

**CAVANAUGH FAMILY PARCEL  
ADMINISTRATIVE SUBDIVISION PLAN NO. 620240180  
AND FOREST CONSERVATION PLAN NO. F20240560**

**Description**

Administrative Subdivision Plan to create one (1) lot for one (1) new single-family detached unit.

COMPLETED: 3/13/2025

PLANNING BOARD HEARING DATE: 4/17/2025

MCPB ITEM NO. XX

## Planning Staff



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### LOCATION/ADDRESS

Parcel 960 is located at the southwest intersection of Damascus and Hipsley Mill Road

### MASTER PLAN

2006 Damascus Master Plan

### ZONE

Agricultural Reserve (AR) Zone

### PROPERTY SIZE

8.60 Acres

### APPLICANT

Cavanaugh Family, LLC

### ACCEPTANCE DATE

September 3, 2024

### REVIEW BASIS

Chapters 50, 59, and 22A

## Summary:

- Staff recommends approval with conditions of the Administrative Subdivision Plan.
- Staff recommends approval with conditions of the Final Forest Conservation Plan. (FFCP)
- Although this Application is an Administrative Subdivision Plan under Section 50.6.1.B of the Code, typically acted on by the Director, approval of a lot greater than 5 acres in the Agricultural Reserve zone requires Planning Board action.
- The Subject Property qualifies for an exemption from the minimum lot area requirements and lot width requirements of the AR zone under Section 59.7.7.1. D. 9 of the Zoning Ordinance.
- The Application seeks to create one (1) lot for one (1) new single-family detached unit.
- No community correspondence has been received.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### ADMINISTRATIVE SUBDIVISION PLAN NO. 620240180

Staff recommends approval with conditions of the Administrative Subdivision Plan No.620240180 to create one (1) lot for one (1) new single-family dwelling unit. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620240180 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 one (1) lot for one (1) dwelling unit.

#### 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 March 12, 2025, 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 Maryland State Highway Administration (“SHA”) in its letter dated March 11, 2025, 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 MDSHA if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
8. 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 November 20, 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.
9. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Well and Septic Section, in its letter dated October 29, 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.
10. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated October 2, 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

11. 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.

#### TRANSPORTATION

##### Existing Frontage Improvements

12. 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 Damascus Road (MD 650).
  - b) All land necessary to accommodate thirty-five (35) feet from the existing pavement centerline along the Subject Property frontage for Hipsley Mill Road.
13. Before the recordation of the plat, the Applicant must make a de minimis payment of \$34,478 to MCDOT towards the Capital Improvements Project (CIP) – Sidewalk Program Minor Projects (CIP# P506747). 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 recordation of the plat. Proof of payment is required.
14. The Applicant shall remove/trim/relocate any obstructions, such as trees, shrubs, traffic signs, etc., in the line of sight prior to the issuance of access permits in accordance with MCDOT standards.

## RECORD PLATS

15. There shall be no clearing or grading of the site prior to the recordation of plats.
16. The record plat must show the septic reserve areas as shown on the approved plans in accordance with MCDPS standards.
17. The record plat must show necessary easements.

## Notes and Labels

18. 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

19. 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 permits. 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.*
20. Prior to the 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.
  - c. Remove the Primary Residential Roadway detail.
  - d. Add a complete Road Section diagram to the certified set to include pavement information and a cross section of Damascus Road that includes the bikeable shoulders and a six-foot-wide (6ft) sidewalk (minimum) with a fifteen-foot-wide street buffer (15ft) with a note that the sidewalk and street buffer will be constructed by others.
  - e. Add a complete Road Section diagram to the certified set to include pavement information and a cross section of Hipsley Mill Road.

## FINAL FOREST CONSERVATION PLAN NO. F20240560

Staff recommends approval of the Final Forest Conservation Plan No. F20240560 (“FFCP”). All site development elements shown on the latest electronic version of the Final Forest Conservation Plan No. F20240220, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), 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 this development Application, the Applicant must:
  - a) Record a Category I Conservation Easement over all areas of forest planting as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat .
  - b) Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - c) Install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - d) 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. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
  - e) Submit a cost estimate for the reforestation/afforestation and other FFCP 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 FFCP. 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.
  - f) 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 1.52 acres of forest

planting and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.

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 FFCP.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Subject Property (“Site” or “Property”) is Parcel 960 (Tax Map GW43), located at the southwest intersection of Damascus and Hipsley Mill Roads (Tax ID #01-00001538), and it is within the 2006 *Damascus Master Plan* area. The Subject Property is south of Damascus Road (MD RT 650), west of Hipsley Mill Road, and east of Mount Tabor Methodist Cemetery (Figure 1). The Property is also within the Upper Hawlins River Watershed. Surrounding properties consist of detached residential dwelling units within the R-200 and Rural Village Center Overlay zones and are encumbered mainly by agriculture and rural open space within the AR zone (Figure 2).

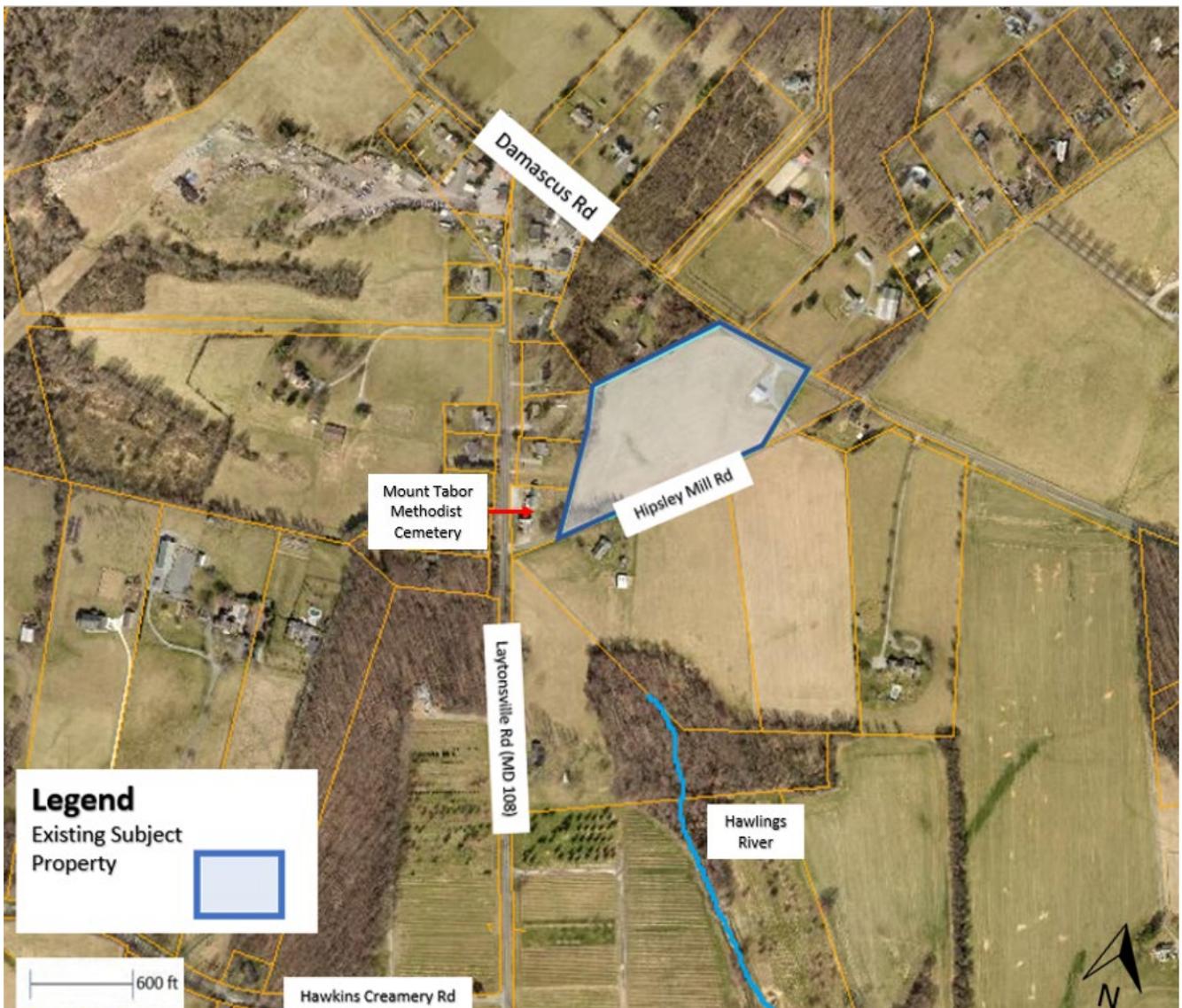


Figure 1 – Vicinity Map

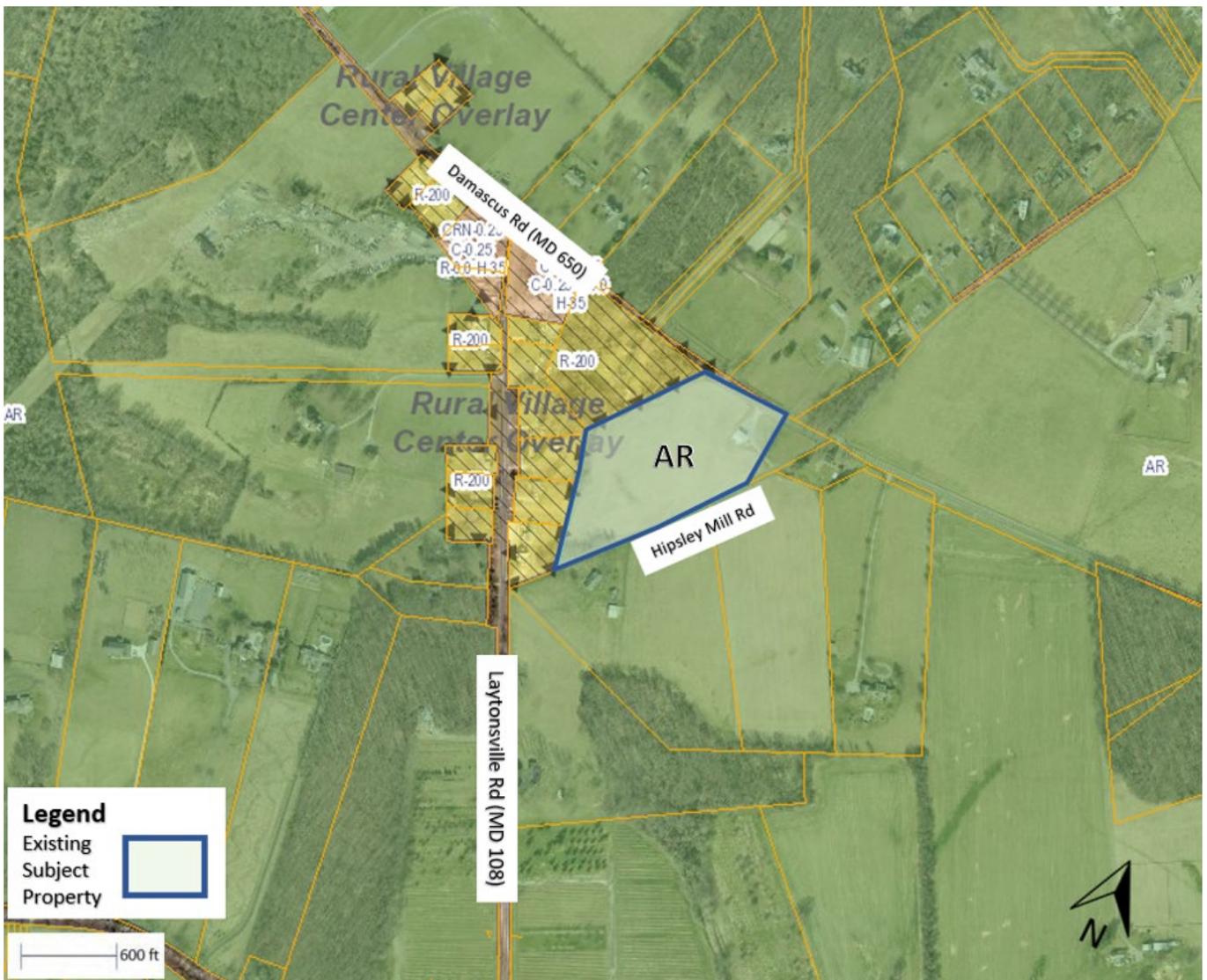


Figure 2 – Zoning Map

**PROPERTY DESCRIPTION**

The Property consists of Parcel 960, is 8.60 acres in the AR zone with frontage along Damascus Road (MD 650) and Hipsley Mill Road. The Property is currently developed with a small barn located at the front eastern corner of the Property, operating as a small market for honey and housing for bees, which borders Parcel 990, owned by Montgomery County (Figure 3). The Property has a circular driveway that connects to Damascus Road and Hipsley Mill Road<sup>1</sup>. The Site contains no forest,

<sup>1</sup> The eastern half of the driveway is shared with adjacent Parcel 990.

specimen, or other significant trees. There are no rare, threatened, or endangered species or habitats on the Property.

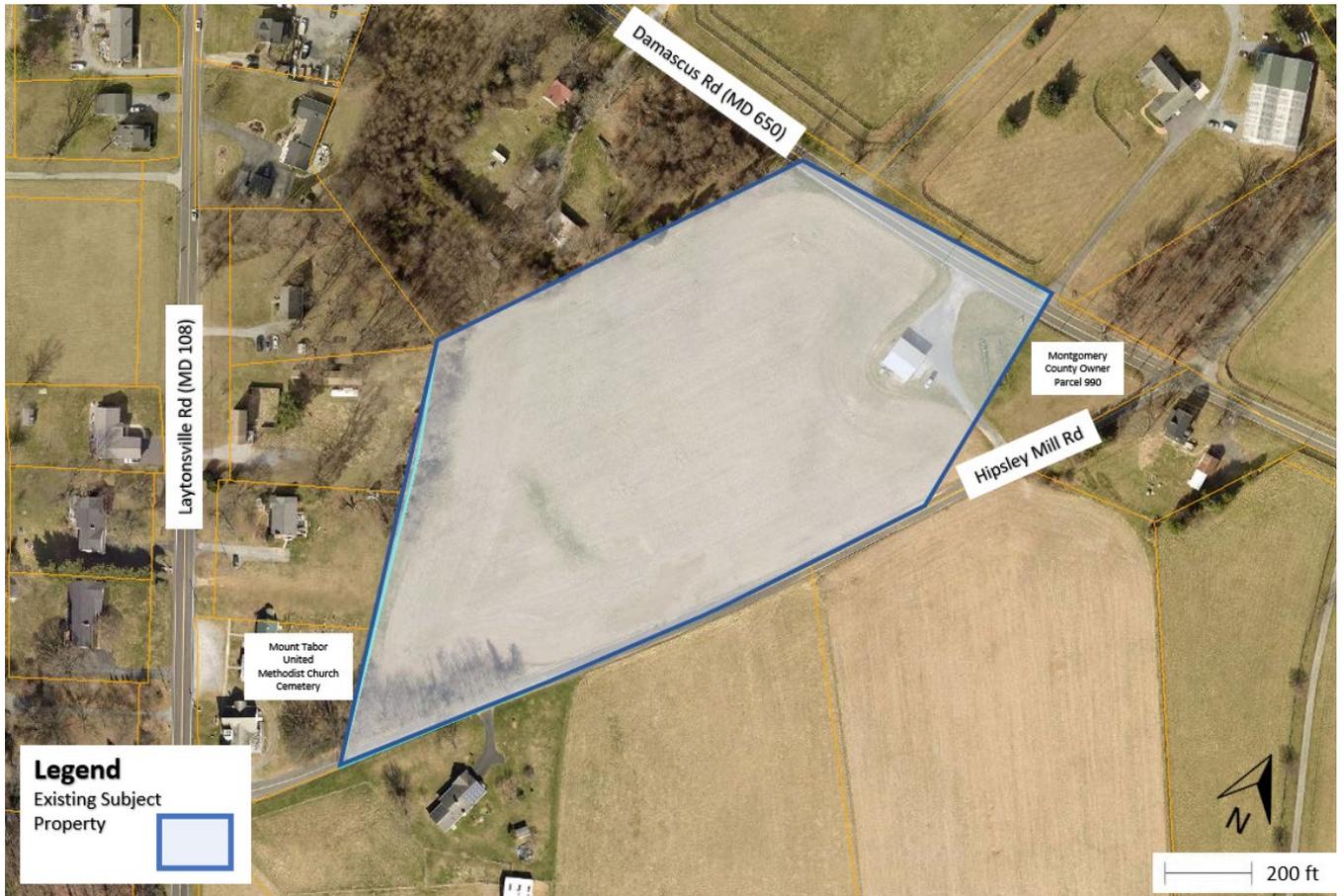


Figure 3 – Subject Property outlined in blue

## SECTION 3: PROJECT DESCRIPTION

### PROPOSAL

The Application proposes to create one (1) lot for one (1) new detached residential unit.

### TRANSPORTATION

The Subject Property has frontage on Damascus Road (MD 650) and Hipsley Mill Road. The existing access to Damascus Road will remain. The proposed single-family detached dwelling unit will be accessed from the new, private driveway that connects to an existing driveway off Damascus Road.

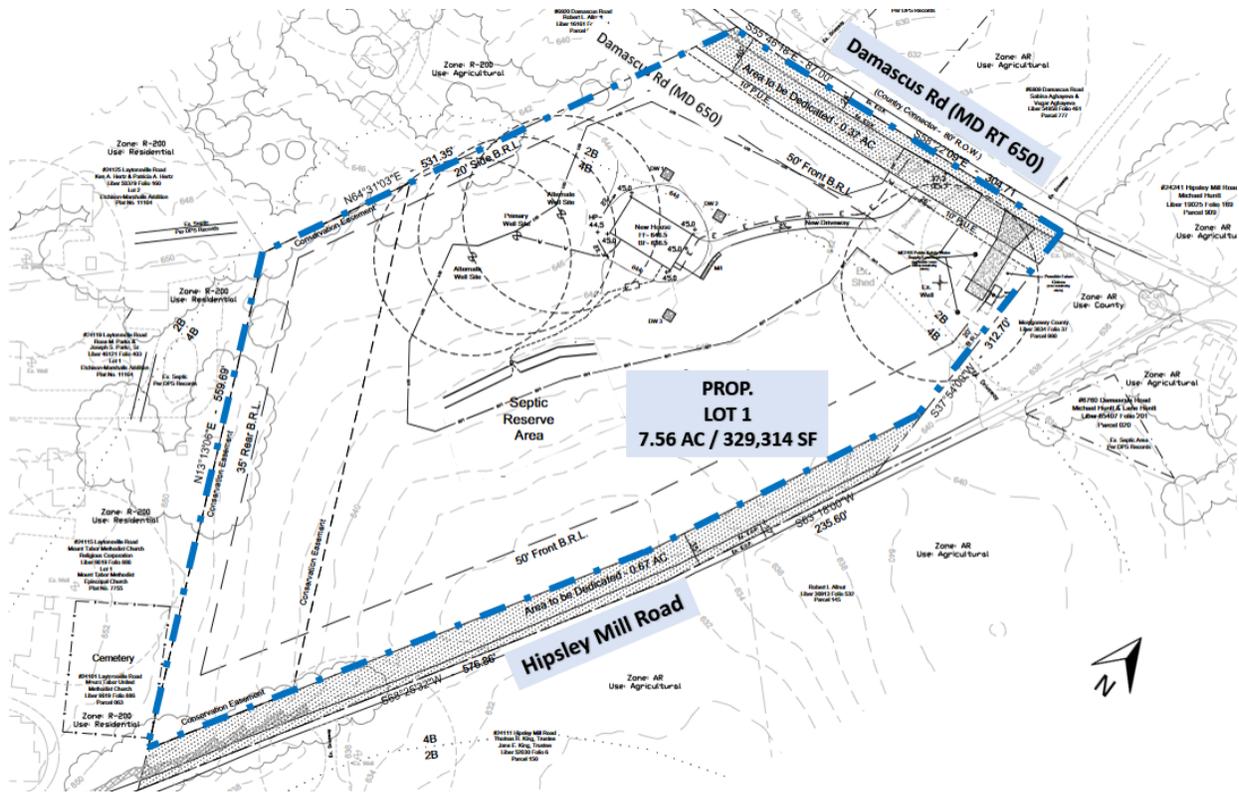


Figure 4 – Proposed Administrative Subdivision Plan Layout

## ENVIRONMENT

The Final Forest Conservation Plan No. F20240560 (“FFCP”) shows no forest, streams, wetlands, or other environmentally sensitive elements on or adjacent to the property. The Subject Property has an afforestation requirement of 1.52 acres if within the same watershed or a Priority watershed. The Applicant is proposing to meet all of the requirements onsite through afforestation planting. All forest planted will be placed in a Category I Conservation Easement.

## SECTION 4: COMMUNITY OUTREACH

An Administrative Subdivision Plan does not require a pre-submittal community meeting. However, applicants must post signs on the development site and provide written public notice. The applicant sent a notice of the Application to all required parties on September 8, 2024. The notice gave the interested parties 30 days to review and comment on the contents of the Application.

As of the published date of this Staff Report, no community comments or correspondence have been received regarding this Application.

## SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN 620240180 FINDINGS AND ANALYSIS

### APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.B as demonstrated below:

**B) Subdivision for creation of certain residential lots located in the Agricultural Reserve zone. Up to 5 lots for detached houses may be created under these procedures in the AR zone if:**

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

The Application has been reviewed by the MCDPS – Well and Septic Section, which determined that the proposed well and septic location is acceptable in its approval letter dated October 29, 2024 (Attachment B).

**2. 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 along Damascus Road (MD 650), which is a State Highway, and Hipsley Mill Road, which is classified as a Rustic Road (R-69) with an ultimate right-of-way of 70 feet. The Applicant is dedicating 0.37 acres of land along Damascus Road, which is sufficient to achieve the ultimate right-of-way width of 80 feet (40 feet from the existing pavement centerline). Approximately 0.67 acres of land is being dedicated on Hipsley Mill Road, which is sufficient to achieve the ultimate right-of-way width (35 feet from the existing pavement centerline). The record plat will show all necessary dedications and public utility easements will be shown on the record plat.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations, as discussed in the Finding Section below.

**4. 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;**

This criterion is not applicable because the entire tract of land subject to the Application is being recorded as a buildable lot and recorded on a record plat.

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

The proposal to convert the existing 8.60-acre parcel into a lot that exceeds the 5-acre lot size limit and requires approval by the Planning Board. The lot shape and proposed house location, on the unforested center of the Property, allows for maximum retention of a large contiguous agricultural use. After dedication, the proposed lot will be 7.56 acres.

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

The Application is subject to the requirements of Chapter 22A. As conditioned and discussed below in the Technical Review for Forest Conservation section, the Application satisfies the forest conservation 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 Subject Property is exempt from certain area and dimensional requirements of the AR Zone. Per Section 7.7.1.D.9 of the Montgomery County Zoning Ordinance:

*“A lot or parcel in the Agricultural Reserve (AR) Zone, in addition to other exemptions in this subsection, is exempt from the minimum lot area requirements and lot width requirements of the AR Zone but must satisfy the requirements of the zone applicable to its classification to the AR Zone if the lot or parcel was created before January 6, 1981.”*

The current deed for the Subject Property (Book 25624 at Page 435) describes the parcel as being “9.21 acres located on Damascus Road” and also as “being the same land as described in Book 3389 at Page 146, being approximately 10.00 acres of land, more or less”. The deed at Book 3389 Page recorded in 1965 refers to a conveyance of 5,000 square feet that occurred on May 3, 1963. Therefore, the Subject Property in its current configuration originated in 1963. While tax records and the deed recorded at Book 25624 at Page 435 identify the Property as 9.21 acres in size, a more recent survey of the land found the property to be 8.60 acres.

Given the deed history (Attachment D), the Subject Property is exempt from the area and dimensional requirements of the AR zone but must meet the requirements of the Rural (R)

zone. The Subject Property meets all the Rural zone requirements, including an area of 5 acres and a minimum width at the building line of 300 feet.

Table 1: Cavanaugh Family Parcel Administrative Subdivision Plan Tract Area Data Table for AR Zone<sup>2</sup> Standard Method, Section 59.4.3.3B

Development Standard	Permitted/Required	Proposed
<b>Tract Area</b>	N/A	8.60 AC / 374,616 SF
<b>Proposed Dedication</b>	N/A	0.37 AC (Damascus Road) <u>0.67 AC (Hipsley Mill Road)</u> 1.04 AC / 45,302 SF (Total)

Table 2: Cavanaugh Family Parcel Administrative Subdivision Plan Lot Area Data Table for AR Zone<sup>3</sup> Standard Method, Section 59.4.3.3B

<b>DEVELOPMENT STANDARDS: Agricultural Rural (AR) Zone<sup>1</sup></b>		
<b>ZONE: AR<sup>1</sup></b>	<b>Permitted/Required</b>	<b>Proposed Lot 1</b>
<b>Lot Size*</b>	5 AC (Min.)	7.56 AC / 329,314 SF
<b>Front Setback (Principal Building)</b>	50 ft. (Min.)	50 ft. or more
<b>Side Setbacks (Principal Building)</b>	20 ft. (Min.)	20 ft. or more
<b>Rear Setback (Principal Building)</b>	35 ft. (Min.)	35 ft. or more
<b>Building Height (Principal and Accessory Buildings)</b>	50 ft. (Max.)	50 ft. or less
<b>Lot Coverage</b>	10% (Max.)	10% Max (less than 2% is shown)
<b>Lot Width at Front Building Line*</b>	300 ft. (Min.)	300 ft. or more

<sup>2</sup> Lot Area and width requirements of the Rural Zone are applicable to the proposed lot. Per Section 7.7.1.D.9, a lot or parcel in the Agricultural Reserve (AR) zone is exempt from the minimum lot area requirements and lot width requirements of the AR Zone but must satisfy the requirements of the zone applicable to it before its classification to the AR Zone of the lot or parcel was created before January 6, 1981.

<b>Lot Width at Front Lot Line*</b>	25 ft. (Min.)	25 ft. or more
<b>Front Setback (Accessory Structures)</b>	50 ft. (Min.)	50 ft. or more
<b>Side Setback (Accessory Structures)</b>	15 ft. (Min.)	15 ft. or more
<b>Rear Setback (Accessory Structures)</b>	15 ft. (Min.)	15 ft. or more

\*Per Section 7.7.1.D.9, the Rural zone development standards apply for minimum lot area and lot width because the parcel was created prior to January 6, 1981.

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

a) **Land Use**

The Property is located within the 2006 *Damascus Master Plan* area, which, confirmed the zoning for the property as Rural Density Transfer (now AR). The Application conforms to the Master Plan by proposing a detached residential dwelling unit and residential development, accessory uses, and agricultural activities are permitted uses in the AR zone.

b) **Environment**

The property is in the Hawling River Watershed where the Damascus Master Plan’s environmental recommendations seek to protect water resources by encouraging “agricultural conservation measures and best management practices”, as well as protecting “forest areas and wetlands through the development process...” (p.68). As proposed, the overall development, including the conservation easement, will be consistent with the Master Plan’s recommendations.

c) **Transportation**

The Property is located near the intersection of Damascus Road (MD RT 650) and Hipsley Mill Road. The *Rustic Roads Functional Master Plan Update* (December 2023) reconfirmed the status of Hipsley Mill Road as a Rustic Road. Hipsley Mill Road was originally designated a Rustic Road by the 1996 *Rustic Roads Functional Master Plan*. The current Master Plan states, “the road is on high ground with vistas across farmland,” with the driving experience between Laytonsville Road and Damascus Road as “driving through the fields, with no fences on either side”. The Subject Property fronts along Damascus Road.

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

**a) Roads and other Transportation Facilities**

**i. Existing Facilities**

Per the 2018 *Master Plan of Highways and Transitways*, Damascus Road is classified as a Country Connector with eighty (80) feet of right-of-way master planned. Damascus Road currently has no bicycle or pedestrian facilities, and there are no transit facilities or routes nearby. Additionally, per the 2018 *Master Plan of Highways and Transitways*, Hipsley Mill Road is classified as a Rustic Road with seventy (70) feet of right-of-way master planned. Hipsley Mill Road has no existing bicycle, pedestrian, or transit facilities.

**ii. Proposed public transportation infrastructure**

The Applicant will be dedicating forty (40) feet of right-of-way dedication from the roadway centerline on Damascus Road and thirty-five (35) feet of right-of-way dedication from the roadway centerline on Hipsley Mill Road in compliance with the 2018 *Master Plan of Highways and Transitways*. The 2018 *Bicycle Master Plan* recommends bikeable shoulders for Damascus Road, and per *the Complete Streets Design Guide* a sidewalk is also required for Damascus Road. Instead of constructing these facilities, the Applicant will contribute \$34,478 to the Montgomery County Department of Transportation to the Capital Improvements Project – Sidewalk Program Minor Projects. Per policy, M-NCPPC 2022- 01A, this project qualifies for a fee-in-lieu for 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 MCDOT and SHA. Since Hipsley Mill Road is a Rustic Road there are no proposed pedestrian or bicycle facilities.

**d) Local Area Transportation Review (LATR)**

The 2020-2024 Growth and Infrastructure Policy requires a Transportation Impact Analysis for all projects that generate 50 or more net new person trips. Per the 2023 LATR Guidelines, subdivisions of four or fewer single-family detached houses generate less than five new peak hour person trips. Therefore, the new single-family dwelling unit proposed with the Subject Application is exempt from further Local Area Transportation Review (LATR) analysis.

**b) Schools**

**Overview and Applicable School Test**

The Updated FY25 Annual School Test, approved by the Planning Board on December 19<sup>th</sup>, 2024, and effective January 1<sup>st</sup>, 2025, applies to this application. The Project proposes a single lot for a new single-family detached dwelling unit.

**School Adequacy Test**

The Project is served by Laytonsville Elementary School, John T. Baker Middle School, and Damascus High School. Based on the Updated FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following Table 3:

*Table 3. Updated FY2025 Annual School Test Projections (2028-2029 School Year)*

	<b>Program Capacity</b>	<b>Enrollment</b>	<b>%Utilization</b>	<b>Surplus/ Deficit</b>
Laytonsville ES	497	409	82.3%	+88
John T. Baker MS	766	876	114.4%	-110
Damascus HS <sup>4</sup>	1,543	1,477	95.7%	+66

*Table 4. Updated FY2025 Annual School Test Results*

<b>School</b>	<b>Adequacy Status</b>	<b>Tier 1 Adequacy Ceiling</b>	<b>Tier 2 Adequacy Ceiling</b>	<b>Tier 3 Adequacy Ceiling</b>
Laytonsville ES	No UPP	162	188	262
John T. Baker MS	No UPP	10	44	159
Damascus HS	No UPP	226	375	607

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 Updated FY25 Annual School Test, Laytonsville Elementary School, John T. Baker Middle School, and Damascus High School do not require any UPP as identified in Table 4. Based on the school capacity analysis performed, using the Updated FY2025 Annual School Test, this application does not require a Utilization Premium Payment.

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<sup>4</sup> 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.

**c) Other Public Facilities and Services**

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 No. F20240560 satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and complies with the Montgomery County Planning Department's Environmental Guidelines. Please refer to Section 6 below for the analysis and findings of the Final Forest Conservation Plan.

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

The Application received approval of a Stormwater Management Concept Plan from MCDPS, dated November 20, 2024, per Chapter 19 of the County Code. The Stormwater Management Concept demonstrates that it will meet stormwater management requirements through Micro-Infiltration Trench and Drywells (Attachment B).

**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 on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

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

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

## SECTION 6: FINAL FOREST CONSERVATION PLAN F20240560 FINDINGS AND ANALYSIS

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described further below.

### Natural Resource Inventory/Forest Conservation Delineation Plan

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) #420240040 for this Property was approved on August 8, 2023. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Upper Brighton Dam watershed. It is classified as a Use Class III-P watershed, and the Upper Hawlings River watershed is classified as a Use Class IV-P watershed by the State of Maryland. No existing forest or environmental features were found.

### Final Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan No. F20240560 (Attachment C) for concurrent review with the Administrative Subdivision Plan No. 6202401780. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The Subject Property is zoned AR and is assigned a Land Use Category of Agricultural Resource Area (“ARA”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 20 percent and a conservation threshold of 55 percent of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 8.60-acre Total Tract plus 0.06 acres of offsite improvements associated with this Application minus the ROW not being improved as part of this plan, for a total Net Tract area of 7.62 acres.

The Application proposes no clearing and results in an afforestation requirement of 1.52 acres if it is within the same watershed or a Priority watershed. The Applicant proposes to meet the entire requirement onsite through planting 1.52 acres of forest. All forest planted will be placed in a Category I conservation easement.

No variance request is required with this Application.

## SECTION 7: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C, the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.B. The lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the 2006 *Damascus Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

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### ATTACHMENTS

*Attachment A: Administrative Subdivision Plan*

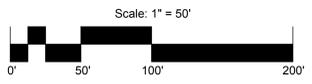
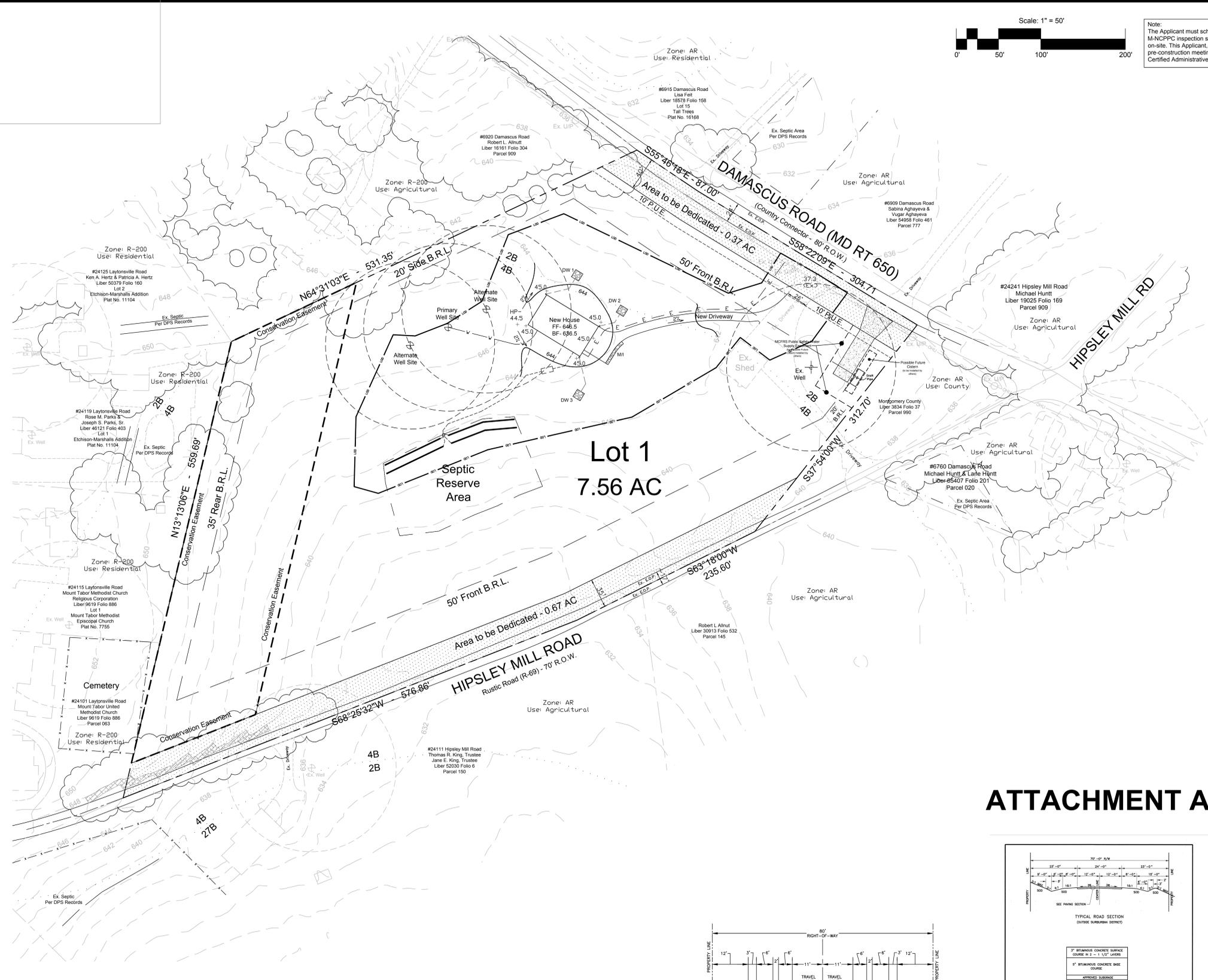
*Attachment B: Agency Letters*

*Attachment C: Final Forest Conservation Plan*

*Attachment D: Deed History*

*Attachment E: School Analysis*

*Attachment F: Statement of Justification*



Note:  
The Applicant must schedule an on-site pre-construction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. This Applicant, along with their representative, 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.

**DEVELOPMENT STANDARDS:**  
**AR Zone\***

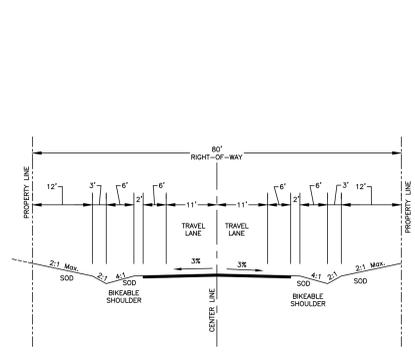
ZONE: AR*	Req.	Lot 1
Lot Size	5 AC (Min.)	7.56 AC
Front Setback (Principal Building)	50' (Min.)	50' or more
Side Setbacks (Principal Building)	20' (Min.)	20' or more
Rear Setback (Principal Building)	35' (Min.)	35' or more
Building Height (Principal and Accessory Buildings)	50' (Max.)	50' or Less
Lot Coverage	10% (Max.)	10% Max. (Less than 2% Shown)
Lot Width @ Building Line	125' (Min.)	501'
Lot Width @ Front Lot Line	25' (Min.)	391'
Front Setback (Accessory Structures)	50' (Min.)	84'
Side Setback (Accessory Structures)	15' (Min.)	113'
Rear Setback (Accessory Structures)	15' (Min.)	663'

\*lot area and width requirements of the RURAL zone are applicable to the proposed lot\*\*  
\*\*per Section 7.7.1.D.9, a lot or parcel in the Agricultural Reserve (AR) zone is exempt from the minimum lot area requirements and lot width requirements of the AR zone, but must satisfy the requirements of the zone applicable to it before its classification to the AR zone if the lot or parcel was created before January 6, 1961

**LEGEND:**

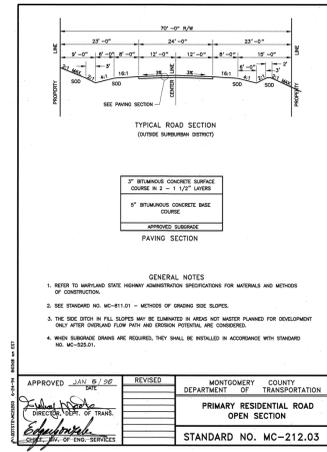
- CANOPY COVERAGE
- EXISTING BUILDING
- EX. FENCE
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD UTILITIES
- PROPERTY LINE (SUBJECT)
- PROPERTY LINE
- SLOPES > 25%
- SOILS SERIES DIVIDE
- UTILITY POLE
- AREA OF DEDICATION
- BUILDING RESTRICTION LINE
- CANOPY COVERAGE
- CENTERLINE
- PROPOSED CATEGORY I CONSERVATION EASEMENT
- PROPOSED CONTOUR
- PROPOSED HOUSE
- PROPOSED SEPTIC
- WELL SITE
- LIMIT-OF-DISTURBANCE (LOD)

**ATTACHMENT A**

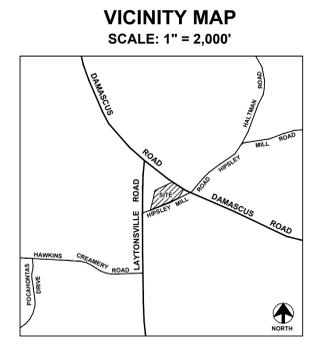


Road Section (not to scale)  
**DAMASCUS ROAD**  
Country Connector 'A-75'

NOTES:  
1. This section depicts the Master Plan of Highways and Transitways designation of Damascus Road as a Country Connector.  
2. The Master Plan right-of-way width for Damascus Road is 80 feet. Dedication 40-feet from center is to be provided as shown on the plan.  
3. The Bicycle Master Plan calls for a bikeable shoulders along each side of Damascus Road (Tier 4 Bikeway Project).



PREPARED FOR:  
**Cavanaugh Family LLC.**  
c/o Rachel B. Cavanaugh-Rouse  
6548 Damascus Road  
Laytonsville, MD 20882  
(301) 253-4112  
rbcavarouse@gmail.com



VICINITY MAP  
SCALE: 1" = 2,000'

**Surveyor's Certification:**  
I hereby certify that I am a duly licensed professional land surveyor licensed to practice in the State of Maryland. I hereby affirm the accuracy of boundary lines, topographic data, and other engineering and survey data shown on this plan.  
*Michael Waddox*  
Signature Date 07-15-2024 Exp. Date 10-12-2025



**GENERAL NOTES:**

1. AREA OF PROPERTY - 8.60 ACRES
2. EXISTING ZONING: AR
3. NO. OF LOTS SHOWN - 1
4. AREA IN LOTS - 7.56 AC
5. AREA DEDICATED TO STREETS - 1.04 AC
6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
7. LOTS TO BE SERVED BY PRIVATE WELLS & ON-SITE SEPTIC SYSTEMS
8. LOCATED IN UPPER HAWLINGS RIVER WATERSHED (CLASS IV-P).
9. SOURCE OF TWO-FOOT CONTOUR INTERVAL TOPOGRAPHY IS M-NCPPC SHEETS 233NW07 & 234NW07 DATED 12/10/21.

**PROFESSIONAL CERTIFICATE:**  
I hereby certify that these documents were prepared or approved by me and that I am a registered Landscape Architect under the laws of the State of Maryland. Registration No. 2001, Expiration date 10-21-2026.  
*[Signature]*  
Signature Date 11-06-2024



Revisions

Rev.11-06-24	



date: 07-15-2024  
scale: 1" = 50'

Benning & Associates, Inc.  
Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 948-0240



ADMINISTRATIVE SUBDIVISION PLAN  
**Cavanaugh Family Parcel**  
Parcel 'P960'; Tax Map GW342 & GW343  
Election District 01  
Montgomery County, Maryland

# ATTACHMENT B



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Department of Permitting Services  
Fire Department Access and Water Supply Comments

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---

**DATE:** 02-Oct-24  
**TO:** David McKee  
Benning and Associates  
**FROM:** Marie LaBaw  
**RE:** Cavanaugh Family Parcel  
620240180

---

## PLAN APPROVED

1. Review based only upon information contained on the plan submitted **02-Oct-24** .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.

**\*\*\* Water supply easement \*\*\***

Rev. 10-02-24



date: 07-15-2024

scale: 1" = 50'

Benning & Associates, Inc.  
 Land Planning Consultants  
 8933 Shady Grove Court  
 Gaithersburg, MD 20877  
 (301) 944-0240

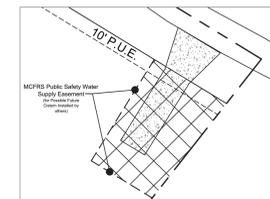


FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY PLAN  
**Cavanaugh Family Parcel**  
 Parcel 'P960'; Tax Map GW342 & GW343  
 Election District 01  
 Montgomery County, Maryland

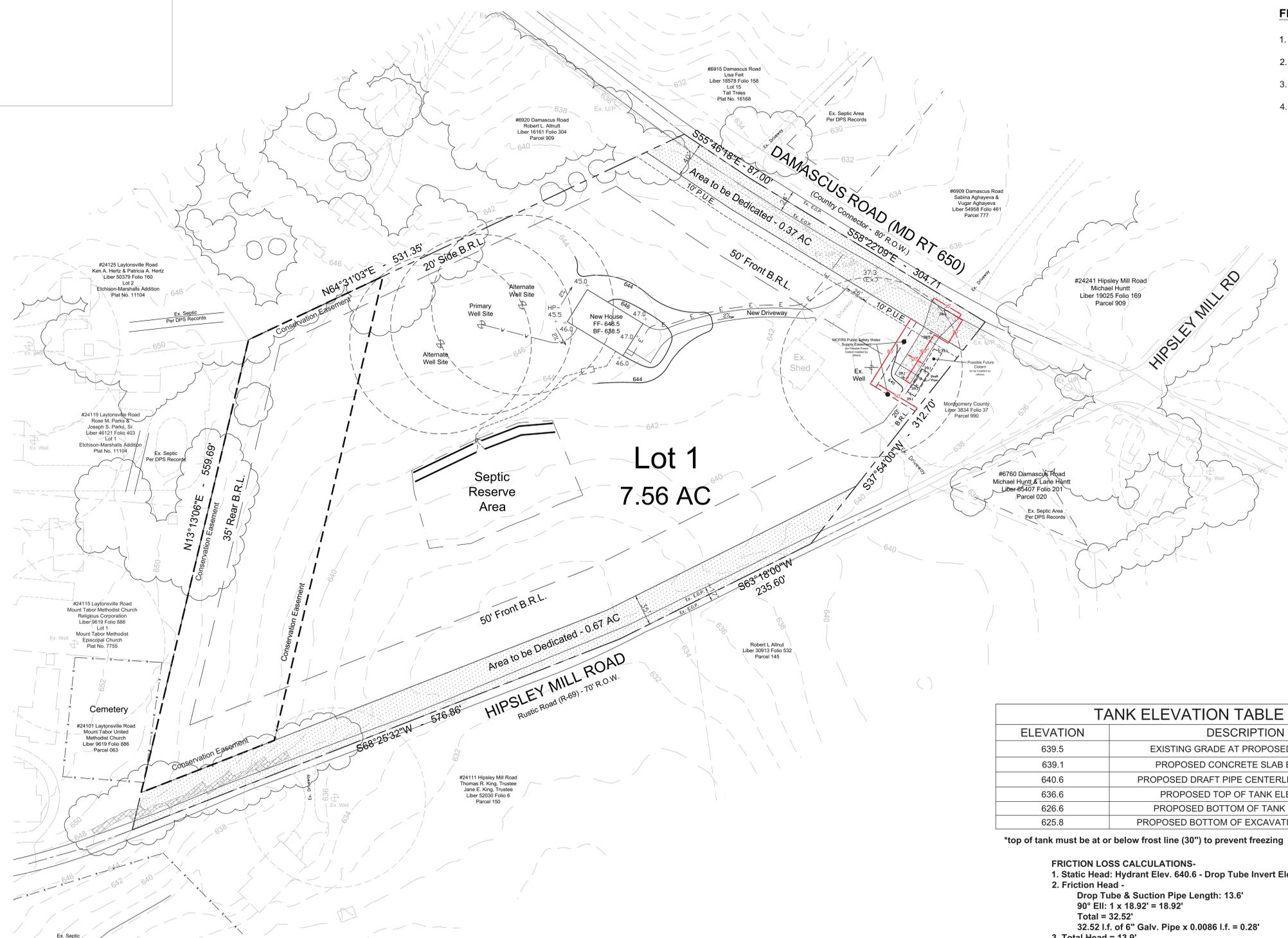
WSSC GRID 233NW07 & 234NW07  
 TAX MAP GW 342 & GW343  
 M-NCPPC FILE NO. 620240180  
 SHEET 1 OF 1

**FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:**

- The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
- The property is accessed by way of Damascus Road, which is identified as "Country Connector A-75" in the *Master Plan of Highways and Transitways*.
- Damascus Road has an approximate paved width of 24 feet. The posted speed limit along Damascus Road is 40 MPH.
- For water supply, a MCFRS Public Safety Water Supply Easement is to be provided as shown on the plan for possible future installation of a 30,000 gallon cistern by others. The easement is to be recorded in the Land Records of Montgomery County, Maryland prior to the recordation of the plat for the subdivision.



**EASEMENT:**  
1" = 50'



ELEVATION	DESCRIPTION
639.5	EXISTING GRADE AT PROPOSED TANK SITE
639.1	PROPOSED CONCRETE SLAB ELEVATION
640.6	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
636.6	PROPOSED TOP OF TANK ELEVATION *
626.6	PROPOSED BOTTOM OF TANK ELEVATION
625.8	PROPOSED BOTTOM OF EXCAVATION ELEVATION

\*top of tank must be at or below frost line (30") to prevent freezing

**FRICITION LOSS CALCULATIONS-**

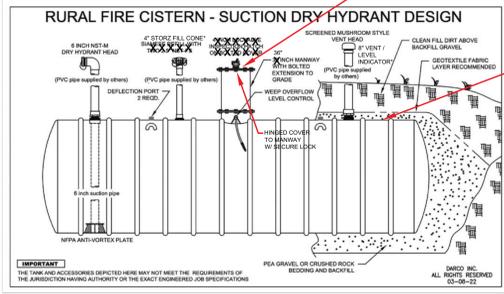
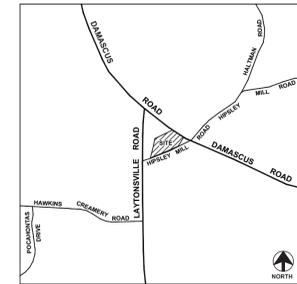
- Static Head: Hydrant Elev. 640.6 - Drop Tube Invert Elev. 627.0 = 13.6'
- Friction Head -  
 Drop Tube & Suction Pipe Length: 13.6'  
 90° Ell: 1 x 18.92' = 18.92'  
 Total = 32.52'  
 32.52 l.f. of 6" Galv. Pipe x 0.0086 l.f. = 0.28'
- Total Head = 13.9'

**LEGEND:**

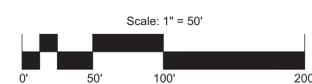
- CANOPY COVERAGE
- EXISTING BUILDING
- EX. FENCE
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD UTILITIES
- PROPERTY LINE (SUBJECT)
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- CANOPY COVERAGE
- CENTERLINE
- PROPOSED CATEGORY I CONSERVATION EASEMENT
- PROPOSED CONTOUR
- PROPOSED HOUSE
- PROPOSED SEPTIC
- WELL SITE

**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: S.M.C. PM: 43 DATE: 10/2/2024

**VICINITY MAP**  
SCALE: 1" = 2,000'



\*connections required by Montgomery County, MD



Professional Certification:  
 I hereby certify that this Fire Department Apparatus Access Plan has been prepared in accordance with the requirements of Executive Regulation 8-16 (Fire Safety Code - Building Construction) to the best of my knowledge.  
 Signature: [Signature] Date: 10-02-2024



- GENERAL NOTES:**
- AREA OF PROPERTY - 8.60 ACRES
  - EXISTING ZONING: AR
  - NO. OF LOTS SHOWN - 1
  - AREA IN LOTS - 7.56 AC
  - AREA DEDICATED TO STREETS - 1.04 AC
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DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R. Conklin  
*Director*

March 12, 2025

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

RE: Administrative Subdivision Plan  
No. 620240180  
Cavanaugh Family Parcel

Dear Mr. Casey:

This letter supersedes the previous letter dated October 29, 2024, and includes the revisions to Administrative Subdivision Plan Comment-Condition #1(c). We have completed our review of the Administrative Subdivision Plan uploaded to eplans on September 3, 2024. The Development Review Committee reviewed this plan at its September 24, 2024, meeting.

The subject property is fronted on public streets and is maintained by the MCDOT and Maryland State Highway Administration (MDSHA). MCDOT has no jurisdiction other than maintaining and operating the traffic signal, sidewalk, bus stop, bus shelter, or shared use path for the street maintained by MDSHA. Per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide the following recommendations for the roadways fronting the subject property maintained by MDSHA after reviewing the preliminary plan for the attention of the concerned agencies and the roadways maintained by MCDOT, we have the following comments.

**Plan Comments**

1. Damascus Road (MD-650):
  - a. Per the Master Plan of Highways and Transitway, the roadway is classified as a Country Connector with two lanes and an 80-ft right-of-way.
  - b. The Bicycle Master Plan proposes Bikeable Shoulders along the frontage.

**Office of the Director**

---

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

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

- c. MDSHA did not recommend a bikeable shoulder nor grade the lot frontage. In lieu of grading out the street frontage, bikeable shoulder, and sidewalk, the applicant shall make the de-minimis payment of \$34,478 to the Capital Improvements Project (CIP)-Sidewalk Program Minor Projects (CIP# P506747). This payment will be made to MCDOT 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 recordation of the plat.
2. Hipsley Mill Road:
  - a. Per the Master Plan of Highways and Transitway, the roadway is classified as a Rustic Road with two lanes and a 70-ft right-of-way.
  - b. Remove the Primary Residential Roadway detail from the certified plans at the time of the plan. The applicant shall dedicate the right-of-way to comply with the master plan as shown in the plans.
  - c. Prior to the recordation of the plat, the applicant should remove the crops/vegetation in the dedicated right-of-way area.
3. **Sight Distance:**
  - a. Hipsley Mill Road Access: The sight distance is accepted based on the following condition(s):
    - i. The applicant shall remove/trim/relocate any obstructions, such as trees, shrubs, traffic signs, etc., in the line of sight prior to the recordation of the plat.
    - ii. At the time of the plat recordation, provide an updated sight distance form to Montgomery County Department of Permitting Services (MCDPS) for approval with the minimum requirements met.
  - b. Damascus Road (MD-650) Access: We defer to MDSHA for the sight distance at the proposed site entrance, as MDSHA maintains the public right-of-way.
4. **Storm Drain:**
  - a. We defer to MDSHA for the portion of runoff draining to Damascus Road.
  - b. We approve the study because no existing county-maintained storm drain system is within 500 feet of the subject property.
5. All Planning Board Opinions relating to this plan or any subsequent revision, project plans, or site plans should be submitted to the MCDPS in the package for record plans, storm drains, grading or paving plans, or applications for access permits. Include this letter and all other correspondence from this department.

Mr. Jonathan Casey  
Administrative Subdivision Plan No. 620240180  
March 12, 2025  
Page 3

6. Design all access points to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
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, at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or at (240) 777-7170.

Sincerely,

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

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ 620240180-Cavanaugh Family Parcel\Letter\ 620240180-Cavanaugh Family Parcel-MCDOT Admin Sub REVISED Itr

cc: Sharepoint Correspondence Folder FY'25

cc-e: David McKee	Benning & Associates, Inc.
Kwesi Woodroffe	MDSHA District 3
Florence Dwyer	MNCPPC
Moses Ogunwuyi	MCDOT OMB
Robert Gonzales	MCDOT DTE
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Chris VanAlstyne	MCDOT DO
Rebecca Torma	MCDOT OTP



DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R. Conklin  
*Director*

March 12, 2025

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

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Cavanaugh Family Parcel

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**Office of the Director**

---

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

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

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Mr. Jonathan Casey  
Administrative Subdivision Plan No. 620240180  
March 12, 2025  
Page 3

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Sincerely,

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

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ 620240180-Cavanaugh Family Parcel\Letter\ 620240180-Cavanaugh Family Parcel-MCDOT Admin Sub REVISED Itr

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Robert Gonzales	MCDOT DTE
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Chris VanAlstyne	MCDOT DO
Rebecca Torma	MCDOT OTP

March 11, 2025

Ms. Mariah Clayborne,  
Planner II  
Upcounty Planning Division  
The Maryland-National Capital  
Park & Planning Commission (M-NCPPC)  
2425 Reedy Drive, Wheaton, MD 20902

Dear Ms. Clayborne:

Thank you for the opportunity to review Administrative Subdivision Plan application 620240180 for the **Cavanaugh Family Parcel** located on Damascus Rd (MD 650). The State Highway Administration (SHA) has reviewed the application and is pleased to respond.

Based on preliminary review of the plans, a new driveway is being constructed outside of the State's right of way and tying into an existing driveway; no other work is being proposed in the State's right of way.

The Bicycle Master Plan proposes bikeable shoulders along the property frontage; however, SHA does not recommend a bikeable shoulder as it would not tie into any existing bike facilities in the area. The applicant qualifies for a fee-in-lieu, which SHA supports.

SHA recommends approval of the Administrative Subdivision Plan.

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

Sincerely,



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

DG/kw

Cc: Mr. Kwesi Woodroffe, SHA – District 3 Access Management



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

November 20, 2024

Mr. David McKee, P.E.  
Benning & Associates, Inc.  
8922 Shady Grove Court  
Gaithersburg, MD, 20877

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Cavanaugh Family Parcel  
Preliminary Plan #: 620240180  
SM File #: 294185  
Tract Size/Zone: 8.6 Ac/AR  
Total Concept Area: 8.6 Ac/374616 Sq Ft  
Parcel(s): P960  
Watershed: Hawlings River-IV/Upper Patuxent  
River-III  
Redevelopment (Yes/No): NO

Dear Mr. McKee:

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 Micro-Infiltration Trench & Drywells.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. Prior to approval of a sediment control plan, written documentation from MDOT-SHA must be obtained to confirm adequacy of public storm system within SHA ROW.
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**.



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

*Mr. David McKee, P.E.*  
*11/20/2024*  
*Page 2 of 2*

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 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 Alex Weintraub at 240-777-6356.

Sincerely,



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

cc: Neil Braunstein  
SM File # 294185

ESD: Required/Provided 628 cf / 670 cf  
PE: Target/Achieved: 1"/1"  
STRUCTURAL: N/A cf  
WAIVED: N/A cf.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
*County Executive*

Rabbiah Sabbakhan  
*Director*

M E M O R A N D U M

October 29, 2024

TO: Jonathan Casey, Lead Reviewer  
Development Review  
Maryland National Capital Park and Planning Commission

FROM: Dustin Mathers, Plan Reviewer  
Well and Septic Section  
Department of Permitting Services

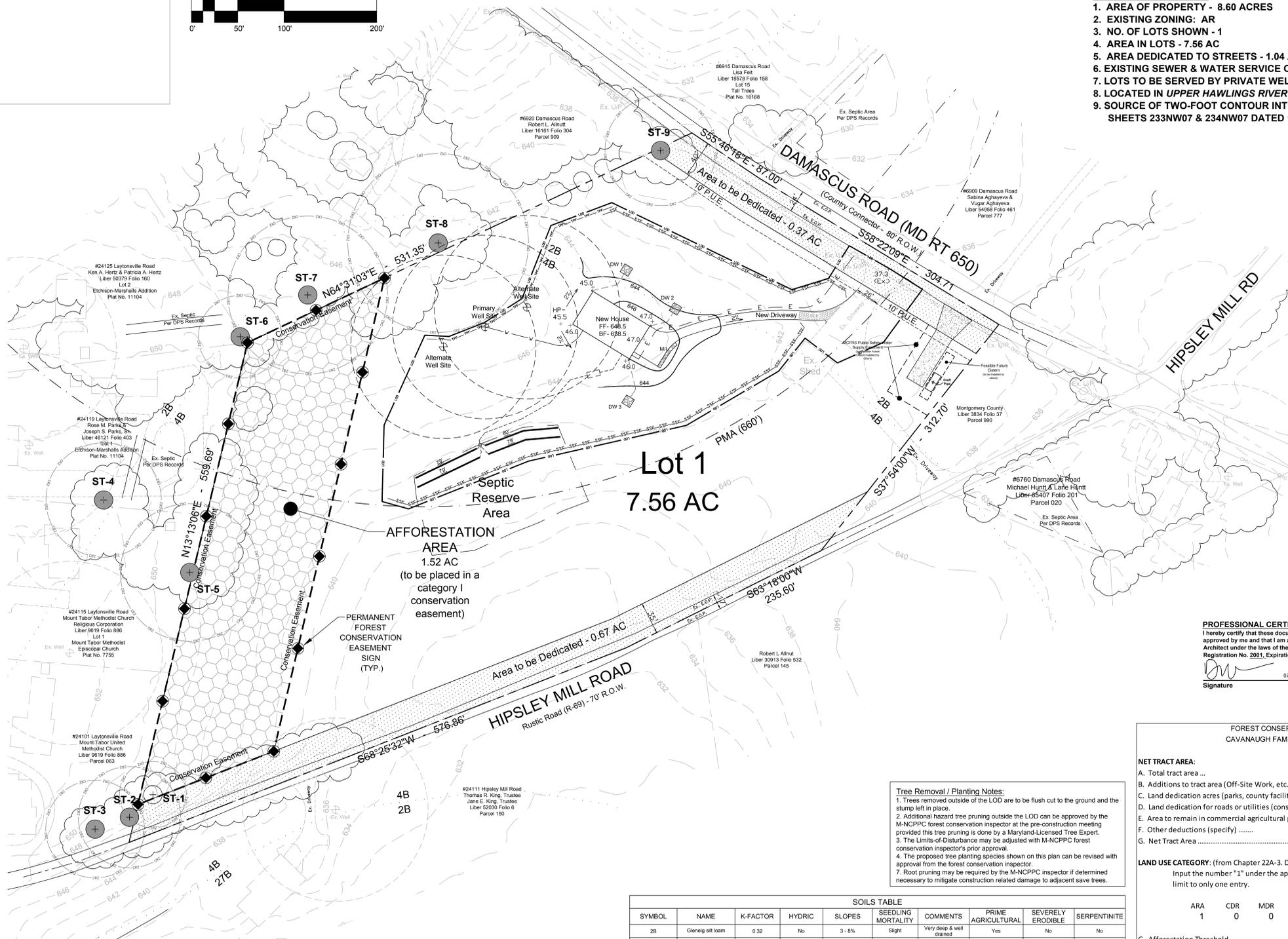
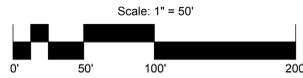
SUBJECT: Preliminary Plan: Cavanaugh Property  
620240180

This is to notify you that the Well & Septic Section of MCDPS has approved the Preliminary Plan for the subject property. Approved with the following reservations:

- The record plat must show the septic reserve areas as they are shown on this plan.
- 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 Dustin Mathers at (240)777-6358.

Cc: Benning and Associates



**GENERAL NOTES:**

1. AREA OF PROPERTY - 8.60 ACRES
2. EXISTING ZONING: AR
3. NO. OF LOTS SHOWN - 1
4. AREA IN LOTS - 7.56 AC
5. AREA DEDICATED TO STREETS - 1.04 AC
6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
7. LOTS TO BE SERVED BY PRIVATE WELLS & ON-SITE SEPTIC SYSTEMS
8. LOCATED IN UPPER HAWLINGS RIVER WATERSHED (CLASS IV-P)
9. SOURCE OF TWO-FOOT CONTOUR INTERVAL TOPOGRAPHY IS M-NCPPC SHEETS 233NW07 & 234NW07 DATED 12/10/21.

**LEGEND:**

- CANOPY COVERAGE
- EXISTING BUILDING
- EX. FENCE
- INDEX CONTOUR (2' INTERVAL)
- INTERMEDIATE CONTOUR
- OVERHEAD UTILITIES
- PROPERTY LINE (SUBJECT)
- PROPERTY LINE
- SLOPES ≥ 25%
- SOILS SERIES DIVIDE
- UTILITY POLE
- AREA OF DEDICATION
- BUILDING RESTRICTION LINE
- CENTERLINE
- PROPOSED CATEGORY I CONSERVATION EASEMENT / AFFORESTATION AREA
- PROPOSED CONTOUR
- PROPOSED HOUSE
- PROPOSED SEPTIC
- WELL SITE
- PERMANENT FOREST CONSERVATION EASEMENT SIGNAGE
- STABILIZED CONSTRUCTION EASEMENT
- SILT FENCE
- TREE PROTECTION FENCE
- STORMWATER MANAGEMENT
- SIGNIFICANT TREE
- SPECIMEN TREE
- CRITICAL ROOT ZONE
- LIMIT-OF-DISTURBANCE (LOD)
- PATUXENT RIVER PRIMARY MANAGEMENT AREA BOUNDARY (PMA)

Revisions


date: 07-15-2024  
scale: 1" = 50'

Benning & Associates, Inc.  
Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 948-0240

**PROFESSIONAL CERTIFICATE:**  
I hereby certify that these documents were prepared or approved by me and that I am a registered Landscape Architect under the laws of the State of Maryland, Registration No. 2001, Expiration date 10-21-2024.

*DW*  
Signature Date 07-15-2024

**MISS UTILITY**  
Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

**Tree Removal / Planting Notes:**  
1. Trees removed outside of the LOD are to be flush cut to the ground and the stump left in place.  
2. Additional hazard tree pruning outside the LOD can be approved by the M-NCPPC forest conservation inspector at the pre-construction meeting provided this tree pruning is done by a Maryland-Licensed Tree Expert.  
3. The Limits-of-Disturbance may be adjusted with M-NCPPC forest conservation inspector's prior approval.  
4. The proposed tree planting species shown on this plan can be revised with approval from the forest conservation inspector.  
5. Root pruning may be required by the M-NCPPC inspector if determined necessary to mitigate construction related damage to adjacent save trees.

SYMBOL	NAME	K-FACTOR	HYDRIC	SLOPES	SEEDLING MORTALITY	COMMENTS	PRIME AGRICULTURAL	SEVERELY ERODIBLE	SERPENTINITE
2B	Glenelg silt loam	0.32	No	3 - 8%	Slight	Very deep & well drained	Yes	No	No
4B	Elicka silt loam	0.32	No	3 - 8%	Slight	Very deep and well drained	Yes	No	No

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	CRZ % IMPACT	STATUS / PROTECTION MEASURES
ST-1	<i>Acer saccharinum</i>	Silver Maple	28.0" (Estimate) & 24.1"	Moderate	Multi-stem, Bittersweet & Poison Ivy climbing trunk, 20% visible girdling roots, adventitious limbs, broken dead limbs with decay, hangers, die-back	0	Retain
ST-2	<i>Quercus phellos</i>	Willow Oak	36.8"	Moderate	Off-site, 20% visible girdling roots, gall on trunk, adventitious limbs, dead limbs with decay, hangers, co-dominant leaders	0	Retain
ST-3	<i>Quercus phellos</i>	Willow Oak	35.5"	Moderate-Poor	Off-site, <i>Euroymnus</i> is climbing trunk, tree has been pruned, galls on trunk, die-back, hangers, adventitious limbs, co-dominant leaders	0	Retain
ST-4	<i>Acer rubrum</i>	Red Maple	41.5"	Poor	Off-site, exposed wounded roots, adventitious limbs, lost leader, lost scaffold lim, galls, dead broken limbs with decay, free has been topped	0	Retain
ST-5	<i>Acer saccharinum</i>	Silver Maple	50.0" (Estimate)	Moderate	<i>Euroymnus</i> is climbing trunk, multi-stem, die-back, broken dead limbs with decay, co-dominant leaders	0	Retain
ST-6	<i>Liriodendron tulipifera</i>	Tulip Poplar	30.0"	Moderate	Off-site, Buttress trunk next to tree, <i>Euroymnus</i> , Virginia Creeper & Bittersweet climbing trunk, hangers, co-dominant leaders, adventitious limbs, broken dead limbs with decay	0	Retain
ST-7	<i>Acer saccharinum</i>	Silver Maple	57.4"	Moderate	Off-site, Buttress trunk next to tree, <i>Euroymnus</i> , Virginia Creeper & Bittersweet climbing trunk, hangers, co-dominant leaders, adventitious limbs, broken dead limbs with decay	0	Retain
ST-8	<i>Acer saccharinum</i>	Silver Maple	65.0" (Estimate)	Poor	Off-site, die-back, multi-stem, Bittersweet climbing trunk, hangers, broken dead limbs	0	Retain, Tree Protection Fencing
ST-9	<i>Platanus occidentalis</i>	American Sycamore	40.0" (Estimate)	Moderate-Poor	<i>Euroymnus</i> , Multiflora Rose, Bittersweet climbing view of trunk, possible basal rot, adventitious limbs, die-back, broken dead limbs, hangers, co-dominant leaders	0	Retain, Tree Protection Fencing

**INSPECTIONS**  
All field inspections must be requested by the applicant.  
Field Inspections must be conducted as follows:  
Plans without Planting Requirements  
1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins.  
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin and before release of the building permit.  
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.  
Additional Requirements for Plans with Planting Requirements  
4. Before the start of any required reforestation and afforestation planting.  
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.  
6. 2 years after reforestation and afforestation has been completed, to determine survival and assess necessary maintenance activities for the remaining duration of the maintenance and management period.  
7. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

**Forest Conservation Data Table**

Number of Acres	
Tract	8.6
Remaining in Agricultural Use	-
Road & Utility ROWs <sup>1</sup>	1.04
Total Existing Forest	-
Forest Retention	-
Forest Cleared	-

Land Use & Thresholds <sup>2</sup>	ARA	MDR	IDA	HDR	MPD	CIA
Land Use Category	50%	per acre				
Conservation Threshold	20%	per acre				
Afforestation Threshold	-	-	-	-	-	-

Stream(s)	Total Channel		
	Length (ft.)	Average Buffer Width (ft.) <sup>3</sup>	

Acres of Forest in	Retained			Cleared			Planted		
	100-Year Floodplain	Stream Buffers	Priority Areas						
Wetlands	-	-	-	-	-	-	-	-	-
100-Year Floodplain	-	-	-	-	-	-	-	-	-
Stream Buffers	-	-	-	-	-	-	-	-	-
Priority Areas	-	-	-	-	-	-	-	-	-

<sup>1</sup> Only Road or Utility ROWs not to be improved as part of development application.  
<sup>2</sup> Information from F/Land Use Categories & Thresholds document.  
<sup>3</sup> Measured from stream edge to buffer edge.

**FOREST CONSERVATION WORKSHEET**  
CAVANAUGH FAMILY PARCEL - F20240560 \*\*\*Within Watershed\*\*\*

**NET TRACT AREA:**

A. Total tract area ...	8.60
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan) ...	0.06
C. Land dedication acres (parks, county facility, etc.) ...	0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...	1.04
E. Area to remain in commercial agricultural production/use ...	0.00
F. Other deductions (specify) .....	0.00
G. Net Tract Area .....	7.62

**LAND USE CATEGORY:** (from Chapter 22A-3. Definitions)  
Input the number "1" under the appropriate land use, limit to only one entry.

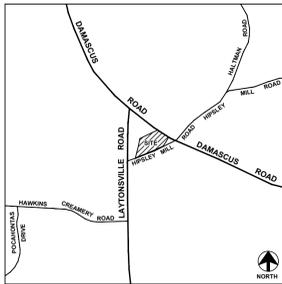
ARA	CDR	MDR	IDA	HDR	MPD	CIA
1	0	0	0	0	0	0

G. Afforestation Threshold ... 20% x G = 1.52  
H. Conservation Threshold ... 55% x G = 4.19

**DEVELOPER'S CERTIFICATE - Cavanaugh Family Parcel**  
The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20240560 including, financial bonding, forest planting, maintenance and all other application agreements.  
Developer's Name: Cavanaugh Family, LLC c/o Rachel Cavanaugh-Rouse  
Print Company Name  
Contact Person or Owner: Cavanaugh Family, LLC c/o Rachel Cavanaugh-Rouse  
Print Name  
Address: 6548 Damascus Road, Laytonsville, MD 20882  
Phone # and Email: 301-253-4112, rbcavrouse@gmail.com  
Signature:

**PREPARED FOR:**  
**Cavanaugh Family LLC**  
c/o Rachel B. Cavanaugh-Rouse  
6548 Damascus Road  
Laytonsville, MD 20882  
(301) 253-4112  
rbcavrouse@gmail.com

**VICINITY MAP**  
SCALE: 1" = 2,000'



**Sequence of Events for Properties Required to Comply With Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans**

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

**Pre-Construction**

- An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
- The property owner must arrange for the meeting and following people **should** participate at the pre-construction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist/Maryland Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is to verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.
  - Typical tree protection devices include:
    - Chain link fence (four feet high)
    - Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
    - 14 gauge, 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
  - Typical stress reduction measures may include, but are not limited to:
    - Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest Conservation Inspector.
    - Crown Reduction or pruning
    - Watering
    - Fertilizing
    - Vertical mulching
    - Root aeration systems

Measures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.

- A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.

- Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.

- Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
  - Parking or driving of equipment, machinery or vehicles of any type.
  - Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
  - Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
  - Felling of trees into a protected area.
  - Trenching or grading for utilities, irrigation, drainage, etc.

- Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

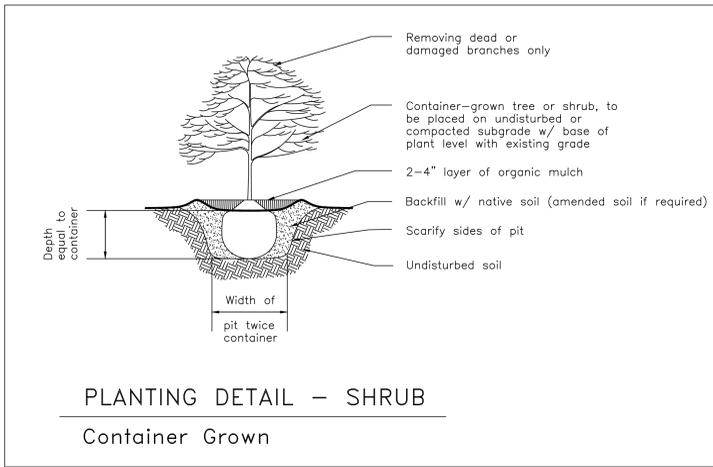
**During Construction**

- Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
- The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

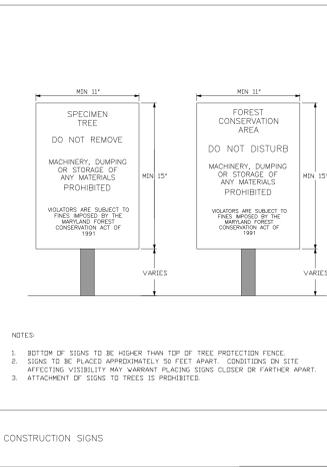
**Post-Construction**

- After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
  - Removal, and possible replacement, of dead, dying, or hazardous trees
  - Pruning of dead or declining limbs
  - Soil aeration
  - Fertilization
  - Watering
  - Wound repair
- Clean up of retention areas, including trash removal

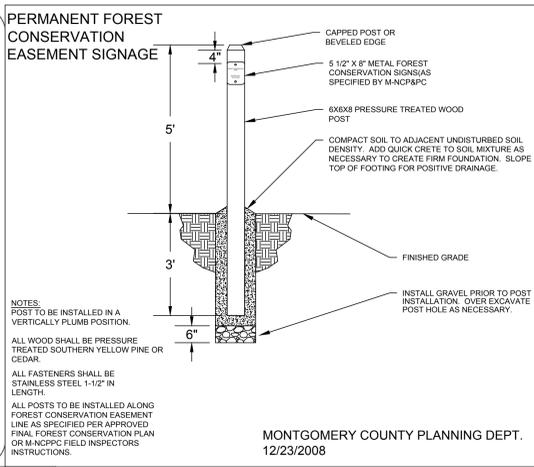
- After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.
- Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.



**PLANTING DETAIL – SHRUB**  
Container Grown



CONSTRUCTION SIGNS



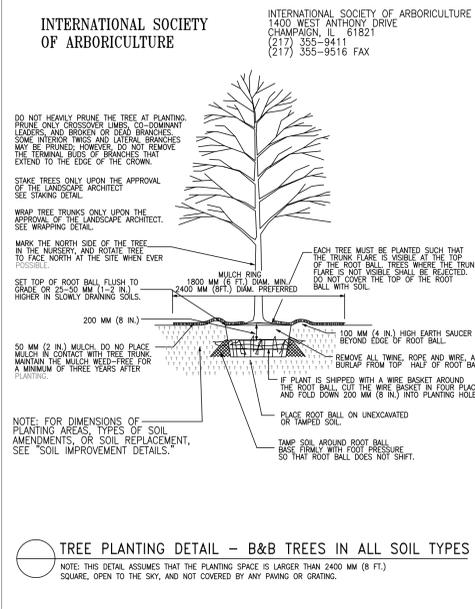
PERMANENT FOREST CONSERVATION EASEMENT SIGNAGE  
MONTGOMERY COUNTY PLANNING DEPT. 12/23/2008

**ANALYSIS OF SUITABILITY FOR THE PLANTING SITE AND PRE-PLANTING MEASURES:**

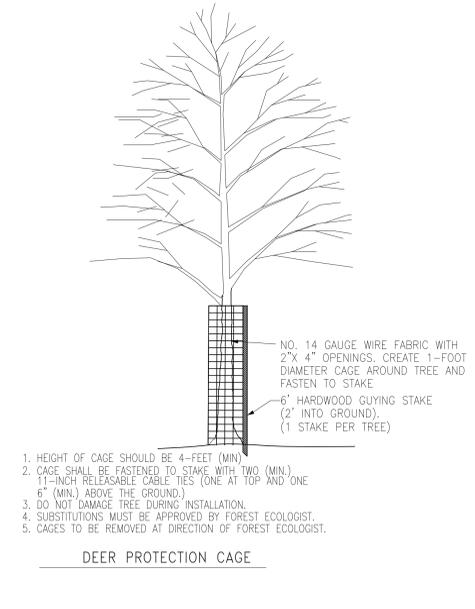
- Analysis of suitability for the suitability for the planting site
- The property is located in the Patuxent River Watershed.
  - Planting to occur in areas with soil type 4B. This soil type is suited to cultivate crops.
- Pre-planting measures**
- Afforestation tree planting to be planted pursuant to the ANSI planting standards.
  - Protection from deer damage is required to be installed on each tree and shrub before M-NCPPC acceptance of tree planting. Shrubs may be placed in groupings of 3 to 5 with deer protection around the group planting.
  - Prior to any planting on the site, a pre-planting meeting with the M-NCPPC Inspector must be arranged.
  - The contractor shall locate and verify the existence of all utilities prior to any excavation work.
  - All plants shall bear the same relationship to finished grade as the plant's original grade.
  - All plants shall be balled & burlapped or container grown as specified. Container grown stock that is root bound will not be acceptable.
  - With container grown stock, the container shall be removed and the ball shall be cut through the surface in two vertical locations.
  - All plants shall be installed as per details.
  - Prior to planting, inspect planting stock. Plants not conforming to the American Standard for Nursery Stock specifications for size, form, vigor or roots, or due to trunk wounds, insects and disease should be replaced.
  - Soil tests are to be performed by contractor in all areas proposed for planting to determine deficiencies.
  - Soil amendments, if necessary, should be applied before planting.
  - All existing trash must be removed prior to planting.
  - Plants shall be inspected by the contractor and any material that is either damaged or which has root ball compaction, j-rooted or kinked root systems will be replaced. No plants will be stored on site. Plants will be planted immediately once received from the nursery.
  - The area will be mowed before planting and invasive species should be treated with herbicide at this time to inhibit their comeback.

**LONG-TERM MAINTENANCE PLAN:**

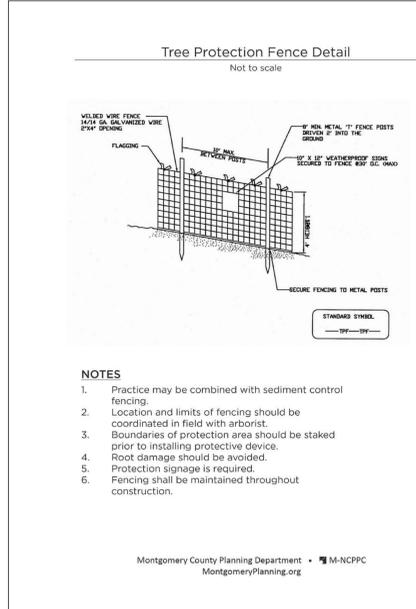
- The owner's Maintenance Period shall last for five (5) years after completion of planting or three (3) years if agreed to by the approval authority (M-NCPPC).
- The owner's maintenance of new planting shall consist of watering, cultivating, weeding, mulching, installing tree shelters, replacement of tree shelters, resetting plants to proper grades or upright position, and furnishing and applying such pesticide sprays and invigorants as are necessary to keep the plants free of insects and disease and in thriving condition.
- Protect planting areas and plants at all times against damage of all kinds for the duration of maintenance period. Maintenance includes temporary protection barriers and signs as required for protection.
- Continuing maintenance will be needed to control competing vegetation until the new plantings become established. This may include repeat mowing, mulching and/or touch treatment of exotics with herbicide. Mowing will be required at least once during each growing season of the two-year maintenance period.
- All plants shall be watered thoroughly twice during the first 24-hour period after planting. All plants shall be watered weekly or more often during the first growing season depending on conditions and species tolerance. All plants shall be watered periodically during subsequent spring, Summer & Fall seasons of the maintenance period as conditions require and as per maintenance agreement.
- Forest planting areas to be covered by a maintenance agreement. The landscape contractor will inspect all planted areas every six months. At the end of the maintenance period, the contractor will request M-NCPPC inspection and will ensure that the survival requirements of the original stock level has been met.
- In years one and two each forest planting area will be maintained by either mowing or chemical treatment. Control of exotic and invasive species is to be done without the use of herbicides as much as possible. If use of chemicals is unavoidable, contact M-NCPPC (301) 495-4540 for approval prior to application of chemicals.
- During each inspection following planting, the contractor will evaluate the need for additional watering, additional fertilizer or lime and any additional steps to control competing vegetation. The contractor will also assess any disease potential of any outside influences is having a deleterious affect on the mitigation sites.



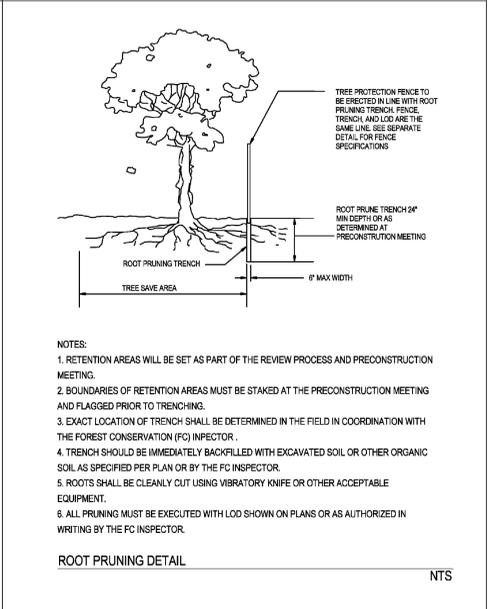
**TREE PROTECTION DETAIL – B&B TREES IN ALL SOIL TYPES**  
NOTE: THIS DETAIL ASSUMES THAT THE PLANTING SPACE IS LARGER THAN 2400 MM (8 FT.) SQUARE, OPEN TO THE SKY, AND NOT COVERED BY ANY PAVING OR GRATING.



**DEER PROTECTION CAGE**



**Tree Protection Fence Detail**  
Not to scale



**ROOT PRUNING DETAIL**  
NTS

PLANT SCHEDULE - RECOMMENDED SPECIES LIST						
AFFORESTATION AREA (1.52 ac)		152 Trees		50 Shrubs		
QUANTITY	SIZE	SCIENTIFIC NAME	COMMON NAME	SPACING	COMMENTS	
<b>TREES: 151</b>						
30	1.5"-2"	Calliper	ACER RUBRUM	RED MAPLE	15' o.c.	B&B
31	1.5"-2"	Calliper	LIRIODENDRON TULIPIFERA	TULIP POPLAR	15' o.c.	B&B
30	1.5"-2"	Calliper	NYSSA SYLVATICA	BLACK OUN	15' o.c.	B&B
30	1.5"-2"	Calliper	PLATANUS OCCIDENTALIS	SYCAMORE	15' o.c.	B&B
31	1.5"-2"	Calliper	QUERCUS RUBRA	NORTHERN RED OAK	15' o.c.	B&B
<b>SHRUBS: 50</b>						
25	18"-24" HEIGHT	LINDERA BENZOIN	SPICEBUSH	12' o.c.	Container Grown	
25	18"-24" HEIGHT	VIBURNUM DENTATUM	SOUTHERN ARROWWOOD	12' o.c.	Container Grown	

- FINAL FOREST CONSERVATION PLAN NOTES:**
- REFORESTATION / AFFORESTATION REQUIREMENTS**
- AFFORESTATION / REFORESTATION AREA:** 1.52 ACRES
  - PROPOSED PLANTING DENSITY:** 100 TREES @ 1.5'-2" CAL/AC  
33 SHRUBS @ 18'-24" HEIGHT/AC
  - NUMBER OF TREES TO BE PLANTED:** 100 x 1.52 AC = 152 TREES
  - NUMBER OF SHRUBS TO BE PLANTED:** 33 x 1.52 AC = 50 SHRUBS
  - SURVIVABILITY REQUIRED AT END OF TWO-YEAR MAINTENANCE PERIOD:** 152 TREES x 100% = 152 TREES  
50 SHRUBS x 75% = 38 SHRUBS

**DEVELOPER'S CERTIFICATE - Cavanaugh Family Parcel!**

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 23040560, including, financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: Cavanaugh Family, LLC c/o Rachel Cavanaugh-Rouse  
Print Company Name: \_\_\_\_\_

Contact Person or Owner: Cavanaugh Family, LLC c/o Rachel Cavanaugh-Rouse  
Print Name: \_\_\_\_\_

Address: 6548 Damascus Road, Laytonville, MD 20882

Phone # and Email: 301-253-4112, rcavanaugh@gmail.com

Signature: \_\_\_\_\_

**PROFESSIONAL CERTIFICATE:**

I hereby certify that these documents were prepared or approved by me and that I am a registered Landscape Architect under the laws of the State of Maryland. Registration No. 2001, Expiration date 10-21-2024.

Signature: *[Signature]* Date: 07-15-2024



Revisions


date: 07-15-2024  
scale: \_\_\_\_\_

Benning & Associates, Inc.  
Landscape Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 948-0240



PRELIMINARY / FINAL FOREST CONSERVATION PLAN  
**Cavanaugh Family Parcel**  
Parcel #P960; Tax Map GW342 & GW343  
Election District 01  
Montgomery County, Maryland

# ATTACHMENT D

## DEED SUMMARY: CAVANAUGH FAMILY PARCEL

The current deed for the subject property (25624/435) describes the parcel as being "9.21 acres located on Damascus Road" and as "being the same land as described in Liber 3389 at Folio 146, being approximately 10.00 acres of land, more or less". The deed at Liber 3389 folio 146 was recorded in 1965 and that deed refers to a conveyance of 5,000 square feet as per Liber 3083 folio 449. The conveyance of 5,000 square feet occurred with the recording of Liber 3082 folio 449 on May 3, 1963. Therefore, the subject property in its current configuration originated in 1963. Given the above deed history, the subject property is exempt from the area and dimensional requirements of the AR zone but must meet the requirements of the zone in place prior to AR which we have determined was the Rural (R) zone. The subject property as proposed meets all of the Rural zone requirements.

**CAVANAUGH FAMILY PARCEL - DEED HISTORY**

DEED	DATE	DETAILS
Liber 2862 / folio 306	July 3, 1961	Conveyance from Hattie A. Moore to Cavanaugh / Burdette of Parcels including Subject Parcel
Liber 3083 / folio 449	May 3, 1963	Conveyance back to Hattie A. Moore of 5,000 Square Feet.
Liber 3389 / folio 146	August 2, 1965	Conveyance of ½ Interest from Burdette to Cavanaugh
Property is Shown and Identified on 1981 Tax Map (per MCATLAS 1981 SDAT Tax Map Book Layer) as P960 in its present configuration.		
Liber 18201 / folio 602	June 28, 2000	Inter-Family Conveyance of Interest; Parcel identified as Parcel III and 10 Acres, and same as 3389 / 145
Liber 25624 / folio 435	September 4, 2003	Inter-Family Conveyance of Interest; Parcel identified as Parcel III and 9.21 Acres; and same as 3389 / 145 (10 Acres)



Pedestrian Level of Comfort

Watersheds

Forests (Forest and Non-Forest Tree Cover)

Environmental Features

Transportation (Planned)

Transportation (Existing)

Educational Facilities

Parks Information

Thrive General Plan Growth Map

Property Lot and Block Annotation

Contours (2020; 2ft intervals)

Landcover (2020)

Terrain (LiDAR, 2020)

Imagery 2023 Spring

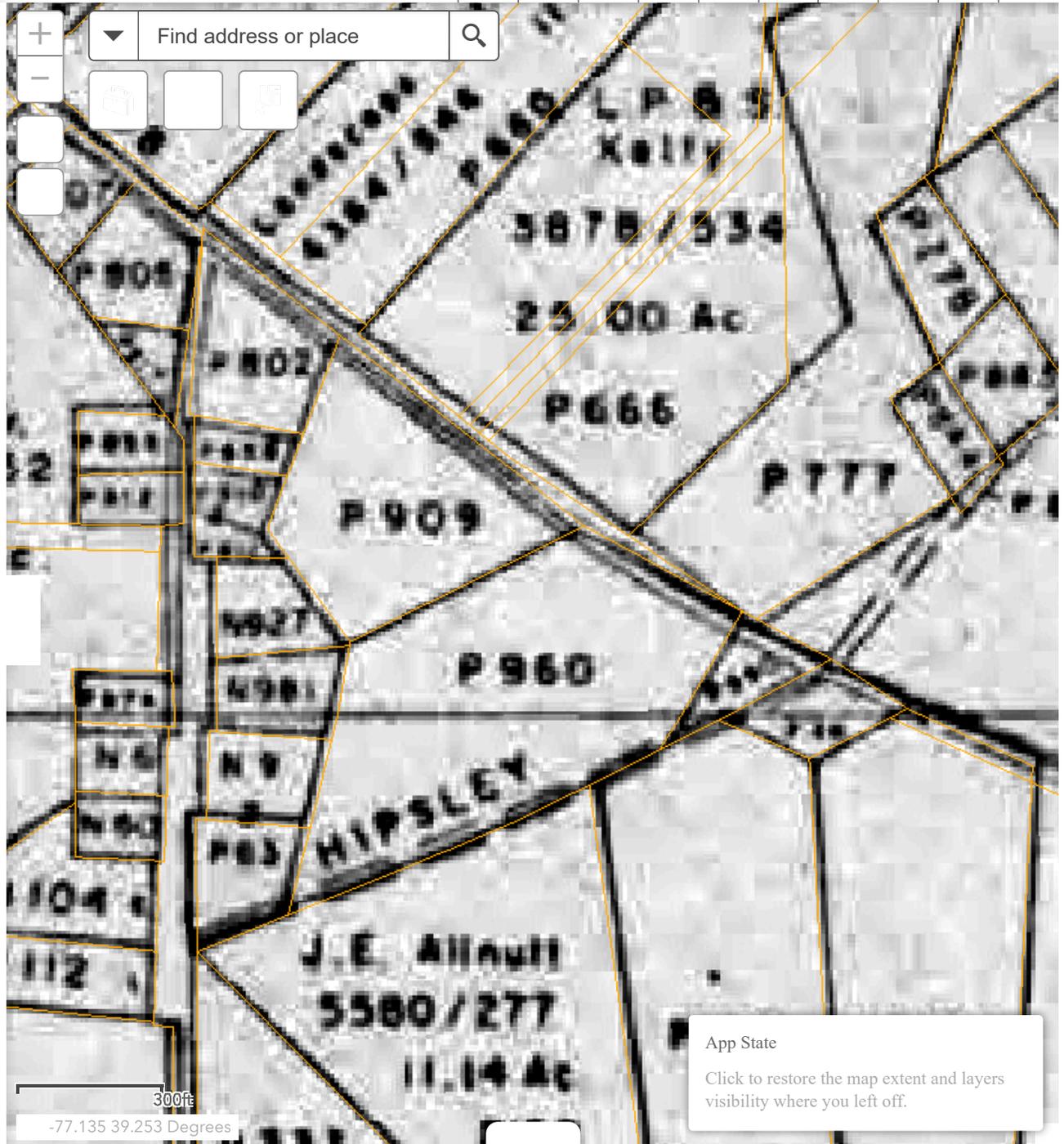
1981 SDAT Tax Map Book

MC SDAT Tax Map 1981

1865 Martenet and Bond

Historical Development Projects

◆ IMAGERY.APNO\_historical



25624 435

1

**Parcel Identification Numbers:**

6630 Damascus Road (77.35 Acres) 01-001-00001516  
 Damascus Road (4.52 Acres) 01-001-02040894  
 Damascus Road (9.21 Acres) 01-001-00001538

Title Insurer: None.

**WITHOUT BENEFIT OF TITLE SEARCH**

**DEED OF DISTRIBUTION**

**[No Consideration]**

THIS DEED OF DISTRIBUTION (this "Deed"), is made as of this 14th day of September, 2003, by and between **RACHEL CAVANAUGH ROUSE and LOUISE L. ROLANSKY, CO-TRUSTEES OF TRUST A ESTABLISHED BY WILL OF DAVID T. CAVANAUGH** dated December 1, 1989, and admitted to probate in Estate No. W-26654 (collectively, the "Grantor"), both having a mailing address for the purposes of this Deed only in care of Rachel B. Cavanaugh-Rouse, 6548 Damascus Road, Laytonsville, Maryland 20882-3100, and **DAVID T. CAVANAUGH** (the son of David T. Cavanaugh, the Grantor herein), **BETSY CAVANAUGH-O'KEEFE, RACHEL B. CAVANAUGH-ROUSE, ANN H. MENDELSON, CHARLES H. CAVANAUGH and LOUISE L. CAVANAUGH ROLANSKY** (collectively, the "Grantees" or individually, the "Grantee"), all having a mailing address for the purposes of this Deed only in care of Rachel B. Cavanaugh-Rouse, 6548 Damascus Road, Laytonsville, Maryland 20882-3100. This no consideration deed distributes the assets of a testamentary trust to the beneficiaries of the testamentary trust.

**WITNESSETH**, that in consideration of **NO CONSIDERATION**, the Grantor does grant and convey unto the Grantees, their personal representatives, heirs and assigns, in fee simple, as tenants in common, all of the Grantor's right, title and interest in certain property located in the County of Montgomery, State of Maryland, and as more fully described on Schedule A attached hereto and incorporated herein by this reference;

IMP FID SURE	20.00
RECORDING FEE	20.00
TOTAL	40.00

**SUBJECT TO** covenants and restrictions of record;

Rec# M008	Rec# 8560
MOR	BDH
	Blk # 8541

**TOGETHER WITH** all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto;

Oct 22, 2003 03:02 PM

**AND BEING** the same property conveyed to the Grantor in a Deed from **Rachel Cavanaugh Rouse, Personal Representative of the Estate of David T. Cavanaugh**, dated June 28, 2000, and recorded July 3, 2000, among the Land Records of Montgomery County, Maryland, in Liber 18201 at Folio 602;

**TO HAVE AND TO HOLD** the same unto and for the use of the Grantees, their personal representatives, heirs and assigns, in fee simple, forever;

**PLEASE RETURN TO:**  
**LERCH, EARLY & BREWER**  
**3 Bethesda Metro Center, Suite 380**  
**Bethesda, Maryland 20814-5367.**

**Attn:** Judith A. Hill  
 File 74654.001 / LGL

MONTGOMERY COUNTY MONTGOMERY COUNTY, MD MQR 25624, p. 0435, MSA\_CE63\_25578. Date available 11/02/2005. Printed 08/14/2024.

2003 OCT 22 P 3:05 R

FILED  
MONTGOMERY COUNTY CLERK'S OFFICE

APPROVED BY [Signature]

OCT 22 2003

\$ Exempt RECORDATION TAX PAID

\$ Exempt TRANSFER TAX PAID

LAW OFFICES  
 LERCH, EARLY & BREWER  
 CHARTERED  
 SUITE 460  
 3 BETHESDA METRO CENTER  
 BETHESDA, MARYLAND 20814-5367  
 (301) 986-1300

20  
20 BY

AND, the said Grantor covenants that they will warrant specially the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite;

AND, the property is free and clear of all liens, mortgages and deeds of trust. No Grantor or Grantee, as herein defined, is assuming liability for debt or being relieved of liability for debt in this transaction;

AND, the Grantor hereby certifies under the penalties of perjury that the actual consideration paid or to be paid for the foregoing conveyance, including the amount of any mortgage or deed of trust assumed by the Grantee is in the amount of \$-0-;

AND, this Deed may be executed in counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

WITNESS our hands and seals the day and year first above written.

**GRANTOR:**

Witness:

Jean A Zylar

Shirley LaBogue

Rachel Cavanaugh Rouse (SEAL)  
Rachel Cavanaugh Rouse, Co-Trustee

Louise L. Roslansky (SEAL)  
Louise L. Roslansky, Co-Trustee

STATE OF MD :

ss:

COUNTY OF MONT :

I HEREBY CERTIFY THAT on this 4 day of SEPT, 2003, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared **Rachel Cavanaugh Rouse**, in her capacity as a Co-Trustee of Trust A established by Will of David T. Cavanaugh, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Jean A Zylar  
Notary Public JEAN A ZYLAR

MY COMMISSION EXPIRES: 7-1-0507

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 25624, p. 0436, MSA\_CE63\_25578. Date available 11/02/2005. Printed 08/14/2024.

25624 437

Commonwealth

STATE OF Massachusetts :

: SS:

COUNTY OF Middlesex :

I HEREBY CERTIFY THAT on this 8<sup>th</sup> day of September, 2003, before the undersigned, a Notary Public of the State and County aforesaid, personally appeared **Louise L. Roslansky**, in her capacity as a Co-Trustee of Trust A established by Will of David T. Cavanaugh, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

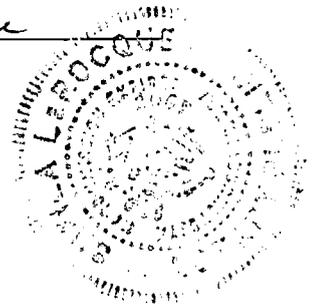
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(SEAL)

Maile LaRocque  
Notary Public

MY COMMISSION EXPIRES:

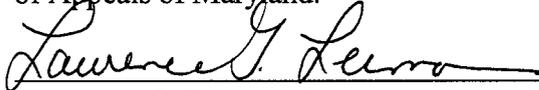
February 27, 2009



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 25624, p. 0437, MSA\_CE63\_25578. Date available 11/02/2005. Printed 08/14/2024.

25624 438

**I HEREBY CERTIFY** that this instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

  
Lawrence G. Lerman, Attorney

**AFTER RECORDATION, PLEASE RETURN TO:**

Judith A. Hill, Paralegal  
**Jerch, Early & Brewer, Chartered**  
3 Bethesda Metro Center, Suite 380  
Bethesda, Maryland 20814  
301-986-1300  
[File No. 74654.003\EMC]

G:\Dept\Re\Jah\74654\DEED-1.doc  
7/31/2003

25624 439

SCHEDULE A

LEGAL DESCRIPTION

**Parcel I:** 6630 Damascus Road, Laytonsville,  
Montgomery County, Maryland 20882  
Parcel Identification Number: 01-001-00001516

Parcel Identification Number 01-001-00001516, being the same land described in Liber 8501 at Folio 342, being approximately 77.35 acres of land, more or less, and also known as 6630 Damascus Road, Laytonsville, Maryland 20882.

**Parcel II:** 4.52 Acres located on Damascus Road Laytonsville,  
Montgomery County, Maryland  
Parcel Identification Number: 01-001-02040894

Parcel Identification Number 01-001-02040894, being the same land described in Liber 8501 at Folio 353, being approximately 4.52 acres of land, more or less.

**Parcel III:** 9.21 Acres located on Damascus Road Laytonsville,  
Montgomery County, Maryland  
Parcel Identification Number: 01-001-00001538

Parcel Identification Number 01-001-00001538, being the same land described in Liber 3389 at Folio 146, being approximately 10.00 acres of land, more or less.

State of Maryland Land Instrument Intake Sheet

[ ] City [ X ] County: Montgomery

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only. (Type or Print in Black Ink Only All Copies Must Be Legible)

1 Type(s) of Instruments ( [ X ] Check Box if Addendum Intake Form is Attached )
Deed [ X ] Mortgage [ ] Other [ ]
Deed of Trust [ ] Lease [ ]

2 Conveyance Type Check Box
Improved Sale [ ] Unimproved Sale [ ] Multiple Accounts [ ] Not an Arms-Length Sale [ ]
Arms-Length [1] Arms-Length [2] Arms Length [3]

3 Tax Exemptions (if Applicable)
Recordation [ ] Distribution under a testamentary trust.
State Transfer [ ]
County Transfer [ ]

4 Consideration and Tax Calculations
Table with columns for Consideration Amount and Finance Office Use Only. Rows include Purchase Price/Consideration, Any New Mortgage, Balance of Existing Mortgage, Other, Full Cash Value, and TOTAL DUE.

5 Fees
Table with columns for Amount of Fees, Doc. 1, Doc. 2, and Agent. Rows include Recording Charge, Surcharge, State Recordation Tax, State Transfer Tax, County Transfer Tax, Other, and Other.

6 Description of Property
SDAT requires applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).
District: 01-001, Property Tax ID No.: 00001516, 02040894, & 00001538, Grantor: Liber/Folio, Map, Parcel No., Var. LOG [ ] (5)

7 Transferred From
Doc. 1 - Grantor(s) Name(s): Rachel Cavanaugh Rouse & Louise L. Rolansky, Co-Trustees
Doc. 2 - Grantor(s) Name(s):
Doc. 1 - Owner(s) of Record, if Different from Grantor(s):
Doc. 2 - Owner(s) of Record, if Different from Grantor(s):

8 Transferred To
Doc. 1 - Grantee(s) Name(s): David T. Cavanaugh, Betsy Cavanaugh-O'Keefe, Rachel B. Cavanaugh-Rouse, Ann H. Mendelsohn
Doc. 2 - Grantee(s) Name(s):
New Owner's (Grantee) Mailing Address: c/o Rachel B. Cavanaugh-Rouse, 6548 Damascus Road, Laytonsville, Maryland 20882-3100

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional):
Doc. 2 - Additional Names to be Indexed (Optional):

10 Contact/Mail Information
Instrument Submitted By or Contact Person: [ X ] Return to Contact Person
Name: Judith A. Hill, Paralegal
Firm: Lerch, Early & Brewer, Chartered
Address: 3 Bethesda Metro Center, Suite 380, Bethesda, Maryland 20814
Phone: 301-986-1300
[ ] Hold for Pickup
[ ] Return Address Provided

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information:
Will the property being conveyed be the grantee's principal residence? [ X ] No
Does transfer include personal property? If yes, identify: [ X ] No
Was property surveyed? If yes, attach copy of survey (if recorded, no copy required) [ X ] No
Assessment Use Only - Do Not Write Below This Line
[ ] Terminal Verification [ ] Agricultural Verification [ ] Whole [ ] Part [ ] Tran. Process Verification
Transfer Number, Date Received, Deed Reference, Assigned Property No.
Year, 1a, 1a, Gen, Man, Sth, Blck
Land, Zoning, Grid, Plat, Lot
Buildings, Use, Parcel, Section, Occ. Cd.
Total, Town Cd., Ex. St., Ex. Cd.
REMARKS:

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 25624, p. 0440, MSA\_CE63\_25578. Date available 11/02/2005. Printed 08/14/2024.

**Addendum  
State of Maryland Land Instrument Intake Sheet  
County: Montgomery**

*The addendum form should be used when one transaction involves more than two instruments.  
Each instrument should be itemized in accordance with Section No. 1 of the Intake Sheet.*

2 (Continued) <b>Consideration and Fees</b>	<b>Consideration Amount/Recordation Fees</b>	<b>Doc. 3</b>	<b>Doc. 4</b>	<b>Doc. 5</b>	<b>Doc. 6</b>
	Consideration, Including Assumed Indebtedness	\$	\$	\$	\$
	Recording Charge	\$	\$	\$	\$
	Surcharge	\$	\$	\$	\$
	State Recordation Tax	\$	\$	\$	\$
	State Transfer Tax	\$	\$	\$	\$
	County Transfer Tax (if Applicable)	\$	\$	\$	\$
	Other	\$	\$	\$	\$
<b>Total Fees</b>		\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
6 (Continued) <b>Transferred From</b>	<b>Doc. 3 - Grantor(s) Name(s)</b>		<b>Doc. 4 - Grantor(s) Name(s)</b>		
	<b>Doc. 5 - Grantor(s) Name(s)</b>		<b>Doc. 6 - Grantor(s) Name(s)</b>		
	<b>Doc. 3 - Owner(s) of Record, if Different from Grantor(s)</b>		<b>Doc. 4 - Owner(s) of Record, if Different from Grantor(s)</b>		
	<b>Doc. 5 - Owner(s) of Record, if Different from Grantor(s)</b>		<b>Doc. 6 - Owner(s) of Record, if Different from Grantor(s)</b>		
7 (Continued) <b>Transferred To</b>	<b>Doc. 1 - Grantee(s) Name(s)</b>		<b>Doc. 4 - Grantee(s) Name(s)</b>		
	Charles H. Cavanaugh and Louise L. Cavanaugh Rolansky				
	<b>Doc. 5 - Grantee(s) Name(s)</b>		<b>Doc. 6 - Grantee(s) Name(s)</b>		
8 (Continued) <b>Other Names To Be Indexed</b>	<b>Doc. 3 - Additional Names to be Indexed (Optional)</b>		<b>Doc. 4 - Additional Names to be Indexed (Optional)</b>		
	<b>Doc. 5 - Additional Names to be Indexed (Optional)</b>		<b>Doc. 6 - Additional Names to be Indexed (Optional)</b>		
9 (Continued) <b>Special Instructions</b>	<b>Special Recording Instructions (if any)</b>				

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 25624, p. 0441, MSA\_CE63\_25578. Date available 11/02/2005. Printed 08/14/2024.

NO TITLE EXAM  
NO CONSIDERATION  
NO TITLE INSURANCE

TAX ID Nos. 1-1-1516, 1-1-2040894, 00001538

THIS DEED

18201 602

LAW OFFICES  
EHRlich & GORDON  
416 HUNGERFORD DRIVE  
ROCKVILLE, MD 20850

5.00  
20.00  
25.00  
Rec'd 46278  
Bk 1 204  
12:55 PM  
JUL 29 2000  
Rest 8000  
MAR 11 11AM  
UP TO SURE  
RECORDING FEE  
TOTAL

Made this 28th day of June, 2000, by and between  
RACHEL CAVANAUGH ROUSE, Personal Representative of the Estate of  
DAVID T. CAVANAUGH (Montgomery County, Maryland Estate No.  
W-26654)  
party(ies) of the first part, and

RACHEL CAVANAUGH ROUSE and LOUISE L. ROSLANSKY, Co-Trustees of  
Trust A established by Will of DAVID T. CAVANAUGH dated  
December 1, 1989 and admitted to probate in Estate No. W-26654  
party(ies) of the second part:

WITNESSETH, that in consideration of the sum of Ten Dollars  
and other good and valuable considerations, receipt of which is  
hereby acknowledged, the said party(ies) of the first part do(es)  
grant and convey unto the party(ies) of the second part in fee  
simple all that property in  
Montgomery County, State of Maryland, described as:

**THIS DEED TRANSFERS INTERESTS IN REAL PROPERTY UNDER THE TERMS OF  
GRANTOR'S WILL AND IS EXEMPT FROM COUNTY TRANSFER TAX PURSUANT TO  
SECTION 52-24(B) OF THE MONTGOMERY COUNTY CODE.**

PARCEL I

Tax Id#1-1-1516 being the same land described in Liber 8501  
folio 342 being approximately 77.35 acres and also known as 6630  
Damascus Road, Laytonsville, Maryland 20879.

PARCEL II

Tax Id#1-1-2040894 being the same land described in Liber  
8501 folio 353 being approximately 4.52 acres.

PARCEL III

Tax Id#00001538 being the same land described in Liber 3389  
folio 146 being approximately 10.0 acres.

AFFIDAVIT OF CONSIDERATION: The party(ies) of the first part  
hereby certify under the penalties of perjury that the actual  
consideration paid or to be paid for the foregoing conveyance  
including the amount of any mortgage or deed of trust by the  
grantees(s), is in the total sum of \$none.

TO HAVE AND TO HOLD said land and premises above described  
or mentioned and hereby intended to be conveyed, together with  
the rights, privileges, appurtenances and advantages thereunto  
belonging or appertaining, unto and to the only proper use,  
benefit and behoof forever of said party(ies) of the second part  
in fee simple.

TOGETHER with the building and improvements thereupon  
erected, made or being; and all and every, the rights, alleys,  
ways, water, privileges, appurtenances and advantages to the same  
belonging or in anywise appertaining.

AND the said party(ies) of the first part covenant(s) to  
warrant specially the property hereby conveyed; and to execute  
such further assurances of said land as may be requisite.

00 JUL-3 P 12:57 B  
MOLLY EHRlich  
CLERK'S OFFICE  
MONTGOMERY COUNTY

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) MQR 18201, p. 0602, MSA\_CE63\_18155. Date available 06/20/2005. Printed 12/09/2024.

205

WITNESS my hand (s) seal (s).

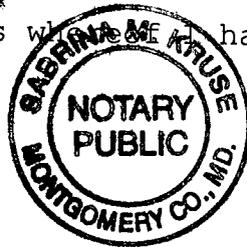
TEST:

Rachel Cavanaugh Rouse  
RACHEL CAVANAUGH ROUSE (SEAL)  
Personal Representative of the  
Estate of David T. Cavanaugh  
(Montgomery County, Maryland  
Estate No. W-26654)

STATE OF MARYLAND  
COUNTY OF MONTGOMERY, TO WIT:

On this 28th day of June 2000, before me, the undersigned officer, personally appeared RACHEL CAVANAUGH ROUSE Personal Representative of the Estate of David T. Cavanaugh Montgomery County, Maryland Estate No. W-26654) known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledge that she has executed the same for the purposes therein contained.

In witness whereof I have hereunto set my hand and official seal



Sabrina M. Kruse  
Notary Public  
~~Richard S. Ehrlich~~

My Commission Expires: 7-1-2003  
~~8/1/2000~~

I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that I have prepared this instrument.

Richard S. Ehrlich  
Richard S. Ehrlich

APPROVED FOR TRANSFER  
BY MH MONT. CO., MD

JUL -3 2000

\$ EXEMPT TRANSFER TAX PAID

mailed to -

Grantee, R.F. 2 Griffithsburg md. 9-14-65

LIBER 3389 FOLIO 146

Recorded Aug. 2nd, 1965-at-9:57 A. M.

THIS DEED, Made this 30<sup>th</sup> day of <sup>July</sup> ~~December~~, A.D. <sup>1965</sup> ~~1964~~, by MARVIN L. BURDETTE and JUANITA T. BURDETTE, his wife, hereinafter called the Grantors, to DAVID T. CAVANAUGH and ELIZABETH C. CAVANAUGH, his wife, as Tenants In Common, hereinafter called the Grantees, all of Montgomery County, State of Maryland.

NOW, THEREFORE, THIS DEED WITNESSETH: That for and in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the said Grantors do hereby grant and convey unto the said Grantees, as tenants in common, and not as joint tenants, and not as tenants by the entireties, in fee simple forever, all of their right, title, interest and estate, both at law and in equity, in and to all those certain lands and premises in the First Election District of Montgomery County, Maryland, described as follows:

Being tracts or parts of tracts of land in said First Election District of Montgomery County, Maryland, called "Resurvey on Hartley's Lot", "Griffithsburg", and "Great Meadows", described in a deed dated July 3, 1961, from Hattie A. Moore, Widow, to the aforesaid Grantors and Grantees, which deed is of record among the Land Records of Montgomery County, Maryland, in Liber 2862 at folios 306 et seq.

The said interest hereby conveyed is understood to be a one-half undivided interest in and to said lands and premises, the said Grantors and Grantees having conveyed out of said tract, since they acquired the same by the deed aforesaid, 5,000 square feet of land back to the said Hattie A. Moore by deed dated April 17, 1963, of record among the said Land Records in Liber 3082, at folios 449 et seq.

The said lands and premises in which the interests aforesaid are hereby conveyed are the same lands and premises described in the aforesaid deed from Hattie A. Moore, Widow, to the said

1.

E. OXLEY  
ATTORNEY AT LAW  
BERRY ST.  
BETHESDA, MD.  
2-3600

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) CKW 3389, p. 0146, MSA\_CE63\_3347. Date available 04/10/2008. Printed 08/14/2024.

LIBER 3389 FOLIO 147

Grantors and Grantees of this deed, by the deed aforesaid, except the said 5,000 square feet conveyed by the Grantors and Grantees of this deed to the said Hattie A. Moore, by the deed aforesaid.

Part of the lands and premises hereinbefore described were formerly owned by Luther W. Moore, who died a widower, unmarried, many years ago, leaving Luther J. Moore his only heir at law, who also formerly owned said lands and premises, both of whom will be found as such in the chain of title of record. The said Luther J. Moore heretofore departed this life leaving a Last Will and Testament dated Mar. 22, 1921, probated Feb. 1, 1927, which is of record in the Office of the Register of Wills of Montgomery County in Liber PEW 9, folios 250, by which he devised said hereinbefore described lands and premises to his widow, Lydia Moore, for life, and the remainder to William F. Moore, also called William H. Moore, Clifton H. Moore, Ida May Allnutt, Russell G. Moore and Luther H. Moore; and thereafter the said Lydia Moore died and the said devisees, except Russell G. Moore, conveyed their interest in and to said lands and premises to the said Russell G. Moore, and Hattie A. Moore, his wife, by deed dated August 23, 1940, of record among said Land Records in Liber 797, folios 17 et seq. And the said Hattie A. Moore acquired the 1/5th interest which said Russell G. Moore inherited from his father, under the Last Will and Testament of said Russell G. Moore, of record, together with the Order of its Probate, in the Office of the Register of Wills of Montgomery County, Maryland, in Liber VMB 134, folios 857 et seq.

Together with all and singular the buildings and improvements thereon, the rights, roads, ways, waters, privileges and appurtenances thereto belonging, or in anywise appertaining.

To have and to hold said lands and premises unto the proper use and benefit of the said David T. Cavanaugh and Elizabeth C. Cavanaugh, his wife, as Tenants In Common, their heirs and assigns, in fee simple forever.

And the said Grantors hereby covenant with the said Grantees that they will warrant specially the lands and premises hereby conveyed, that they have done no act, matter or thing whatsoever except a mortgage in favor of Hattie A. Moore, to encumber said lands and premises, and that they will execute such other and further assurances as may be requisite and necessary the better to convey the same.

Witness the hands and seals of the Grantors.

Marvin L. Burdette (SEAL)  
Marvin L. Burdette

Witness:

Anne B. Oxley  
Anne B. Oxley

Juanita T. Burdette (SEAL)  
Juanita T. Burdette

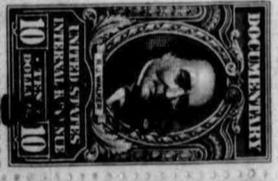
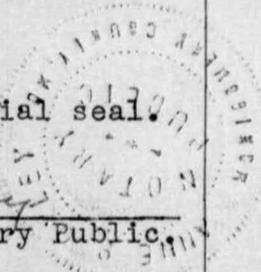
STATE OF MARYLAND, MONTGOMERY COUNTY, to wit:

I hereby certify that on this 30<sup>th</sup> day of July 1965, before me, Anne B. Oxley, the undersigned subscriber and officer, a Notary Public of the State of Maryland, in and for Montgomery County, personally appeared MARVIN L. BURDETTE and JUANITA T. BURDETTE, his wife, known to me to be the persons whose names are subscribed to the within instrument, the foregoing Deed, and acknowledged that they did execute the same for the purposes therein contained and did also acknowledge said Deed to be their act.

In witness whereof I hereunto set my hand and official seal.

My commission expires May 3, 1965  
June July 30, 1967

Anne B. Oxley  
Anne B. Oxley Notary Public



JOHN E. OXLEY  
ATTORNEY AT LAW  
24 S. PERRY ST.  
ROCKVILLE, MD.  
PO. 2-3600

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) CKW 3389, p. 0148, MSA\_CE63\_3347. Date available 04/10/2008. Printed 08/14/2024.

mailed to -  
Grantee Box 281, Rt. 2 Gaithersburg, Md. 6-11-63

MARYLAND FEE SIMPLE DEED—CODE—CITY OR COUNTY  
SHORT FORM

LIBER 3082 FOLIO 449

LENNER LAW BOOK CO. BLANK NO. 400-A  
509 K St. N.W., Washington 1, D.C.

Recorded May 3rd, 1963-at-2:31 P. M.

# This Deed

Made this Seventeenth day of April in the year  
of our Lord one thousand nine hundred and sixty-three  
by and between  
DAVID T. CAVANAUGH and ELIZABETH C. CAVANAUGH, his wife, and MARVIN L.  
BURDETTE and JUANITA T. BURDETTE, his wife  
of  
parties of the first part, and HATTIE A. MOORE, widow,

of party of the second part:

Witnesseth, that in consideration of the Sum of Ten Dollars (\$10.00)  
and other valuable considerations the said parties of the first part

do grant and convey unto HATTIE A. MOORE, widow,

party of the second part, her heirs and  
assigns, in fee simple all that piece or parcel of ground situate,  
lying and being in Montgomery County,  
State of Maryland, being part of the same land which the said parties of  
the first part

obtained from HATTIE A. MOORE, widow, by deed dated July 3rd, 1961,  
recorded in the Land Records of Montgomery County, Maryland, in Liber  
2862 at folio 306

and being described as follows to wit:

Beginning for the same at the end of the second line of a one (1)  
acre parcel excepted and retained in a deed from Hattie A. Moore, widow,  
to David T. Cavanaugh and Elizabeth C. Cavanaugh, his wife and Marvin L.  
Burdette and Juanita T. Burdette, his wife, dated July 3, 1961, and  
recorded in Liber 2862 at folio 306, one of the Land Records of Mont-  
gomery County, Maryland, and running thence with the third line of said  
one (1) acre parcel North 53°33' West 200.00 feet, thence to include  
a part of the land conveyed by the aforesaid deed, North 36°27' East  
25.00 feet; thence South 53°33' East 200.00 feet; thence South 36°27'  
West 25.00 feet to the place of beginning, containing Five Thousand  
(5,000.00) square feet of land.



Together with the building and improvements thereupon, erected, made, or being; and  
all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages, to the  
same belonging or in anywise appertaining.

To Have and to Hold the said piece or parcel of ground and premises above described or mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behoof forever of the said party of the second part.

And the said parties of the first part covenant that they will warrant specially and generally the property hereby conveyed; that they are seized of the land hereby conveyed; that they have a right to convey said land; that the said party of the second part shall quietly enjoy said land; that they have done no act to encumber said land;

and that they will execute such further assurances of said land as may be requisite.

Witness their hands and seals.

TEST:

Bethany B. Cook  
Bethany B. Cook

Bethany B. Cook  
Bethany B. Cook

David T. Cavanaugh [SEAL]  
David T. Cavanaugh

Elizabeth C. Cavanaugh [SEAL]  
Elizabeth C. Cavanaugh

Marvin L. Burdette (Seal)  
Marvin L. Burdette

Juanita T. Burdette (Seal)  
Juanita T. Burdette

STATE OF MARYLAND

COUNTY OF MONTGOMERY

On this 23rd day of April 1963, before me, a Notary Public

the subscriber, personally appeared David T. Cavanaugh & Elizabeth C. Cavanaugh and Marvin L. Burdette & Juanita T. Burdette

known to me (or satisfactorily proven) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Bethany B. Cook  
Bethany B. Cook  
Notary Public

My commission expires on the 6 day of May A. D., 1963



Collector of Taxes for Montgomery County  
Md. 5-363  
Finance, Montgomery County, Md.

MAY 3 1963  
TRANSFER TAX PAID  
MONTGOMERY COUNTY, MARYLAND

BY: [Signature]  
TRANSFER CLERK 36712

mailed to -  
Grantie Griffithsburg 2nd - 8-16-61

LIBER 2862 FOLIO 306

Recorded July 5th, 1961-at-3:05 P. M.

# This Deed

Made this 3rd day of July in the year  
of our Lord one thousand nine hundred and sixty-one by and between

HATTIE A. MOORE, widow

of Montgomery County, Maryland

party of the first part, and DAVID T. CAVANAUGH and ELIZABETH C. CAVANAUGH, his wife, as Tenants by the Entirety, as to an undivided  $\frac{1}{2}$  interest and MARVIN L. BURDETTE and JUANITA T. BURDETTE, his wife, as Tenants by the Entirety, as to the other  $\frac{1}{2}$  undivided interest, both  $\frac{1}{2}$  interests to be held as Tenants in Common as to each other.

of Montgomery County, Maryland parties of the second part:

Witnesseth, that in consideration of the sum of Ten Dollars (\$10.00)

and other valuable considerations the said party of the first part

does grant and convey unto said

parties of the second part, their heirs and assigns, in fee simple all that piece or parcel of land ground situate, lying and being in Montgomery County,

State of Maryland, being all of the same land which the said party of the first part Hattie A. Moore

obtained from William F. and Pearl Moore, ux, Clifton L. Moore, unmarried Luther H. & Louise Moore, ux, Ida M. Allnutt & Walter T. Allnutt, ux, by deed dated the 23rd day of August 1940, recorded in the

Land Records of Montgomery County, Maryland in Liber 797 at folio 17 and being described as follows to wit:

All those Parcels of land called "Resurvey on Hartleys Lot", "Griffithsburg", "Great Meadows" or by whatever other name the same may be known, situated in the First Election District of Montgomery County, Maryland at Etchison.

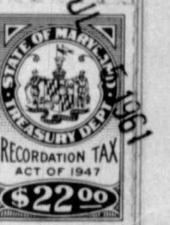
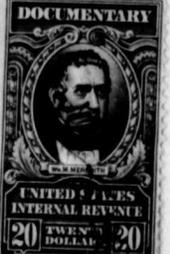
Being all the land and premises conveyed by deed from William F. Moore, et ux, et al, to Russell G. Moore and Hattie A. Moore, his wife, by deed dated August 23, 1940 and recorded in Liber 797 Folio 17, one of the Land Records of Montgomery County, Maryland.

EXCEPTING however, those four parcels of said land heretofore conveyed:

1. to Joseph F. Sirk for 1 acre by deed in Liber 1019 at Folio 52
2. to George S. Huntress, ux for 29,117 square feet by deed in Liber 1085 at Folio 500
3. to Bruce E. Burke, ux for  $\frac{1}{2}$  acre by deed in Liber 1602 Folio 548
4. to Joseph F. Sirk, ux for 1 acre by deed in Liber 2076 at Folio 322

ALSO EXCEPTING therefrom and expressly hereby retained by the Hattie A. Moore a parcel of said land, described as follows:

Beginning at an iron pipe driven on the East side of the public road leading from Etchison to Damascus, and on a line S-44-35-E and 1644.70 feet from a stone heretofore planted on the West side of said road, and at the end of the 5th line of the 1st parcel of said conveyance. A full description being found in Liber STS 2 Folio 309 in said Land Records. Thence, with the East side of said Road, S-53-33-E 200.0 feet, thence, leaving said road N-36-27-E 217.80 feet, thence, N-53-33-W 200.0 feet, thence, S-36-27-W 217.80---



MONTGOMERY COUNTY CIRCUIT COURT (Land Records) CKW 2862, p. 0306, MSA\_CE63\_2820. Date available 04/07/2008. Printed 12/09/2024.

feet to the place of the beginning,  
Containing one (1) acre of ground.

as per survey and description by Jesse L. Garland, May 1961  
The said Russel G. Moore being now deceased, leaving the said  
Hattie A. Moore, widow, surviving Tenant by the Entirety.

The first Parcel of land mentioned in the aforesaid Deed  
from William F. Moore et, ux - et al to Russell G. Moore and  
Hattie A. Moore, his wife, as recorded in Liber 797 at folio 17  
being the same land of which Luther W. Moore died seized and  
possessed being survey him, his widow Lydia R. Moore and one  
son, Luther J. Moore, as his only heirs at law; the said Lydia  
R. Moore, at her decease left the said Luther J. Moore as her  
only child and only heir at law.

**Together** with the building and improvements thereupon, erected, made, or being; and  
all and every, the rights, alleys, ways, waters, privileges, appurtenances, and advantages, to the  
same belonging or in anywise appertaining.

**To Have and to Hold** the Said piece or parcel  
of ground and premises above described or mentioned, and hereby intended to be conveyed,  
together with the rights, privileges, appurtenances, and advantages thereto belonging or apper-  
taining unto and to the only proper use, benefit and behoof forever of the said parties of  
the second part.

**And** the said part y of the first part covenant that she will warrant specially  
and generally the property hereby conveyed; that she is seized of the land hereby  
conveyed; that she has a right to convey said land; that the said part ies of the second part  
shall quietly enjoy said land; that she has done no act to encumber said land;  
and that she will execute such further assurances of said land as may be requisite.

**Witness** her hand and seal .

TEST:

*Alfred W. Spates*  
Alfred W. Spates

*Hattie A. Moore* [SEAL]  
Hattie A. Moore [SEAL]

STATE OF MARYLAND

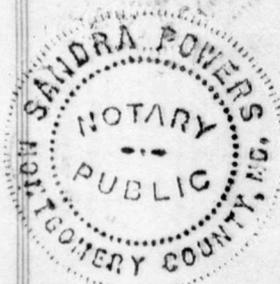
COUNTY OF MONTGOMERY

On this the 2nd day of July, 1961, before me, a Notary  
Public

, the undersigned officer, personally appeared Hattie  
A. Moore, known to me

(or satisfactorily proven) to be the person whose name  
subscribed to the within instrument and acknowledged that she executed the  
same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



*Sandra Powers*  
Sandra Powers  
Title of Officer

My Commission expires 5/6/63

# Attachment E

## School Adequacy Analysis

Application: Administrative Subdivision Plan 620240180

Analysis prepared by: Arnita Jackson

Date completed: December 17, 2024

### Overview and Applicable School Test

The proposed Administrative Subdivision Plan 620240180, Cavanaugh Family Parcel, located at the intersection of Damascus Road and Hipsley Mill Road, Gaithersburg, Maryland is scheduled to be reviewed January 9, 2025. Therefore, the Updated FY25 Annual School Test, approved by the Planning Board on December 19<sup>th</sup>, 2024, and effective January 1<sup>st</sup>, 2025, is applicable to this application. The project proposes a single lot for a new single-family detached dwelling unit.

### School Adequacy Test

The project is served by Laytonsville ES, John T. Baker MS and Damascus HS. Based on the Updated FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 1. Updated FY2025 Annual School Test Projections (2028-2029 School Year)

	Program Capacity	Enrollment	%Utilization	Surplus/ Deficit
Laytonsville ES	497	409	82.3%	+88
John T. Baker MS	766	876	114.4%	-110
Damascus HS <sup>1</sup>	1,543	1,477	95.7%	+66

Table 2. Updated FY2025 Annual School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Laytonsville ES	No UPP	162	188	262
John T. Baker MS	No UPP	10	44	159
Damascus HS	No UPP	226	375	607

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 Updated FY25 Annual School Test, Laytonsville ES, John T. Baker MS and Damascus HS do not require any UPP** as identified in Table 2.

### Analysis Conclusion and Condition of Approval

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

Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:

---

<sup>1</sup> 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.

**No UPP condition required.**

**UPP Factor Matrix for Resolution and Recording in Hansen (INTERNAL USE ONLY)**

The following provides the UPP factor matrix that needs to be included in the resolution findings for IRC to record in Hansen, assuming approval of the amendment as described in this report. If the Planning Board approves a different number and/or type of units than is described in this report, please request an updated matrix from CPP staff prior to finalizing the resolution for the approval.

<b>School Name</b>	<b>UPP Payment Ratios</b>		
	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Laytonville ES	0.000	0.000	0.000
John T. Baker MS	0.000	0.000	0.000
Damascus HS	0.000	0.000	0.000

# Attachment F

## **Benning & Associates, Inc.**

Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301)948-0240

July 15, 2024

Mr. Patrick Butler, Chief  
Upcounty Planning Division  
Montgomery County Planning Department  
2425 Reedie Drive, 13<sup>th</sup> Floor  
Wheaton, MD 20902

Re: Statement of Justification for Cavanaugh Family Parcel;  
Administrative Subdivision Application #620240180

Dear Mr. Butler,

This statement accompanies an Administrative Subdivision Plan Application for the subject property. The property which is located within the AR zone is 8.60 acres in size. The application proposes to convert the parcel to a building lot for one new single-family dwelling.

Regarding the required findings of Chapter 50.4.2.D for approval of an Administrative Subdivision Plan, please note the following:

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

The subject property is exempt from certain area and dimensional requirements of the AR zone. Per Section 7.7.1.D.9 of the Montgomery County Zoning Ordinance:

*A lot or parcel in the Agricultural Reserve (AR) zone, in addition to other exemptions in this subsection, is exempt from the minimum lot area requirements and lot width requirements of the AR zone, but must satisfy the requirements of the zone applicable to it before its classification to the AR zone if:*

- a. the lot or parcel was created before January 6, 1981*

The current deed for the property (25624/435) describes the parcel as being "9.21 acres located on Damascus Road" and also as "being the same land as described in Liber 3389 at Folio 146, being approximately 10.00 acres of land, more or less". The deed at

Liber 3389 folio 146 recorded in 1965 refers to a conveyance of 5,000 square feet recorded at Liber 3083 folio 449. The conveyance of 5,000 square feet occurred on May 3, 1963. Therefore, the subject property in its current configuration originated in 1963. While tax records and the deed recorded at Liber 25624 folio 435 identify the property as being 9.21 acres in size, a more recent survey of the land found the property to be 8.60 acres. Accordingly, the plans and other documents submitted for this application identify the current parcel as being 8.60 acres in size.

Given the above deed history, the subject property is exempt from the area and dimensional requirements of the AR zone but must meet the requirements of the zone in place prior to AR which we have confirmed was the Rural (R) zone. The subject property as proposed meets all the Rural zone requirements which includes an area of 5 acres and a minimum width at the building line of 300 feet.

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

The property is located within the limits of the *Damascus Master Plan* approved and adopted in 2006. The Master Plan confirmed the zoning for the property as RDT (now AR). The plan for the subject property conforms to the Master Plan by proposing development which is consistent with the requirements of the AR zone. Single-family dwellings and accessory uses including agricultural activities are permitted uses in the AR zone.

The property is located near the intersection of Damascus Road (State Route 650) and Hipsley Mill Road. The *Rustic Roads Functional Master Plan Update* (December 2023) reconfirmed the status of Hipsley Mill Road as a Rustic road. Hipsley Mill Road was originally designated a Rustic road by the 1996 *Rustic Roads Functional Master Plan*. The current Master Plan states “the road is on high ground with vistas across farmland” with the driving experience between Laytonsville Road and Damascus Road as “driving through the fields, with no fences on either side”. The subject property lies along this stretch of the roadway. The frontage of the property along Hipsley Mill Road is mostly treeless with an open view of an open farm field which sits above the road. The plan for the subject property conforms to the Rustic Roads Functional Master Plan by retaining the existing access from Damascus Road as the primary access to the site. No new points of access are proposed along Hipsley Mill Road.

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

Existing roads are available to provide ingress and egress for the proposed lot. Access to the property is to be by way of Damascus Road, publicly owned roadway maintained by the State of Maryland. Public safety services are available to serve the new residence with the nearest fire station 3 miles to the south in the Town of Laytonsville. School capacity is available for the proposed new lot.

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

The site has been carefully planned to meet the requirements of Chapter 22A. Currently, there is no forest on the property. Afforestation planting is proposed to be located on-site to accomplish the minimum threshold for forest cover in the AR zone (20%). In addition, there are no specimen tree impacts which will occur from the proposed development of the property for single-family residential use.

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

Stormwater management for the project is to be addressed by utilizing Environmental Site Design (ESD) practices. There are no floodplains or environmentally sensitive areas on the property and the site is not within an area which requires the submission of a water quality plan. A stormwater management concept plan has been submitted to the Water Resources Section of MCDPS for concurrent review with the Administrative Subdivision application.

**CONCLUSION**

The Administrative Subdivision Plan application as presented is consistent with the requirements and recommendations of all applicable master plans and in compliance with all zoning and subdivision standards for development within the AR zone. Based upon the information provided, we respectfully request approval of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. McKee", with a stylized flourish at the end.

David W. McKee