

DARNESTOWN MEADOWS
ADMINISTRATIVE SUBDIVISION PLAN NO. 620240110
WITH A SUBDIVISION WAIVER &
FOREST CONSERVATION PLAN NO. F20240520

Application to create two (2) lots for one (1) new single-family detached dwelling unit and one (1) existing religious assembly, including a Subdivision Waiver of the unplatted parcel requirement in Section 50.6.1.A.

COMPLETED: 3/7/2025

PLANNING BOARD HEARING DATE: 3/20/2025

MCPB ITEM NO. 8

Planning Staff

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LOCATION/ADDRESS

630 ft southeast of the intersection of MD 118 & MD 28

MASTER PLAN

2002 Potomac Subregion Master Plan

ZONE

RC (Rural Cluster)

PROPERTY SIZE

12.93 Acres

APPLICANT

Bob McCartin

ACCEPTANCE DATE

April 17, 2024

REVIEW BASIS

Chapters 22A, 50, and 59

Summary:

- Staff recommends **approval** with conditions of the Administrative Subdivision Plan, which includes a Subdivision Waiver of Section 50.6.1.A., and Final Forest Conservation Plan with conditions.
- The Application meets the applicability requirements for an Administrative Subdivision Plan with a Subdivision Waiver of the unplatted parcel requirement in Section 50.6.1.A to create two (2) lots for one (1) new single-family detached dwelling unit and one (1) existing place of worship.
- Although this Application is an Administrative Subdivision Plan, typically acted on by the Planning Director, the Subdivision Waiver requires Planning Board action.
- The Applicant will make a payment to the MCDOT Sidewalk Capital Improvement Program in lieu of constructing frontage improvements along Darnestown Road.
- Staff has received correspondence about this Application which is addressed in this Report.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN NO. 620240110

Staff recommends approval with conditions of the Administrative Subdivision Plan No. 620240110, including a Subdivision Waiver of Section 50.6.1.A, to create two (2) lots for one (1) new single-family detached dwelling unit and one (1) existing place of worship. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620240110 as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to two (2) lots for one (1) single-family detached dwelling unit and one (1) existing place of worship.

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 November 8, 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. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated November 21, 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 MDOT SHA if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

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 March 28, 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 MCDPS, Well and Septic Section in its letter dated December 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 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 MCDPS, Fire Department Access and Water Supply Section in its letter dated October 4, 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.

TRANSPORTATION

9. Before issuance of any building permit or sediment control permit, the Applicant will make a financial contribution to the Montgomery County Department of Transportation in the amount of \$41,373 towards the Capital Improvements Project (CIP) Sidewalk Program Minor Projects P506747.
10. Before release of the final use and occupancy permit, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan.

RECORD PLATS

11. There shall be no clearing, or grading of the site prior to recordation of plat(s).
12. Before issuance of any building permit or sediment control permit, the Applicant must submit a landscaping and lighting plan for Staff review and approval.

EASEMENTS

13. The record plat must show necessary easements.

NOTES AND LABELS

14. The record plat must reflect all areas under common ownership.
15. The record plat must show the well sites and the septic reserve areas as approved by MCDPS, Well and Septic Section.
16. The proposed well easement must be recorded prior to record plat approval.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

17. 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.*
18. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
 - b) Include the approved Fire and Rescue Access plan in the certified set.

FOREST CONSERVATION PLAN NO. F20240520

1. 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.
2. 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.
3. 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.

4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for accompanying Administrative Subdivision Plan the Applicant must:
 - a) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - b) 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 forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
 - d) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 0.02 acres of new forest planting and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
5. 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 afforestation/reforestation plantings as shown on the approved FCP.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property (“Subject Property” or “Property”) is located 630 feet southeast of the intersection of Germantown Road (MD 118) and Darnestown Road (MD 28), in the 2002 *Potomac Master Plan* area. The Property is zoned Rural Cluster (RC). Southeast of the Subject Property following Darnestown Road is the Darnestown Local Park and the Darnestown Rural Village Center including a Harris Teeter grocery store and the Darnestown Center shopping center zoned CRN and Rural Village Center Overlay Zone. Seneca Academy neighbors the Subject Property on its northern border. Across MD 28 to the south is the Our Lady of the Visitation Church.

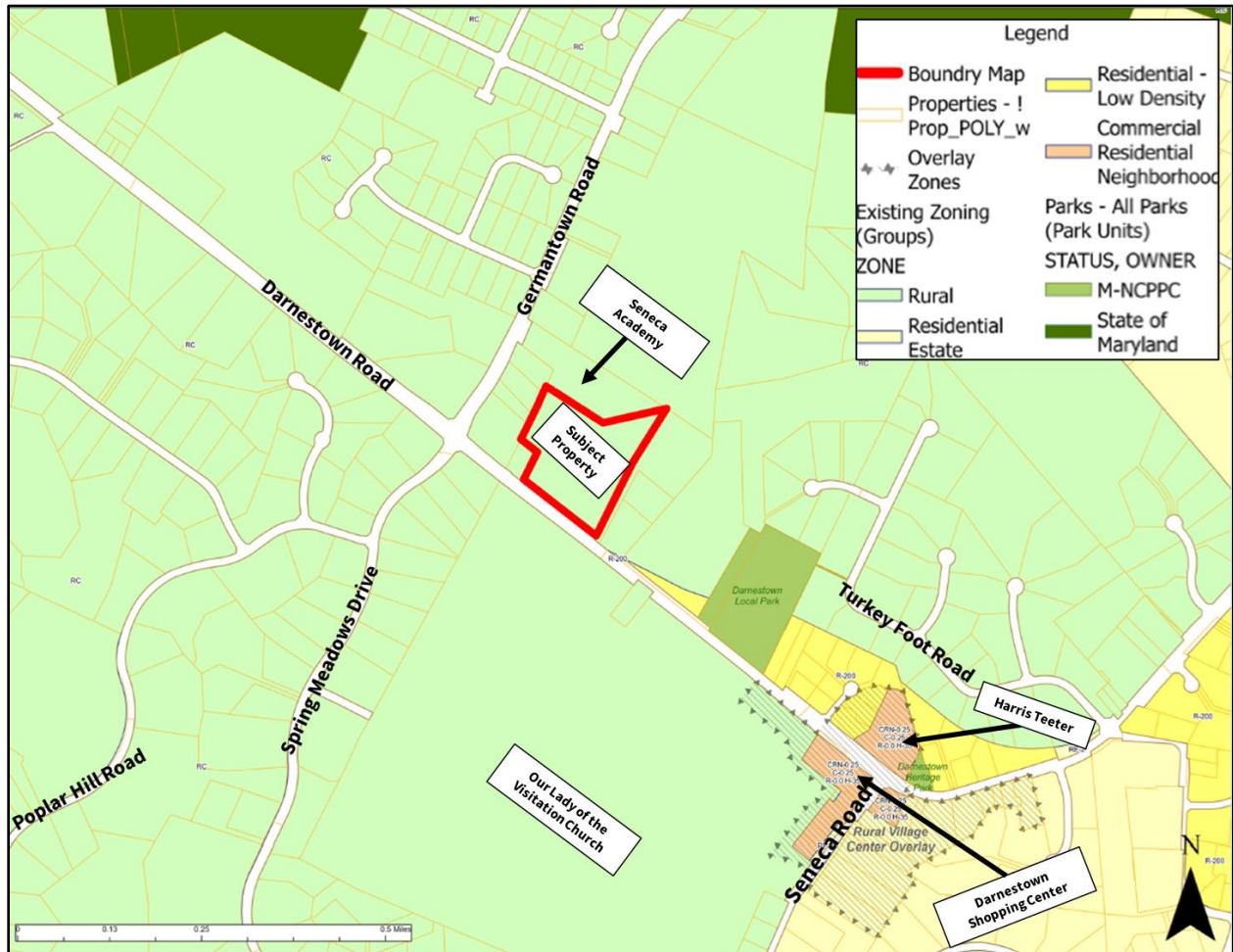


Figure 1 - Vicinity Map

PROPERTY DESCRIPTION

The Subject Property is a recorded lot, Lot No. 7, totaling 13 acres originally created by Preliminary Plan 119910100 and recorded at Plat No. 20256, with frontage on Darnestown Road. The Property is improved with an existing place of worship, St. Nicholas Episcopal Church, located on the northwest corner of the Property. The church is accessed by a gravel driveway leading to a circular gravel parking area that also connects to the Seneca Academy, located immediately to the north (Figure 2). Crops are grown on a significant portion of the Property.

The Subject Property is within the Lower Great Seneca Creek watershed. The Property does not contain environmentally sensitive features other than forest along the western Property boundary and northeast quadrant of the Property which are protected with existing Category I easements. No historic resources or cemeteries are known to exist on the Property.



Figure 2 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

Preliminary Plan 119910100

Preliminary Plan No. 119910100 “Ward Property” was approved by the Planning Board, by Opinion dated June 20, 1996, to create three (3) lots on 25.35 acres of land.

Final Forest Conservation Plan 119910100

Final Forest Conservation Plan 119910100 was approved administratively on December 18, 2001. Record Plat No. 22190 “Darnestown Meadows, Block A, Lots 4-6” was approved on April 4, 2002, to revise the Conservation Easements from the original Record Plat No. 20256.

Final Forest Conservation Plan 119910100 Amended

Final Forest Conservation Plan 119910100 was amended administratively on August 31, 2007, to abandon the forest conservation easements and replace them with new ones. As a condition, Record Plat No. 23819 “Darnestown Meadows, Block A, Lots 7” was approved on April 10, 2008, to combine Lot 4 and Lot 5 to create Lot 7 (the Subject Property) and revise the forest conservation easements shown on Record Plats No. 20256 and 22190.

PROPOSAL

Mr. Bob McCartin, the Applicant (“Applicant”), proposes to subdivide the Subject Property into two (2) lots, Lot 9 and Lot 10. Lot 9 is proposed for a single-family dwelling unit and Lot 10 will be for the existing St. Nicholas Episcopal Church that seats approximately 60 people. Both lots will be serviced by well and septic.

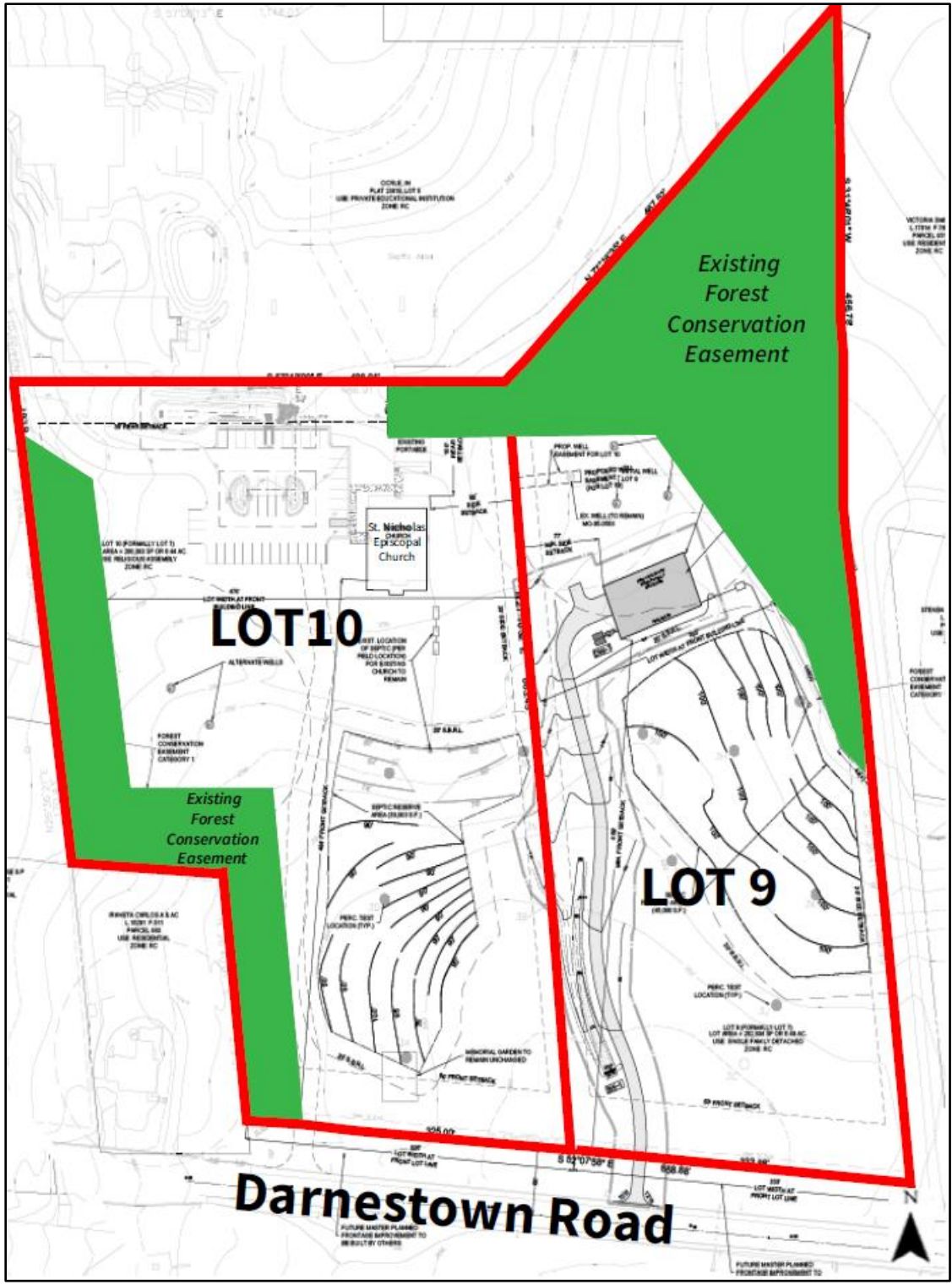


Figure 3 – Proposal

TRANSPORTATION

The proposed single-family detached dwelling unit will have access to Darnestown Road through a new, private driveway. The church will retain access from Darnestown Road to the existing parking lot with no changes to the existing 42 parking spaces. In lieu of constructing frontage improvements on Darnestown Road, the Applicant will pay a fee to the Montgomery County Department of Transportation (MCDOT) into the Capital Improvement Program (CIP) project Sidewalk Program Minor Projects P506747 fund.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all application submittal, noticing, and sign posting requirements under COMCOR 50.10.01.04 of the Subdivision Regulations. A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on April 24, 2024. The notice gave the interested parties 30 days to review and comment on the contents of the Application.

Staff spoke to a neighbor living east of the Subject Property via a phone call. The neighbor inquired about the potential for screening along the eastern boundary line of the Subject Property south of the forest conservation easement. The neighbor also questioned the existing church's continued use of Darnestown Road for access rather than Germantown Road. Staff informed the resident that there is a forest conservation easement on the northeastern boundary of the second lot, which will maintain existing forest on the eastern border of the property and provide screening. Screening is not required for single-family detached homes in rural residential zones. Also, Staff explained that MDOT SHA granted approval of the existing access as part of the original preliminary plan number 119910100 in 1996. This application maintains the existing access for the church. The neighbor has no further concerns with this application.

Staff received a letter dated March 6, 2025, from the neighbor at 11411 Darnestown Road requesting a Planning Board hearing on this application (Attachment G). Staff confirmed that the application was scheduled already for a Planning Board hearing on March 20, 2025.

SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN 620240110 FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 AND WAIVER SECTION 50.9 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Sections 50.6.1.A for the creation of a lot for an existing place of worship with a waiver of the unplatted parcel requirement pursuant to Section 50.9, and Section 50.6.1.C for the creation of a lot for a new single-family detached unit, as demonstrated below.

Section 50.6.1.A provides: *Existing places of worship and institutional uses.* A lot may be created for existing facilities such as places of worship, private schools, country clubs, private institutions, and similar uses located on unplatted parcels if [six conditions are met, which will be discussed further below]:

Section 50.6.1.A allows for use of the Administrative Subdivision process to create a lot for, “existing facilities such as places of worship, private schools, country clubs, private institutions, and similar uses located on unplatted parcels”. In this instance, the existing place of worship is located on a platted or recorded lot, (Lot 10), which is proposed for subdivision to create two lots. Because the place of worship is already on a platted lot, the Applicant requests a waiver of the “unplatted parcel” requirement in Section 50.6.1.A (Attachment E) in order to proceed with the Administrative Subdivision.

In accordance with Section 50.9, the Planning Board may grant a waiver from requirements of the Subdivision Ordinance subject to the following findings:

A. To grant a waiver, the Board must find that:

1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;

2. the intent of the requirement is still met; and

3. the waiver is:

a. the minimum necessary to provide relief from the requirements; and

b. consistent with the purposes and objectives of the General Plan.

As explained in the Applicant’s Statement of Justification (Attachment A), the Applicant requests that the Board waive the requirement that the church be on an “unplatted parcel” in order to apply the Administrative Subdivision process. There is an unusual circumstance on

this Application because the existing place of worship is on a platted lot, which is now seeking subdivision. Typically, a subdivision of land is to create a platted lot, but in this case, the Property has been platted already. The full application of 50.6.1.A is not needed to ensure public health, safety, and general welfare. Residents are not physically impacted by the current designation of the Subject Property as a platted lot. There are no significant changes proposed as part of this application to the existing place of worship or assembly hall. It will be an unnecessary burden on the Applicant to render the Subject Property a parcel to subdivide the Site.



Figure 4 – Existing Church Building

The intent of 50.6.1.A is satisfied with this Application by allowing the Applicant to subdivide the existing lot into two (2) new lots, one (1) of which will continue to serve the existing place of worship. The requested waiver is the minimum necessary action to provide relief from the requirement because the Application meets all of the other necessary findings. The waiver is consistent with the *Thrive Montgomery 2050* recommendation to “expand opportunities to increase residential density” on page 132 since this application adds permitted housing to the County.

With the approval of the requested waiver, the remaining requirements of Section 50.6.1.A can be met as discussed below.

A. Existing places of worship and institutional uses. A lot may be created for existing facilities such as places of worship, private schools, country clubs, private institutions, and similar uses located on unplatted parcels if:

- 1. the applicable requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat;***

As conditioned and discussed below in Technical Review Finding number “3”, the requirement for adequate public facilities have been met.

2. *any required road dedications, or covenants for future dedications, are shown on the record plat;*

No additional right-of-way is necessary as 60 feet between the Property line and centerline of Darnestown Road has been dedicated, per Plat 20256. The Applicant will coordinate with County agencies to ensure that all prior dedications are shown on the plat.

3. *forest conservation plan approval and stormwater management and environmental protection requirements, if applicable, are satisfied before approval of the plat;*

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law with Final Forest Conservation Plan (FFCP) Amendment No. F20240520 being reviewed in tandem with this Application. The Applicant submitted a stormwater concept plan to the Montgomery County Department of Permitting Services, Water Resources Section which issued an approval letter on March 28, 2024 (Attachment C).

4. *it is located in a special protection area and all applicable special protection area requirements and guidelines are satisfied before approval of the plat;*

The Subject Property is not located within a special protection area.

5. *a landscaping and lighting plan including the parking lot layout is submitted for Planning Department Staff approval before approval of the plat; and*

As conditioned, the Applicant will coordinate with planning staff to submit a landscaping and lighting plan before issuance of any building permit or sediment control permit.

6. *all conditions of any conditional use approval, to which the property may be subject, remain in full force.*

The property is not subject to any conditional use approval.

The creation of a lot for one new single-family detached unit is subject to Section 50.60.1.C of the Subdivision Regulations.

C) Subdivision for creation of certain residential lots. Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:

1. The lots are approved for the standard method of development;

The lot is submitted for standard method development in the Rural Cluster zone.

2. Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat;

The lot will be served by well and septic. The Department of Permitting Services Well and Septic have issued an approval letter dated December 2, 2024 (Attachment C).

Any required road dedications and associated public utility easements are shown on the plat and the Applicant provides any required improvements;

No additional right-of-way is necessary as 60 feet between the Property line and centerline of Darnestown Road has been dedicated, per Plat 20256. The Applicant will coordinate with County agencies to ensure that all prior dedications are shown on the plat.

The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and

As conditioned and discussed below in Technical Review Finding number “3”, the requirement for adequate public facilities have been met.

3. Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.

The Property is subject to Chapter 22A of the County Code. As conditioned, the Final Forest Conservation Plan complies with the requirements of the Forest Conservation Law. The Property’s current Forest Conservation plan is being amended.

The Application received approval of a Stormwater Management (SWM) Concept Plan from the MCDPS, dated March 28, 2024, per Chapter 19 of the County Code. The SWM Concept Plan demonstrates that stormwater will be managed through Environmentally Sensitive Design (ESD) to the Maximum Extent Possible (MEP) using

one Drywell and one Bioswale. There are no additional environmental protection requirements.

FINDINGS REQUIRED BY SECTION 50.6.3.C, INCLUDING TECHNICAL REVIEW CRITERIA OF SECTION 50.4.3 OF THE SUBDIVISION ORDINANCE

- 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 size, shape, width, and orientation of the lots are appropriate considering the recommendations of the 2002 *Potomac Subregion Master Plan*, the existing lot pattern of surrounding properties, and both the residential use contemplated and the existing religious assembly use permitted on the Property.

- a) *The block design is appropriate for the development or use contemplated (50.4.3.B)***

The block design is appropriate for development as it is a reconfiguration of previously approved lots within a subdivision, and there is no meaningful change to the block design.

- b) *The lot design is appropriate for the development or use contemplated (50.4.3.C)***

The proposed design of the lots are appropriate for the existing place of worship and the proposed single-family detached dwelling unit. The lot design accounts for enough space for the proposed dwelling unit's septic field without disturbing the church's existing infrastructure. The size also helps to maintain the rural character of the area.

- c) *The Administrative Subdivision Plan provides for required public sites and adequate open areas (50.4.3.D)***

- i. Master Planned Sites***

The 2002 *Potomac Subregion Master Plan* does not include any master planned sites on the Subject Property.

- ii. Local Recreation***

No recreation is required of this Application.

- iii. Transportation and Utilities***

The Application will not impact existing utilities or transportation infrastructure. The Applicant will be paying a fee in lieu of constructing frontage improvements.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59

The lots and uses both comply with the basic requirements of Chapter 59. The proposed single-family residential and existing religious assembly uses meet all the standard method development requirements for the RC Zone. The residential and religious assembly uses are permitted in the RC Zone. A summary of this review is included in Table 1. The Application is proposed under the standard method in accordance with Section 59.4.3.4 of the Zoning Ordinance. The Administrative Subdivision Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1 – Standard Method Development Standards for the RC Zone

Development Standard	Required/Permitted	Proposed Lot 9 Single-Family Detached Dwelling Unit	Proposed Lot 10 Existing Religious Assembly
Lot size, min.	5 Acres	6.49 Acres	6.44 Acres
Lot width at front building restriction line, min.	300 feet	333 feet	476 feet
Lot width at front lot line, min.	300 feet	333 feet	325 feet
Lot coverage, maximum	10%	10%	10%
Front setback, min.	50 ft.	50 feet	50 feet
Side setback, min	20 feet	77 feet	85 feet
Rear setback, min.	35 feet	494 feet	100 feet
Building height, max.	50 feet	50 feet	24.6 ft
Minimum Parking	<u>Single Unit Living:</u> 2 Spaces <u>Religious Assembly:</u> 1 Space/ 4 Persons	2 Spaces	42 Spaces (60 Seats)

	Seated in Main Auditorium ¹		
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¹The Applicant is applying the *2004 Zoning Code’s development standards for the existing church via Section 7.7.1.B.2 (Exemptions)*. The existing church was built prior to the 2014 Zoning Code enactment and meets the *2004 Zoning Code*. Minimum parking is calculated using main auditorium seating under Chapter 59 Section 59-E-3.7 which calculates the number of parking spaces based on the number of seated persons in an auditorium. All other standards for the religious assembly are reviewed under the current zoning code.

The existing religious assembly was developed under the 2004 Zoning Code’s Chapter 59 Section 59-E-3.7 that reads:

“Church, synagogue or other place of worship. One parking space for each 4 persons for whom seating is provided in the main auditorium; provided, that the number of spaces thus required may be reduced by not more than 30 percent if the church, synagogue or other place of worship is located within 500 feet of any public parking lot or any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.”

2. The Administrative Subdivision Plan substantially conforms to the Master Plan.

a) Land Use

The Administrative Subdivision Plan substantially conforms to the 2002 *Potomac Subregion Master Plan*. The Subject Property is in the Darnestown Planning Area, which is the westernmost area in the Potomac Subregion. Darnestown is described as having rural character and a very strong sense of community. The plan recommendations are designed to preserve, protect, and enhance Darnestown's unique residential and community character. While the Master Plan does not specifically identify the Subject Property, the Application proposes the creation of two record lots from a total area of 12.93 acres thus maintaining the lower-density rural setting as desired by the Master Plan.

b) Environment

The 2002 *Potomac Subregion Master Plan* environmental recommendation is to “maintain and reaffirm a low-density residential “green wedge” for most of the Subregion”. With this consideration, the proposal for one additional residential unit is in substantial conformance with the Master Plan.

c) Transportation

The 2002 *Potomac Subregion Master Plan* recommends the preservation of the Subregion’s existing rural character by establishing a two-lane road policy and a rustic road program, while calling for efforts to create a comprehensive transportation

system that can serve residential centers and preserve the Subregion’s physical character. The superseding 2018 *Bicycle Master Plan* recommends bikeable shoulders, but the Subject Property qualifies for a fee in lieu of constructing the recommended improvements per policy no. M-NCPPC 2022-01A as described in the following section.

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 located in the Rural West Policy Area, which is categorized as a Green Policy Area under the 2020 – 2024 Growth and Infrastructure Policy (the “GIP”). As demonstrated in the Applicant’s transportation exemption statement, dated December 14, 2023, the proposed Administrative Subdivision generates fewer than 50 net new peak-hour person trips and is therefore exempt from Local Area Transportation Review under the GIP. Therefore, roads and transportation facilities are adequate to support the Application.

a) Roads and other Transportation Facilities

i. Existing Facilities

Per the 2018 *Highways and Transitways Master Plan*, Darnestown Road is classified as a Country Connector with 120 feet of right-of-way. The Application currently shows 60 ft of right-of-way from the roadway centerline to the property line, so no additional right-of-way is needed. Furthermore, this dedication is confirmed on Plat 23819. Darnestown Road currently has bikeable shoulders, but no existing pedestrian facilities. There are no bus stops along the site frontage, but the RideOn Route 76 has a stop nearby, approximately 300 feet from the Property on Darnestown Road.

ii. Proposed public transportation infrastructure

The 2018 *Bicycle Master Plan* recommends a sidepath in addition to the existing bikeable shoulders for Darnestown Road. Instead of constructing this facility, the Applicant will contribute \$41,373 to the Montgomery County Department of Transportation (for the Capital Improvements Project (CIP) Sidewalk Program Minor Projects P506747) towards a Sidewalk Capital Improvement project. Per policy no. M-NCPPC 2022-01A, this project qualifies for the fee in-lieu of constructing frontage improvements because it is a project with less than three residential units and the frontage qualifies as an “excessive length” under the policy definition. This fee in-lieu contribution was also reviewed and agreed to by MDOT.

b) Local Area Transportation Review (LATR)

The one new single-family dwelling unit will generate fewer than 50 new person trips in the morning and evening peak hours. As a result, the Application is not subject to further Local Area Transportation Review (LATR) analysis.

c) Schools

The proposed Administrative Subdivision Plan is subject to the Updated FY25 Annual School Test, approved by the Planning Board on December 19, 2024, and effective January 1, 2025.

School Adequacy Test

The Property is served by Darnestown Elementary School (ES), Lakelands Park Middle School (MS) and Northwest High School (HS). Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2. FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Darnestown ES	413	429	103.9%	-16
Lakelands Park MS	1,154	1,068	92.5%	+86
Northwest HS ¹	2,268	2,171	95.7%	+97

Table 3. FY2025 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Darnestown ES	No UPP	58	76	129

¹ Projected enrollment is modified to estimate the impact of Crown HS (CIP P651909), reflecting the scope of the boundary study approved by the Board of Education on March 19, 2024. Due to the delay of the Damascus HS Major Capital Project (CIP P652102), some of the boundary changes can be implemented in phases.

Lakelands Park MS	No UPP	206	317	490
Northwest HS	No UPP	257	551	891

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY25 Annual School Test, Darnestown ES, Lakelands Park MS and Northwest HS do not require any UPP as identified in Table 3.

Analysis Conclusion and Condition of Approval

Based on the school capacity analysis performed, using the FY2025 Annual School Test, this application does not require a Utilization Premium Payment.

d) Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The Property is not served by public water and sewer and is classified in the W-6 and S-6 categories. The Property will be served by a private well and septic system, which will be adequate to serve the proposed subdivision. Dry utilities including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

The Final Forest Conservation Plan satisfies 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. Please refer to Section 6 below for the analysis and findings for the Final Forest Conservation Plan.

5. 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 March 28, 2024 (Attachment C).

- 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.**

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.

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

In the evaluation, a subdivision waiver is needed to waive language from Section 50.6.1.A, which is included above. There are no other applicable provisions specific to the Administrative Subdivision Plan that are necessary for approval of this Application.

SECTION 6: FINAL FOREST CONSERVATION PLAN F20240520 FINDINGS AND ANALYSIS

FOREST CONSERVATION

Natural Resource Inventory/Forest Stand Delineation Plan

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) #42007018 for this Property was approved on October 1, 2006. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. No existing forest or environmental features were found.

Forest Conservation Plan

The Planning Board approved Forest Conservation Plan No.119910100 as part of Preliminary Plan No. 119910100 with the Planning Board Opinion mailing date of June 20, 1996. At the time of the original approval no forest or other environmentally sensitive features (i.e., streams, stream buffers, steep slopes, etc.) existed on the Property. The original Forest Conservation Plan resulted in an afforestation requirement of 4.0 acres to be planted on-site across the two lots and protected in a Category I Conservation Easement (Attachment D).

The Final Forest Conservation Plan (FFCP) Amendment No. F20240520, requests to amend the Final Forest Conservation Plan to subdivide previous Lot #7 into two lots and update the FFCP with the final grading and building footprints as required in section 22A.00.01.09 of the Forest Conservation Regulations. The easements are not being amended as part of this Application and will be brought up

to current standards with 0.02 acres of supplemental plantings onsite within the existing Category I Conservation Easement.

SECTION 7: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.A., with the requested waiver. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 2002 *Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

ATTACHMENTS

Attachment A: Statement of Justification

Attachment B: Administrative Subdivision Plan

Attachment C: Agency Letters

Attachment D: Forest Conservation Plan

Attachment E: Waiver Letter

Attachment F: Applicant Letters

Attachment G: Community Correspondence



Civil Engineers
Land Planners
Land Surveyors
Landscape Architects

Attachment A

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
(301) 670-0840
www.mhgpa.com

Darnestown Meadows
15575 Germantown Road, Germantown, Maryland 20874
Administrative Subdivision Application - 620240110
Statement of Justification

The applicant is submitting an Administrative Subdivision plan application for the property located at 15575 Germantown Road in Germantown Maryland. The subject property consists of approximately 12.93 acres and is currently zoned Rural Cluster.

The applicant is proposing to subdivide the subject property into two (2) record lots. The lot configurations and development for the subject property was previously approved under Plan No. 119910100. The applicant is proposing to reconstitute the previous approval, which includes the two (2) new record lots and a new single family detached dwelling unit. The existing church will remain. The subject application complies with Chapter 50.6.3.C of the Subdivision Regulations, including:

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](#);

- Section 4.3.4 of the Zoning Ordinance states that the RC zone provides a compatible mixture of agricultural uses and very low-density residential development, to promote agriculture and to protect scenic and environmentally sensitive areas. The Project meets the specific objectives by providing low density residential development and maintaining the existing Forest Conservation Easements on the subject property. Additionally, the new development will be providing new stormwater management bio-swale to manage and treat new vehicular impervious surfaces. The project also meets specific development standards of the RC zone, including:
 - i. Minimum Lot Area – 59-4.3.4.B.1
 - ii. Minimum Lot Width at the Front Building Line – 59-4.3.4.B.1
 - iii. Minimum Lot Width at the Front Lot – 59-4.3.4.B.1
 - iv. Maximum Density – 59-4.3.4.B.1
 - v. Maximum Lot Coverage – 59-4.3.4.B.1
 - vi. Minimum Principal Building Setbacks – 59-4.3.4.B.2
 - vii. Maximum Principal Building Height - 59-4.3.4.B.3

2. The administrative subdivision plan substantially conforms to the master plan.

- The project furthers the principles of the Potomac Subregion Mater plan including:
 - i. Protecting the Subregions rich natural environment and unique ecosystems by maintaining low density development and existing Forest Conservation Easement as well as providing new stormwater management to collect and treat impervious areas.



Civil Engineers
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Landscape Architects

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Montgomery Village, MD 20886
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- ii. Relying on the land use framework established by earlier plans to strengthen and support the Subregions residential communities by not rezoning the property and maintain low-density residential development.
- The remaining principles of the Potomac Subregion Master Plan do not apply to the subject development, including:
 - iii. Maintaining a transportation network that provides needed links and alternatives, while preserving the sub-regions semi-rural character. There are not major road improvements or new roads proposed as a part of the new development.
 - iv. Establish and expand community facilities to provide needed services and help create a sense of community. The new development does not propose any new community facility or expansions of existing facilities.
 - v. Use historic preservation to contribute to the Subregions' unique sense of community. There are no historic resources on the subject property.
- The Montgomery County Bicycle Master Plan:
 - i. The Bicycle Master Plan recommends a side path on Darnestown Road, along the subject property's frontage. There are currently bikeable shoulders along Darnestown Road. The applicant is seeking approval of the administrative subdivision plan to subdivide the subject property into two (2) record lots. The existing church is to remain, and the new single family dwelling unit shown is illustrative. The applicant has no plans for construction at this time. In addition, the cost to construct the recommended side path would have a significant financial impact on the applicant, given the use. Funding for this application alone is primarily through internal fundraising. **As such, the applicant would like to request that planning staff consider a de minimis payment or fee in lieu payment for the recommended frontage improvements in accordance with the amendment to planning board policy 2022-01 (De Minimis Payments).** The amendment notes that for very small projects, like this, it may not be feasible or proportional to the impact of the project on public infrastructure and that planning staff may recommend a de minimis payment in lieu of constructing a complete or partial frontage improvement. The applicant acknowledges that the project does not meet the criteria defined under "Excessive Length" but the project does meet all the other challenges identified in Criteria 1, 2 and 3.

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

- The new development will be served by existing well and septic. The applicant is proposing to reconstitute previously approved lots showing the same development. Public facilities were found to be adequate during the previous approval and we are not aware of any changes to the previously approved findings for adequate public facilities.



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4. All Forest Conservation Law, [Chapter 22A](#) requirements are satisfied

- The property is subject to previously approved Forest Conservation 119910100 and the Conservation Easements, and the underlying Forest Conservation Plan will remain unchanged.

5. All stormwater management, water quality plan, and floodplain requirements of [Chapter 19](#) are satisfied

- A new stormwater management bio-swale has been provided for the new development. A stormwater management concept plan for the new development has been submitted to the Montgomery Department of Permitting Services for review and approval.

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

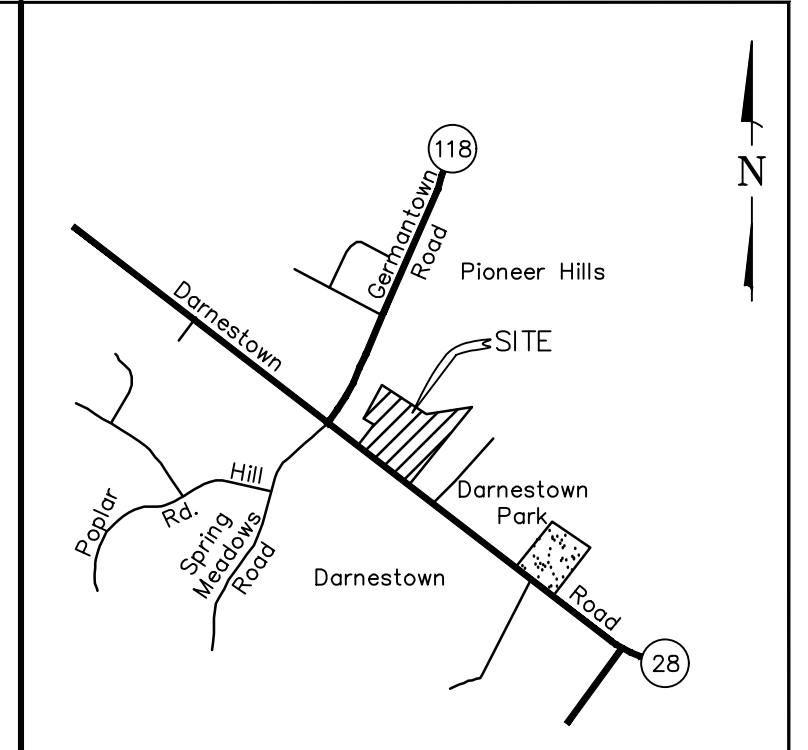
- There are no burial sites on the subject property.

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

- There are no other applicable provisions specific to the property and necessary for approval subdivision.

Thank you,

Dylan C. Macro, CDT



VICINITY MAP
 SCALE 1" = 2,000'

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: 04.21.2025

VESTRY OF SAINT NICHOLAS PARISH
 15575 DARNESTOWN ROAD
 DARNESTOWN, MD 20874
 ATTN: BOB MCCARTIN
 E: BOB.MCCARTIN@GMAIL.COM
 P: 240-631-2800

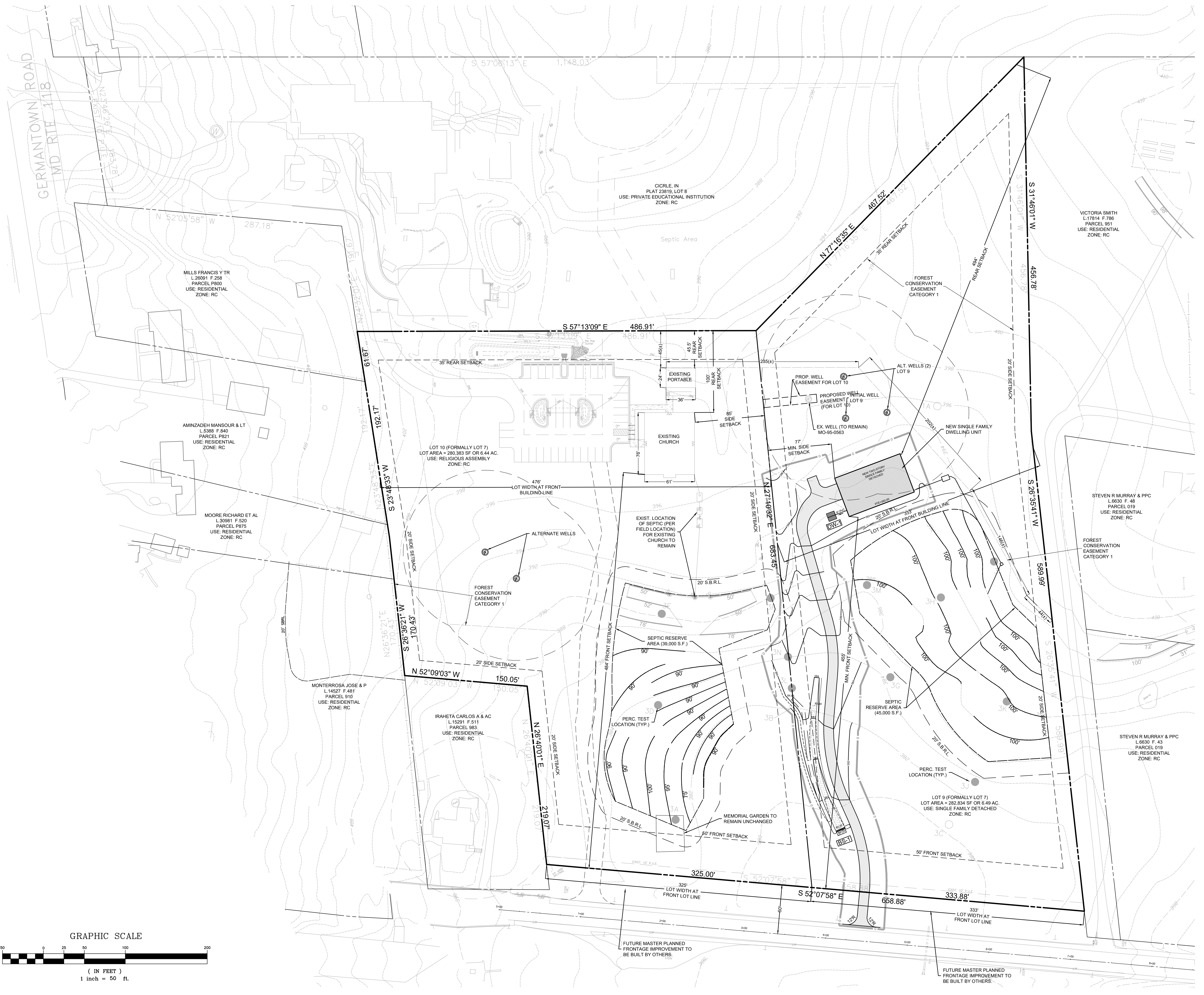
SEPTIC DESIGN TABLE

LOT	SITE	TIME (MIN.)	DEPTH (FT.)	SITE	TIME (MIN.)	DEPTH (FT.)	SITE	TIME (MIN.)	DEPTH (FT.)	SITE	TIME (MIN.)	DEPTH (FT.)	SITE	TIME (MIN.)	DEPTH (FT.)	AVG. TIME (MIN.)	NUMBER OF BEDROOMS	DEPTH OF STONE	INITIAL TRENCH REQ.	INITIAL TRENCH PROV.	TOTAL TRENCH REQ.	TOTAL TRENCH PROV.	TOTAL AREA PROV. (SqF)	
9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17	6 (MAX.)	4'	277'	300'	1108'	1,200'	45,000	
	3K	15	3.0/13.5	3M	21	6.5/14.0																		
10	3A	20	4.0/14.5	-	-	-	3D	15	4.5/14.5	3E	8	6.0/15.0	3F	24	2.5/14.0		1,500 GPD	6'	356' (Exist.)	356'	1,424'	1,706'	39,000	

WATER TABLE

TEST	RESULTS	DATE
3A	W @ 14	3/23/1992
3B	W @ 14.5	3/23/1992
3C	W @ 13.5	3/23/1992

A 6' buffer was used for the 1992 wet season.



- WELL AND SEPTIC GENERAL NOTES**
- ALL WELLS AND SEPTIC SYSTEMS WITHIN 100 FEET OF THE SUBJECT PROPERTY ARE SHOWN HEREON.
 - WATER AND SEWER CATEGORIES W-6 AND S-6 RESPECTIVELY.
 - TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON FIELD SURVEYS BY MHG, CIRCA 2020, SUPPLEMENTED BY PUBLICLY AVAILABLE INFORMATION.
 - THE PURPOSE OF THIS PLAN IS TO DOCUMENT THE EXTENT OF THE EXISTING SEPTIC SYSTEM LOCATED ON LOT 10 AND PROVIDE A DESIGN FOR A NEW SEPTIC SYSTEM TO BE LOCATED ON LOT 9.
 - ALL TREES LOCATED WITHIN THE SEPTIC RESERVE AREA ARE SUBJECT TO REMOVAL UPON INSTALLATION OF THE INITIAL AND FUTURE REPLACEMENT SEPTIC SYSTEMS.
 - EXISTING WATER SUPPLY WELL SERVING LOT 10 TO REMAIN.
 - AN EXISTING COVENANT AGREEMENT (BK.33763 / PG.607) BETWEEN THE VESTRY OF SAINT NICHOLAS PARISH (LOT 10) AND MONTGOMERY COUNTY ALLOWS FOR A MAXIMUM SEWAGE FLOW OF 3,000 GPD. THE INITIAL SEPTIC SYSTEM FOR LOT 10 ALLOWS FOR A MAXIMUM SEWAGE FLOW OF 1,500 GPD.

LEGEND

	CONTOUR (2FT)		CONTOUR (2FT)
	SPOT ELEVATION		CURBS & GUTTER
	ASPHALT PAVING		CONCRETE PAVING
	LIMITS OF DISTURBANCE		WATER LINE
	FIRE HYDRANT		SEWER LINE
	STORM DRAIN		NATURAL GAS
	UNDERGROUND ELECTRIC		UNDERGROUND COMMUNICATION
	LIGHT POLE		PROPERTY BOUNDARY
	EASEMENT		SIGN
	RETAINING WALL		PERCOLATION TEST LOCATION
	SWM DRY WELL		WELL SBRL
	WELL BRL		WELL

REVISIONS

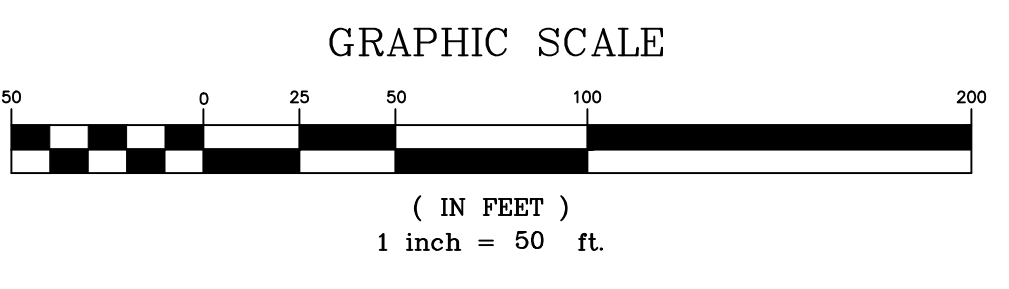
NO.	DESCRIPTION	DATE

TAX MAP E512 W58C 221NW14
 PLAT 23819
 6TH ELECTION DISTRICT
 MONTGOMERY COUNTY
 MARYLAND

BLOCK A, LOT 7
DARNESTOWN MEADOWS

PROJ. MGR DCM
 DRAWN BY DCM
 SCALE 1" = 50'
 DATE 01.28.2025

ADMINISTRATIVE
 SUBDIVISION PLAN
 PLAN NO. 620240110
SP201
 PROJECT NO. 90.414.35
 SHEET NO. OF



Attachment C



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 23-Oct-20
TO: Stephen Crum - scrum@mhgpa.com
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: St Nicholas Episcopal Parish
15575 Germantown Road

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **23-Oct-20** .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.

***** Adding modular classroom building *****

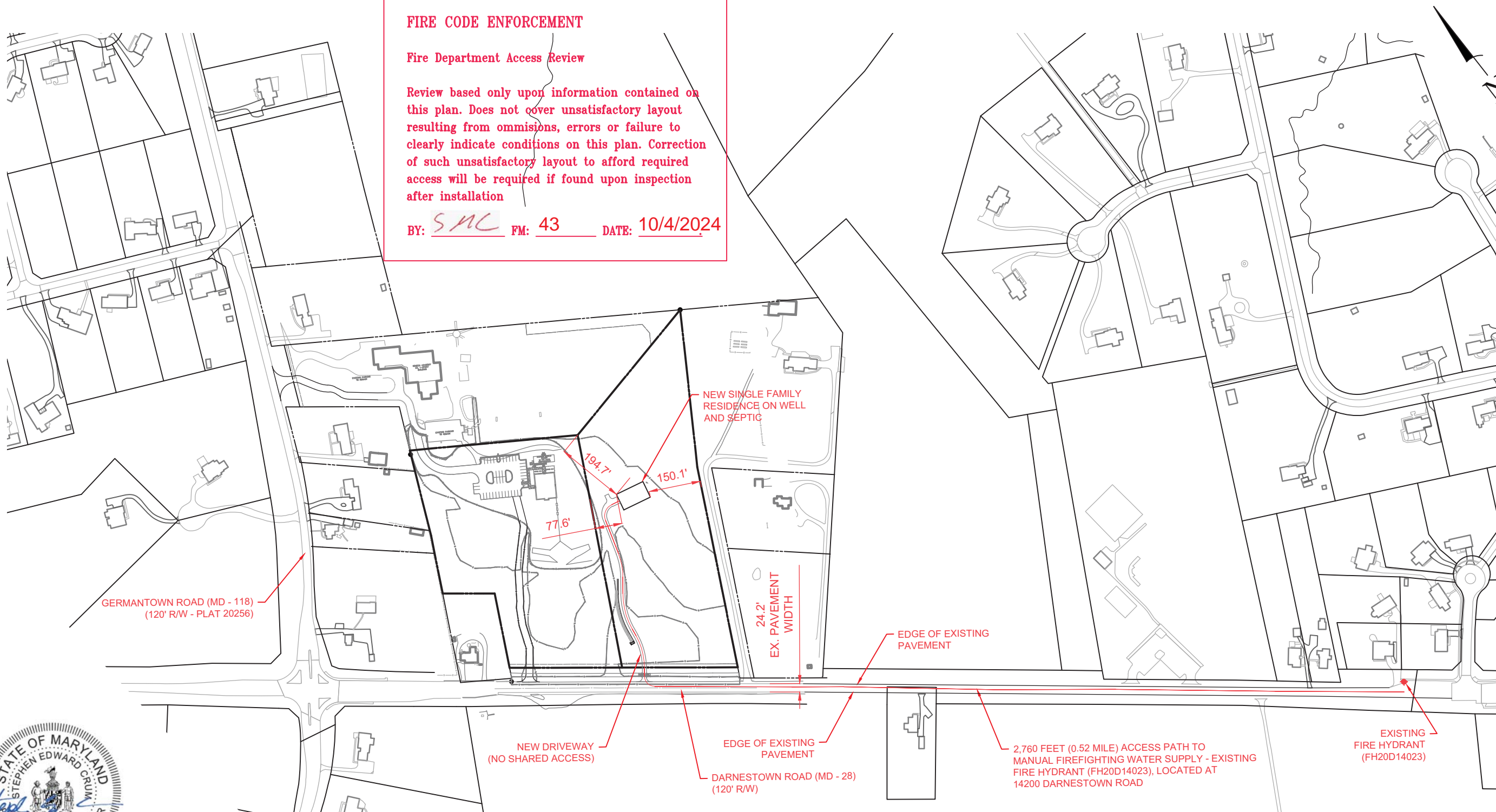
***** 10/04/2024 620240110 Subdivide a single family lot *****

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

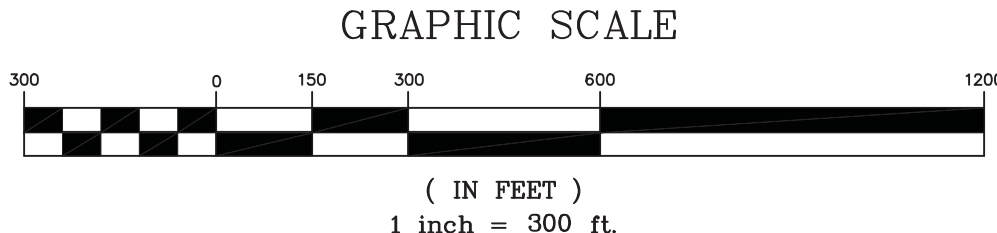
BY: SML FM: 43 DATE: 10/4/2024



2024.09.25 10:21:12-04'00'

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. 04.21.2026



**DARNESTOWN MEADOWS - PLAN NO. 620240110
FIRE DEPARTMENT MANUAL FIREFIGHTING WATER SUPPLY EXHIBIT**

PROJ. MGR: DCM
DRAWN BY: JDP
SCALE: 1"=300'
DATE: 05.16.2024
JOB.NO: 90.414.35



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

November 8, 2024

Mr. Ugonna Njeze, Planner II
Upcounty Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reedie Drive,
Wheaton, MD 20902

RE: Administrative Subdivision Plan Letter
Administrative Subdivision Plan No. 620240110
Darnestown Meadows

REVISED LETTER

Dear Mr. Njeze:

This letter supersedes the previous letter dated May 1, 2024. We have completed our review of the Administrative Subdivision Plan uploaded to eplans on March 5, 2024. This letter includes the revisions to condition 1.b. The subject property is fronting the public streets maintained by the Maryland State Highway Administration (MDSHA). Therefore, MCDOT does not have any jurisdiction other than the maintenance and operation of traffic signals, sidewalks/shared-use paths, bus stops, and bus shelters. Per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide the following recommendations about the subject property per the review of the administrative subdivision plan for the attention of the concerned agencies. This item is tentatively scheduled for the MNCPPC Director's approval on January 24, 2025.

Plan Comments

1. Darnestown Road (MD-28):
 - a. Per CSDG, this roadway is classified as a Country Connector with a 120-ft right-of-way and two lanes. The Bicycle Master Plan proposes a sidepath along the site frontage.
 - b. Based on the CSDG and the existing roadway being an Open Section roadway, we recommend the applicant dedicate right-of-way to include all the below roadway cross-section features along the site frontage:
 - a 5-ft minimum shoulder.
 - a minimum 10-ft street buffer.
 - a minimum 10-ft sidepath.
 - a minimum 2-ft maintenance buffer.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

We recommend the following options for the frontage improvements with the approval from MDSHA to comply with the master plan:

i. Install the roadway cross-section improvements as mentioned above in this letter.

OR

ii. At a minimum grade out the roadway section along the site frontage.

OR

iii. Since the project qualifies for a de-minimis payment as per MNCPPC for an amount of \$41,373 for the site frontage improvements, we recommend the applicant make the payment to the Capital Improvements Project (CIP) Sidewalk Program Minor Projects (P506747) prior to the recordation of the plat. The payment will be inflated based on the Federal Highway Administration's National Highway Construction Cost Index from the mailing date of the Planning Board resolution to the date of the payment.

2. **Sight Distance:** We defer to MDSHA for the sight distance at the proposed site entrance as MDSHA maintains the public right-of-way.
3. **Storm Drain Analysis:** We defer to MDSHA for review and approval.
4. 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 (MCDPS) in the package for record plats, storm drains, grading or paving plans, or application for access permits. Include this letter and all other correspondence from this department.
5. We recommend a 10-Public Utility Easement (PUE) along all street frontages.
6. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway. Driveway aprons should be provided for all alleys.
7. Permanent structures such as steps, stoops, walls etc. are not allowed in the public right-of-way.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this project at deepak.somarajan@montgomerycountymd.gov or at (240) 777-2194.

Sincerely,

Deepak Somarajan, Engineer III
Development Review Team
Office to Transportation Policy

Mr. Ugonna Njeze
Administrative Subdivision Plan No. 620240110
November 8, 2024
Page 3

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ 620240110-Darnestown Meadows\Letter\
620240110-Darnestown Meadows-MCDOT Admin Sub Revised Itr

cc: Sharepoint Correspondence Folder FY'25

cc-e:	Dylan Macro	MHG
	Kwesi Woodroffe	MDSHA District 3
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Terry	MCDOT DTEO
	Kamal Hamud	MCDOT DTEO
	Rebecca Torma	MCDOT OTP

November 21, 2024

Mr. Ugonna Njeze, Planner II
Upcounty Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reedie Drive, Wheaton, MD 20902

Dear Mr. Njeze:

Thank you for the opportunity to review the Administrative Subdivision Plan No. 620240110 for the **Darnestown Meadows development** located on Darnestown Rd (MD 28). The State Highway Administration (SHA) has reviewed the application, and we are pleased to respond.

Based on preliminary review of the plans provided, a District Office (DO) Permit will be required for the proposed residential driveway accessing MD 28. SHA recommends approval of the Administrative Subdivision Plan; however, reserves the right to provide additional comments as needed once the more detailed plans and supporting documentation are formally submitted to SHA for a comprehensive review in the process of acquiring the DO Permit.

Additionally, SHA has no objection to the Applicant making a de-minimis payment for the site frontage improvements, for an amount of \$41,373, to the Capital Improvements Project (CIP) Sidewalk Program Minor Projects (P506747), as per M-NCPPC, prior to the recordation of the plat.

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.

Sincerely,



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

DG/kw

Cc: Dylan Marco, MHG
Deepak Somarajan, MCDOT



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

MEMORANDUM

December 2, 2024

TO: Ugonna Njeze, Lead Reviewer
Development Review
Maryland National Capital Park and Planning Commission

FROM: Heidi Benham, Manager *HB*
Well and Septic Section
Department of Permitting Services

SUBJECT: Administrative Subdivision : Darnestown Meadows
6202470110

This is to notify you that the Well & Septic Section of MCDPS approved the administrative subdivision plan received on November 26, 2024. Approved with the following reservations:

- The record plat must show the proposed well sites and the septic reserve areas as they are shown on this plan.
- The proposed well easement must be recorded prior to record plat approval.
- Forest conservation easements established subsequent to this approval must meet all minimum well and septic setback requirements:
 - 5 feet from the septic area

If you have any questions, please contact Heidi Benham at (240) 777-6318.

Cc: Stephen Crum, MHG



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

March 28, 2024

Mr. Stephen Crum
Macris, Hendricks & Glascock P.A.
9220 Wightman Rd, STE 120
Montgomery Village, MD 20886

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Darnestown Meadows
SM File #: 290114
Tract Size/Zone: 6.49 ac/ RC
Total Concept Area: 1.26 ac
Lots/Block: Lot 7 BLK A
Watershed: Seneca Creek

Dear Mr. Crum:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of ESD to the MEP using 1 Drywell and 1 Bioswale.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. At time of development stormwater requirements from SHA may include additional measures for capacity and conveyance.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this project.
4. 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**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Stephen Crum
March 28, 2024
Page 2 of 2

Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Joel Karpas at 240-777-6206.

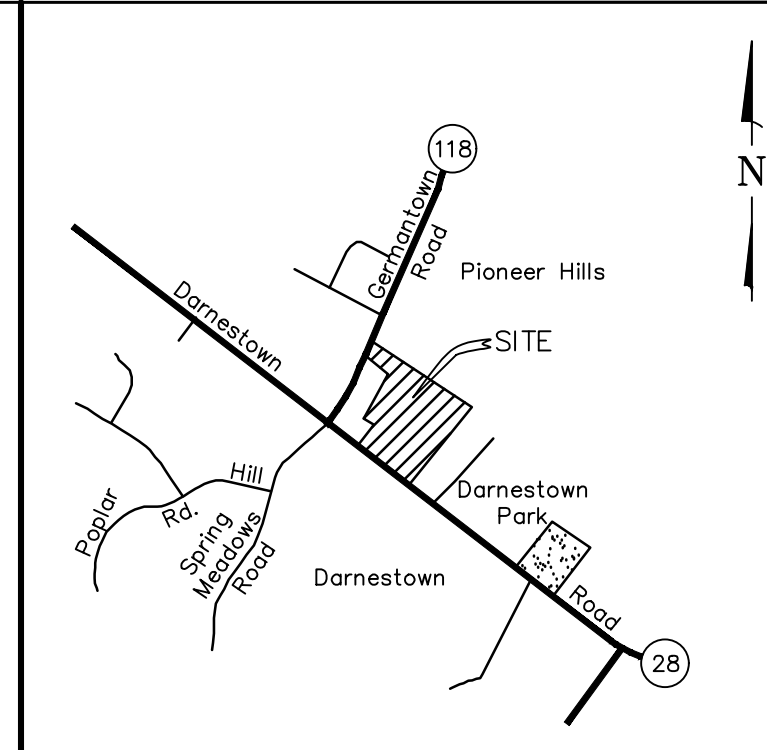
Sincerely,

Mark Etheridge

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

cc: Neil Braunstein
SM File # 290114

ESD: Required/Provided 1,062 cf / 1,246 cf
PE: Target/Achieved: 1.0"/1.17"
STRUCTURAL: 0 cf
WAIVED: 0 cf.



FOREST CONSERVATION PLANTING SCHEDULE table with columns: QTY, BOTANICAL NAME, COMMON NAME, SIZE (CAL.), HGT, ROOT.

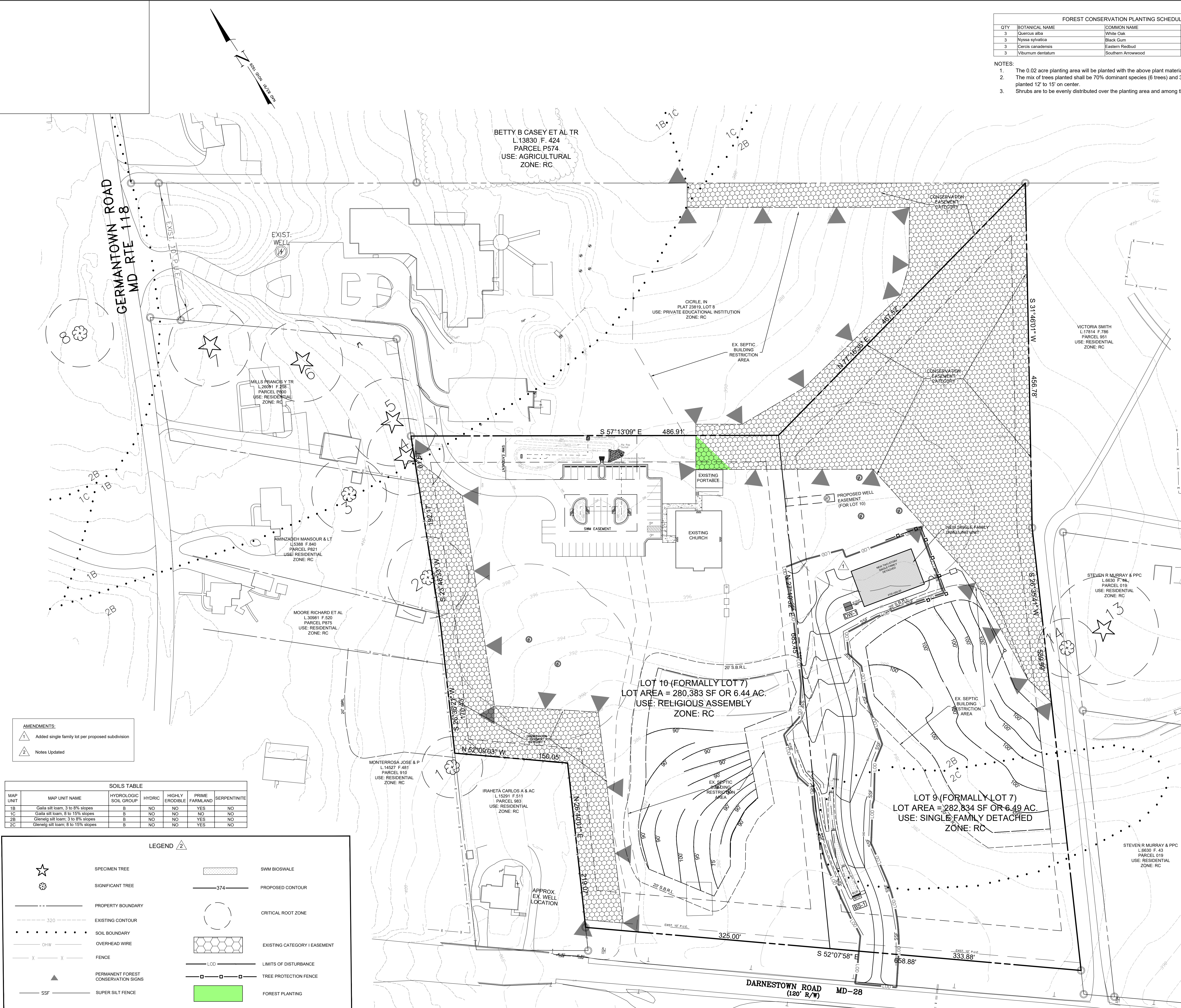
- NOTES: 1. The 0.02 acre planting area will be planted with the above plant material at a rate of 9 trees. 2. The mix of trees planted shall be 70% dominant species (6 trees) and 30% understorey species (3 trees) planted 12' to 15' on center. 3. Shrubs are to be evenly distributed over the planting area and among the trees.

VICINITY MAP SCALE 1" = 2,000'

- NOTES: 1. TOTAL SITE AREA = 12.83 ACRES (563,216 ± 11) AND CONSISTS OF LOT 7 OF DARNESTOWN MEADOWS PLAT 23819. PROPERTY ADDRESS IS 15575 DARNESTOWN RD GERMANTOWN, MD 20874 WITH TAX ID#06-03636278. PROPERTY IS ZONED RC. 2. TOPOGRAPHY FROM SURVEY BY MACRIS, HENDRICKS, & GLASCOCK P.A. AND FROM 220N14 AND 221N14. 3. BOUNDARY INFORMATION FROM DEEDS OF RECORD. 4. SOILS ON-SITE ARE MAPPED ACCORDING TO SOIL SURVEY STAFF, NATURAL RESOURCES CONSERVATION SERVICE, 1996 SOIL SURVEY OF MONTGOMERY COUNTY, MARYLAND, PREPARED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, WEB SOIL SURVEY, AVAILABLE ONLINE AT https://websoilsurvey.sc.egov.usda.gov/. ACCESSED [03/05/2024]. 5. NO SLOPES GREATER THAN 25% EXIST ON-SITE. NO SLOPES 15-25% ON HIGHLY ERODIBLE SOILS EXIST ON-SITE. 6. THE SITE DRAINS TO GREAT SENECA CREEK. THIS PORTION OF THE GREAT SENECA CREEK WATERSHED IS DESIGNATED AS USE CLASS I-P WATERS BY THE STATE OF MARYLAND. 7. PROPERTY IS NOT LOCATED WITHIN A SPECIAL PROTECTION AREA (SPA) OR A PRIMARY MANAGEMENT AREA (PMA). PER SITE VISIT NO WETLANDS, STREAMS, SEEPS, OR SPRINGS WERE FOUND TO EXIST ON SITE. NO STREAM VALLEY BUFFERS EXIST ON SITE. NO WETLANDS PER MCATLAS.ORG. NO FLOODPLAIN EXISTS PER FEMA PANEL #24031C0310D. 8. THE PROPERTY IS NOT LISTED AS A HISTORIC SITE ON MCATLAS.ORG. NO STRUCTURE OR EVIDENCE SUGGESTING HISTORICAL OR ARCHAEOLOGICAL SIGNIFICANCE WAS OBSERVED DURING SITE INVESTIGATIONS. 9. INDIVIDUAL TREE LOCATIONS ARE IN APPROXIMATED LOCATIONS. TREE DBH WAS MEASURED USING A DIAMETER TAPE. 10. FIELDWORK FOR THIS PLAN WAS CONDUCTED ON 03/05/2024 BY FRANK JOHNSON. TREE INVENTORY IS FROM NRI FIELD WORK CONDUCTED ON 7/13/2006. 11. NO RARE, THREATENED OR ENDANGERED SPECIES WERE OBSERVED ON-SITE. 12. THERE ARE NO NATIONAL STATE OR COUNTY CHAMPION TREES ON-SITE. NO TREES ON-SITE ARE 75% OR GREATER OF THE CURRENT STATE CHAMPION. 13. THE TREE INVENTORY IN NO WAY CONSTITUTES A HAZARD TREE SURVEY. TREE CONDITIONS ARE GENERALLY ACCURATE BASED ON VISUAL OBSERVATION PER USUAL AND CUSTOMARY PRACTICE IN ACCORD WITH STATE AND COUNTY FOREST CONSERVATION LEGISLATION. THE EXAMINATION DETAIL REQUIRED TO PROVIDE A COMPREHENSIVE ANALYSIS OF BIOLOGICAL AND STRUCTURAL HEALTH IS BEYOND THE SCOPE OF THIS INVESTIGATION. CONDITION RATINGS ARE THE OPINION OF THE UNDERSIGNED PREPARER AND NOT THE APPROVING AGENCY. MHG ASSUMES NO LIABILITY FOR INJURY OR PROPERTY DAMAGE THAT MAY OCCUR AS A RESULT OF TREE FAILURE ON THIS PROPERTY.

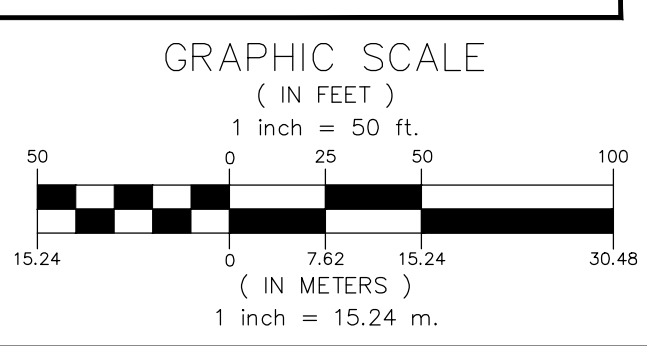
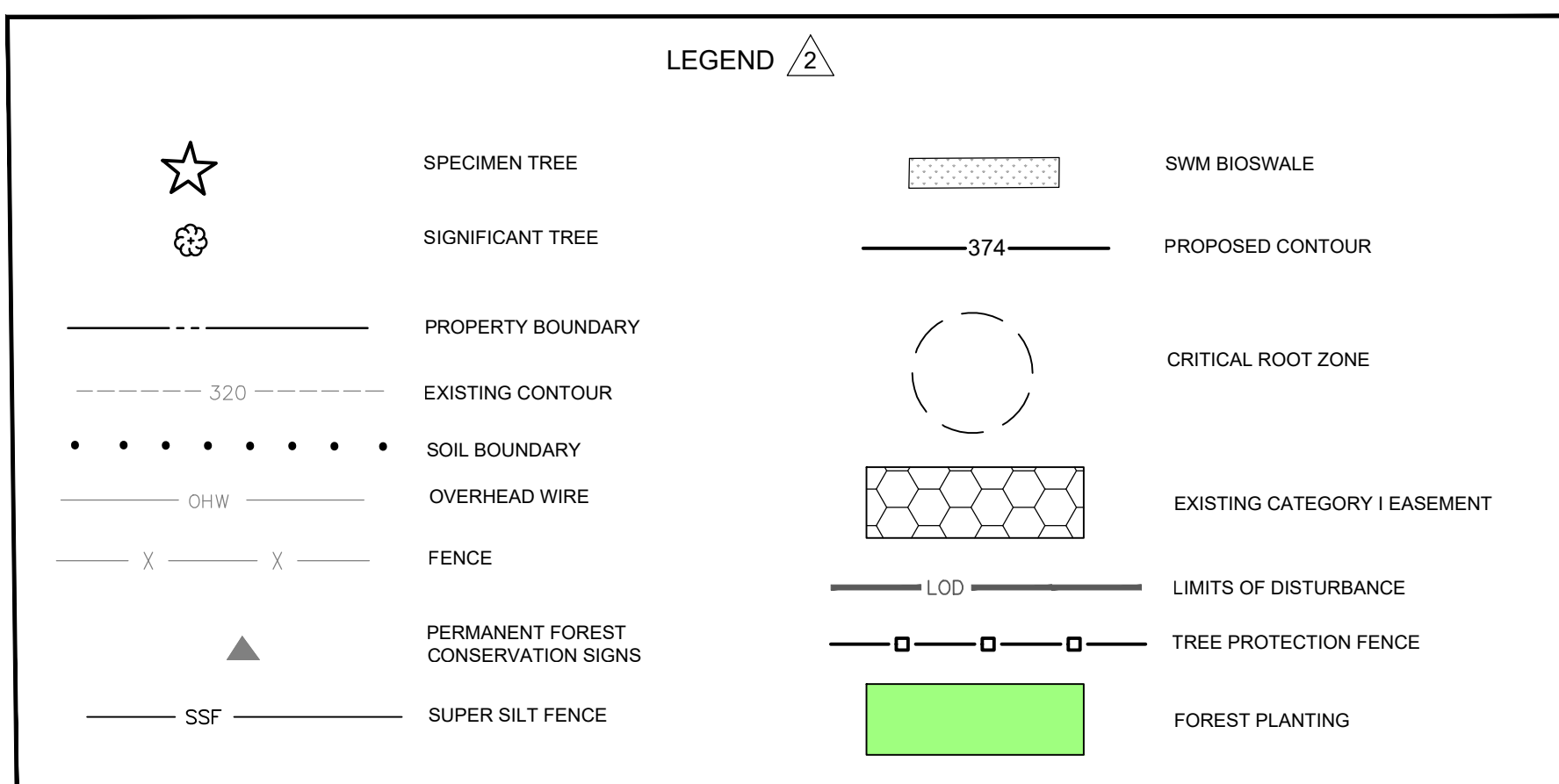
TREE LIST table with columns: ID, COMMON NAME, SIZE, BOTANICAL NAME, CONDITION, REMARKS.

FOREST CONSERVATION TABLE with columns: DESCRIPTION, SIZE.



- AMENDMENTS: Added single family lot per proposed subdivision, Notes Updated.

SOILS TABLE with columns: MAP UNIT, MAP UNIT NAME, HYDROLOGIC SOIL GROUP, HYDRIC, HIGHLY ERODIBLE, PRIME FARMLAND, BERPERTINITE.



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



REVISIONS table with columns: NO, DESCRIPTION, DATE.

TAX MAP E512 W58C 221N14 PLAT 23819, Block A, Lot 7

6TH ELECTION DISTRICT MONTGOMERY COUNTY MARYLAND

DARNESTOWN MEADOWS PROJ. MGR DCM DRAWN BY FCJ SCALE 1"=50' DATE 03.05.2024

DEVELOPER'S CERTIFICATE The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20240520, including financial bonding, forest planting, maintenance and all other applicable agreements.

Developer's Name: Vestry of Saint Nicholas Parish, Bob McCartin, Company, Contact Person. Address: 15575 Darnestown Rd Darnestown, MD 20874. Phone: 240-631-2800. Email: BOB.MCCARTIN@GMAIL.COM.

FINAL FOREST CONSERVATION PLAN AMENDMENT PLAN NO. F20240520 L9.03 PROJECT NO. 90.414.35 SHEET NO. 3 OF 4

January 13, 2025

Sandra Pereira, RLA
Regulatory Supervisor, Upcounty Planning Division
Montgomery County Planning Department
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Re: Darnestown Meadows Administrative Subdivision Application 6202400110 and Forest Conservation Plan F20240520

Dear Ms. Pereira:

The pending Darnestown Meadows subdivision application seeks to resubdivide a platted lot into two lots, one for an existing church and one for a future single-family residence. The applicant, the Vestry of St. Nicholas Parish (the "Church" or the "Applicant") requests a waiver, pursuant to Section 50.9.1 of the Montgomery County Code, of the stipulation under Code Section 50.6.1.A that a lot may be created by administrative subdivision for an existing place of worship only on an unplatted parcel.

Under Section 50.9.1, the Montgomery County Planning Board may grant a waiver from any requirement of Code Chapter 50 provided that it makes the findings quoted below in italics.

A. *To grant a waiver, the Board must find that:*

- 1. due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare;*
- 2. the intent of the requirement is still met; and*
- 3. the waiver is:*
 - a. the minimum necessary to provide relief from the requirements; and*
 - b. consistent with the purposes and objectives of the General Plan.*

The subject property has been subdivided previously two times, first to create two lots, then to consolidate into a single lot. The Church desires to sell a portion of its land for financial reasons. Accordingly, the Church seeks to create two lots on the property, one for the existing church building and parking lot and the other for a potential single-family home. The Church has no plans to expand the church building or its parking lot, so the only additional development for which approval is sought in the present application is one single-family home, which will generate *de minimus* amounts of traffic, public school students, and other burdens on public facilities. All development on the subject property will rely on private water and septic. Necessary dedications and public utility easements were created in connection with previous subdivision applications. The present subdivision application is accompanied by a forest conservation plan that fully complies with measures

required under applicable law to protect sensitive environmental features through extensive conservation easements. Due to these unusual circumstances, the application of the requirement that an existing place of worship be located on an unplatted parcel to be eligible for an administrative subdivision is not needed to ensure the public health, safety and general welfare.

For the reasons stated above, the proposed subdivision satisfies the intent of Chapter 50 to facilitate harmonious development, promote the health, safety and welfare of present and future county residents, and ensure the adequacy of public facilities and the protection of natural resources and sensitive environmental features. The proposed waiver is the minimum necessary to provide relief from the requirement for an unplatted parcel. Finally, the waiver is consistent with the goals of the County's *Thrive 2050* General Plan to promote increased housing, as well as environmental health and resilience.

This letter is intended to provide the necessary foundation for the findings required to support the requested waiver. Should additional information be necessary, the Applicant will supplemental this letter promptly.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:


Françoise M. Carrier

January 28, 2025

Ugonna Njeze
Upcounty Planning
2425 Reddie Drive, 14th Floor
Wheaton, MD 20902

Re: Darnestown Meadows
Administrative Subdivision
Plan No. 620240110
MHG Project No. 1990.414.35

Dear Ugonna Njeze:

This memorandum addresses the stormwater management requirements for the existing religious assembly use to remain on proposed Lot 10.

The requirements for providing stormwater management facilities under Chapter 19 of the Montgomery County Code do not apply to the religious education building, constructed in 2024, located on the referenced property. This 864 square foot building is of modular construction the foundation of which requires very minor land disturbance. Under the provisions of Section 19-2. (b) of the Montgomery County Code, a Sediment Control permit was not required as the construction of this building did not involve greater than 100 cubic yards of earth movement and did not disturb greater than 5,000 square feet of surface area. The requirements for on-site stormwater management are typically waived for construction activities which do not require a Sediment Control Permit, as was the case for this building. A portion of the permit review report for the referenced building is attached.

Should you have any questions concerning this matter, please don't hesitate to give me a call.



Sincerely,

Stephen E. Crum

Stephen E. Crum, P.E.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.
License No. 16905 Expiration Date: 04/21/2026

Application

Permit Number	883899	Type	Commercial Building
Application Date	07/24/2019	Issue Date	04/08/2024
Final Date		Status	Permit Issued
Work Type	Construct Place Of Worship	Site Address	15575 GERMANTOWN RD GERMANTOWN, MD 20874
Square Footage	1,200	Value	\$120,000.00
Subdivision	Darnestown Outside	Lot/Block	7/A

Reviews

Description	Status	Reviewer	Start Date	Completed Date
(Stormwater Requirements Met?)	Waived	Ward Rothgeb	07/06/2021	07/06/2021
Architectural2	Denied	Matthew Shanks	11/12/2020	11/12/2020
Architectural2	Denied	Matthew Shanks	06/13/2023	06/13/2023
Architectural2	Denied	Matthew Shanks	09/18/2023	09/18/2023
Architectural2	Denied	Matthew Shanks	12/12/2023	12/12/2023
Architectural2	Approved	Matthew Shanks	02/20/2024	02/20/2024
Dps Zoning Review	Approved	David Niblock	02/04/2020	02/04/2020

Inspections

January 28, 2025

Ugonna Njeze
Upcounty Planning
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Re: Darnestown Meadows
Administrative Subdivision
Plan No. 620240110
MHG Project No. 1990.414.35

Dear Ugonna Njeze:

This memorandum provides clarification as to the parking requirements for the existing religious assembly use to remain on proposed Lot 10.

The Applicant and Owner of current Lot 7, The Vestry of Saint Nicholas' Parish, entered into a Declaration of Covenant for Septic Field Use (Liber 33763 at Folio 607) in 2007 limiting the initial building phase to 120 seats and a warming kitchen. This agreement was based on the Applicant agreeing to construction of an initial on-site sewage disposal system with a design capacity of 1,500 gallons per day. A subsequent permit was issued in 2008 for the construction of a sewage disposal (septic) system to serve a house of worship with 140 seats, which referenced the Declaration of Covenant above.

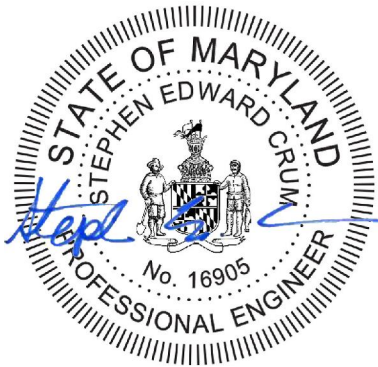
The existing religious assembly building was constructed under the provisions of the 2004 Zoning Ordinance, Sec. 59-E-3.7. Schedule of requirements, which required *"Church, synagogue or other place of worship. One parking space for each 4 persons for whom seating is provided in the main auditorium; provided, that the number of spaces thus required may be reduced by not more than 30 percent if the church, synagogue or other place of worship is located within 500 feet of any public parking lot or any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required."* Assuming the greater of the two values above, the existing building accommodates 140 seats in the main auditorium: therefore, the required number of parking spaces for the existing building equals 35 spaces. The existing parking facility includes 42 parking spaces. Note, the 2004 ordinance did not make the distinction between fixed seating and non-fixed seating. The Applicant has confirmed that for well attended services, the worship space seats no greater than 100 persons.

The religious education building, constructed in 2024, is used for Christian formation purposes. Christian formation classes are typically held either before or after worship services; these classes are typically attended by individuals who are on-site for worship services. Therefore, the religious education building does not generate a parking demand over and above that of the assembly space in the main religious assembly building.

Ugonna Njeze
Upcounty Planning
Re: Administrative Subdivision
Plan No. 620240110
January 28, 2025
Page 2 of 2

With respect to the number of seats allowed under the provisions of the on-site sewage disposal regulations, the available record information indicates that the existing septic system has a design capacity of 1,500 gallons per day, which under the current regulations would allow for 300 seats in a religious assembly building which also includes a warming kitchen. This number of seats should be viewed in the context of the capacity of the septic system and not the metric for determining the number of parking spaces required by the zoning ordinance. This seating allowance should be viewed in the same light as the occupancy limits established by the fire marshal, which is based on the egress capacity of the building or space not on the metric required by the zoning ordinance. The off-street parking requirements of the 2004 Zoning Ordinance are based on the actual number of seats provided in the main auditorium, not on the maximum capacity of the septic system.

Should you have any questions concerning this matter, please don't hesitate to give me a call.



Sincerely,

Stephen E. Crum

Stephen E. Crum, P.E.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.
License No. 16905 Expiration Date: 04/21/2026

January 28, 2025

Ugonna Njeze
Upcounty Planning
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Re: Darnestown Meadows
Administrative Subdivision
Plan No. 620240110
MHG Project No. 1990.414.35

Dear Ugo Njeze:

Please accept this memo as an Exemption Statement for the subject development, in accordance with the 2020-2024 Growth and infrastructure Policy and the 2022 Local Area Transportation Review (LATR) Guidelines. The site is located at 15575 Germantown Road in Germantown, Maryland and is currently developed with an existing 4,800 square foot religious assembly building and an 864 square foot religious education building, which are to remain. The site is in the Rural West Transportation Policy Area.

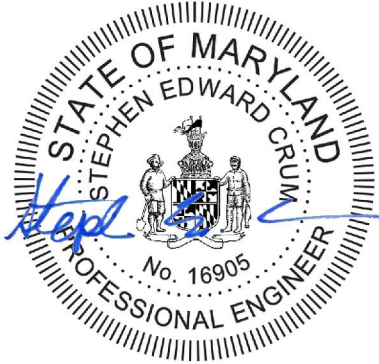
The new development includes construction of a single-family detached residence as well as a new access point for the new development along the Darnestown Road (MD 28) frontage. Minor site improvements such as a new stormwater management bio-swale for the new development will also be implemented.

Our office conducted a trip generation study using the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) in conjunction with Appendix Tables 1a and 1b of the 2022 LATR Guidelines. As shown in the attached Exhibit, the new dwelling will generate a maximum of 1 AM peak hour and 1 PM peak hour person trips.

The applicable LATR guidelines stipulate those projects generating less than 50 new peak hour person, transit or non-motorized trips are exempt from LATR requirements. Since each of these values are less than 50, the site is exempt from providing quantitative auto, transit, bicycle, or pedestrian analyses.

Should you have any questions concerning this matter, please don't hesitate to give me a call.

Ugonna Njeze
Upcounty Planning
Re: Administrative Subdivision
Plan No. 620240110
January 28, 2025
Page 2 of 2



Sincerely,

Stephen E. Crum

Stephen E. Crum, P.E.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.
License No. 16905 Expiration Date: 04/21/2026



9220 Wightman Road, Suite 120
 Montgomery Village, MD 20886
 Phone: (301) 670-0840 Fax: (301) 948-0693

Trip Generation Data
Vestry of Saint Nicholas Parish
Plan No. 620240110

ITE Trip Generation Data
 ITE Trip Generation Manual, 11th Edition
Single Family Detached (ITE-210, Dwelling Units)

Metric **1**
 Morning Peak Rate **0.7**
 Morning Distribution (In) **25%**
 Morning Distribution (Out) **75%**
 Afternoon Peak Rate **0.94**
 Afternoon Distribution (In) **63%**
 Afternoon Distribution (Out) **37%**

LATR Data

Rural, West

Adjustment Factor **100%**

Mode Split

Auto Driver **76.1%**
 Auto Passenger **20.3%**
 Transit **0.1%**
 Non-Motorized **3.5%**

	Morning Peak Hour			Evening Peak Hour		
	In	Out	Total	In	Out	Total
ITE Trips	0	1	1	1	0	1
Adjusted Trips	0	1	1	1	0	1
Person Trips			1			1
Transit Trips			0			0
Non-Motorized Trips			0			0

Total Person Trips **1** (<50) Quantitative Auto Analysis Not Required
 Transit Trips **0** (<50) Quantitative Transit Analysis Not Required
 Non-Motorized Trips **0** (<50) Quantitative Bicycle Analysis Not Required
 Non-Motorized + Transit Trips **0** (<50) Quantitative Pedestrian Analysis Not Required

Attachment G



March 6, 2025

Jason K. Sartori, Director
Robert Kronenberg, Deputy Director
Patrick Butler, Chief, UpCounty Planning Division
Montgomery County Planning Department
2525 Reddie Drive, 14th Floor
Wheaton, MD 20902

Re: Administrative Subdivision Plan No. 620240110 (Darnestown Meadows)
Request for Planning Board Public Hearing

Mr. Sartori, Mr. Kronenberg and Mr. Butler:

Pursuant to Montgomery County Code Section 50.6.3, and on behalf of my client Steven Murray who lives at 11411 Darnestown Road, Germantown, I request a Planning Board hearing on the above-referenced subdivision application.

Mr. Murray's property nearly abuts the subject property. Based on our preliminary review we do not think that the requested waiver requested complies with State and County law and, as such, an administrative subdivision is not appropriate in this case.

We therefore request that the Board hold a hearing on this application.

Sincerely,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld