

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

January 31, 2025

MCPB No. 24- 122  
Administrative Subdivision No. 620230050  
*Gladhill Farm*  
Date of Hearing: December 19, 2024

## RESOLUTION

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

WHEREAS, on June 2, 2023, Dondi Dahlgard (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create three (3) lots on 109.56 acres of land in the AR zone, located at 27100 Clarksburg Road (“Subject Property”), in the Bennett Policy Area and *2006 Damascus Master Plan* (“*Master Plan*”) area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 620230050, Gladhill Farm (“Administrative Subdivision Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20230290; 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 December 6, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 19, 2024, 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 Vice Chair Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor and Commissioner Bartley Abstaining.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 620230050 to create three (3) lots on the Subject Property,

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Approved as to  
Legal Sufficiency:

/s/ Emily Vaias  
M-NCPPC Legal Department

subject to the following conditions:<sup>1</sup>

#### General Approval

1. This Administrative Subdivision Plan is limited to three (3) lots for three (3) dwelling units; each lot must be less than five (5) acres.

#### Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities (“APF”) review for the Administrative Subdivision Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

#### Plan Validity Period

3. The Administrative Subdivision 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 Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

#### Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 18, 2024, and incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. 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 dated April 24, 2024, and incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Well and Septic Section in its letter dated April 2, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Well and Septic

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<sup>1</sup> 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.

Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated March 18, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

#### Other Approvals

9. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan. Except clearing and grading associated with the demolition of building and paving, there shall be no clearing or grading of the site prior to recordation of plat(s).

#### Existing Frontage Improvements

10. 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 forty (40) feet from the existing pavement centerline along the Subject Property frontage for Clarksburg Road.

#### Easements

11. The record plat must show necessary easements.
12. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

#### Notes and Labels

13. Any record plat for the Subject Property must contain the following note:

*Agriculture is the preferred use in the AR Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.*

#### Certified Administrative Subdivision Plan

14. The certified Administrative Subdivision 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 Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

- b. *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 Administrative Subdivision Plan is required to be on-site at all times.*

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:

1. *The Administrative Subdivision Plan meets the requirements of Chapter 50, Section 6.1.B for up to 5 lots for detached houses permitted in the AR zone.*

*A. written approval for a proposed well and septic area is received from the Department of Permitting Services before approval of the plat;*

Approval of the proposed well and septic systems were approved by MCDPS – Well and Septic Section on April 2, 2024, and that approval was part of the Staff Report as Attachment B.

*B. any required road dedications and public utility easements along the frontage of the proposed lots are shown on the record plat, and the applicant provides any required improvements;*

The Property has frontage on one road, Clarksburg Road, which is classified as a Country Connector. The Applicant is dedicating 0.14 acres of land which is sufficient to achieve the ultimate right-of-way width of 80 feet on Clarksburg Road (40 feet from the existing centerline). All necessary dedications and public utility easements will be shown on the record plat.

*C. the requirements for adequate public facilities under Section [4.3.J](#) are satisfied before approval of the plat;*

As discussed in the Findings Section below, all adequate public facilities requirements have been met for this Application.

*D. a covenant is recorded for the unplatted balance of the tract noting that density and development rights have been used for the new lots and noted on the record plat for the lots;*

As conditioned, the Applicant must record a covenant for the unplatted balance (Agricultural Remainder) of the tract noting that density and development rights have been used for the new lots and include a note on the record plat for the lots.

*E. lots created in the AR zone through this procedure are 5 acres or less, unless approved by the Board; and*

The proposed lots are all under the five-acre maximum.

*F. Forest Conservation plan approval and stormwater management and environmental protection requirements, if applicable, are satisfied before approval of the plat.*

The Application was reviewed concurrently with Final Forest Conservation Plan No. F20230290 (FFCP). The Application satisfies all of the 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 as further discussed in the findings for Forest Conservation Plan No. F20230290, which are included in a separately approved resolution and are incorporated herein.

MCDPS, Stormwater Management Section issued a Stormwater Management Concept plan letter dated April 24, 2024, attached to the Staff Report as Attachment B. Accordingly, any stormwater management and environmental requirements will be satisfied before plat approval.

2. *The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.*

*A. 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.*

*a) The block design is appropriate for the development or use contemplated*

The Application will result in three (3) recorded lots, there are no blocks contemplated because it is a rural area and each lot will have direct access to a road and is of appropriate design in the AR zone.

*b) The lot design is appropriate for the location and type of development or use contemplated*

The proposed flag lots are appropriate in the context of the Subject Property considering the existing improvements and agriculture being the primary use of the Subject Property.

#### Creation of Flag Lots

Pursuant to Chapter 50, Section 6.3.B.5.a, the Planning Board must review this Application because the proposed lots are flag lots.

Section 50.4.3.C.1.b. of the Subdivision Regulations states that the Planning Board must not approve flag lots, "except where unusual topography, environmental conditions, or the position of the tract in relation to the surrounding properties and rights-of-way permit no other feasible

way to subdivide and the Board determines that appropriate separation between building envelopes can be achieved.”

In this case, the creation of flag lots (three in total) is acceptable, considering the shape of the Property, the location of the proposed houses, active agricultural fields, approved well and septic locations, and the fact that the Property is zoned AR.

Section 4.2.1.C of the Montgomery County Zoning Ordinance (Ch.59) states that, in the AR zone, “residential uses must be located and arranged to support agriculture as the primary use and to support the rural character of the area”. Creating flag lots (three in total) in the proposed configuration allows the lot to have road frontage, while leaving the agricultural remainder parcel as a contiguous parcel for the continuation of existing agricultural operations. No additional Building Restriction Lines (“BRLs”) are required on the lots because the lots are designed to provide sufficient spacing among the buildings based on zoning setbacks, thus no additional BRLs are needed.

The Lots and Use comply with the basic requirements of Chapter 59.

New residential lots in the AR zone should be the minimum necessary to accommodate the house and an on-site well and septic, to maximize agricultural opportunities elsewhere on farmed properties. As discussed above, the lots are all under 5 acres (4.14, 2.84, and 2.49 acres) and are the minimum land area necessary while providing frontage on Clarksburg Road.

The lots were reviewed for compliance with the dimensional requirements for the AR zone as specified in the Zoning Ordinance, Section 59-4.2.1 for standard method development.

The Applicant has provided documentation to verify that an adequate number of Transferable Development Rights (TDRs) remain on the Property to record the proposed subdivision. In 1980, the Property was approximately 123.95 acres when it was rezoned RDT (now AR). The Property was granted 24 TDRs (1 TDR per 5 acres). Four (4) of the 24 TDRs are “buildable TDRs”. To date 18 TDRs have been recorded, leaving six (6) available TDRs, three (3) buildable. One of the four TDRs was already retained in 2017 when Lots 1 and 2 were platted. Lot 2 was considered a Child lot.

This Application requires three (3) TDRs, which will be recorded during the platting process. The three lots will meet all dimensional requirements for area, frontage, width, and setbacks in the AR zone.

- c) *The Administrative Subdivision Plan provides for required public sites and adequate open areas*

There are no public site recommendations for the Subject Property. As discussed below, dedication is being provided for Clarksburg Road.

*B. The Administrative Subdivision Plan substantially conforms to the Master Plan.*

The Subject Property is located within Planning Area (P.A.) 10, the Bennett and Little Bennett Watershed Area of the 1980 *Preservation of Agriculture & Rural Open Space Functional Master Plan* (the “Master Plan”). The Master Plan recommended rezoning the area from the Rural zone to the RDT zone (now the AR zone pursuant to the 2014 Zoning Rewrite). The Master Plan does not make any site-specific recommendations for the Subject Property but does discuss preservation of agriculture and agricultural lands. This Application does not adversely affect the agricultural character of the area and creates an agricultural remainder on 99.95 acres or approximately 90% of the subject Property. Therefore, the Application substantially conforms with the Master Plan.

*C. 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 served by public water and sewer and is classified in the W-6 and S-6 categories. Private well and septic serve the Property, which will be adequate to serve the proposed subdivision. 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 2020 – 2024 *Growth and Infrastructure Policy* (the “GIP”).

*D. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Application satisfies all of the 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 as further discussed in the findings for Forest Conservation Plan No. F20230290, which are included in a separately approved resolution which findings are incorporated herein.

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

The Administrative Subdivision application received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on April 24, 2024. The Board finds that the requirements of Chapter 19 are satisfied by the approved stormwater concept plan.

*F. 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 4.3.M*

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

*G. Any other applicable provision specific to the property and necessary for approval of the Administrative Subdivision is satisfied.*

There are no other applicable provisions specific to the Property that are necessary for approval of this Application.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

January 31, 2025


(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 3-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioner Hedrick voting in favor of the motion, with Commissioner Bartley abstaining and Commissioner Linden necessarily absent at its regular meeting held on Thursday, January 23, 2025, in Wheaton, Maryland and via video conference.



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Artie L. Harris, Chair  
Montgomery County Planning Board