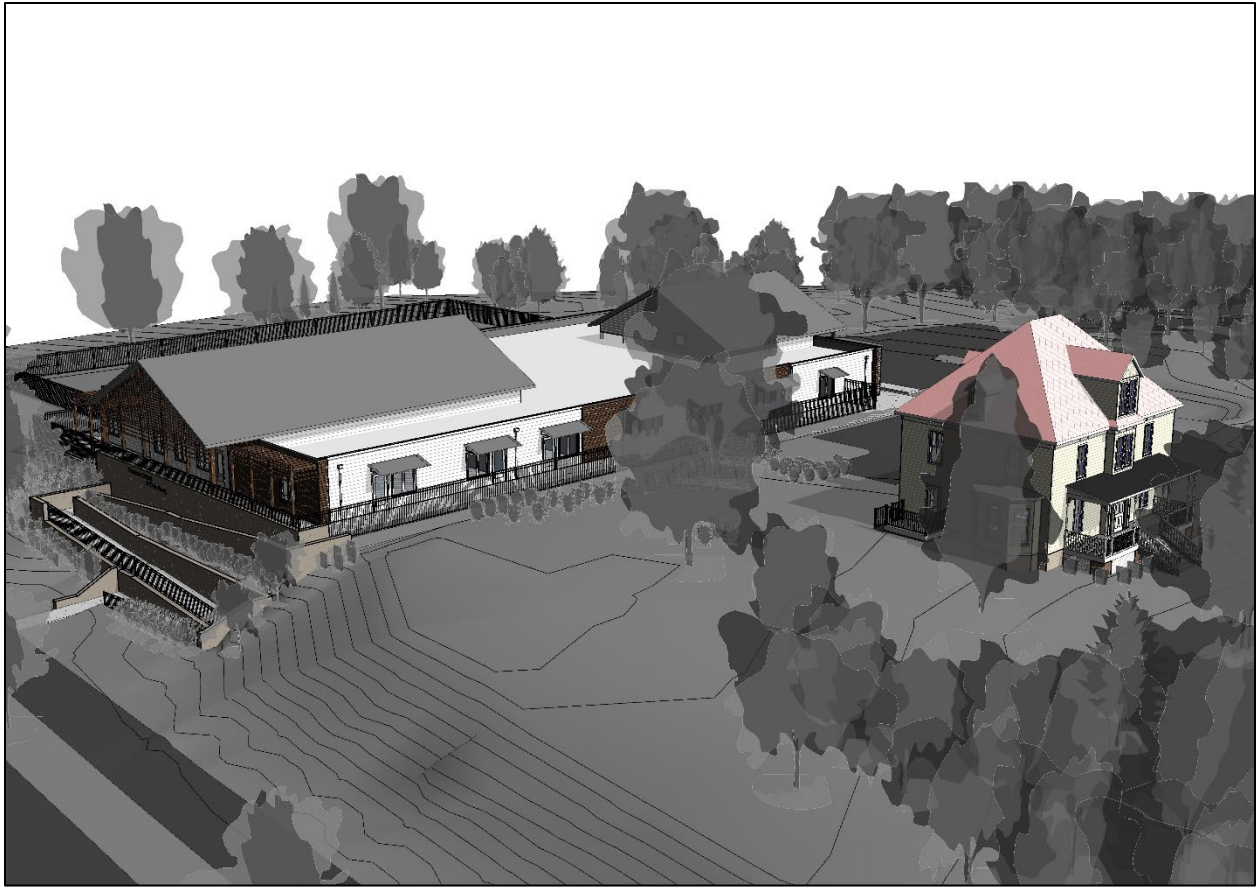


Figure 16 – Aerial Perspective View of Daycare Center and Historical Structure

As conditioned, the location of buildings and structures is safe, adequate, and efficient. The proposed daycare center is positioned to provide frontage and activation along Stringtown Road, while also providing a complementary massing to the existing historical structure on the Subject Property. The building is positioned such that the end façade is aligned to extend parallel to Stringtown Road, which provides frontage, opportunities to frame the street, and creates an articulated edge for the street. The end building façade is articulated in the same manner as the front façade, providing a comparable level of detail and articulation for the daycare center. All of the exterior façades and roof are well articulated and detailed in order to provide visual interest from all sides and angles of the Subject Property. The material palette for the daycare center is a mix of stained wood, Hardie board and batten, and Hardie horizontal square channel siding for the different programmatic areas of the building. The daycare center includes a mix of flat roofs with a large central gable that is finished with a standing seam metal roof. The perimeter of the building is punctuated with doors and windows, with shed roof awnings located above the windows that also feature the same standing seam metal roof. The front entry for the daycare center is located on the north side of the building and is covered by an extension of the gabled roof above. Access to the front entry is from the parking area and drop-off, with the primary walkway extending around the full perimeter of the daycare center, along with fencing. The daycare center provides a residential-like massing that is similar in scale and proportion to the existing historical structure on the Subject Property to provide visual and aesthetic compatibility. Overall, the Site Plan is compatible with the character of the surrounding existing development.

Development of this Site Plan Application does require the use of retaining walls to create usable grade at some locations. The daycare center includes a pedestrian walkway with switchbacks that provide pedestrian access to-and-from the sidewalk along Stringtown Road. The switchbacks will be constructed with a series of high aggregate concrete retaining walls, which will range from three to four feet in height. Due to the visibility and prominent location of the retaining walls along Stringtown Road, the retaining walls will feature an integral color and high aggregate concrete finish, along with extensive landscaping and signage for the Daycare Center in order to soften the impact, while visually connecting the retaining walls to the architecture and site design.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

## SECTION 7

### COMMUNITY CORRESPONDENCE & OUTREACH

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. Two signs were posted on the Subject Property. One sign was posted along the Stringtown Road frontage while the other sign was posted along the Frederick Road/MD 355 frontage. Due to the COVID-19 pandemic, a pre-submission meeting was held virtually on January 27, 2021 using Go To Meeting software as an online community gathering place.

As of the date of this report, Staff has received no community correspondence letters.

Throughout the review, Staff reached out to Montgomery County Public Schools (MCPS) to discuss connectivity between the Subject Property and the Clarksburg Elementary School. In the Fall of 2020, Staff discussed options to provide a vehicular connection between the proposed parking lot serving the proposed Daycare building located in the northern portion of the Subject Property and the existing parking lot serving the Clarksburg Elementary School. This vehicular connection would provide a secondary access point to the Subject Property and potentially minimize required improvements along MD 355 to add capacity. In addition, this connection could also benefit families whose children attend both the Elementary School and the daycare. MCPS expressed a number of concerns including size of the proposed daycare and additional traffic generated on Redgrave Place, which is the single point of

access for the School, especially during morning drop off when buses, parent drop-offs and staff's arrival is busiest. In addition, they have plans to expand the School in the future in order to double student capacity. Because MCPS doesn't know the extent of the expansion or how it will physically impact the site, it is not in their best interest to encumber their property with access for the Hammer Hill day care. MCPS ultimately did not support a vehicular connection.

In the Spring of 2022, Staff focused primarily on pedestrian and bike connectivity between the Subject Property and the Clarksburg Elementary School. Again, this connection would capitalize on the inherent synergy between the existing Elementary School and proposed Daycare use. MCPS expressed concerns with safety of their students, and likely usage of their limited parking spaces for the day care use. Ultimately, MCPS did not support a pedestrian/bike connection. Therefore, as conditioned, the Applicant will provide a sidewalk within the Subject Property up to the property boundary shared with the Clarksburg Elementary School in the event that in the future this sidewalk will be extended into the school property.

## SECTION 8

### CONCLUSION

The Preliminary Plan Application and Site Plan Application comply with the general requirements and findings of the Subdivision Regulations, Zoning Ordinance, and 2014 *Ten Mile Creek Limited Amendment* of the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*. The FFCP meets all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of Preliminary Plan No. 120210180 and Site Plan No. 820210090 including a Preliminary/Final Water Quality Plan and a Preliminary/Final Forest Conservation Plan and Tree Variance with the conditions specified at the beginning of this report.

### ATTACHMENTS

- Attachment 1 – Statement of Justification
- Attachment 2 – Preliminary Plan Composite
- Attachment 3 – Site Plan Composite
- Attachment 4 – Forest Conservation Plan
- Attachment 5 – Impervious Surface Exhibit
- Attachment 6 – DPS Fire Dept. Access and Water Supply Approval Letter and Plan, August 10, 2016 and amended on February 1, 2021
- Attachment 7 – MCDPS – Water Resources, Combined Preliminary and Final Water Quality Plan/Site Development Stormwater Management Plan Approval Letter, April 5, 2021
- Attachment 8 – MCDPS Right-of-Way Approval Letter, April 20, 2022
- Attachment 9 – MCDOT Approval Letter, June 10, 2022
- Attachment 10 – SHA Approval letter, June 24, 2022
- Attachment 11 – Tree Variance Request, May 10, 2022
- Attachment 12 – Historic Preservation Commission Memo, June 24, 2022
- Attachment 13 – SHA Traffic Impact Analysis Approval Letter, July 5, 2022



## **Proposed Hammer Hill Day Care Facility**

**23310 Frederick Road/23100 Stringtown Road, Clarksburg, Maryland**  
**Preliminary Plan Application Number 120210180/Site Plan Application Number**  
**820210090**

**Related Application: Concept Plan No. 520210040**  
**Applicant and Property Owner: Jaisai Properties, LLC**

### **Statement of Justification and Project Description in Support of Preliminary Plan/Site Plan Application**

Jaisai Properties, LLC, the owner of the subject property and applicant (the “Applicant”), submits this application for Preliminary Plan (application number 120210180) and Site Plan (application number 820210090) (together, the “Application”) for the property located at 23310 Frederick Road (the “Frederick Property”) and 23100 Stringtown Road (the “Stringtown Property”), Clarksburg, Maryland (together, the “Property”). The Applicant is proposing to consolidate the Frederick Property and the Stringtown Property into one record lot to enable the construction of a one-story day care/preschool facility, a surface parking lot, sidewalks surrounding the building, stormwater management, and associated utilities (the “Project”). An existing medical clinic is located on the Property in an historic structure known as “Hammer Hill,” which is proposed to remain. The new day care/preschool facility will be approximately 13,600 square feet in size, with an outdoor playground area on the west side of the new building. The facility will help to meet the County’s growing need, and particularly the Upcounty/Clarksburg area’s growing need for childcare services. The proposed tenant is Primrose Schools, a national system of accredited private preschools, and the Applicant has direct recent experience developing a similar day care facility in Frederick County, Maryland.

Last year, the Applicant submitted the Project for review under Concept Plan Number 520210040. During the Concept Plan review, the Applicant responded to Planning Staff preferences and worked with Planning Staff and Historic Preservation Staff to reconfigure the layout of the proposed improvements on the Property. Notably, the proposed day care facility building has been pulled forward to Stringtown Road with surface parking to be located behind the building. The Historic Preservation Staff and Historic Preservation Commission support the updated layout. The Applicant and the Project are now ready to proceed through Preliminary Plan and Site Plan review.

## **I. BACKGROUND AND EXISTING PROPERTY CONDITIONS, PROPERTY CHARACTERISTICS, AND SURROUNDING PROPERTIES**

### **A. The Frederick Property**

The Property consists of two adjoining properties – the Frederick Property and the Stringtown Property. The Frederick Property, located at 23310 Frederick Road, is identified as part of parcel P311, Tax Map EW31 (Tax ID #02-00021673). It is approximately 2.83 acres in size and zoned CRT-0.5 C-0.5 R-0.5 H-45. The Frederick Property is located partially within the Clarksburg Special Protection Area and partially within the Ten Mile Creek Special Protection Area. It is not located within the Clarksburg East Environmental Overlay Zone, but is located within the Clarksburg Historic District. The Frederick Property is currently improved with a medical clinic office approximately 3,200 square feet in size, with associated surface parking. It has frontage on Frederick Road and Stringtown Road, and a paved driveway provides access from Frederick Road.

### **B. The Stringtown Property**

The Stringtown Property, located at 23100 Stringtown Road, is identified as part of parcel N366, Tax Map EW31 (Tax ID #02-00021695). It is approximately 0.68 acres in size and, like the Frederick Property, is zoned CRT-0.5 C-0.5 R-0.5 H-45. The Stringtown Property is located within the Ten Mile Creek Special Protection Area and within the Clarksburg East Environmental Overlay Zone. In addition to the SPA requirements, the Clarksburg East Environmental Overlay Zone has a 15% impervious surface limit, though the Stringtown Property is less than 2 acres, and those properties are generally exempt from the 15% impervious surface restriction (*see* further discussion in Section II.D. below). The Clarksburg East Environmental Overlay Zone also requires a minimum of 80% rural open space.

The Stringtown Property is currently unimproved and is not located within the Clarksburg Historic District. The entire Clarksburg Historic District is excluded from the Clarksburg East Environmental Overlay Zone. The Stringtown Property has frontage on Stringtown Road, but does not have frontage on Observation Drive because a homeowners association owns an intervening property zoned R-200 on the west side of the Stringtown Property. Stringtown Road along the Property is currently improved with an 8-foot path. Planning Staff recommends widening the path to 10 feet, which will require the removal of approximately 6 trees located along the north side of the path. The Applicant will remove the trees and widen the path, provided that it can do so without also needing to relocate 3 light poles located along the north side of the path (the Applicant would prefer to try to taper down the width of the path at each pole or meander the path around the poles, if possible).

### C. Surrounding Land Uses and Zoning

The Property is generally located at the western quadrant of Frederick Road and Stringtown Road in Clarksburg, Maryland. Montgomery County owns the small, approximately 23,000 square foot property directly at the western quadrant of the intersection. This County property is a remnant from the Stringtown Road construction project. Based on the Applicant's communications with the County, there is likely no need for the County to develop the County property in the future, and the Applicant may need to perform some grading work on the County property in connection with the Project.

The Property is surrounded by a mix of land uses and zoning. To the north and east across Frederick Road are various uses in the Clarksburg Historic District and the CRT-0.5 C-0.5 R-0.5 H-45 zone. To the east across Frederick Road and Stringtown Road are retail uses and then residential uses in the CRT-0.75 C-0.25 R-0.5 H-65 T zone. To the southeast across Stringtown Road is M-NCPPC's Dowden's Ordinary Park and townhomes on Shaws Tavern Court, in the R-200/TDR Overlay Zone. To the southwest across the Observation Drive right-of-way are townhomes on Deets Manor Court, in the R-200/TDR Overlay Zone. To the west is Clarksburg Elementary School, which is partly in the CRT-0.5 C-0.5 R-0.5 H-45 zone and partly in the R-200 zone.

## II. PROJECT DESCRIPTION

### A. Proposed Development

The Applicant is proposing to consolidate the Frederick Property and the Stringtown Property into one lot approximately 3.52 acres in size. The Applicant seeks to create a record lot for the Property to construct a one-story day care facility, a surface parking lot, new sidewalks, stormwater management facilities, and associated utilities. The new day care facility will be approximately 13,600 square feet in size, with a fenced outdoor playground area on the west side of the new building and the surface parking lot to the north behind the building. The new day care facility will provide much needed affordable, high quality early childhood education services to meet the needs of area residents and the broader County. The Project will meet Montgomery County Green Building Standards.

The existing medical clinic located on the Property is proposed to remain. A paved driveway provides access to the Property from Frederick Road (MD-355), which will remain as well. A proposed ADA compliant sidewalk will connect the Project with the existing path along Stringtown Road, and sidewalks will be constructed directly surrounding the new building. The Applicant will dedicate approximately 30 feet of frontage along Frederick Road for right-of-way, along with a 10-foot wide public utility easement on the east and south sides of the Property. The County plans to construct a shared use path on the east side of Frederick Road, across from the Property (C.I.P. Project Number 501744).

New storm water management facilities and associated storm drain, and new water, sewer, communication, and electric service are planned. The proposed physical improvements on the Property are reflected on the Site Plan materials. The Project will be constructed in one phase.

#### B. Proposed Operations

The proposed tenant, Primrose Schools, is a nationally recognized, award-winning educational organization that provides affordable, quality early childhood care and education. The day care center is designed to provide a premier early education and child care experience for children ages 6 weeks to 12 years of age. The day care center facility is expected to accommodate a maximum of approximately 204 students at full capacity (which is rare) and approximately 29 staff, at any one given time. Operating hours are generally expected to last from approximately 6:30 a.m. to 6:30 p.m., Monday through Friday. Peak drop-off and pick-up hours are anticipated to be approximately 6:30-9:30 a.m. and 3:00-6:30 p.m., which will result in a distribution of vehicles that is staggered and spread out over a period of time. The primary entrance to the day care facility for child drop-off/pick-up will be located on the north side of the building, as it provides the most direct connection to the parking lot and driveway.

#### C. Clarksburg Historic District/Historic Preservation Commission Review

Since most of the Project is located within the Clarksburg Historic District, it is subject to Historic Preservation Commission (HPC) review and an Historic Area Work Permit. The Project will complement the existing historic structure on the Property (Hammer Hill) and retain the character of the Property's historic setting and the Historic District. No changes to the existing historic structure (medical clinic) are proposed. Only the small accessory buildings on the Property are proposed to be demolished, and Historic Preservation Staff and the HPC support demolition of the existing accessory structures onsite. Historic Preservation Staff and the HPC do not support any kind of deceleration lane along Frederick Road.

The Applicant has worked extensively with Historic Preservation Staff on the Project, and the HPC conducted a Preliminary Consultation with the Applicant team on January 6, 2021. The Applicant team is continuing to refine the building design based on the HPC comments. The proposed building has been designed to blend in with the character, scale, and materiality of the existing historic structure. The proposed building has been designed in scale and massing, so as not to overwhelm the existing building volume and promote compatibility with the existing Hammer Hill historic structure.

#### D. Outdoor Playground Area/Clarksburg East Environmental Overlay Zone

The Project includes three separate adjoining playground areas to the west of the day care building, totaling approximately 12,000 square feet. The three playground areas will be designed for different age groups, and are critical in order to provide active recreation opportunities for the

children. The playground areas will be secured by a 6 foot tall perimeter fence to provide necessary safety measures. The area to the west of the building is the most logical location for the playground areas given the configuration of the Property, the building, and the historic preservation objectives, along with the general preference for the playground areas to adjoin the building to provide safety and the most convenient connection. The HPC supports the location of the playground areas to the west of the day care building.

Primrose prefers a synthetic grass surface for the playground areas. The proposed playground area, located on the Stringtown Property, is subject to the Clarksburg East Environmental Overlay Zone provisions (Section 4.9.5), which generally require a 15% impervious area cap (Section 4.9.5.D.1) and 80% rural open space requirement (Section 4.9.5.D.4). The Applicant needs a favorable interpretation, if not relief from these requirements, in order to provide the necessary playground area in the most logical location.

We first ask whether the Stringtown Property would have been included within the Clarksburg East Environmental Overlay Zone to begin with, had it been known that the Stringtown Property was likely to be assembled and developed together with the Frederick Property, given its common ownership. In that scenario, we think it would have been likely that the Stringtown Property would have been treated as part of the Historic District, and thus excluded from the Clarksburg East Environmental Overlay Zone. Given the common ownership, the Stringtown Property is effectively part of the Historic District, as an extension of the Frederick Property, which is within the Historic District. If the Stringtown Property had been included in the Historic District, then it would have been excluded from the Overlay Zone and any impervious surface restriction or rural open space requirement. But regardless, the Stringtown Property is currently located within the Clarksburg East Environmental Overlay Zone, and those provisions must be addressed.

Impervious surface. The Applicant believes that the proposed synthetic grass surface for the playground area is pervious and that it should not count as impervious surface because it does not have an impermeable liner. If that determination is made, then the Project would comply with the 15% impervious surface cap. If, on the other hand, the synthetic grass playground area counts as impervious surface, then based on the proposed layout, the Stringtown Property contains approximately 30% impervious surface. The portion of the proposed day care building/sidewalk located on the Stringtown Property creates approximately 15% of impervious surface, and the playground area also creates approximately 15% of impervious surface (again, if it counts as impervious).

Importantly, the following exemption from the impervious surface cap contained in Zoning Ordinance Section 4.9.5.B.3 appears to apply to the Stringtown Property:

*On any lot or parcel with an area less than 2 acres as of January 1, 2014, any development is exempt from this Overlay zone's impervious surface restriction.*



The Stringtown Property is less than 2 acres, and this provision is intended to exclude small properties within the Overlay Zone from the impervious area cap. The *2014 Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan* provides that “Very small properties should be exempt from imperviousness limits in the overlay zones” (page 52).

Planning Staff has questioned whether the proposal to combine the Stringtown Property with the Frederick Property -- resulting in a total property size greater than 2 acres -- would forfeit the exemption. While the combined property will exceed 2 acres, the Frederick Property is not within the Overlay Zone. It is a reasonable interpretation of Section 4.9.5 that the impervious area cap provisions and any applicable exemptions are meant to apply only to properties within the Overlay Zone. It is also a reasonable interpretation that the exemption is lost if properties within the Overlay Zone are combined to exceed 2 acres. The Applicant does not agree with the interpretation that if a property within the Overlay Zone is combined with a property that is outside of the Overlay Zone, and that under the Master Plan was specifically excluded from the Overlay Zone, then the exemption is lost. If that had been the intent, then it should have been made clear. If the Planning Board agrees with the Applicant’s interpretation, then the Stringtown Property in its entirety should be exempt from the impervious surface cap. Otherwise, if the Planning Board does not agree with the Applicant’s interpretation, then the Applicant requests a declaration that the synthetic grass playground area, given its pervious nature, its importance for providing recreation, and its logical location within the Project, does not counts towards the impervious area cap.

Rural Open Space. Regarding rural open space, the Applicant similarly requests that the playground area be included within the allowable uses for rural open space. If the proposed playground area is included within the allowable uses for rural open space, then the Project provides approximately 85% rural open space on the Stringtown Property, exceeding the 80% requirement. If not, then the Project provides less than the 80% rural open space required by the Overlay Zone.

Relief should be provided under these circumstances for several reasons. Again, given its common ownership and proposed development with the Frederick Property, the Stringtown Property is effectively an extension of the Frederick Property, which is within the Historic District and thus excluded from the Overlay Zone and any rural open space requirement. The *2014 Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan* “recommends a significant increase in required open space to protective sensitive resources” (page 18). The Project adequately protects sensitive resources on the Property, thus fulfilling the purpose of the rural open space requirement. Additionally, one of the specific intents of providing open space under Zoning Ordinance Section 6.3.1. is to provide recreation. The playground area directly provides recreation. We also note that an outdoor area playground (private) is a permitted use in the CRT zone. If it is not feasible to conclude that playground area is included within rural open space, then the Applicant applies for Alternative Compliance under Zoning Ordinance Section 6.8.1. And if necessary, the Applicant can provide an equal amount of rural open space on the

Frederick Property – which is not subject to the rural open space requirement – between the parking lot and the western Property boundary to offset the size of the playground area and meet the 80% rural open space requirement. The Alternative Compliance standards are met under these circumstances because the intent of the rural open space requirements can still be met, the overall amount of rural open space would be achieved, and the location of the playground area and the entire Project are within the public interest.

#### E. Access, Parking, and Circulation

Vehicular access to the Property is currently provided from Frederick Road and is proposed to remain. The existing vehicular access point on Frederick Road provides full movement access and will be sufficient to accommodate vehicles for both the existing medical clinic and the proposed day care facility, as discussed in the Applicant's Traffic Study. As part of the Preliminary Plan, the Applicant will be dedicating approximately 30 feet of frontage along Frederick Road (approximately 6,815 square feet) to provide the Master Plan recommended right-of-way from the centerline. The Project will provide an ADA compliant pedestrian connection to the day care building from Stringtown Road.

The Property currently provides 6 surface parking spaces. In order to accommodate the day care facility, the Applicant proposes to increase the total number of surface parking spaces on the Property to 52, which will adequately serve the proposed uses. The majority of the parking on the Property is provided to the north of the proposed day care facility building. Ten parking spaces are proposed to be located adjacent to the front of the building. A small number of parking spaces are proposed to the east of the day care facility building to provide better access to the medical clinic building.

Adequate parking will be provided on-site to accommodate the proposed uses. For Day Care Centers, Zoning Ordinance Section 6.2.4.B requires 3 parking spaces for each 1,000 square feet of gross floor area ("GFA"). Based on a proposed GFA of 13,600 square feet, a minimum of 41 parking spaces will be required for the child care center. The existing medical clinic requires a minimum of 4 spaces. A minimum of 52 parking spaces will be provided on-site.

All parents will be required to park and bring their children into the facility. There will be staggered arrival and departure times, and on average pick-up and drop-off takes approximately 15 minutes. As such, the proposed parking lot will provide adequate parking on-site to accommodate child pick-up and drop-off, and provide safe and efficient internal circulation on-site.

Both short-term and long-term bicycle parking will be accommodated in conformance with the requirements of Zoning Ordinance Section 6.2.4.C. For day care centers and medical clinics, Section 6.2.4.C requires 1 bicycle space be provided per 5,000 square feet of GFA. Of the bicycle parking spaces required, 85% must be provided as long-term spaces. Accordingly, the Property is

required to provide 4 bicycle parking spaces, of which 4 spaces are required to be long-term spaces. In accordance with the requirements, the Property will provide 4 long-term spaces and 2 short-term spaces near the main building entrances, for a total of 6 bicycle parking spaces. Short-term bicycle parking will be accommodated through two inverted “u” bicycle racks. One bicycle rack exists next to the medical clinic, and one will be added next to the main day care building entrance. Long-term bicycle parking storage will be provided inside the day care building.

The fully enclosed trash and recycling enclosures will be located in between the day care and medical clinic buildings and in a location within the existing parking facility to minimize pedestrian and vehicular conflicts. There will be adequate circulation on-site to accommodate fire department access.

#### F. Landscaping/Lighting

The Application includes a landscape plan and lighting plan. The landscape plan addresses the requirements of Zoning Ordinance Section 6.2.9 Parking Lot Landscaping and Outdoor Lighting, and Section 6.5 Screening Requirements.

The on-site parking lot is greater than 10 spaces and therefore requires 25% of tree canopy cover. The proposed trees provide 42% tree canopy coverage in 20 years. The parking lot also is required to have an interior landscape area of 5%. The proposed parking lot has 5.2% interior landscaping consisting of landscaped islands. There are four segments of the parking lot that abut adjacent properties zoned Commercial Residential Town (CRT) and have been planted with the perimeter plantings that include a minimum of a 3 foot high hedge, a canopy tree every 30 feet on center, and a minimum landscape planting strip of 6 foot width.

The proposed day care building is classified as a general building with a non-industrial use and requires screening from the rear adjacent property that is zoned R-200 Residential. The screen planting buffer required is a minimum of 10 feet wide. The property line has a buffer 122 feet wide, and consists of 5 canopy trees, 9 understory or evergreen trees, 17 large shrubs, and 25 medium shrubs. The Zoning Ordinance requirements have been met while also creating a safe and inviting landscape for the day care.

The Project needs to provide adequate lighting for the safety and security of the children and their families, but should also minimize any lighting spillover on to adjoining properties. Exterior building and site lighting will be limited to the amount necessary to ensure safety and has been designed to limit light exposure on adjacent properties. Only minimal exterior building lighting is proposed, and the lighting for the parking areas will be limited to the amount necessary to ensure safety. All outdoor lighting for the Project will be directed, shielded, or screened. Full-cut off fixtures will be used in the parking lot to focus the light on the parking areas only. The photometrics plan, submitted in connection with this Application, illustrates that lighting will not spill into adjacent properties.

### **III. CONFORMANCE WITH MASTER PLAN RECOMMENDATIONS, CLARKSBURG EAST ENVIRONMENTAL OVERLAY ZONE PROVISIONS, AND SPECIAL PROTECTION AREAS**

#### **A. Master Plan Recommendations**

The proposed Project substantially conforms with the Master Plan recommendations. The Property falls within the boundaries of the *1994 Approved and Adopted Clarksburg Master Plan* (the “1994 Plan”) and the *2014 Approved and Adopted 10 Mile Creek Area Limited Amendment Master Plan* (the “10 Mile Creek Plan”).

1994 Plan. The 1994 Plan is the underlying master plan for the Clarksburg vicinity. The Project meets the general goals of the 1994 Plan by “promoting a healthy economy, including a broad range of business, service, and employment opportunities at appropriate locations” (page 10). The 1994 Plan “proposes a transit-oriented, multi-use Town Center which is compatible with the scale and character of the Clarksburg Historic District” (page 26). The 1994 Plan also “continues the historic function of Clarksburg as a center of community life” (page 26).

The Property falls within the analysis area identified as the “Town Center District” (page 41). The Town Center District includes the Clarksburg Historic District, and both areas are discussed in detail on pages 42-53. The Project complies with the following recommendations:

- Create a Town Center which will be a strong central focus for the entire Study Area.
- Encourage a mixed-use development pattern in the Town Center to help create a lively and diverse place.
- Encourage infill within the historic district in accord with the historic development patterns.

Consistent with the Historic District design guidelines (pages 47-48), the Project also:

- Orients the building to the street, with parking behind.
- Preserves and enhances the existing rural character of streets.
- Assures that all road improvements, including both changes to existing roads and creation of new roads, are sensitive to the historic character of the Clarksburg Historic District.
- Provides new construction compatible with existing historic buildings.
- Assures that prominent resources in the Historic District are highlighted as focal points.
- Encourages appropriate landscaping, lighting, open space and creation of a gateway.

10 Mile Creek Plan. The 10 Mile Creek Plan “retains the core of the 1994 Plan’s vision, refining the 1994 Plan’s recommendations to better achieve two important objectives: the creation of a complete, well-defined corridor town that provides jobs, homes, and commercial activities; and the preservation of natural resources critical to the County’s well-being” (page 5). The Property is located in the far northeast corner of the 10 Mile Creek Plan boundary where the 10 Mile Creek Plan emphasizes “community building,” as opposed to the majority of the plan boundary which emphasizes “environmental protection” (page 13). In furtherance of the more specific goals within “community building,” the Project complements the Town Center, strengthens the Historic District, and balances mixed-use (page 13).

The Property falls within one of the subwatershed boundaries with the most impervious surface (pages 15 and 17). The 10 Mile Creek Plan allows the highest levels of imperviousness for new development in the Town Center District where existing imperviousness levels are already high (page 17). The Project proposes a shared driveway consistent with the 10 Mile Creek Plan recommendations (page 21).

The Property also falls within the area of the 10 Mile Creek Plan “East of I-270” and within the Historic District. The 10 Mile Creek Plan rezoned properties within the Historic District to CRT-0.5 C-0.5 R-0.5 H-45 and excluded the Historic District from the Clarksburg East Environmental Overlay Zone (page 38). The 10 Mile Creek Plan also provides guidelines to the Historic Preservation Commission when reviewing historic area work permits.<sup>1</sup> “The 1994 Plan identified the Historic District as a focal point of the Town Center, encouraging sensitive and appropriate infill development in the District as an important component of the Plan’s objective for the Town Center” (page 38). The CRT Zone “allows densities and building heights that will encourage infill development in the District and will allow new uses to be introduced that may

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<sup>1</sup> “The following guidelines, for use by the Historic Preservation Commission when reviewing historic area work permits, are intended to assure that infill development in the Clarksburg Historic District is supportive of the District’s development patterns and consistent with the character of the Historic District. These guidelines supersede the applicable guidelines in the 1994 Clarksburg Master Plan.

- Orient buildings to the street with parking behind the buildings;
- Retain existing paving widths, locate street trees close to the pavement edge (but in a manner that allows views of significant historic resources) and provide sidewalks (particularly along both sides of Old Frederick Road), lighting, and signage appropriate to the District;
- Road improvements and pedestrian and bicycle linkages to and through the District should be appropriate to the scale and character of the District;
- Match the setback of existing buildings, particularly along Old Frederick Road;
- Encourage the rehabilitation of existing buildings;
- Encourage compatible new construction that highlights and respects historic resources around it;
- Move historic resources only as a last resort if necessary for public capital improvements and relocate them within the Historic District, to the extent feasible;
- The prominence of Hammer Hill, the Clarksburg Methodist Episcopal Church, and the open space in front of the Clarksburg Methodist Church, must not be diminished by development of adjacent properties;
- Encourage the maintenance of existing trees and major landscaping features;
- Encourage gateways at both north and south entrances to the District.”

(10 Mile Creek Plan, page 39.)



help to invigorate the District” (page 38). The Project is consistent with these recommendations and will help to stabilize and reinvigorate the Historic District, while also serving an important County need. The Applicant is proposing to reinvest in the Property and provide affordable, quality early childhood education to serve a basic and essential need for Montgomery County residents, including residents and workers nearby.

#### B. Clarksburg East Environmental Overlay Zone

As mentioned previously, the Stringtown Property is located within the Clarksburg East Environmental Overlay Zone while the Frederick Property is not. The Clarksburg East Environmental Overlay Zone has a 15% impervious surface limit (Zoning Ordinance Section 4.9.5.D.1), though the Stringtown Property is less than 2 acres, and those properties are generally exempt from the 15% impervious surface limit (*see* further discussion in Section II.D., above). The Clarksburg East Environmental Overlay Zone also requires a minimum of 80% rural open space (Section 4.9.5.D.4). These provisions are discussed in Section II.D above, in which the Applicant requests favorable interpretation/relief in order to provide the necessary playground areas in the most logical location. Otherwise, the Project complies with the Clarksburg East Environmental Overlay Zone provisions.

#### C. Clarksburg/Ten Mile Creek Special Protection Areas

As mentioned previously, the Property is partially within the Clarksburg Special Protection Area (SPA) and partially within the Ten Mile Creek SPA, which means that all feasible ways to reduce impervious area should be considered. The Project attempts to combine impervious surface where possible for the existing medical clinic and proposed day care. Driveway access and parking are combined as best as possible. The pedestrian connection from Stringtown Road is necessary to provide pedestrian access, and additional parking is necessary for the day care use. Beyond that, the Project further attempts to reduce impervious area where feasible.

The Planning Board through its regulatory function, the Montgomery County Department of Permitting Services (DPS), and the Montgomery County Department of the Environment (DEP) enforce provisions for Special Protection Areas. In previous discussions with MNCPPC and DEP regarding their requirements for the Project, it was noted that there are no significant existing environmental features onsite, but any requirements related to forest conservation or stream buffers will be determined once confirmed with the approval of the Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). In addition, two fees will be required as a part of the development -- the stream monitoring fee and the Special Protection Best Management Practice Monitoring Fee. Additional stormwater management requirements and performance goals required for the Project will be established by DPS Water Resources Section prior to Stormwater Management Concept Plan submission.

#### **IV. COMPLIANCE WITH ZONING ORDINANCE REQUIREMENTS**

The Property is zoned CRT-0.5 C-0.5 R-0.5 H-45. Pursuant to Zoning Ordinance Section 3.1.6, a Day Care Center (Over 30 Persons) is permitted as a Limited Use within the CRT Zone, subject to the requirements contained in Zoning Ordinance Section 3.4.4.F. The Limited Use standards under Section 3.4.4.F require site plan approval under these circumstances. The CRT-0.5, C-0.5, R-0.5, H-45 Zone allows for a density of up 0.5 FAR (Floor Area Ratio) or 76,595 SF (1.76 acres). The Property can be reviewed under the Standard Method Development Procedures since the proposed total density is less than 1.0 FAR (0.10 FAR proposed) and the proposed height will be less than the 45 foot height shown on the zoning map. The Project will be developed under the standard method of development for the CRT Zone, and the applicable CRT provisions/development standards are set forth on the Site Plan Cover Sheet. The Project complies with all applicable development standards as reflected on the Site Plan Cover Sheet.

#### **V. FINDINGS REQUIRED FOR PRELIMINARY PLAN APPROVAL**

The purpose of this portion of the Statement is to provide justification that the Preliminary Plan satisfies the applicable provisions of the Subdivision Regulations (Section 50.4.2.D). Based on all of the Application materials, and as set forth below, the Preliminary Plan satisfies each required finding under Subdivision Regulations Section 4.2.D:

***Required Findings. To approve a preliminary plan, the Planning Board must find that:***

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

The proposed layout of the subdivision is appropriate. This Preliminary Plan seeks to consolidate the two existing adjoining properties into one lot of record to facilitate the construction of the day care use and associated site improvements. The Preliminary Plan indicates that the size, width, shape and orientation of the proposed lot will be appropriate for the location of the proposed subdivision and standards of the CRT Zone.

***2. the preliminary plan substantially conforms to the master plan;***

As discussed in detail in Section III above, the Project substantially conforms to the goals and recommendations of the Master Plan.

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

Public facilities will be adequate to support the Project. The Applicant has submitted a Traffic Study prepared by Wells and Associates, the Applicant's transportation consultant, which

addresses the Project's projected traffic impacts and transportation facilities based on the 2020-2024 County Growth Policy. There is no residential component to the proposed Project and, therefore, schools will not be impacted. Other public facilities and services – including police stations, firehouses and health care facilities – will continue to be more than adequate to support and service the proposed day care use. The Applicant's civil engineers have confirmed that the Project will be served by public water and sewer systems, as shown on the Preliminary Plan. Electric, gas, and telecommunications services will also be available.

***4. all Forest Conservation Law, Chapter 22A requirements are satisfied;***

All forest conservation requirements will be satisfied. The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (the Forest Conservation Law). M-NCPPC approved an NRI/FSD for the Property. The NRI/FSD reflects that the Property does not contain any forest, but does contain significant or specimen trees. Because a portion of the Property is located within the Clarksburg Historic District, all trees one inch or greater in diameter within the Historic District are required to be inventoried. A variance request will be required to justify impacts and removals to all trees one inch or greater in diameter. The variance request will be submitted and approved as part of the Forest Conservation application. If the variance request is approved, all trees removed will be mitigated at a rate of 25% of the total diameter inches to be removed and replaced on-site with 3” diameter native shade trees. A complete tree removal and mitigation analysis has been completed. The forest conservation requirement, which includes areas of off-site disturbance, is 0.56 acres. The Project will comply with afforestation and reforestation requirements through either forest banking or fee-in-lieu.

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

All stormwater management, water quality plan, and floodplain requirements will be satisfied. The land disturbance associated with the planned development will exceed 5,000 square feet. As such, the planned development will be subject to Montgomery County Sediment Control and Stormwater Management (SWM) law per Chapter 19 of the Montgomery County Code. The Project will comply with these requirements. The Project will provide stormwater management where no known facilities currently exist. As such, the stormwater management facilities proposed in connection with the Project will provide significant improvements to the treatment of stormwater on-site.

Applicable requirements under Chapter 19 are addressed in the Stormwater Management plans. In connection with the Project, the Applicant will utilize Environmental Site Design ("ESD") to the Maximum Extent Practicable. ESD practices that may be suited for this development include non-structural micro-bioretenetion facilities, however, given the possible site constraints, structural micro-bioretenetion facilities, such as planter boxes, may be required as well.

A Sediment and Erosion Control Plan will be prepared and submitted to DPS for approval prior to commencement of construction.

***6. any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.***

As described in this Statement, any other applicable provisions specific to the Property and necessary for approval of the subdivision will be satisfied.

## **VI. FINDINGS REQUIRED FOR SITE PLAN APPROVAL**

Based on all of the Site Plan Application materials, and as set forth below, the Site Plan satisfies each requirement under Zoning Ordinance Section 7.3.4.E:

***2. To approve a site plan, the Planning Board must find that the proposed development:***

***a. satisfies any previous approval that applies to the site;***

Not applicable.

***b. satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

Not applicable.

***c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

Not applicable.

***d. satisfies applicable use standards, development standards, and general requirements under this Chapter;***

As described in Section IV above and as reflected on the Site Plan materials, the Site Plan complies with the development standards set forth in the CRT Zone, as well as the general requirements contained in the Zoning Ordinance.

***e. satisfies the applicable requirements of:***

***i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and***

***ii. Chapter 22A, Forest Conservation.***

As described above, the Site Plan meets all relevant requirements of Chapters 19 and 22A of the Montgomery County Code.

***f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;***

As described in Section II above, safe, well-integrated parking, circulation, building massing, and open spaces are provided.

***g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;***

As described in Section III above, the Site Plan substantially conforms with the Master Plan recommendations.

***h. 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 development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required 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;***

As described above, the proposed development will be served by adequate public facilities.

***i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and***

Not applicable.

***j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.***

The Site Plan is compatible with existing and approved or pending adjacent development. Based on the information provided in this Statement and the Application materials, the proposed uses and structures are consistent with the Master Plan and the character of the Historic District and are compatible with other uses, Site Plans, existing development, and proposed development on adjacent properties and within the surrounding community.

## **VII. COMMUNITY OUTREACH**

The Applicant conducted the required pre-submission meeting with the surrounding community on January 27, 2021 virtually through GoToMeeting, as permitted by the Planning Department's COVID-19 procedures. The Applicant provided notice for the pre-submission community meeting in accordance with the requirements set forth in the Administrative



Procedures for Development Review and the Zoning Ordinance. Additional details regarding this meeting have been submitted with this Application. No community members attended the virtual meeting.

## **VIII. CONCLUSION**

As demonstrated by this Statement and the contents of this Application, the Project complies with all applicable findings and requirements of the Subdivision Regulations, Site Plan Regulations, and Zoning Ordinance. Furthermore, the Project is compatible with existing and proposed surrounding uses and is in substantial conformance with the recommendations of the Master Plan. Importantly, the Project will provide much needed affordable, high quality early childhood education services, in a state-of-the-art facility, to meet the needs of area residents and the broader County. For all of the reasons discussed in this Statement, we respectfully request approval of this Application.

We thank the Planning Staff and Planning Board for considering this Application. If you have any questions or need any additional information, please do not hesitate to contact us. Thank you very much for your favorable consideration.

Respectfully submitted,

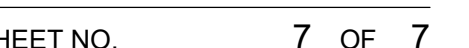
Lerch, Early & Brewer, Chtd.



By: \_\_\_\_\_

Stuart R. Barr  
Attorneys for Applicant  
7600 Wisconsin Avenue, Suite 700  
Bethesda, Maryland 20814  
Phone: (301) 961-6095







Attachment 3



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. Lic. No. 16905 Exp. Date: 04/21/2024

JAISAI PROPERTIES, LLC  
4007 BROADSTONE STREET  
FREDERICK, MD 21704  
PH: (240) 423-3615  
EMAIL: PBOLARUM@GMAIL.COM

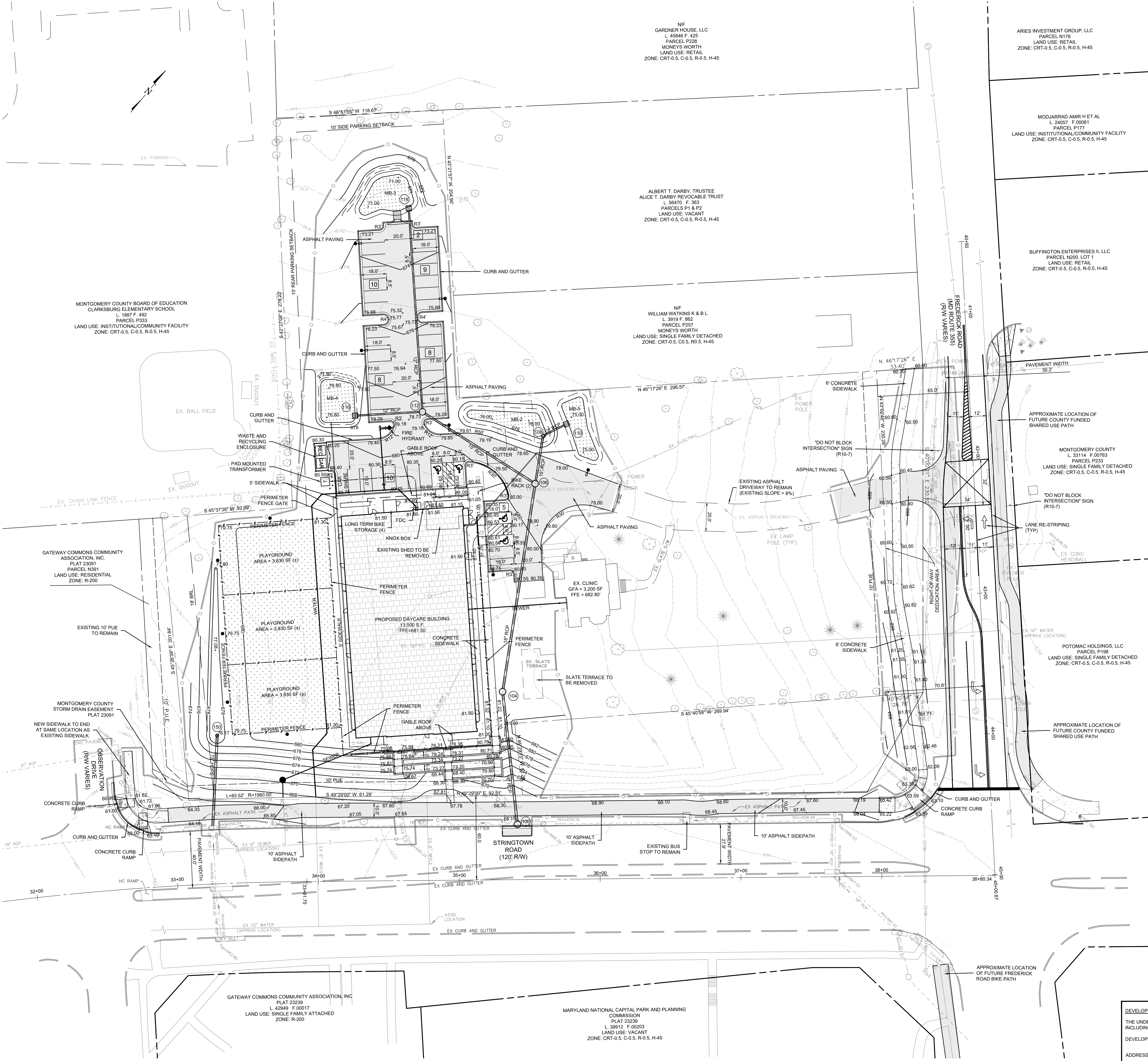
PROJECT TEAM  
OWNER/APPLICANT:  
JAISAI PROPERTIES, LLC  
4007 BROADSTONE ST.  
FREDERICK, MD 21704  
PHONE: (240) 423-3615  
CONTACT: DR. PRAVEEN BOLARUM  
EMAIL: PBOLARUM@GMAIL.COM

CIVIL ENGINEER & LANDSCAPE ARCHITECT:  
MACRIS, HENDRICKS & GLASCOCK, P.A.  
9220 WIGHTMAN ROAD, SUITE 120  
MONTGOMERY VILLAGE, MD 20886  
PHONE: (301) 670-0840  
CONTACT: DYLAN MACRO, COT  
EMAIL: DMACRO@MHGA.COM

TRAFFIC ENGINEER:  
WELLS + ASSOCIATES  
1110 BONFANT ST., SUITE 210  
SILVER SPRING, MD 20910  
PHONE: (301) 448-1335  
CONTACT: WILLIAM ZEID, PE  
EMAIL: WLZEID@WELLSANDASSOCIATES.COM

LAND USE ATTORNEY:  
LERCH, EARLY & BREWER, CHTD.  
700 WISCONSIN AVENUE, SUITE 700  
BETHESDA, MD 20814  
PHONE: (301) 981-4096  
CONTACT: STUART S. BARB  
EMAIL: SSBARR@LERCHEARLY.COM

ARCHITECT:  
SKA STUDIO  
47 RANDALL ST., SUITE 2  
ANNAPOLIS, MD 21401  
PHONE: (801) 888-5853  
CONTACT: STEVEN KAHLE, AIA, NCARB  
EMAIL: SKAHLE@SKASTUDIO.COM



ABBREVIATIONS

ARCH	ARCHITECTURAL
BC	BACK OF CURB
BLDG	BUILDING
BS	BOTTOM OF STAIR
BW	BOTTOM OF WALL
CO	CURB & GUTTER
CONC	CONCRETE
DIP	DUCTILE IRON PIPE
ELEC	ELECTRIC
EP	EDGE OF PAVING
EX	EXISTING
FC	FOREST CONSERVATION
FDC	FIRE DEPARTMENT CONNECTION
FFE	FINISHED FLOOR ELEVATION
FL	FLOW LINE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
MB	MICRO BIORETENTION
MECH	MECHANICAL
NIC	NOT IN CONTRACT
PLUM	PLUMBING
RCP	REINFORCED CONCRETE PIPE
REM	REMOVE
R/W	RIGHT-OF-WAY
SD	STORM DRAIN
S	SANITARY SEWER
SWM	STORMWATER MANAGEMENT
SW	SIDEWALK
TBR	TO BE REMOVED
TS	TOP OF STAIR
TW	TOP OF WALL
TYP	TYPICAL
W	WATER

LEGEND

--- 402 ---	CONTOUR (2FT)	--- 402 ---
--- 410 ---	CONTOUR (2FT)	--- 410 ---
x 403.25	SPOT ELEVATION	+ 03.25
==	CURB & GUTTER	
---	ASPHALT PAVING	
---	CONCRETE PAVING	
---	LIMITS OF DISTURBANCE	
8" W	WATER LINE	8" W
8" S	FIRE HYDRANT	8" S
8" S	SEWER LINE	8" S
---	STORM DRAIN	
---	NATURAL GAS	
---	UNDERGROUND ELECTRIC	
---	UNDERGROUND COMMUNICATION	
---	LIGHT POLE	
---	PROPERTY BOUNDARY	
---	EASEMENT	

DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF SITE PLAN APPROVAL NO. 820210090 INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM, AND CERTIFIED SITE PLAN.

DEVELOPER: JAISAI PROPERTIES, LLC  
COMPANY: DR. PRAVEEN BOLARUM  
CONTACT PERSON:

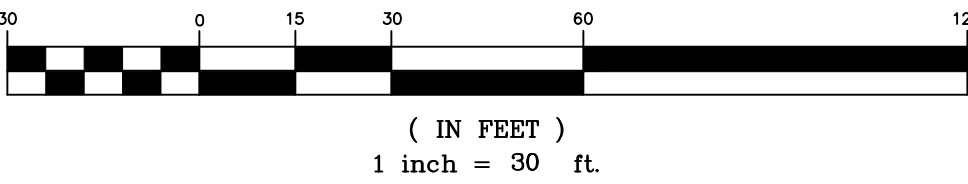
ADDRESS: 4700 BROADSTONE STREET, FREDERICK, MD 21704

PHONE: (240) 423-3615

EMAIL: PBOLARUM@GMAIL.COM

SIGNATURE: \_\_\_\_\_

GRAPHIC SCALE



NO	DESCRIPTION	DATE

TAX MAP EWS1 W58C 232NW13

2TH ELECTION DISTRICT  
MONTGOMERY COUNTY  
MARYLAND

HAMMER HILL, PARCEL P311

CLARKSBURG HIGHLANDS,  
PART OF BLOCK D

PROJ. MGR DCM

DRAWN BY DCM

SCALE 1" = 30'

DATE 05.11.22

SITE PLAN

820210090

C2.01

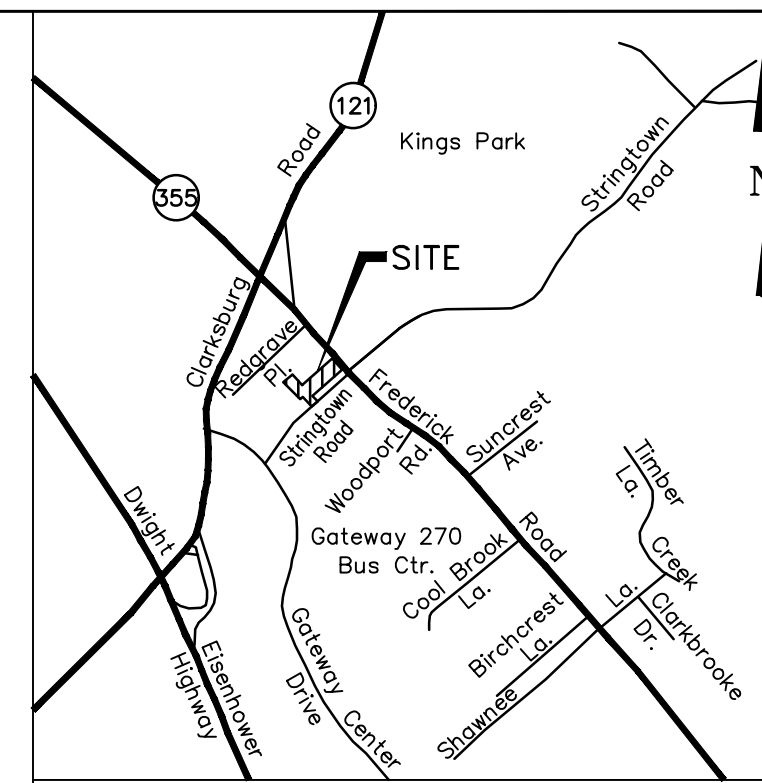
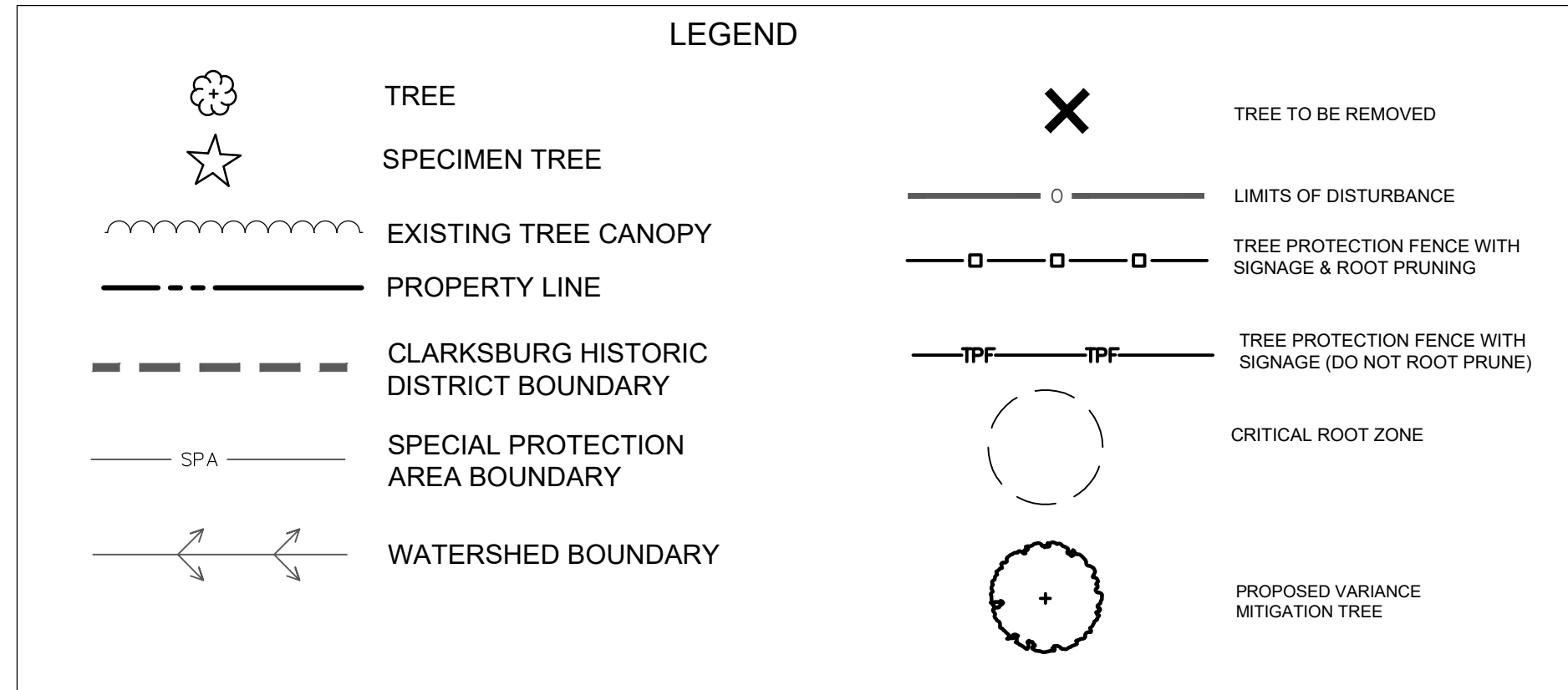
PROJECT NO. 13.109.41

SHEET NO. 6 OF 6



# Attachment 4

PROPOSED VARIANCE MITIGATION TREE LIST						
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE (CAL.)	ROOT	SPACING
COC	3	Celtis occidentalis	Common Hackberry	3"	B&B	AS SHOWN
OAL	3	Quercus alba	White Oak	3"	B&B	AS SHOWN
FGR	4	Fagus grandifolia	American Beech	3"	B&B	AS SHOWN
NSY	2	Myrica sylvatica	Tupelo	3"	B&B	AS SHOWN
GRU	3	Quercus rubra	Red Oak	3"	B&B	AS SHOWN



VICINITY MAP  
SCALE 1" = 2,000'



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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DATE  
05/10/2022

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

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

JAISAI PROPERTIES, LLC  
4007 BROADSTONE STREET  
FREDERICK, MD 21704  
DR. PRAVEEN BOLARUM  
PH: 240-423-3615  
EMAIL: PBOLARUM@GMAIL.COM

## FOREST CONSERVATION WORKSHEET HAMMER HILL

NET TRACT AREA:  
A. Total tract area ... 3.52  
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan) ... 0.28  
C. Land dedication acres (parks, county facility, etc.) ... 0.00  
D. Land dedication for roads or utilities (construction not required by this plan) ... 0.00  
E. Area to remain in commercial agricultural production/use ... 0.00  
F. Other deductions (specify) ... 0.00  
G. Net Tract Area ... 3.80

## LAND USE CATEGORY: (from Chapter 22A-3, Definitions)

Input the number "1" under the appropriate land use,  
limit to only one entry.

ARA MDR IDA HDR MPD CIA  
0 0 0 0 1 0

G. Afforestation Threshold ... 15% x G = 0.57  
H. Conservation Threshold ... 20% x G = 0.76

## EXISTING FOREST COVER:

I. Existing forest cover ... 0.00  
J. Area of forest above afforestation threshold ... 0.00  
K. Area of forest above conservation threshold ... 0.00

## BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation ... 0.00  
M. Clearing permitted without mitigation ... 0.00

## PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared ... 0.00  
O. Total area of forest to be retained ... 0.00

## PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold ... 0.00  
Q. Reforestation for clearing below conservation threshold ... 0.00  
R. Credit for retention above conservation threshold ... 0.00  
S. Total reforestation required ... 0.00  
T. Total afforestation required ... 0.57  
U. Credit for landscaping (may not exceed 20% of "S") ... 0.00  
V. Total reforestation and afforestation required ... 0.57

THE 0.57 ACRES FOREST CONSERVATION REQUIREMENT TO BE MET BY  
FEE IN LIEU OR IN A FOREST BANK IF AVAILABLE.

CLARKSBURG ELEMENTARY SCHOOL

MONT. COUNTY BOARD OF EDUCATION  
LIBER 1887 FOLIO 492  
PARCEL P333

OBSERVATION  
DRIVE  
(R/W VARIES)

MONT. COUNTY  
STORM DRAIN EASEMENT  
PLAT 23091

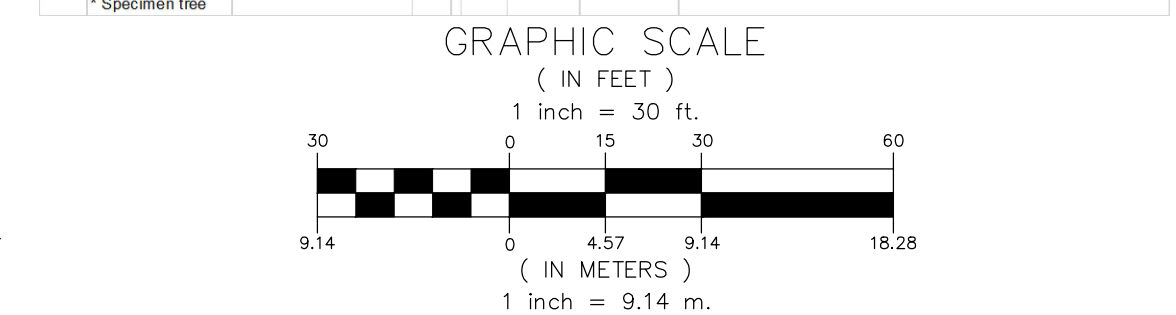


FOR UTILITY LOCATIONS  
CONTACT "ONE CALL" AT 811  
AT LEAST 48 HOURS  
PRIOR TO CONSTRUCTION

STRINGTOWN ROAD

ID #	Common Name	Botanical Name	DBH	CRZ (L-R) CRZ (Radius)	Condition/Remarks
901	Red Maple	Acer rubrum	26	4776	39 Poor - nt, epicormic growth, deadwood, large cavity
902	Tree of Heaven	Ailanthus altissima	18	2289	27 Fair - deadwood, offsite
903	Red Maple	Acer rubrum	14	1385	21 Fair - cavity at base, offsite
904	Black Locust	Robinia pseudoacacia	17	2042	25 Fair - size, deadwood
905	Silver Maple	Acer saccharinum	31	4789	46.5 Poor - heavy vine, debark, offsite
906	Norway Maple	Acer platanoides	21	3136	31.5 Poor - two large cavity, deadwood
907	Swamp Titchler	Tigra mendocina	20	2826	30 Fair - deadwood
908	Blue Spruce	Picea pungens	16	1839	24 Fair - heavy vine, deadwood
909	Sugar Maple	Acer saccharum	7	346	10.5 Fair - vines, dr cavity/wound closure
910	Norway Maple	Acer platanoides	7	452	12 Fair - vigorous damage, deadwood
911	Japanese Lilac	Syringa reticulata	6	254	9 Good - try
912	White Pine	Pinus strobus	12	1017	18 Good
913	Cape Myrtle	Laguncularia indica	9	572	13.5 Good - deadwood (9 stem 3' dia)
914	White Mulberry	Morus alba	12	9	18 Fair - vines, dr cavity/wound closure
915	Norway Maple	Acer platanoides	11	855	16.5 Poor - almost dead, large cavity, vines, nt
916	Norway Maple	Acer platanoides	19	2580	38.5 Poor - nt, vines
917	Norway Maple	Acer platanoides	14	1385	21 Fair - vines
918	Norway Maple	Acer platanoides	20	5	30 Fair - vines, deadwood, small cracks in trunk
919	White Mulberry	Morus alba	10	707	19 Poor - haemat, cankers, deadwood, damage to branches
920	Ginkgo Tree	Ginkgo biloba	12	1017	18 Good
921	Tree of Heaven	Ailanthus altissima	20	2826	30 Fair - deadwood
922	Norway Maple	Acer platanoides	15	1590	22.5 Fair - deadwood, curved trunk
923	Black Cherry	Prunus serotina	14	1385	21 Poor - deadwood, nt
924	Sugar Maple	Acer saccharum	10	707	15 Fair - deadwood, vines, nt, roots of 926
925	Black Cherry	Prunus serotina	21	3136	31.5 Fair - vines, deadwood
926	Norway Maple	Acer platanoides	13	1194	19.5 Fair - deadwood
927	Norway Maple	Acer platanoides	16	3	18 Poor - vines, crack in trunk, included bark, haemat, size, deadwood
928	Douglas Fir	Pseudotsuga menziesii	14	1385	21 Poor - topped
929	Norway Spruce	Picea abies	31	4789	46.5 Good
930	Horse Chestnut	Aesculus hippocastanum	20	2826	30 Fair - deadwood, two small cavity, epicormic growth, leaves hollowing
931	American Blackwood	Thuja americana	39	10746	58.5 Fair - deadwood, epicormic growth
932	Norway Spruce	Picea abies	25	4416	37.5 Fair - deadwood, dead bark, 1 sided canopy
933	Sugar Maple	Acer saccharum	41	11876	61.5 Poor - deadwood but canopy ok, lots of nt in trunk at base
934	Catalpa	Mahoe sp.	5	64	4 Good
935	Black Walnut	Juglans nigra	39	10746	58.5 Fair - deadwood, cracks healed over
936	Norway Maple	Acer platanoides	20	2826	30 Fair - deadwood
937	Black Cherry	Prunus serotina	15	1590	22.5 Fair - deadwood, offsite
938	Tree of Heaven	Ailanthus altissima	15	1590	22.5 Fair - deadwood, offsite
939	Black Locust	Robinia pseudoacacia	20	2826	30 Good - offsite
940	Tree of Heaven	Ailanthus altissima	21	3136	31.5 Fair - heavy vines, offsite
941	Sweet Cherry	Prunus avium	10	707	15 Poor - deadwood - vines, offsite
942	Tree of Heaven	Ailanthus altissima	12	1017	18 Fair - deadwood, offsite
943	Sweet Cherry	Prunus avium	12	1017	18 Poor - deadwood - vines, offsite
944	Black Locust	Robinia pseudoacacia	12	1017	18 Poor - main trunk dead, fungus, offsite
945	Tree of Heaven	Ailanthus altissima	12	1017	18 Poor - vines, deadwood, offsite
946	White Mulberry	Morus alba	15	1590	22.5 Fair - vines, offsite
947	Tree of Heaven	Ailanthus altissima	15	1590	22.5 Poor - vines, deadwood, offsite
948	Sweet Cherry	Prunus avium	10	707	15 Poor - vines, deadwood, offsite
949	Tree of Heaven	Ailanthus altissima	6	254	9 Fair - vines, offsite
950	Black Locust	Robinia pseudoacacia	12	1017	18 Dead - vines, offsite
951	Tree of Heaven	Ailanthus altissima	8	452	12 Fair - vines, offsite
952	Tree of Heaven	Ailanthus altissima	10	707	15 Fair - vines
953	Tree of Heaven	Ailanthus altissima	8	452	12 Fair - vines
954	Tree of Heaven	Ailanthus altissima	8	452	12 Fair - vines
955	Tree of Heaven	Ailanthus altissima	12	1017	18 Fair - vines
956	Tree of Heaven	Ailanthus altissima	8	452	12 Fair - vines, offsite
957	Tree of Heaven	Ailanthus altissima	15	1590	22.5 Fair - vines
958	Silver Maple	Acer saccharinum	20	2826	30 Fair - deadwood, vines
959	Black Locust	Robinia pseudoacacia	19	2580	28.5 Poor - deadwood, vines, offsite
960	Tree of Heaven	Ailanthus altissima	10	707	15 Poor - leaves, vines, offsite
961	Black Cherry	Prunus serotina	12	1017	18 Poor - leaves, vines
962	Tree of Heaven	Ailanthus altissima	8	452	12 Tree - vines, split
963	Black Cherry	Prunus serotina	24	4069	36 Fair - deadwood, cavity, wound closure in branches, offsite
964	Norway Maple	Acer platanoides	8	452	12 Fair - deadwood, vines
965	Tree of Heaven	Ailanthus altissima	15	1590	22.5 Fair - deadwood, vines
966	Tree of Heaven	Ailanthus altissima	4	113	6 Good - offsite
967	Tree of Heaven	Ailanthus altissima	14	1385	21 Poor - vines, deadwood, offsite
968	Black Locust	Robinia pseudoacacia	22	3642	33 Poor - deadwood, heavy vine, offsite
969	Silver Maple	Acer saccharinum	26	4776	39 Fair - once vine in trunk, deadwood, vines, offsite
970	Silver Maple	Acer saccharinum	13	1194	19.5 Good - offsite
971	Tree of Heaven	Ailanthus altissima	8	452	12 Good - vines, offsite
972	Black Locust	Robinia pseudoacacia	10	707	15 Fair - vines, offsite
973	Tree of Heaven	Ailanthus altissima	10	707	15 Good
974	White Mulberry	Morus alba	18	2289	27 Poor - deadwood, vines, offsite
975	Red Maple	Acer rubrum	23	3737	34.5 Good - offsite
976	Sweet Cherry	Prunus avium	21	3136	31.5 Fair - once vine in trunk, black cane, deadwood, offsite
977	Silver Maple	Acer saccharinum	20	2826	30 Good - leaves, grape tree, offsite
978	Silver Maple	Acer saccharinum	27	5130	40.5 Good - offsite
979	Red Maple	Acer rubrum	24	4069	36 dead
980	Silver Maple	Acer saccharinum	24	4069	36 Fair - deadwood, damaged branch
981	Tree of Heaven	Ailanthus altissima	10	707	15 Good
982	American Elm	Ulmus americana	6	254	9 Good - offsite
983	Red Maple	Acer rubrum	20	2826	30 Fair - cavity, root damage, hole at base in soil stability concern, offsite
984	Tree of Heaven	Ailanthus altissima	23	3737	34.5 Fair - deadwood
985	Silver Maple	Acer saccharinum	29	5942	43.5 Poor - large cavity with rot, root scarring, canopy ok
986	Bittersweet Hickory	Corya cordifolia	19	2580	28.5 Fair - deadwood, crack with root
987	Silver Maple	Acer saccharinum	15	1590	22.5 Good - offsite
988	Silver Maple	Acer saccharinum	5	64	4 Good
989	Bittersweet Hickory	Corya cordifolia	17	2042	25.5 Fair - deadwood
990	Norway Maple	Acer platanoides	24	4069	36 Fair - cankers, deadwood, offsite
991	Silver Maple	Acer saccharinum	26	4776	39 Poor - heavy vine, debark
992	Silver Maple	Acer saccharinum	10	707	15 Good
993	Black Locust	Robinia pseudoacacia	6	254	9 Good
994	Silver Maple	Acer saccharinum	28	5539	42 Good - size approximate, offsite
995	Tree of Heaven	Ailanthus altissima	7	346	10.5 Fair - deadwood, cavity
996	Sugar Maple	Acer saccharum	7	346	10.5 Fair - deadwood, cavity
997	American Elm	Ulmus americana	22	3439	33 Fair - vines
998	Silver Maple	Acer saccharinum	20	2826	30 Good - vines
999	Silver Maple	Acer saccharinum	15	1590	22.5 Fair - heavy vines, offsite
1000	Black Cherry	Prunus serotina	24	4069	36 Poor - deadwood, cavity, vines, debark, partially topped, offsite
1001	Tulip Poplar	Liriodendron tulipifera	32	7235	48 Good - deadwood, vines, offsite
1002	Black Cherry	Prunus serotina	12	1017	18 Fair - heavy vine, deadwood, offsite
1003	Dead tree		20	2826	30 dead - offsite, approximate size
1004	Dead tree		12	1017	18 dead - vines, offsite, approximate size
1005	Tree of Heaven	Ailanthus altissima	4	113	6 Good
1006	Tree of Heaven	Ailanthus altissima	6	254	9 Good

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet. If major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given. Tree ID numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map.



## DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 820210090, including financial bonding, forest planting, maintenance and all other applicable agreements.

Developer's Name: Jaisai Properties, LLC  
Company

Dr. Praveen Bolaram  
Contact Person

Address: 4007 Broadstone St Frederick, MD 21704

Phone: 240-423-3615

Email: PBOLARUM@GMAIL.COM

Signature:

## REVISIONS

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

TAX MAP EW341 WSSC 232N13

L.33247 F.158

2ND ELECTION DISTRICT  
MONTGOMERY COUNTY  
MARYLAND

P311 & N366  
HAMMER HILL SCHOOL

PROJ. MGR DCM

DRAWN BY FCJ

SCALE 1" = 30'

DATE 02.10.2021

FINAL FOREST  
CONSERVATION PLAN  
MNCPPC #820210090

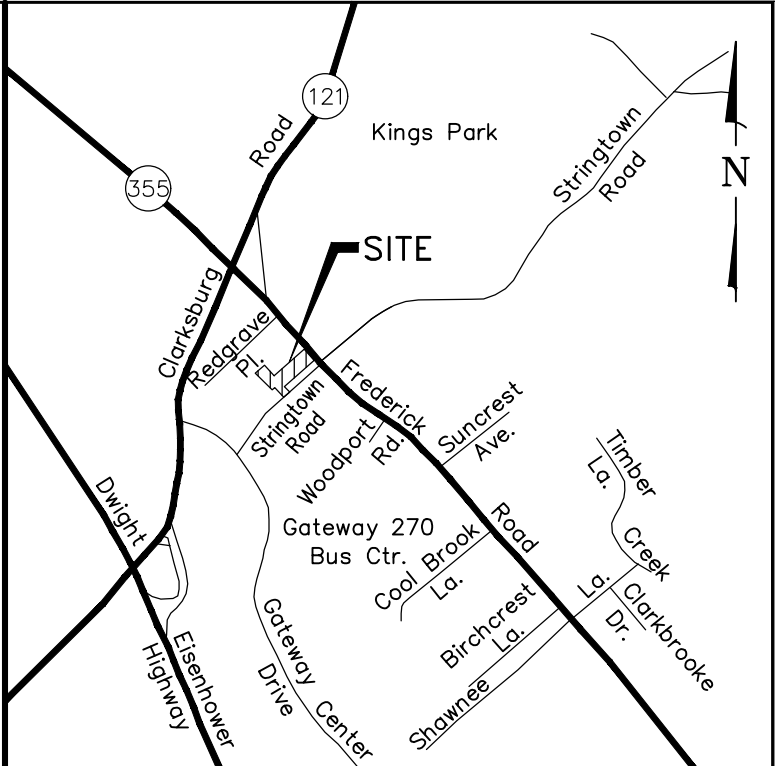
PROJECT NO. 13.109.41

SHEET NO. 1 OF 2

L8.01



Attachment 5



VICINITY MAP  
SCALE 1" = 2,000'

MHG

Civil Engineers  
Land Planners  
Landscape Architects  
Land Surveyors

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

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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: 04/21/2024

JASAI PROPERTIES, LLC  
4007 BROADSTONE STREET  
FREDERICK, MD 21704  
PH: (240) 423-3615  
EMAIL: PBOLARUM@GMAIL.COM

PROJECT TEAM  
OWNER/APPLICANT:  
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4007 BROADSTONE ST.  
FREDERICK, MD 21704  
PHONE: (240) 423-3615  
CONTACT: DR. PRAVEEN BOLARUM  
EMAIL: PBOLARUM@GMAIL.COM

CIVIL ENGINEER & LANDSCAPE ARCHITECT:  
MACRIS, HENDRICKS & GLASCOCK, P.A.  
9220 WIGHTMAN ROAD, SUITE 120  
MONTGOMERY VILLAGE, MD 20886  
PHONE: (301) 670-0840  
CONTACT: DYLAN MACRO, CDT  
EMAIL: DMACRO@MHGA.COM

TRAFFIC ENGINEER:  
WELLS + ASSOCIATES  
1110 BONIFANT ST., SUITE 210  
SILVER SPRING, MD 20910  
PHONE: (301) 448-1335  
CONTACT: WILLIAM ZEID, PE  
EMAIL: WLZEID@WELLSANDASSOCIATES.COM

LAND USE ATTORNEY:  
LERCH, EARLY & BREWER, CHTD.  
700 WISCONSIN AVENUE, SUITE 700  
BETHESDA, MD 20814  
PHONE: (301) 981-4095  
CONTACT: STUART S. BARR  
EMAIL: SBARR@LERCHEARLY.COM

ARCHITECT:  
SKA STUDIO  
47 RANDALL ST., SUITE 2  
ANNAPOLIS, MD 21401  
PHONE: (801) 898-5853  
CONTACT: STEVEN KAHLE, AIA, NCARB  
EMAIL: SKAHLE@SKASTUDIO.COM

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP EW01 WSSC 232NW13

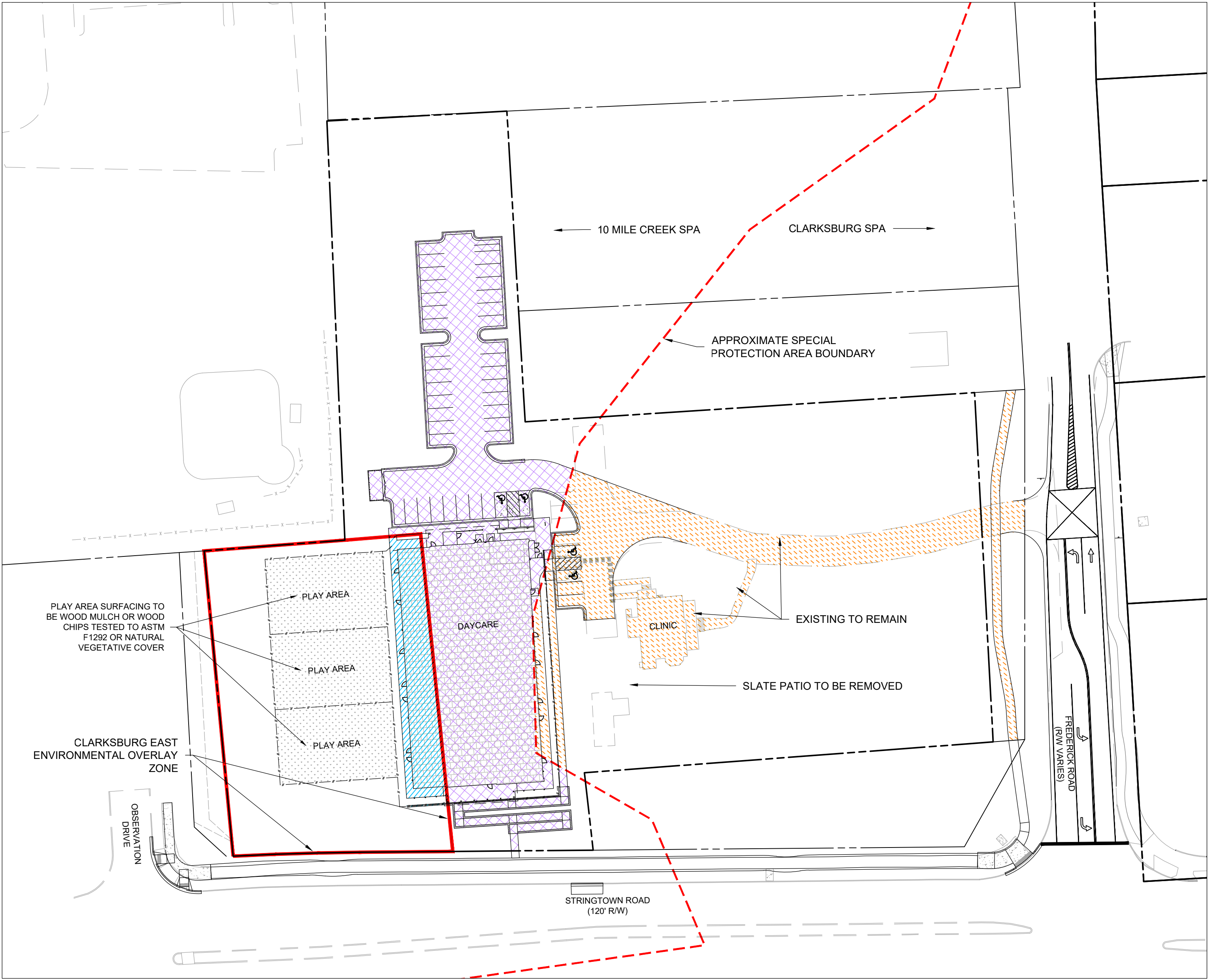
2TH ELECTION DISTRICT  
MONTGOMERY COUNTY  
MARYLAND

PARCELS 311 & N366  
HAMMER HILL

PROJ. MGR	DCM
DRAWN BY	DCM
SCALE	AS SHOWN
DATE	05.11.22

IMPERVIOUS SURFACE  
EXHIBIT

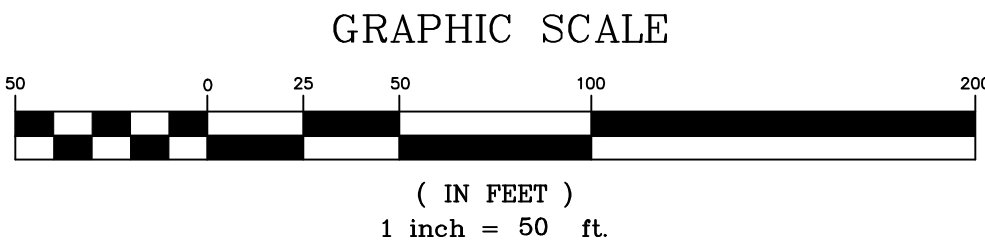
PP-006  
PROJECT NO. 13.109.41  
SHEET NO. 6 OF 7



- PORTION OF PROPERTY WITHIN THE CLARKSBURG EAST ENVIRONMENTAL OVERLAY ZONE
- IMPERVIOUS AREA WITHIN THE CLARKSBURG EAST ENVIRONMENTAL OVERLAY ZONE = 4,098 SF (15% = 4,434 SF)
- APPROXIMATE SPECIAL PROTECTION AREA (SPA) BOUNDARY
- IMPERVIOUS AREA WITHIN THE 10 MILE CREEK SPECIAL PROTECTION AREA = 30,928 SF
- IMPERVIOUS AREA WITHIN THE CLARKSBURG SPECIAL PROTECTION AREA = 14,262 SF

IMPERVIOUS AREA DIAGRAM  
SCALE: 1" = 50'

IMPERVIOUS SURFACE BREAKDOWN	
LOT AREA: 146,375 SF OF 3.36 AC. - PROPOSED LOT 1 (FORMALLY PARCELS P311 & N366)	
CLARKSBURG EAST ENVIRONMENTAL OVERLAY ZONE (CEEEOZ)	
TOTAL AREA WITHIN LOT	= 29,484 SF (0.68 AC)
IMPERVIOUS SURFACE WITHIN CEEEOZ	= 4,098 SF (0.094 AC)
PERCENTAGE OF IMPERVIOUS SURFACE WITHIN THE CEEEOZ	= 13.9 %
10 MILE CREEK SPECIAL PROTECTION AREA (TMC-SPA)	
TOTAL AREA WITHIN LOT	= 80,911 SF (1.86 AC)
IMPERVIOUS SURFACE WITHIN TMC-SPA	= 30,928 SF (0.71 AC)
PERCENTAGE OF IMPERVIOUS SURFACE WITHIN TMC-SPA	= 38.2%
CLARKSBURG SPECIAL PROTECTION AREA (C-SPA)	
TOTAL AREA WITHIN LOT	= 66,464 SF (1.53 AC)
IMPERVIOUS SURFACE WITHIN C-SPA	= 14,262 SF (0.33 AC)
PERCENTAGE OF IMPERVIOUS SURFACE WITH C-SPA	= 21.5%



## Attachment 6



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### Department of Permitting Services Fire Department Access and Water Supply Comments

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**DATE:** 10-Aug-16  
**TO:** Patrick La Vay - plavay@mhgpa.com  
Macris, Hendricks & Glascock  
**FROM:** Marie LaBaw  
**RE:** Hammer Hill  
Bldg# 713987 & 717066

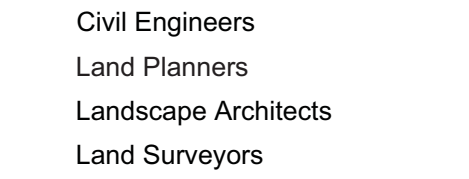
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#### PLAN APPROVED

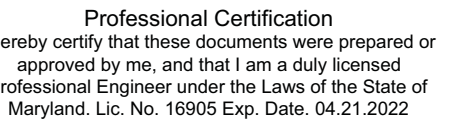
1. Review based only upon information contained on the plan submitted **10-Aug-16**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* 2/1/2021 Amendment: additional building \*\*\***

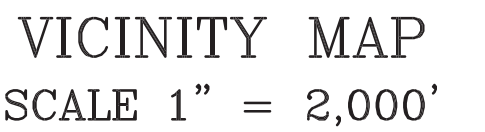




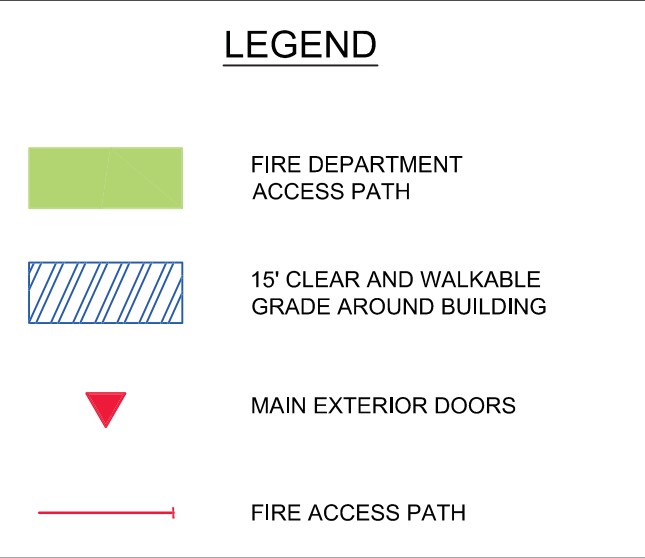
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KISAI PROPERTIES, LLC  
 107 BROADSTONE STREET  
 FREDERICK, MD 21704  
 R. PRAVEEN BOLARUM  
 T: 240-423-3615  
 MAIL: PBOLARUM@GMAIL.COM



SUBJECT PROPERTY:	PART OF PARCEL P311, 1.33247 F 158 PART OF PARCEL N366, 1.33247 F 158
PROPERTY ADDRESS:	23310 FREDERICK ROAD, CLARKSBURG, MD - PART OF PARCEL 311 23100 STRINGTOWN ROAD, CLARKSBURG, MD - PART OF PARCEL N366
TRACT AREA:	123.631 SF OR 2.84 AC - PART OF PARCEL P311 29.559 SF OR 0.68 AC - PART OF PARCEL N366
PROPOSED DEDICATION:	6.815 SF OR 0.16 SC - FREDERICK ROAD
LOT AREA:	146.375 SF OR 3.36 AC - PROPOSED LOT 1 (FORMALLY PARCELS 311 & N366)F
PROPERTY OWNER:	JASAI PROPERTIES, LLC 4007 BROADSTONE STREET FREDERICK, MD 21704
TAX ID NUMBER:	02-00021673 - PART OF PARCEL 311 02-00021695 - PART OF PARCEL N366
ZONING CLASSIFICATION:	CRT-0.5 C-0.5 R 0.5 H-45
EXISTING USE CATEGORY:	CLINIC, UP TO 4 MEDICAL PRACTITIONERS (TO REMAIN)
PROPOSED USE CATEGORY:	DAYCARE FACILITY & CLINIC (UP TO 4 MEDICAL PRACTITIONERS)
GROSS FLOOR AREA (GFA):	DAYCARE FACILITY = 13,600 SF CLINIC = 3,200 SF



NOTES:

1) KEYS TO PERIMETER FENCE GATES ARE LOCATED IN THE KNOX BOX

2) THERE IS A PREVIOUSLY APPROVED FIRE DEPARTMENT APPARATUS ACCESS PLAN FOR THIS PROPERTY THAT WAS APPROVED ON AUGUST 10, 2016. A COPY OF THE PREVIOUSLY APPROVED PLAN HAS BEEN INCLUDED WITH THIS SUBMISSION.

FIRE CODE ENFORCEMENT

### Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML\* FM: 43 DATE: 2/1/2021  
original 8/10/2016

[illegible]

X MAP EW/31 WSSC 232NW13

D ELECTION DISTRICT  
ONTGOMERY COUNTY  
RYLAND

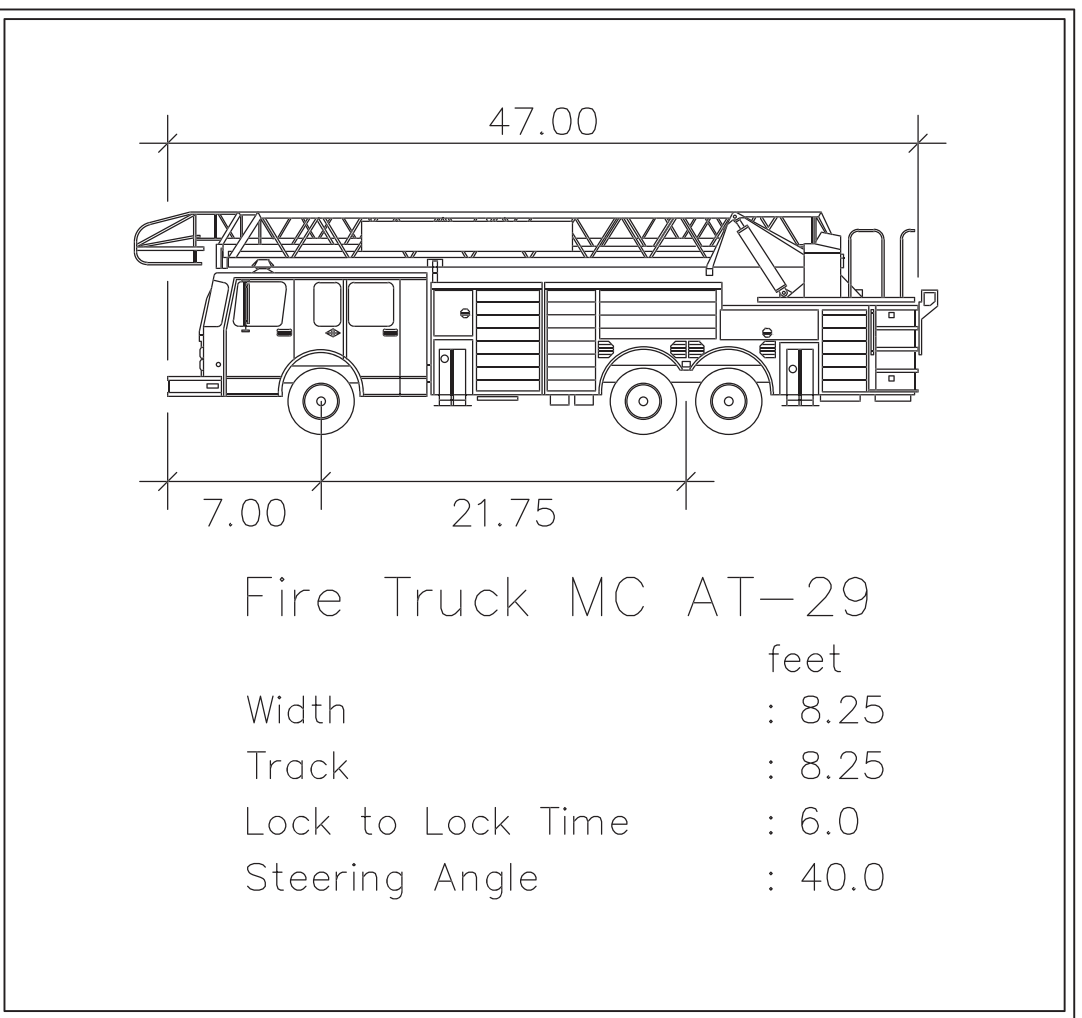
PARCELS 3211 & N366  
HAMMER HILL

PROJ. MGR	PGL
DRAWN BY	DCM
SCALE	1"= 30'
DATE	09.17.20

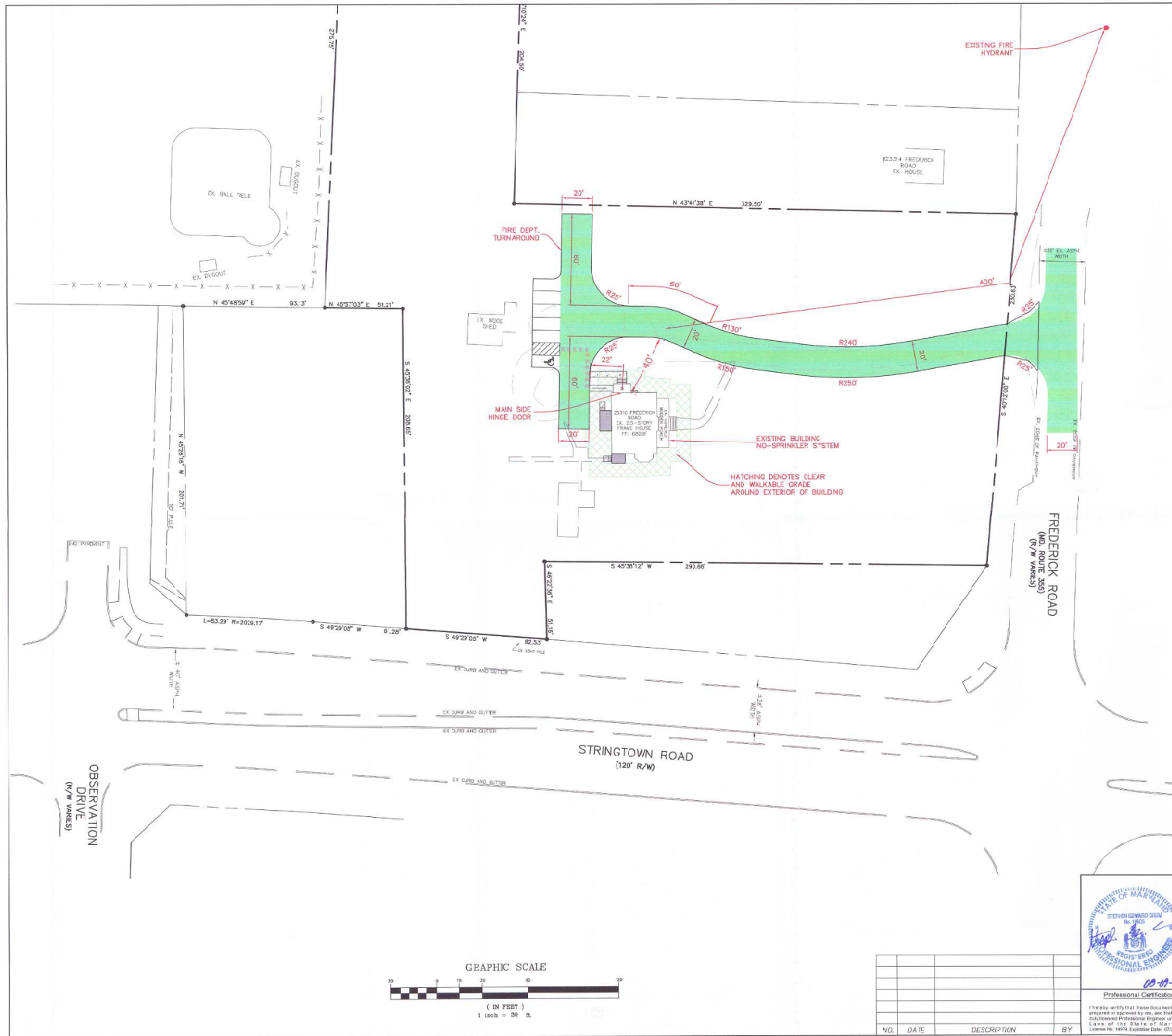
RE DEPARTMENT  
PPARATUS ACCESS  
LAN

C2.40

PROJECT NO.	13.109.41
SHEET NO.	OF 1







**PROPERTY INFORMATION**

SUBJECT PROPERTY: PART OF PARCEL 311  
L 33287 F 158

PROPERTY ADDRESS: 23310 FREDERICK ROAD, CLARKSBURG, MD

LOT AREA: 123,630 S.F. or 2.832 AC.

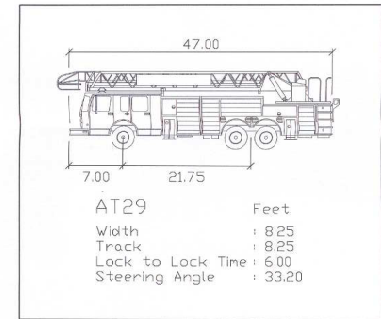
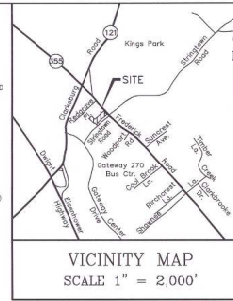
PROPERTY OWNER: JASAI PROPERTIES, LLC  
4807 BROADSTONE STREET  
FREDERICK, MD 21784

TAX ID NUMBER: 02-00027673

ZONING CLASSIFICATION: CR1-0.5, U-0.5, H-0.5, H-10

EXISTING USE CATEGORY: RESIDENTIAL

PROPOSED USE CATEGORY: CLINIC (UP TO 4 MEDICAL PRACTITIONERS)



**FIRE CODE ENFORCEMENT**

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover inadequacy layout resulting from omissions, errors or failure to comply with fire codes. Reviewer assumes no liability for such inadequacy until it is found upon inspection after installation.

BY: *Eric* FIC: 43 DATE: 8/10/16



TAX MAP EW341 WSSC 232NW13

**FIRE DEPARTMENT APPARATUS ACCESS PLAN**  
PARCEL P311  
**HAMMER HILL**  
L.49070 F.436  
2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG** Macris, Hendricks & Glescock, P.A.  
Engineers • Planners  
Landscape Architects • Surveyors

9228 Wighams Road, Suite 120  
Montgomery Village, Maryland  
20886-1279

Phone: 301.670.0840  
Fax: 301.548.6993  
www.mhgpa.com

Proj. Mgr. PG.  
Date 8/8/16  
Project No. 2013.109.21  
Designer KDJ  
Scale 1"=30'  
Sheet 1 of 1

NO.	DATE	DESCRIPTION	BY



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

April 5, 2021

Mr. Mark Hollida  
Macris, Hendricks & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, Maryland 20886

Re: **COMBINED PRELIMINARY AND FINAL  
WATER QUALITY PLAN/SITE  
DEVELOPMENT STORMWATER  
MANAGEMENT PLAN** for  
Hammer Hill  
Preliminary Plan #: 120210180  
SM File #: 286644  
Tract Size/Zone: 3.36 ac./CRT-0.5, C-0.5, R-0.5  
Total Concept Area: 3.36 acres  
Lots/Block: N/A  
Parcel(s): P311 and N366  
Watershed: Ten Mile Creek (East) SPA

Dear Mr. Hollida:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary and Final Water Quality Plan for the above-mentioned site is **acceptable**. The Preliminary and Final Water Quality Plan proposes to meet required stormwater management goals via micro bioretention with enhancement. This approval is for elements of the Water Quality Plan of which DPS has lead agency responsibility and does not include limits on imperviousness or buffer encroachments.

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. Provide documentation from MCDOT that allows the connection to the storm drain system in Stringtown Road.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. Stream monitoring and BMP monitoring fees will be required per Special Protection Area regulations.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The Water Quality Plan approval is based on all stormwater management structures being



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

*Mr. Mark Hollida*  
*April 5, 2021*  
*Page 2 of 2*

located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate Water Quality Plan request shall be required.

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

Sincerely,

*Mark Etheridge*

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

MCE: lmg

cc: N. Braunstein  
SM File # 286644

ESD: Required/Provided 5,842 cf / 6,758 cf  
PE: Target/Achieved: 1.6"/1.85"  
STRUCTURAL: 0 cf  
WAIVED: 0 ac.

**DPS-ROW CONDITIONS OF APPROVAL**

**April 20, 2022**

**820210090 Hammer Hill**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

**“07-SITE-820210090-006.pdf”** uploaded on/ dated **“4/19/2022”** and

The followings need to be addressed prior to the certification of site plan:

1. Provide public sidewalk/ path along Stringtown Road frontage continuing to Observation Drive:
  - a. to ADA standards and label it accordingly along with dimensions.
  - b. Ensure/ show all sidewalks/ handicap ramps have matching receiving counterparts and are aligned with them. Show/ label the existing sidewalks where connection is made.
2. Protect or replace double row of street trees along the site frontage.



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher Conklin  
*Director*

June 10, 2022

Mr. Ryan Sigworth, Planner II  
Up-County Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
2425 Reedie Drive  
Wheaton, MD 20902

RE: Preliminary Plan No. 120210180  
Traffic Impact Study  
Hammer Hill Daycare

Dear Mr. Sigworth:

We have completed our review of the preliminary plan uploaded to Eplans on May 11, 2022. Previous versions of these plans were reviewed by the Development Review Committee (DRC) at its meeting on April 13, 2021. We recommend approval of the plans subject to the following comments:

**Preliminary Plan Review Comments**

Significant Review Comments

1. The applicant submitted a revised Traffic Impact Study (TIS) dated May 19, 2022, which included a queuing study on northbound and southbound Frederick Road (MD 355)/site driveway access and Frederick Road (MD 355)/Stringtown Road. The study analyzed queues both with and without a separate, north bound left-turn lane at the site entrance. The study provided the following results:

**Intersection Queuing Without Separate Left Lane:**

- **MD 355/Site Driveway:** The southbound 95<sup>th</sup> percentile AM peak hour queueing is 451', which extends past the Redgrave Place/Clarksburg Square Road intersection, with the site generated trips adding 56 peak hour vehicles. The TIS stated that the situation compromises traffic safety and does not provide adequate gaps for vehicles to make a safe left turn.

**Office of the Director**

---

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*



- **MD 355/Stringtown Road:** The southbound through/right 95<sup>th</sup> percentile AM/PM peak hour queuing is 276'/269', respectively; both queues extend past the site access, which the TIS also states creates an unsafe situation. In addition, the southbound left storage measures only 110' (based upon GIS data), but the TIS mistakenly lists this storage as 150'. Based upon the reduced storage, there will be spillover from the left turn lane into the thru lane which will result in additional queuing.

**Intersection Queuing With Separate Left Lane:**

- **MD 355/Site Driveway:** In the southbound direction, the TIS states in this condition, while the storage is adequate from the site access to Redgrave Place, the queuing from Stringtown Road will extend past the site access, which creates unsafe condition.
- **MD 355/ Stringtown Road:** The southbound through/right 95<sup>th</sup> percentile AM/PM peak hour queuing is 261'/281', respectively; both queues extend past the site access, thereby creating an unsafe situation.

The subject property has street frontage along Frederick Road (MD 355), which is maintained by Maryland State Highway Administration (MSHA). Therefore, MCDOT does not have any jurisdiction, and per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide recommendations for the attention of the concerned agencies as stated below. Of the two options presented, MCDOT suggests SHA require the option with a separate left turn lane along northbound Frederick Road (MD 355).

In addition, the site is constrained by the build-to line, the Clarksburg Historic District and an impervious cap for a portion of site that is located in the Clarksburg Special Protection Area. As such, maintaining build-to line, the character and integrity of the Historic District and staying within the impervious cap, MCDOT recommends if it is possible that an additional right-in/right-out vehicular access point onto Stringtown Road. MCDOT believes that adding a secondary access point will help mitigate the queuing issues and enhance safety. Again though, if the issues listed above cannot be overcome, the second access point may not be feasible.

2. The revised TIS indicated that the proposed daycare facility will generate 199-person trips and is in the Orange Policy Area. Per the 2020 Growth and Infrastructure Policy, sites located in the Orange Policy Area generating between 100-199-person trips must ensure that there are at least two bus shelters within 1000' of the site that are outfitted with realtime travel information displays. MCDOT has identified the two stops to be upgraded as Stop ID NO. 17627 on southwest bound Stringtown Road and Stop ID NO. 28750 on southeast bound Frederick Road (MD 355). The shelters shall have a 22' x 7' reinforced concrete pad and a 6' bench. Please contact Mr. Wayne Miller of our Division of Transit Services to coordinate these improvements. Mr. Miller may be contacted at 240-777-5836 or at [Wayne.Miller2@montgomerycountymd.gov](mailto:Wayne.Miller2@montgomerycountymd.gov).
3. The applicant will be required to remove the existing asphalt path along the Stringtown Road frontage and construct a 10' asphalt, shared use path from the west corner of the Stringtown

Road/Frederick Road (MD 355) intersection to the north corner of the Stringtown Road/Observation Drive intersection.

4. The applicant will be responsible to improve the handicap ramps at all four corners of the Stringtown Road/Observation Drive intersection.
5. Provide dedication along the Frederick Road (MD 355) frontage per the master plan.

Standard Review Comments

6. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.
7. We defer to Maryland State Highway Administration (MSHA) for sight distance and improvements along Frederick Road (MD 355).
8. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream County storm drain system for this plan.
9. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at [yazdan.sanayi@montgomerycountymd.gov](mailto:yazdan.sanayi@montgomerycountymd.gov) or (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
13. Posting of a ROW permit bond is a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - a. Curbs, gutters, storm drain, asphalt sidepath and street trees along Stringtown Road.
  - b. Handicap ramps at all four corners of the Stringtown Road/Observation Drive intersection.

- c. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
- d. Erosion and sediment control measures as required by Chapter 19 of the Montgomery County Code and on-site stormwater management, where applicable, shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by MCDPS.
- e. The developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

### **Traffic Impact Study Review Comments**

We have completed our review of the revised Traffic Impact Study (TIS) dated May 19, 2022. Total development evaluated by this analysis includes:

- Daycare facility with capacity of up to 216 students

Based upon our review, we have the following comments:

#### **General Comment**

1. The traffic counts were collected on March 29, 2022.
2. The study is based upon the 2020-2024 Growth and Infrastructure Policy adopted on November 16, 2020 (Council Resolution #19-655).

#### **Adequacy Determination**

1. The study indicates that the subject development will generate between 100-199 total weekday peak hour person trips; therefore, all Adequacy tests are required. The school is located in the Clarksburg Town Center "Orange" Policy Area. Therefore, the pedestrian and bicycle adequacies are to be evaluated within a 750' walkshed, and there must be a minimum of two (2) bus shelters within 1,000 feet.

#### Motor Vehicle System Adequacy

1. The subject development is required to meet the Local Area Transportation Review (LATR) test for motor vehicle system adequacy. The LATR test for the Clarksburg Town Center policy area uses the Highway Capacity Manual (HCM) congestion standard with an average vehicle delay standard of 63 seconds per vehicle.
2. The consultant studied four (4) intersections, including the site entrance on Frederick Road (MD 355), and concluded that the total future conditions for these intersections will not exceed the congestion standard for the Clarksburg Town Center policy area. We concur with the consultant's findings.
3. The TIS included a queuing study on northbound and southbound Frederick Road (MD 355)/site driveway access and Frederick Road (MD 355)/Stringtown Road. The results and recommendations are discussed above in the Preliminary Plan review portion of this letter in Comment #1.

#### Pedestrian System Adequacy

1. The Pedestrian System Adequacy Test is required since the daycare facility will generate 50 or more peak hour person trips. This test consists of pedestrian level of comfort, street lighting and ADA compliance. The site is located in the Orange Policy area and will generate between 100 and 200 peak hour person trips. Therefore, pedestrian adequacy was evaluated within a 750-foot walkshed.
2. **Pedestrian Level of Comfort (PLOC):** Sidewalks and pathways were evaluated within a 750-foot walkshed. For a site to achieve adequacy, roads classified as primary residential or higher must score either PLOC-2 (somewhat comfortable) or PLOC-1 (very comfortable). The consultant identified deficient PLOC items. The applicant will be required to remove the existing asphalt path along the Stringtown Road frontage and construct the 10' asphalt, shared use path from the west corner of the Stringtown Road/Frederick Road (MD 355) intersection to the north corner of the Stringtown Road/Observation Drive intersection as required in the 2018 Bicycle Master Plan. The applicant is constructing a 6' concrete sidewalk along the Frederick Road (MD 355) frontage, and there is a Capital Improvement Project (CIP #501744) for an 8' asphalt, shared-use path along the east side of Frederick Road (MD 355).
3. **Streetlight Evaluation:** The consultant evaluated approximately 80 streetlights within the study area, and all lighting were found to be functional with no service calls or outages reported, with the exception of Pole #16030 on Stringtown Road, approximately 180' west of Frederick Road (MD 355). However, a current review of the County's streetlight inventory website

(<https://www2.montgomerycountymd.gov/dot-streetlight/SimpleMap.aspx>) shows that Pole #16030 is now functioning.

4. **ADA Compliance:** The consultant identified non-compliant ramps within the study area, and the results are listed in Table 4-4 of the study. The applicant will be responsible to install a Detectable Warning Surface (DWS) where missing and to improve the handicap ramps at all four corners of the Stringtown Road/Observation Drive intersection.

#### Bicycle System Adequacy

1. A low Level of Stress (LTS-2) is required to achieve bicycle system adequacy. The consultant identified all existing and planned bike facilities in Figure 4-4. The proposed, master-planned sidepath along Stringtown Road and CIP #501744 will provide the LTS-2 condition.

#### Transit System Adequacy

1. Since the project will generate between 100 and 200 peak hour person trips, two bus shelters are required within 1,000 feet of the school. MCDOT has identified the two stops to be upgraded as Stop ID NO. 17627 on southwest bound Stringtown Road and Stop ID NO. 28750 on southeast bound Frederick Road (MD 355). The shelters shall have a 22' x 7' reinforced concrete pad and a 6' bench.

#### Vision Zero Statement

1. The consultant evaluated roadways and crash data within the study area and concluded that none of the road segments are in the High Injury Network (HIN). The consultant identified one crash as having possible serious injury in Table 5-1, however, MCDOT determined that there have been no fatal crashes within the study area in the past five years. The consultant conducted speed studies on Stringtown Road east and west of Frederick Road (MD 355) and on Frederick Road (MD 355) north and south of Stringtown Road. The studies showed that the 85<sup>th</sup> percentile speeds were 10 mph or higher above the posted speed limits in almost all cases. The applicant recommended installing speed cameras. However, MCDOT doesn't control speed cameras.

Mr. Ryan Sigworth  
Preliminary Plan No. 120210180  
June 10, 2022  
Page 7

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,

*William Whelan*

William Whelan  
Development Review Team  
Office of Transportation Policy

[SharePoint/transportation/directors office/development review/WhelanW/120210180 Hammer Hill Daycare - MCDOT review letter 052722.docx](#)

cc: Correspondence folder FY 2022

cc-e:	Dylan Marco	MHG
	Chris Van Alstyne	MNCP&PC
	Sandra Pereira	MNCP&PC
	Mark Terry	MCDOT DTEO
	Wayne Miller	MCDOT DTS
	Sam Farhadi	MCDPS RWPR
	Kwesi Woodroffe	MSHA



---

## Attachment 10

June 24, 2022

Ryan Sigworth  
Planner II  
Montgomery County Planning Department  
2425 Reddie Drive, 13<sup>th</sup> Floor, Wheaton, MD 20902

Dear Mr. Sigworth:

Thank you for the opportunity to review the Preliminary and Site Plans (120210180 & 820210090) for the proposed Hammer Hill Daycare (SHA Tracking no. 21APMO018XX), located at MD 355 Frederick Road (Mile Point: 22.65) in Montgomery County, Maryland. The State Highway Administration (SHA) review is complete, and we are pleased to respond.

Based on the information provided for review, the SHA recommends that the Applicant install a northbound left turn lane at the site access on MD 355. A more comprehensive review will be done once we have received detailed engineering plans and supporting documents for review.

The SHA recommends conditional approval of the Preliminary and Site Plans (120210180 & 820210090), subject to the Applicant formally submitting to SHA, detailed engineering plans and supporting documents for review as part of the Access Permit process.

An access permit will be required for all construction within the SHA right of way. The Applicant will need to submit electronically (via our online system <https://mdotsha.force.com/accesspermit>) the proposed improvement plans (including a set of hydraulic plans and computations) and all supporting documentation to the Access Management Division. Please reference the SHA tracking number on any future submissions.

Please note, if this project has not obtained an SHA access permit and begun construction of the required improvements within five (5) years of this approval, extension of the permit shall be subject to the submission of an updated traffic impact analysis in order for SHA to determine whether the proposed improvements remain valid or if additional improvements will be required of the development.

Mr. Ryan Sigworth  
Hammer Hill Preliminary and Site Plan (120210180 & 820210090)  
Page 2 of 2  
June 24, 2022

If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7347), or via email at [kwoodroffe@mdot.maryland.gov](mailto:kwoodroffe@mdot.maryland.gov) or [shaamdpermits@mdot.maryland.gov](mailto:shaamdpermits@mdot.maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Derek Gunn', with a stylized flourish extending to the right.

for Derek Gunn, P.E.  
Acting District Engineer, District 3, SHA

DG/kw

cc: Ms. Rebecca Torma, Montgomery County Department of Transportation  
Mr. Chris Van Alstyne, Montgomery Planning

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

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



Phone 301.670.0840  
Fax 301.948.0693

May 10, 2022

Maryland National Capital Park & Planning Commission  
2425 Reedie Drive  
Wheaton, MD 20902

Re: Hammer Hill FFCP  
MHG Project No. 13.109.41

To Whom It May Concern:

On behalf of the applicant of the above referenced Forest Conservation Plan, we hereby request a variance from Section 22A-12.b(3)(C) of the Montgomery County Code, Chapter 22A for the removal of ten specimen trees and impact of thirty-three specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. The proposed impacts to thirty-three trees and removal of ten trees satisfies the variance application requirements of section 22A-21(b).

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

The total property area subject to the associated forest conservation plan includes 3.52 acres with no forest. The property is partially within a historic district which means all trees 1" dbh and greater are looked at as part of the tree variance. The property is a panhandle shape with the panhandle in the back of the property and the property abuts two roads. A daycare with playgrounds, parking and stormwater facilities is proposed. The proposed improvements have been located in the back of the property behind the existing building (to remain) and away from Frederick Rd and to minimize the visual impact to the Historic District. There are also more trees in the front of the property making the proposed location of improvements the logical location to minimize impacts to both trees and the Historic District. The limits of disturbance (LOD) has been reduced in areas to minimize tree disturbance. The panhandle at the back of the property is narrow and is being utilized for parking and stormwater. The area in the panhandle does not have trees in the middle of the site but has many along the property or just off-site that are being impacted despite minimizing the LOD. Due to the shape of the lot and required placement of the parking, the stormwater management is needed to be positioned as it is to treat the runoff from the parking lot and driveway. Particularly MB-2 and MB-5 need to be placed in this location to treat the runoff in this area resulting in the removals of trees 984, 985, and 986. Many of the removals (trees 935, 920, 919, 914, 913, 912) are near the existing building and parking area. The areas between the existing improvements and the property line and panhandle shape of the property make it not possible to develop without these impacts. In addition to connecting to the existing driveway and parking area as a cause for tree impacts and removals, stormwater requirements and proposed storm drains are needed in these locations to properly treat the water from the new building and parking areas. These six removals are necessary given the need to set the building back from the road, the shape of the lot and the required placement of the

stormwater facilities and storm drain to properly treat the runoff from the parking. One tree (10" Chinese Elm) that was planted along the right of way as a right of way tree was planted just outside the right of way and in the Historic District making it applicable to the variance law requirements. This tree must be removed as part of the required two foot expansion of the existing shared use path. The path is being required to be expanded by the county and it cannot be expanded without adversely impacting the roots of trees on the side of the pathway.

For all impacted trees, necessary stress reduction measures will be provided by an arborist to promote their survivability. Trees removed will be mitigated with proposed shade trees. For all of the above reasons, not allowing the proposed removals and impacts would be a hardship that is not warranted.

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

The landowner's rights to develop their property as is done by others in similar areas would be deprived by not allowing the removal and impacts to the subject trees. The affected trees and/or their critical root zones are located within the developable area of the property and most appropriate location minimizing tree impacts. The trees to be removed are centrally located on the property near the existing improvements making them unavoidable. As detailed above, both the removals and the root zone impacts are necessary in order to develop the property to meet the needs of the daycare. The inability to remove and impact the subject trees would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

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

A Stormwater Management Concept was submitted for the proposed improvements. Approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

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

Mitigation will be provided for all specimen trees to be removed and stress reduction measures provided for all of the impacted trees. A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

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

Thank you,

*Frank Johnson*

Frank Johnson

VARIANCE TREE IMPACT TABLE					
Tree ID#	DBH	Species	% Impacted	Condition	Mitigation
911	6	Japanese Lilac	11%	Good	stress reduction measures
933	41	Sugar Maple	11%	Poor	stress reduction measures
932	25	Norway Sprunce	10%	Fair	stress reduction measures
931	39	Am. Basswood	6%	Fair	stress reduction measures
989	17	Hickory	28%	Fair	stress reduction measures
983	20	Red Maple	27%	Fair	stress reduction measures
997	22	Am. Elm	17%	Fair	stress reduction measures
998	20	Silver maple	14%	Good	stress reduction measures
980	24	Silver Maple	11%	Fair	stress reduction measures
974	18	White Mulberry	35%	Poor	stress reduction measures
959	19	Black Locust	4%	Poor	stress reduction measures
958	20	Silver Maple	14%	Fair	stress reduction measures
957	15	Ailanthus	7%	Fair	stress reduction measures
955	12	Ailanthus	15%	Fair	stress reduction measures
954	8	Ailanthus	6%	Fair	stress reduction measures
953	8	Ailanthus	6%	Fair	stress reduction measures
952	10	Ailanthus	14%	Fair	stress reduction measures
951	8	Ailanthus	1%	Fair	stress reduction measures
948	10"	Sweet Cherry	17%	Poor	stress reduction measures
947	15	Ailanthus	20%	Poor	stress reduction measures
946	15	White Mulberry	28%	Fair	stress reduction measures
945	12	Ailanthus	22%	Poor	stress reduction measures
968	22	Black Locust	40%	Poor	stress reduction measures
967	14	Ailanthus	19%	Poor	stress reduction measures
962	8-6	Ailanthus	25%	Poor	stress reduction measures
944	12	Black Locust	10%	Poor	stress reduction measures
943	12	Sweet Cherry	10%	Poor	stress reduction measures
942	12	Ailanthus	31%	Fair	stress reduction measures
941	10	Sweet Cherry	24%	Poor	stress reduction measures
940	21	Ailanthus	28%	Fair	stress reduction measures
990	24-20	Norway Maple	0.4%	Fair	stress reduction measures
907	20	Eastern Hemlock	5.5%	Fair	stress reduction measures
908	16	Blue Spruce	12%	Fair	stress reduction measures

VARIANCE TREE REMOVAL TABLE				
Tree ID#	DBH	Species	Condition	Mitigation
984	23	Ailanthus	Fair	23"
985	29	Silver Maple	Poor	29"
986	19	Hickory	Fair	19"
935	39	Walnut	Fair	39"
912	12	White Pine	Good	12"
913	9	Crepe Myrtle	Good	9"
914	12-9	White Mulberry	Fair	12"
919	10	White Mulberry	Poor	10"
920	12	Goldenrain Tree	Good	12"
*NA	10	Chinese Elm	Good	10"
			Total:	175"

175" removed/4 = 43.75" to be met via 15 trees at 3"dbh

\*Note: Chinese Elm was planted along right of way but planted in adjacent property which is part of Historic District therefore the tree is included in variance.



## HISTORIC PRESERVATION COMMISSION

**Marc Elrich**  
*County Executive*

**Robert K. Sutton**  
*Chair*

June 24, 2022

Chairman Casey Anderson, Montgomery County Planning Board  
2425 Reedie Drive, 14th Floor  
Wheaton, Maryland 20902

RE: Hammer Hill, Preliminary Plan No. 120210180 and Site Plan No. 820210090

Dear Chairman Anderson:

I am writing in my capacity as the Chair of the Historic Preservation Commission (HPC) to share our comments and recommendations regarding Preliminary Plan No. 120210180 and Site Plan No. 820210090 for Hammer Hill, a Contributing Resource located at 23310 Frederick Road in the Clarksburg Historic District.

The applicants appeared before the HPC for a conceptual review of siting, design, details, hardscape, and other alterations for a new daycare center at the January 6, 2021 and June 8, 2022 HPC meetings. At the June 8, 2022 meeting, the HPC reviewed the revised application materials as well as the analysis provided by Historic Preservation Staff. The applicants attended the meeting to present their proposal and take questions from the HPC.

The majority of the HPC was fully supportive of the proposal. Several Commissioners recommended minimizing the proposed retaining walls and ramp at the south side of the property, if possible. However, they recognized the site constraints and the need for pedestrian access from Stringtown Road, and they indicated they would support the proposal when the applicants return with a Historic Area Work Permit application.

I can be reached through the Historic Preservation Program Supervisor with the Montgomery County Planning Department, Ms. Rebeccah Ballo, if you or the Planning Board have any questions or concerns for the HPC. She can be reached at [Rebeccah.Ballo@montgomerplanning.org](mailto:Rebeccah.Ballo@montgomerplanning.org) or at 301-563-3404. We appreciate your consideration of this matter.



Sincerely,

A handwritten signature in black ink, appearing to read "Robert K. Sutton", with a stylized flourish at the end.

Robert K. Sutton, Chair  
Historic Preservation Commission

Cc: Members of the Historic Preservation Commission  
Ryan Sigworth, Planner II, Montgomery Planning  
JAISAI Properties  
Ben Dorsey, Architect

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## Attachment 13

July 05, 2022

Mr. Christopher Kabatt, PE  
Wells + Associates, Inc.  
1110 Bonifant Street, Suite 210  
Silver Spring, MD 20910

Dear Mr. Kabatt:

Thank you for the opportunity to review the **Traffic Impact Study (TIS) submittal #2** prepared by **Wells + Associates, Inc.** dated **February 26, 2021** and revised **May 19, 2022** for the proposed **Hammer Hill Daycare** development (MDOT SHA Project No. 21APMO018XX) located at **MD 355 - Frederick Road (Mile Point: 22.65)** in **Montgomery County, Maryland**. The MDOT State Highway Administration (MDOT SHA's) review is complete and we are pleased to respond.

- The proposed land use is a day care facility with a capacity for up to 216 students.
- Proposed site access will be provided along MD 355 via the existing driveway that serves the adjacent medical clinic.
- A potential second access point along Redgrave Place was also evaluated.

Based on the information provided, please address the following comments in a point-by-point response:

**Travel Forecasting and Analysis Division (TFAD) Comments by (Mr. Scott Holcomb):**

1. Tables 3-3 and 3-4 show southbound through/right AM and PM peak hour queues extend past the site entrance, and the report notes that vehicles will be expected to "not block the box" for the entrance to allow turns into and out of the site. We defer to the District Office and Office of Traffic and Safety as to how this would be signed and marked along MD 355 to allow this condition to consistently occur as modeled.
2. Queues in Tables 3-3 and 3-4 do not match the queuing reports in the appendix. A number of the reports are also queuing reports from Synchro and not SimTraffic as is mentioned at the bottom of the tables. Please update these items as needed to match current results and correct reports.

3. It doesn't appear as though Table 3-1 has been updated from the previous submittal as it does not match the Synchro reports in the appendix. It appears as if the results are the same as in the previous version of the report even though updated volumes are used here. Update the table as needed to match current results.
4. TFAD supports the inclusion of the northbound MD 355 left turn lane into the site to assist with maintaining queues within storage in case of southbound blocking of the entrance, and to facilitate traffic flow and safety for northbound MD 355 traffic.

**Traffic Development & Support Division (TDSD) Comments by (Mr. Yeshitla Argaw):**

1. The proposed total volumes warrant installation of left turn bay for northbound MD 355 at the site access. The developer needs to install left turn bay at the location.
2. As per MDOT SHA access manual a partial deceleration lane needs to be provided for Southbound MD 355 for right turning vehicles. MD 355 has a posted speed of 30 MPH at this location. A 150 feet total length including minimum 50 feet approach length and a 100 feet minimum taper length needs to be provided.
3. Total future volume at the proposed site entrance shows 64 AM and 54 PM peak hour right turning volume. A partial acceleration lane needs to be provided for stop controlled site

**Table 4.4.3.B Length Required for Partial Acceleration Lanes**

Posted Speed (mph)	30	40	50	55
Total Length	*	250'	360'	560'
Min. Departure Lane Length	*	100'	180'	380'
Min. Departure Taper Length	*	150'	180'	180'
<p>*NOTE: Full width pavement is required along the total length of the improvement. The taper is to be established via pavement markings.</p> <p>*NOTE: (*) For posted speeds less than 40 mph, a 150' departure taper may be required. This would be in addition to the minimum 10' tangent section of curb and gutter, as discussed elsewhere.</p> <p>*NOTE: Total length is approximately equal to the AASHTO acceleration length for acceleration from an assumed stop condition to a design speed of 10 mph below the posted speed.</p>				

Mr. Christopher Kabatt  
SHA Tracking No.: 21APMO018XX  
Page 3 of 4  
June 5, 2022

entrance into a secondary highway if 30 or more peak hour right turning volume is expected. The developer needs to provide a partial acceleration lane at this location. The table above is the guidance for installing partial acceleration lane.

**District 3 Traffic Comments by (Mr. Feron Joe):**

Page 17

1. At Intersection 1: The Synchro Files in Appendix G do not match the lane use in Figure 2-1 or as mentioned in the as

Page 22

1. Verify the Synchro reports in the appendix are the most recent version. Some delays do not seem to match reflect the tables in the report (ex. Future PM at Stringtown synchro is 65.0, Future AM at Clarksburg is 80.3).

Page 37

1. Consider the inclusion of the northbound left turn lane for its safety and queuing benefits for southbound MD 355.

Please submit electronically (via our online system <https://mdotsha.force.com/accesspermit>) the traffic impact study, all supporting documentation, and a point-by-point response addressing the comments noted above to the Access Management Division. Please reference the SHA tracking number on any future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <https://www.roads.maryland.gov/mdotsha/pages/amd.aspx>.

If you have any questions, or require additional information, please contact Mr. Kwesi Woodroffe at 301-513-7347, by using our toll-free number in Maryland only at 1-800-876-4742 (x7347) or via email at [kwoodroffe@mdot.maryland.gov](mailto:kwoodroffe@mdot.maryland.gov) or [shaamdpermits@mdot.maryland.gov](mailto:shaamdpermits@mdot.maryland.gov).

Sincerely,



for Derek Gunn, P.E.

District Engineer, District 3, MDOT SHA

DG/eui

Mr. Christopher Kabatt  
SHA Tracking No.: 21APMO018XX  
Page 4 of 4  
June 5, 2022

cc: Mr. Yeshitla Argaw, MDOT SHA - TDSD  
Ms. Rola Daher, MDOT SHA – TFAD  
Mr. Scott Holcomb, MDOT SHA – TFAD  
Mr. Feron Joe, MDOT SHA - District 3 Traffic  
Mr. Robert Owolabi, MDOT SHA - District 3 Traffic  
Mr. William Stroud, MDOT SHA – TDSD  
Ms. Rebecca Torma, Montgomery County Department of Transportation  
Mr. Chris Van Alstyne, Montgomery Planning  
Mr. Kwesi Woodroffe, MDOT SHA - District 3 Regional Engineer