

Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date: July 10, 2023

TO: Artie L. Harris, Chair, Montgomery County Planning Board

VIA: Alexandra Duprey, Planner II, Upcounty Planning *AD*
Jonathan Casey, Planner II, Upcounty Planning
Patrick Butler, Chief, Upcounty Planning *PB*

FROM: Tanya Stern, Acting Planning Director *TS*

RE: Corrected Resolutions:
A. MCPB No. 23-043
Sandy Spring Museum, Preliminary Plan No. 11996032B

B. MCPB No. 23-044
Sandy Spring Museum, Site Plan No. 81996010B

Attached, please find the Corrected Resolution for Sandy Spring Museum, Preliminary Plan No. 11996032B, MCPB No. 23-043 and Sandy Spring Museum, Site Plan No. 81996010B, MCPB No. 23-044. The Resolutions were mailed out to all parties of record on June 1, 2023. Minor corrections to the Resolutions have become necessary because the adopted Resolutions included typographical errors for the setbacks provided in Table 1: Project Data Table for the RC Zone – Zoning Ordinance in effect on October 29, 2014. The table should have included that the setback numbers under the Approved column are minimums. Additionally, the side setback under the Permitted/Required column should have been 20 feet minimum and the number under the Approved column should also be 20 feet minimum. Lastly, Commissioner Hedrick's title was inadvertently left off, so the word "Commissioner" has been added on the first page.

These corrections reflect the accurate information and do not alter the intent of the conditions approved by the Planning Board, and the Certified Preliminary Plan and Certified Site Plan will include the attached Corrected Resolutions. Staff is requesting the Planning Board's approval so that the Corrected Resolutions can be issued to all parties of record.

Attachments:

- A. MCPB No. 23-043 (Redline), Sandy Spring Museum, Preliminary Plan No. 11996032B
- B. MCPB No. 23-044 (Redline), Sandy Spring Museum, Site Plan No. 81996010B

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-043

Preliminary Plan Amendment No. 11996032B

Sandy Spring Museum

Date of Hearing: April 27, 2023

CORRECTED RESOLUTION

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

WHEREAS, on April 22, 1996, the Planning Board approved Preliminary Plan No. 119960320, to create one lot on 7.09 acres of land and allow for a maximum of 9,000 square feet of Museum in the RC zone, located at 17901 Bentley Road, Sandy Spring, MD (“Subject Property”), in the Sandy Spring Policy Area and *2015 Sandy Spring Rural Village Plan* (“Master Plan”) area; and

WHEREAS, on March 31, 2006, the Planning Board approved an amendment, Preliminary Plan No. 11996032A, to increase the maximum square footage allowed for the Museum from 9,000 to 12,500 square feet on the Subject Property; and

WHEREAS, on December 20, 2022, the Sandy Spring Museum (“Applicant”) filed an application for approval of an amendment to the previously approved preliminary plan(s) to allow up to 23,200 square feet of museum development on the Subject Property; and


WHEREAS, Applicant’s application to amend the preliminary plan was designated Preliminary Plan Amendment No. 11996032B, Sandy Spring Museum (“Preliminary Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated April 14, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 27, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of **Commissioner** Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0, Chair Zyontz, Vice Chaire Piñero, Commissioners Bartley, Hedrick, and Pedoeem voting in favor.

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Approved as to

Legal Sufficiency: 

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 11996032B to allow up to 23,200 square feet of development for the Sandy Spring Museum. The following supersede all previous conditions:¹

General Approval

1. This Preliminary Plan is limited to one (1) lot for 23,200 square feet of cultural institution use.

Adequate Public Facilities (APF)

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for ten (10) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5), with up to 18,800 square feet of development anticipated in the first five (5) years for Phase I and up to 23,200 square feet of development anticipated in the remaining five (5) years for Phase II.

Outside Agencies

3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 20, 2023 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
4. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter December 13, 2022 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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.
6. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 13, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may

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

amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

7. Before any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, on-site parking, site circulation, sidewalks and sidepaths is determined through site plan review and approval.
8. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

Certified Preliminary Plan

9. The certified Preliminary Plan must contain the following notes:
 - a) Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of 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.
10. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set

BE IT FURTHER RESOLVED that these conditions supersede all previous conditions of approval for this project.

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

Preliminary Plan Amendment No. 11996032B requests to increase the total building square footage to 23,200 square feet in two phases. The proposed Preliminary Plan

Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

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 Subject Property is a platted Parcel B identified on Record Plat No. 23420. The existing parcel is subject to the conditions of Preliminary Plan No. 119960320 and 11996032A, all of which have been satisfied. As part of this Preliminary Plan Amendment, the Applicant is increasing the existing square footage with no change in use. No additional right-of-way dedication is required for Bentley Road or MD 108 because both roads have fully dedicated the master-planned widths.

The lot size, width, shape, orientation, density, and location remain appropriate with the expansion of the museum use, consistent with Master Plan recommendations. The lot continues to comply with the dimensional requirements for the RC Zone as specified in the Zoning Ordinance.

Table 1: Project Data Table for the RC Zone - Zoning Ordinance in effect on October 29, 2014

Development Standards	Permitted/Required	Approved
Building Height (feet)	50 ft. max.	35 ft.
Building Setbacks (feet)		
Front	50 ft. min.	50 ft. min.
Rear	35 ft. min.	35 ft. min.
Side	35 min. 20 ft.min.	50 20 ft. min.

2. *The Preliminary Plan substantially conforms to the master plan.*

Based on the following analysis, the Preliminary Plan substantially conforms to the 2015 *Sandy Spring Village Area Plan* (“Master Plan”). The Master Plan divides the area into three neighborhoods: the Village Core Neighborhood (western portion of the area), the Residential Neighborhood (middle portion of the area), and the Cultural Neighborhood (eastern portion of the area). The 2015 Sandy Spring Rural Village Plan includes planning and land use, buildings, connections, open space, and specific property recommendations for the three neighborhoods. The Master Plan also has specific plan recommendations for each site in a neighborhood. The Sandy Spring Museum is located along the northeastern edge of the Master Plan area in the Cultural Neighborhood. The Master Plan states that “the Cultural Neighborhood is a part of the continuation of the rural edge described in the 1998 *Sandy Spring Plan*. This

neighborhood, which includes the Sandy Spring Museum, Olive Branch Community Church Rectory and Christopher's Hardware Store, has cultural and institutional uses. The museum is fronted by an open space used on occasions for community events."

The pertinent Master Plan recommendations for the museum are as follows:

Planning and Land Use Recommendations Section (page 33 of the Master Plan):

- Encourage tree planting along Bentley Road.
- Encourage the use of the museum's open space along MD 108.
- Provide pedestrian connections to institutions.

The Master Plan recommends the preservation of the rural edge as it is an important aspect of the area's character. With the proposed Preliminary Plan Amendment and accompanying Site Plan Amendment No. 81996010B, additional landscaping will be provided along Bentley Road that preserves the rustic character of the road and helps to mark the entrance to the museum. The open space of the museum will be enhanced with additional programmed gathering areas. New pathways will be installed to provide pedestrian connections from MD 108 to the museum and to new gathering spaces on the museum grounds.

Open Space Recommendations (page 33)

- Support open space activities on the existing green in front of the Sandy Spring Museum in Area 8, which has been the location of regional/ community functions, such as the Strawberry Festival and farmer's market.

The primary open space in the Cultural Neighborhood is the green in front of the Sandy Spring Museum. This green is the site of several cultural activities, including the Strawberry Festival held annually in June. The space will be enhanced with additional gathering spaces such as spaces for Folk Life Events, and events in the Square Plazas and the Amphitheater. The plazas and amphitheater will be connected to one another and to the sidepath on MD 108 through new concrete and crushed granite paths.

Specific Property Recommendations (the Sandy Spring Museum page 35)

- Support the cultural institution and its large, protected forested areas.

The existing brick house on the museum site will be demolished and the land will be incorporated into the front gathering space for the museum. The protected forested areas will be maintained even with the proposed additions. The Subject Property is located on a large corner lot bounded by Olney-Sandy Spring Road to the south and Bentley Road to the west. Per the 2021 *Complete Streets Design Guide* (CSDG), Olney-Sandy Spring Road is designated as a Country Connector with approximately 40-feet of right-of-way dedication (for a

total of 80-feet). Bentley Road is designated as a Rustic Road, with 35-feet of right-of-way dedication (for a total of 70-feet). This plan has been coordinated with the Rustic Roads Advisory Committee and conforms with the Rustic Roads Functional Master Plan. No additional dedications are needed.

Per the 2018 *Bicycle Master Plan*, a sidepath is recommended for Olney-Sandy Spring Road. External pedestrian circulation is achieved via an existing buffered 8-foot sidepath on the Property's frontage along Olney-Sandy Spring Road. The maximum and minimum widths for a sidepath on a Country Connector are 10 feet and 8 feet respectively, as dictated by the CSDG. Street buffer widths are limited to between 10 and 15 feet for this road typology.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. The Property is in the Rural East Policy Area, which is categorized as a Green Policy Area under the 2020 – 2024 *Growth and Infrastructure Policy* ("GIP"). As demonstrated via the Applicant's Traffic Exemption Statement, dated June 20th, 2022, the Application generates fewer than 50 peak-hour person trips and therefore satisfies the Local Area Transportation Review (LATR) under the GIP without further review. Therefore, roads and transportation facilities are adequate to support the Application. Currently, a buffered 8-foot sidepath exists along the frontage of the Subject Property, which is consistent with recommendations outlined in the 2021 *Complete Streets Design Guide*. The Applicant must construct a ten (10) foot wide sidepath along the frontage on Olney-Sandy Spring Road.

Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the proposed use. Public water and sewer service are adequate and currently serve the Property. Other services including electric, and telecommunications are available to the Property. The Application has been reviewed by the MCDPS, Fire Department Access and Water Supply Section, which determined that the Property has adequate access for fire and rescue vehicles, as shown on the approved Fire Department Access Plan dated March 29, 2023.

Table 2: Trip Generation Summary

ITE Trip Generation						
Development	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Existing Museum						
ITE Trips	4	1	5	0	3	3
Auto Driver			5			3
Auto Passenger			1			1
Transit			0			0
Non-Motorized			1			0
Pedestrian (Transit + Non-Motorized)			1			0
Total Person Trips			7			4
Proposed Museum						
ITE Trips	5	1	6	1	3	4
Auto Driver			6			4
Auto Passenger			1			1
Transit			0			0
Non-Motorized			1			0
Pedestrian (Transit + Non-Motorized)			1			0
Total Person Trips			8			5
Net New Trips						
ITE Trips	1	0	1	1	0	1
Auto Driver			1			1
Auto Passenger			0			0
Transit			0			0
Non-Motorized			0			0
Pedestrian			0			0
Total Person Trips			1			1

The other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2020-2024 *Growth and Infrastructure Policy*. The proposed museum does not have a residential use, and therefore does not generate students. Therefore, a school adequacy test is not applicable.

Ten-Year APF Validity Request

The Applicant has requested a ten-year APF Validity Period instead of the standard five-year APF Validity, as specified by the Montgomery County Code Section 50.4.3.J.5. The developer has submitted a phasing plan for completion of the project with up to 18,800 square feet of development anticipated in the first five (5) years for Phase I and up to 23,200 square feet of development anticipated in the remaining five (5) years for Phase II. The complexity of the project, namely the grant and donation funding gradually secured by the museum, warrants the extended validity period and would not be adverse to the public interest. The longer APF is granted as conditioned.

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

a) *Forest Conservation Plan*

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code. There is an approved Final Forest Conservation Plan for the Property which must be amended as part of the accompanying Site Plan Amendment Application.

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

The Application has received an approved Stormwater Management Concept, dated December 13, 2022, and will achieve stormwater management goals on each lot via Environmental Site Design (ESD) practices including two landscape infiltration facilities and three drywells.

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

Not applicable to this Property.

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

No other provisions apply to the Subdivision.

BE IT FURTHER RESOLVED that this Corrected Resolution constitutes the written opinion of the Board in this matter, and the date of this Corrected Resolution remains June 1, 2023 which is the date that the original Resolution was mailed to all parties of record; and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a Corrected Resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with a vote of **XX-XX-XX**; Chair _____, Vice Chair _____, and Commissioners _____, _____, and _____, voting in favor of the motion, [if any abstaining - Commissioner _____ abstaining] at its regular meeting held on Thursday, _____, in Wheaton, Maryland and via video conference.

Artie L. Harris, Chair
Montgomery County Planning Board

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-044

Site Plan No. 81996010B

Sandy Spring Museum

Date of Hearing: April 27, 2023

CORRECTED RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on April 22, 1996, the Planning Board approved Site Plan No. 819960100 to construct an 8,513-square foot Museum on 5.97 acres of RC zoned land, located at 17901 Bentley Road, Sandy Spring, MD (“Subject Property”), in the Sandy Spring Policy Area and *2015 Sandy Spring Rural Village Plan* (“Master Plan”) area; and

WHEREAS, on June 2, 2005, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81996010A, to expand the Museum with a 3,500 square foot addition on the east and north sides of the existing Museum, which increased the maximum square footage allowed from 9,000 to 12,500 square feet on the 7.09 acre (the property was expanded from 5.97 acres to 7.09 acres and replatted as part of a Preliminary Plan Amendment) Subject Property; and

WHEREAS, on December 20, 2023, the Sandy Spring Museum (“Applicant”) filed an application for approval of an amendment to the previously approved site plan to allow up to 18,800 square feet of museum development on the Subject Property; and


WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 81996010B, Sandy Spring Museum (“Site Plan,” “Amendment,” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the

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Approved as to

Legal Sufficiency: 

M-NCPPC Legal Department

Planning Board, dated April 14, 2023, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 27, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0, Chair Zyontz, Vice Chair Piñero, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81996010B to allow up to 18,800 square feet of development for the Sandy Spring Museum by adding the following conditions:¹

General Approval

11. This Site Plan is limited to 6,300 square feet of new improvements to the museum building, for a maximum of up to 18,800 square feet.

12. Height

The development is limited to a maximum height of 35 feet for the tallest building, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Environment

13. Forest Conservation

- a) The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b) The Limits of Disturbance (“LOD”) shown on the Final Forest Conservation Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- c) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan and recommended in the arborist report that is being required by a separate condition of approval for this Application. Tree save measures not specified on the Final Forest

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

- Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d) Before any disturbance to the critical root zone of Trees 6, 12, 14, and 25, the Applicant must provide a report from a certified arborist detailing the tree protection measures recommended to protect and minimize disturbance for each of these trees. The recommendations must be implemented under the direction of a Licensed Tree Expert and the M-NCPPC Forest Conservation Inspection Staff.
 - e) Before the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - i. Install permanent conservation easement signage along the perimeter of the conservation easements as needed and determined under the direction of the M-NCPPC Forest Conservation Inspection Staff.
 - ii. Remove the shed from within the existing conservation easements. The removal of the shed must be done under the direction of the M-NCPPC Forest Conservation Inspection Staff.
 - iii. 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 tree plantings.
 - iv. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance, including invasive species management controls, credited towards the requirements of the FCP.
 - f) 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 on the Subject Property as shown on the approved Final Forest Conservation Plan. The variance mitigation plantings must be a minimum size of 3 caliper inches totaling at least 46 caliper inches, as 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. Trees provided through the

Montgomery County Tree Montgomery Program may not be used to meet the mitigation requirements of the Forest Conservation Plan.

- g) The proposed newly constructed portion of the natural surface trail within the conservation easement must be a dirt trail. The final alignment of the trail must be determined in consultation with the M-NCPPC Forest Conservation Inspection Staff prior to installation of the trail. The natural surface trail must not be within ten (10) feet of the Revocable Utility Easement, identified on Record Plats 23420 and 20194. Any existing, unauthorized trails not shown on the approved Final Forest Conservation Plan or as determined by the M-NCPPC Forest Conservation Inspection Staff, must be removed/restored.

14. Transportation

- a) The Planning Board has reviewed and accepts the recommendations of the MCDPS, Right-of-Way Section (MCDPS-ROW) in its memo dated February 27th, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which MCDPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Before the release of any Building Permit for any building that would result in a cumulative 18,000 square feet of gross floor area or more on the Subject Property, the Applicant must provide a final design for a 10-foot wide sidepath along the frontage of Olney Sandy Spring Rd. Final design of the sidepath must be reviewed by Staff at Montgomery Planning, MCDOT, and SHA.
- c) Before the release of any Use and Occupancy Permit for any building that would result in a cumulative 18,000 square feet of gross floor area or more on the Subject Property, the Applicant must construct a 10-foot wide sidepath along the frontage of Olney Sandy Spring Rd.

15. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated March 13, 2023 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Site Plan

16. Site Design

- a) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A201 of the submitted architectural drawings, as determined by M-NCPPC Staff.

17. Lighting

- a) Before 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.
- d) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- e) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles at the lot line, excluding areas impacted by streetlights within the right-of-way.
- f) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

18. Development Program

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

19. 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, development program, and both Preliminary Plan and Site Plan resolutions on the approval or cover sheet(s).
- b) Add the following notes:
 - i. “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
 - ii. “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.”
 - iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- c) Include Fire and Rescue Access plan in the Certified Site Plan.
- 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.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Waters Village Site Plan Amendment No. 81996010B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

Pursuant to the legacy provisions of Section 59.7.7.1.B.3 of the Zoning Ordinance, this Amendment was reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

- 1. The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.***

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

- 2. The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.***

The museum use is allowed in the RC Zone and the Site Plan fulfills the purposes of the zone by providing low-density development that protects scenic and environmentally sensitive areas.

The Site Plan meets all of the development standards of the zone. With respect to building height, setbacks, and the density of this development, it is under all the maximum standards allowed. With respect to green spaces, the northern 3.5 acres of the Property is in forest conservation easement with walking trails close to the developed area.

Development Standards

The Subject Property is zoned Rural Cluster (RC). The purpose of the RC Zone is to provide designated areas in the county for a compatible mixture of agricultural uses and low-density residential development to promote agriculture, and to protect scenic and environmentally sensitive areas.

The museum use is permitted in the RC Zone. The following data tables indicate the development’s compliance with the Zoning Ordinance:

Table 1: Project Data Table for the RC Zone - Zoning Ordinance in effect on October 29, 2014

Development Standards	Permitted/Required	Approved
Building Height (feet)	50 ft. max.	35 ft.
Building Setbacks (feet)		
Front	50 ft. min.	50 ft. min.
Rear	35 ft. min.	35 ft. min.
Side	35 min. 20 ft. min.	50 20 ft. min.

Table 2: Parking Data Table for RC Zone – Current Chapter 59²

Parking Standards	Permitted/Required	Approved
Parking Spaces	1.25 spaces per 1,000 sf (min. of 29 spaces)	47 spaces
Bicycle Parking		
Spaces	0.50 per 10,000 sf min. (max 10 spaces, min. of 1)	2 spaces
Long-Term Spaces (%)	15%	1 space

² Section 59.7.7.1.B.3.b. allows an applicant to apply to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4 of the current Zoning Ordinance.

3. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

The proposed modifications will enhance the Property and surrounding community. Some of the proposed trellis gateway structures use heavy timber posts. Their designs will vary with each embodying a unique artistic and architectural expression. The plaza is proposed with heavy timber and a brick base to match existing buildings. The proposed buildings use a mix of corten steel, brick, rough sawn timber, rough-hewn timber, board and batten, and cementitious panel sidings. The roofs are proposed with corten steel or asphalt shingles. Some of the proposed buildings include architectural concrete bases.

The existing and proposed buildings and structures of the development are in the southern portion of the Subject Property, within proximity to both Bentley Road and Olney-Sandy Spring Road. This existing location is appropriate for the character envisioned by the Master Plan. This location allows most of the northern half of the Subject Property to be conservation area. The location provides easy access to the parking area along Bentley Road with sidewalks and a system of interconnecting walking paths. Pedestrians walking along Olney-Sandy Spring Road can access the site using the existing multi-use path adjacent to the roadway and the sidewalk and walking path connections to the building. The locations of the buildings and internal circulation systems are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The Subject Property has existing open space in the northern, eastern, and western portions of the site. The northern half of the Property features conservation easements (Categories I and II) as well as a series of natural surface trails to immerse visitors in the natural environment. The eastern side of the Property includes a series of trails, seating areas, and a proposed outdoor amphitheater for educational and cultural programming. The western side also has walking trails, seating areas, and vegetation. There is open space integrated throughout the building area, with a proposed Folk Life Plaza, benches, seating areas, lawns, and pavilion.

Stormwater management facilities are in the eastern side of the Subject Property. Trees and lighting are provided throughout the Property to enhance

the pedestrian environment. Lighting interior to the Property will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. There are proposed benches, picnic tables, and bicycle facilities (both racks and a locker) provided. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The grounds at the front and sides of the museum will be updated to allow for future programmed activities of the outdoor spaces. A semi-circular Folk Life Plaza, circular Event Plaza, and square Plaza will be located along the central and western edges of the Property close to the museum. The three spaces will be linked by concrete walkways. The circular Event Plaza will also serve as a loading drop off point when the grounds of the museum need to be set up for activities and access to the event plaza will be from an asphalt driveway connecting to MD 108. A small amphitheater will be located along the northwestern side of the Property and will be linked to the other gathering spaces on the grounds through a crushed granite path. A serpentine crushed granite path will also be used on the western of the Property adjacent to rustic designated Bentley Road to provide pedestrian access along that portion of the Site.

The proposed additions to the museum will increase the square footage of the building to 18,800 square feet. The additions will be located primarily on the eastern and northern sides of the building with a smaller addition on the west side of the building adjacent to the parking lot off Bentley Road. The additions will have a modern architectural style that contrasts and compliments the existing traditional portions of the building. Specifically, the façade additions will be composed of Corten steel with architectural concrete at the base of the addition facing Bentley Road. The addition on Bentley Road will have a massing similar to existing barn building it will be attached to. The additions on the west side of the museum will have massing that contrasts the existing museum consisting of three curved walls.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

Forest Conservation Law, Chapter 22A

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 an amended Final Forest Conservation Plan. Included with the amended Final Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Amended Site Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below.

Final Forest Conservation Plan

The Application includes an amendment to Final Forest Conservation Plan No.81996010A that was approved on February 7, 2006. All of the forest conservation requirements were satisfied as part of that plan approval, resulting in forest and tree protection within Category I and Category II Conservation Easements. This Application does not propose any changes to the existing Conservation Easements except for the addition of a natural surface trail loop within the easement and the removal of an unauthorized shed from the easement. The Final Forest Conservation Plan is being amended as part of this Application to reflect the proposed limits of disturbance, install a natural surface trail within the conservation easement, and to request a tree variance for the removal and impact to twenty-one (21) subject trees.

Forest Conservation Variance

Section 22A-12(b)(3) of the 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 area designated as Federal and State rare, threatened, or endangered species.

Variance Request – The Applicant submitted a variance request in a letter dated March 14, 2023. For this Application, the variance provision applies to all impacted trees located on the Property that are 30 inches and greater and all impacted trees located on the adjacent historic property to the east that are one inch caliper and greater. The Applicant proposes to remove five (5) and impact but retain sixteen (16) trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law

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 an unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by existing site conditions, including the existing development to remain, existing structure to be removed, the necessary layout of the proposed new development on the Property, and the development standards of the zone.

Trees #114, 118, 119, 122 and 124 are located along the eastern Property line, on the adjacent historic site. These Protected Trees will receive impacts to their critical root zones due to the construction of required stormwater management facilities. Staff worked with the Applicant to minimize these impacts through a redesign of the entrance from Olney-Sandy Spring Road and the proposed event access and plaza, resulting in a revised limits of disturbance located further to the west and away from the historic site and associated trees. These trees will receive tree protection measures and will be retained.

Tree #11 is located on the eastern side of the Property and will also be impacted by the grading and construction of the stormwater management facilities in this area; however, this tree is located entirely within the limits of disturbance and is proposed to be removed.

Trees #12, 13, 14 and 15 are located in the southwest part of the Property and will receive impacts to their critical root zones due to the construction of the entrance driveway from Olney-Sandy Spring Road, the proposed event access and plaza, and the removal of the existing house. This entrance driveway is in approximately the same location as the existing driveway resulting in avoidance and minimization of tree impacts if a different location was chosen. However, the widening of this driveway and the addition of the plaza and removal of the existing house to accommodate the new development resulted in some impacts, to the extent that require the removal of Tree #13. Trees #12, 14 and 15 will receive tree protection measures and will be retained.

Trees #8 and #9 are located in the south-central portion of the Property, adjacent to Olney-Sandy Spring Road. These two trees will receive impacts due to the grading and construction of a sidewalk that provides a connection from the sidewalk along Olney-Sandy Spring Road into the Property. These trees will receive tree protection measures and will be retained.

Trees # 5 and 6 are located in the southwest corner of the Property and will be impacted by the grading and construction of a new path that provides a connection from Olney-Sandy Spring Road into the site and along the western Property line and the adjacent Bentley Road. Tree # 6 will receive tree protection measures and will be retained. Tree #5 will be removed because its current poor condition will not allow it to withstand the proposed disturbance to its critical root zone.

Trees #2 and #24 are located entirely within the limits of disturbance for the construction of proposed paths and the parking lot. These trees are proposed to be removed.

Trees #22, 25, 27 and 32 are located within the existing conservation easements. A portion of their critical root zones located outside of the conservation easements will be impacted by the grading and construction of the parking lot and pathways that will provide safe pedestrian access around the parking lots and to the museum's facilities. These trees will receive tree protection measure and will be retained.

The existing conditions including the existing development to remain and existing structures to be removed, the proximity to an historic site, required stormwater management facilities, and pedestrian sidewalks and paths

necessary to provide safe access to and around the Property, including the parking lots have largely determined the limits of disturbance necessary to implement the Application and implement the goals of the Master Plan and the vision of the Sandy Spring Museum. The inability to remove and impact these trees would prohibit the ability of this site to expand the museum facilities they provide to the community, which is a reasonable and significant use of the Property. Therefore, there is sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to expand and improve their facilities.

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 for granting of the requested variance:

- i. 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 impact and removal of the specified trees is due to the development of the Property, location of the trees and necessary site design requirements. The Protected Trees that will be impacted and removed are located within the developed and developable areas of the site. Granting a variance to allow disturbance within the developable portion of the site is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.
- ii. Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The variance is not based on conditions or circumstances which are the result of actions by the Applicant. The variance is based upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application, including providing safe pedestrian access to the site and movement within the site and parking areas. The Applicant worked with Staff to redesign aspects of the Site to reduce impacts, where possible.

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

The 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.

- iv. 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, wetland or Special Protection Area. 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 Provisions

There are five (5) Protected Trees proposed for removal in this variance and the Applicant is proposing to mitigate for the loss. The Application proposes to remove 182 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 for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 46 inches with the installation of sixteen 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. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement. Mitigation is not recommended for Protected Trees that will be impacted but retained. The root systems of these trees will regenerate, and they will continue to provide the benefits that they do today.

County Arborist's Recommendation

The County Arborist reviewed the Tree Variance since it includes impacts to the critical root zones of trees located on the adjacent historic property. The County Arborist provided a recommendation for approval of the Tree Variance with mitigation, in a letter dated March 21, 2023.

Variance

Variance is approved with mitigation.

Stormwater Management

The Application has received an approved Stormwater Management Concept, dated December 13, 2022, and will achieve stormwater management goals on each lot via Environmental Site Design (ESD) practices including two landscape infiltration facilities and three drywells.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED that this Corrected Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution remains June 1, 2023 which is the date that the original resolution was mailed to all parties of record; and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a Corrected Resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with a vote of **XX-XX-XX**; Chair _____, Vice Chair _____, and Commissioners _____, _____, and _____, voting in favor of the motion, [if any abstaining - Commissioner _____ abstaining] at

its regular meeting held on Thursday, _____, in Wheaton, Maryland and via video conference.

Artie L. Harris, Chair
Montgomery County Planning Board