

**ANCIENT OAK
ADMINISTRATIVE SUBDIVISION PLAN NO. 620240220 AND
FINAL FOREST CONSERVATION PLAN NO. F20241000**

Description

Administrative Subdivision Plan to create two (2) lots for one (1) new and one (1) existing single-family detached unit.

COMPLETED: 4/28/2025

PLANNING BOARD HEARING DATE: 5/8/2025

MCPB ITEM NO. 6

Planning Staff

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LOCATION/ADDRESS

13330 Darnestown Road, Gaithersburg, MD

MASTER PLAN

2002 Potomac Subregion Master Plan

ZONE

R-200

PROPERTY SIZE

2.26 Acres

APPLICANT

Packard & Associates, LLC

ACCEPTANCE DATE

July 24, 2024

REVIEW BASIS

Chapter 22A, 50, 59

Summary:

- Staff recommends approval with conditions of the Administrative Subdivision Plan and the Final Forest Conservation Plan.
- The Application is to create two (2) lots for one (1) new and one (1) existing single-family detached unit.
- This Application is an Administrative Subdivision Plan which will have to be acted on by the Planning Board because it proposes a flag lot (Lot 39) which is subject to the requirements of Chapter 50.4.3.C.b.
- The Application will provide a fee-in-lieu of construction of a six (6)-foot-wide sidewalk with a 15-foot-wide street buffer along the Property frontage on Darnestown Road.
- No community correspondence has been received.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN NO. 620240220

Staff recommends approval with conditions of the Administrative Subdivision Plan No. 620240220 to create two (2) lots for one (1) new and one (1) existing single-family detached unit. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620240220 as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to two (2) lots for two (2) single-family detached dwelling units.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

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

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 24, 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 December 6, 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 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 February 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 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 February 28, 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 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 April 18, 2025, 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 Planning Staff certification of this Administrative Subdivision Plan.

TRANSPORTATION

Frontage Improvements

12. The Applicant must provide the following dedications and show them on the record plat for the following existing road:
 - a) All land necessary to accommodate sixty (60) feet from the existing pavement centerline along the Subject Property frontage for Darnestown Road.
13. The Applicant must pay a fee-in-lieu of construction of the 6-foot sidewalk per CSDG along the Darnestown Road (MD 28) site frontage, pursuant to the MCDOT Revised Letter dated April 24, 2024. Prior to certified preliminary plan approval, the Applicant must obtain approval from MCDOT and Planning Staff for an engineering cost estimate for the sidewalk and all related improvements, based on the latest version of the LATR Cost Estimation Tool, including contingency. Prior to issuance of any building permit or sediment control permit, the Applicant must make the payment toward the Capital Improvements Project (CIP) - Sidewalk Program Minor Projects (P506747).

14. The Applicant must provide a ten (10) foot wide Public Utility Easement (“PUE”) along the site frontage on Darnestown Road and show it on the record plat.

RECORD PLATS

15. There must be no clearing or grading of the site prior to recordation of plat.

Easements

16. The record plat must show necessary easements.
16. The record plat must reflect common ingress/egress and utility easements overall shared driveways.

Notes and Labels

17. The record plat must reflect all areas under common ownership.
18. The record plat must reflect the following building restriction lines (“BRL”) as shown on the Administrative Subdivision Plan:
 - a. Lot 40: An 80-foot BRL from the rear lot line for Lot 40.

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 permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*
20. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a) Show resolutions and approval letters on the certified set.
15. Include the approved Fire Department Access plan in the certified set.
16. Include a cross-section showing all frontage improvements on Darnestown Road.
17. Label and dimension all BRLs.

FINAL FOREST CONSERVATION PLAN NO. F20241000

Staff recommends approval with conditions of the Final Forest Conservation Plan No. F20241000 (“FFCP”) to create a two (2) lot subdivision to allow the retention of an existing house and the construction of one additional single-family detached dwelling unit in the R-200 zone. All site development elements shown on the latest electronic version of the Final Forest Conservation Plan No. F20240010, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions¹:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP 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 FFCP.
4. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for the Administrative Subdivision Plan, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Potomac River Direct watershed or Priority Area to satisfy the afforestation requirement of 0.33 acres of mitigation credit as shown on the FFCP. If no off-site forest banks exist within the Potomac River Direct watershed or Priority Area, then the afforestation requirement may be met by purchasing 0.33 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Potomac River Direct watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.

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

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property, consisting of an unrecorded tax parcel, Parcel 900, as identified in a deed recorded in Liber 46002 Folio 93, is located at 13330 Darnestown Road, in Gaithersburg (“Subject Property” or “Property”) (Figure 1). The Property is south of Darnestown Road (MD-28) and within the R-200 zone. Surrounding properties to the east, south, and west feature single-family dwellings in the RC, RE-1, RE-2, and R-200 zones.

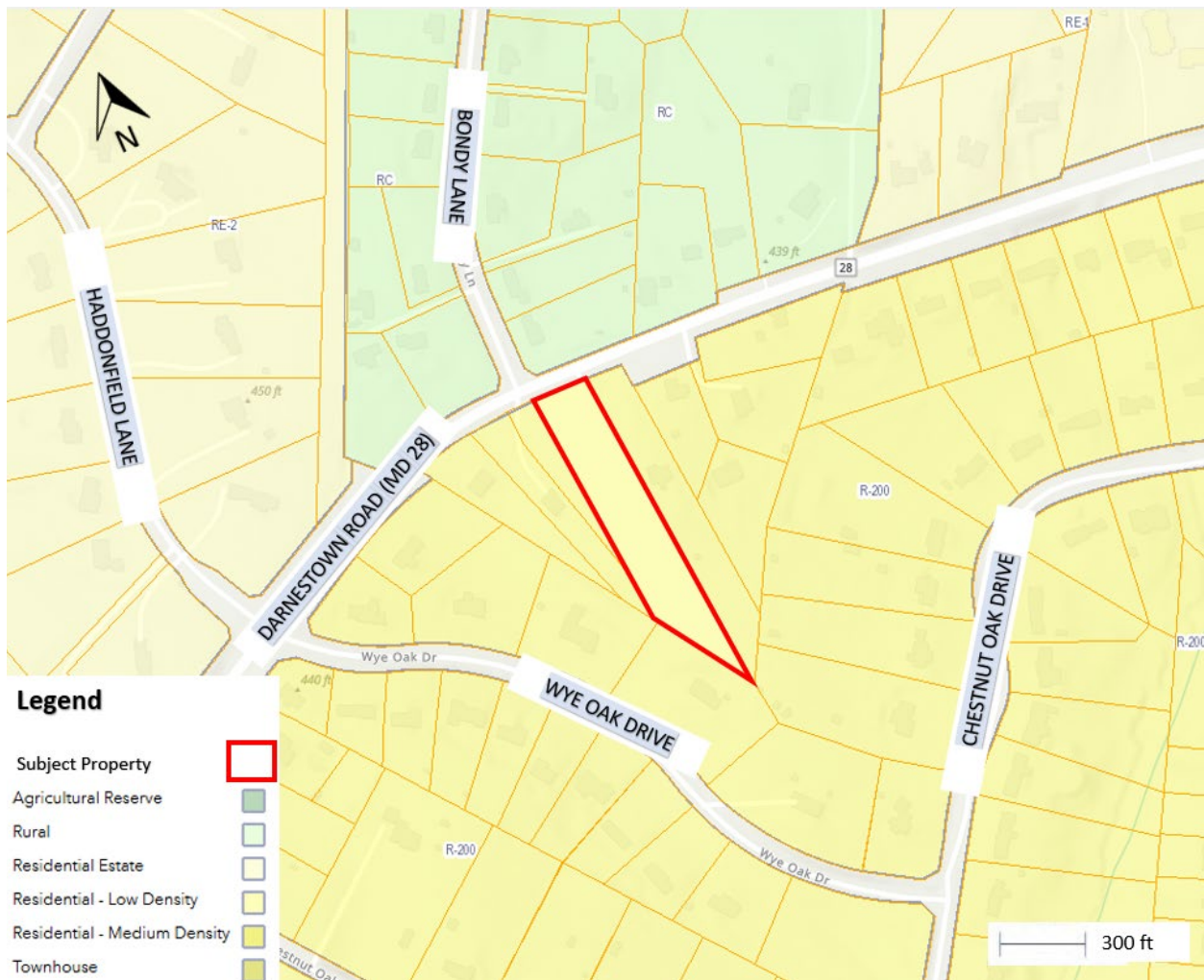


Figure 1 – Vicinity Map with Subject Property Outlined in red

PROPERTY DESCRIPTION

The Subject Property is within the 2002 *Potomac Subregion Master Plan*. The Property is a 2.26-acre tax parcel ("Parcel 900") (Figure 2) that is in the R-200 zone and currently has an existing single-family detached dwelling to the rear of the Property. The Property slopes gently westward to adjoining properties and is located in the Potomac River Direct watershed.

The Subject Property contains no forest, wetlands, or streams but does contain thirty-six (36) specimen and significant trees scattered across the Property.



Figure 2 – Aerial View of Subject Property Outlined in Red

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Administrative Subdivision Plan application proposes to subdivide Parcel 900 into two lots for two (2) single-family detached units using the Standard Method of development. Proposed Lot 40 in the front of the property is for a new single-family detached home, and Proposed Flag Lot 39 to the rear is for the existing single-family home. Both units have side-loaded garages that will be accessed from a shared driveway off of Darnestown Road.

ENVIRONMENT

The FFCP shows no existing forest on the Property, which results in an afforestation requirement of 0.33 acres both within and outside of the same watershed or Priority Area. The Applicant proposes to satisfy this requirement by purchasing the appropriate acreage in an offsite forest bank or by providing a fee-in-lieu payment to the Forest Conservation Fund if no forest banks are available. A full analysis is provided in Section 6 of this Staff Report.

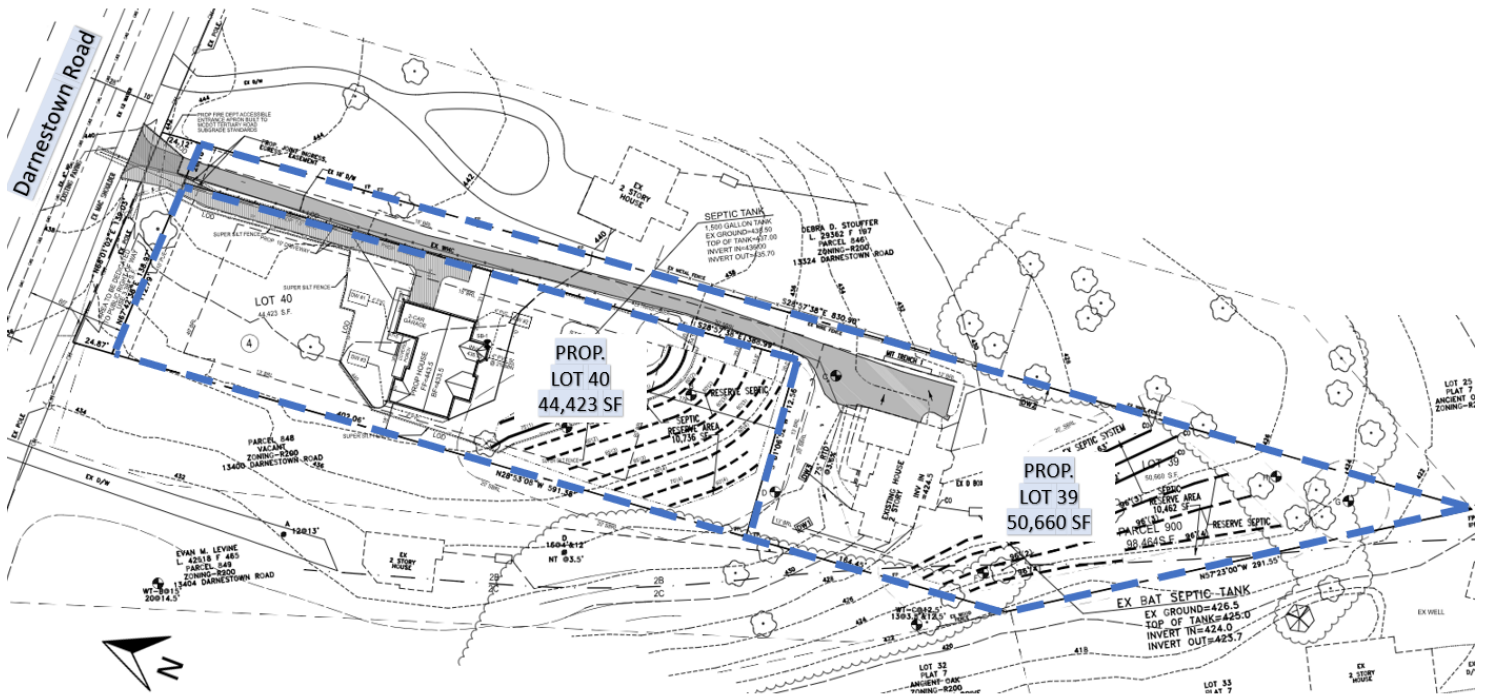


Figure 3 – Administrative Subdivision Plan

SECTION 4: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A notice of the Application was sent to all required parties by the Applicant on July 29, 2024. The notice gave the interested parties 30 days to review and comment on the contents of the Application.

As of the date of this Staff Report, no correspondence has been received.

SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN 620240220 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.C as demonstrated below:

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

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

The lots were submitted and will be approved for standard method development in the R-200 zone.

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

The Property is designated in the W-1 and S-6 categories and will be served by public water and private septic systems. The Applicant obtained MCDPS, Well and Septic approval in a letter dated February 28, 2025 (Attachment B).

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

The Applicant is required to provide road dedication in accordance with the Master Plan, which designates Darnestown Road as an Area Connector with a total right-of-way width of 120 feet. Accordingly, in order to meet Master Planned right-of-way dimensions, the Applicant will be required to ensure 60 feet of right-of-way dedication between the centerline of the pavement and the Property line. This will be required at the time of record plat. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. Please refer to Finding No. 3 below for additional information.

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

The Subject Property is subject to Chapter 22A of the County Code, and as discussed below, meets the requirements of Forest Conservation Law through the concurrent review and approval of Final Forest Conservation Plan No. 20241000.

MCDPS, Stormwater Management Section issued a Stormwater Management Concept plan approval dated February 11, 2025 (Attachment B). As discussed in the Findings Section below, Stormwater Management requirements for this Application have been met.

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

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

The size, shape, width, and orientation of the lots are appropriate considering the recommendations of the 2002 *Potomac Subregion Master Plan*, and for the applicable requirements of Chapter 59 for the residential use proposed on the Subject Property. The dimensions of the lots are adequate to accommodate the proposed buildings and other infrastructure deemed necessary to serve the lots, including but not limited to accessory structures, forest conservation, stormwater management, parking, utilities, and driveways.

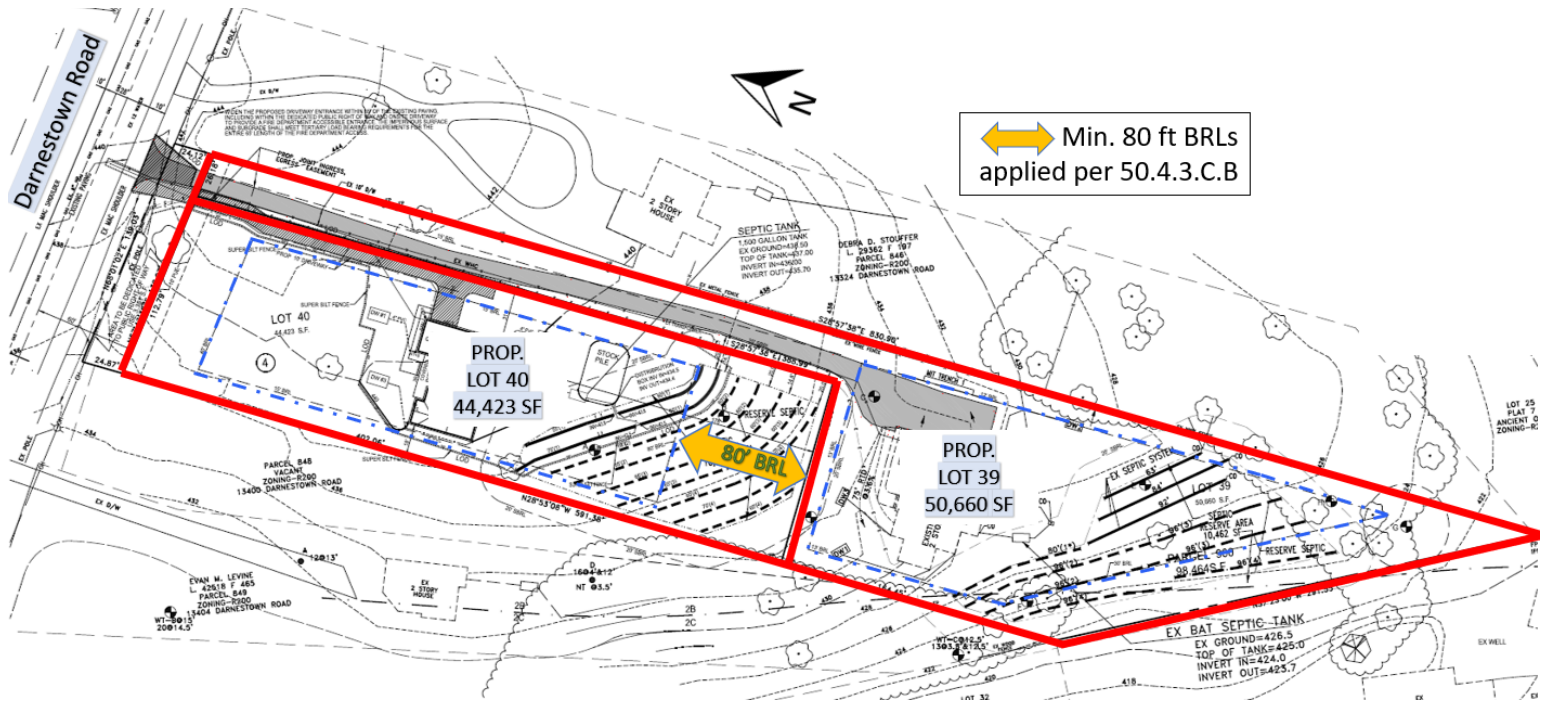


Figure 4 – Composite Administrative Subdivision Plan (BRL's shown in blue dashed lines). See Attachment J for enlarged exhibit.

Pursuant to Chapter 50, Section 6.3.B.5, the Planning Board must review this Application because proposed Lot 39 is a flag lot.

Per Section 50-4.3. C.1.b, of the Subdivision Regulations, the Planning Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and right-of-way permit no other feasible way to subdivide, and that appropriate separation between building envelopes can be achieved.

In this case, the creation of flag lots is acceptable, considering the shape of the Property, the location of the existing house, and the adjacent slopes. The existing tract is irregularly shaped, and in relation to the surrounding properties, Darnestown Road permits no other feasible way to subdivide the Property.

In addition, the following provisions apply per Section 50-4.3. C.1.b:

- i. in residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and:

- (a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and
- (b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts;
- ii. the Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot; and
- iii. all building restriction lines must be shown on the plat.

Consistent with the flag lot requirements, the Applicant has demonstrated that the proposed Lot 39 can accommodate the minimum of 80 feet of separation between the building envelope of the proposed flag lot and the building envelope of the lots that are adjacent to the rear lot line of the proposed flag lot (See Figure 4 and Attachment G). Taking into consideration the standard R-200 setbacks (30-foot rear setback and 12-foot/25-foot combined side setback) of the adjacent lots, additional setbacks are provided on the Subject Property to provide a cumulative setback of 80 feet between building envelopes. All other setbacks are the minimum required in the R-200 zone.

A summary of this review is included in Table 1 below. While flag lot provisions apply, the Application is proposed under the standard method in accordance with Section 59-4.4.7.B of the Zoning Ordinance. The Administrative Subdivision Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1 – Development Standards for the R-200 Zone

Standard	Required/Proposed	Proposed Flag Lot 39²	Proposed Lot 40³
Lot Size (Min.)	20,000 SF	50,660 SF / 1.16 AC	44,423 SF / 1.02 AC
Lot width at front building restriction line (BRL) (Min.)	100 ft.	100 ft. or greater	100 ft. or greater
Lot width at front lot line (Min.)	25 ft.	25 ft. or greater	25 ft. or greater
Lot Coverage (Max.)	25%	25% or less	25% or less
Front Setback (Min.)	40 ft.	40 ft. or greater	40 ft. or greater
Side setback (Min.) /Sum of sides	12 ft. / 25 ft.	12 ft. / 25 ft.	12 ft. / 25 ft.

² Lot 39 is subject to the requirements of Section 50-4.3.C.1.b (Flag Lots)

³ Lot 40 is subject to the requirements of Section 59-4.4.7.b (R-200 Standard Method Development Standards)

Rear Setback (Min.)	30 ft.	30 ft. or greater	80 ft. or greater
Building Height (Max.)	50 ft.	50 ft. or less	50 ft. or less

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

a) Land Use

The Subject Property is within the “Darnestown Triangle” identified on page 97 as the geographic area formed by MD 28, Turkey Foot Road, and Jones Lane in the 2002 *Potomac Subregion Master Plan (Master Plan)*. The Master Plan recommendations for this area are designed to support a transition between moderate-density development east of Jones Lane and low-density rural areas in western Darnestown. While the Master Plan does not specifically identify the Subject Property, the Application proposes the creation of two record lots from a total area of 2.26 acres, thus maintaining existing R-200 zoning and rural residential character desired by the Master Plan.

b) Environment

Noise Guidelines

The Environmental section of the 1993 General Plan Refinement for Montgomery County contains multiple objectives to protect future residents and workers from unacceptable noise levels. The 1983 Staff Guidelines for the Consideration of Transportation Noise (“Noise Guidelines”) contain strategies for mitigating the impact of transportation noise on new residential development. The Noise Guidelines Map 2-1 (Figure 5) shows the Subject Property in the 60 dBA Ldn maximum exterior noise level threshold area which is based on the suburban nature of development in Darnestown in 1983.

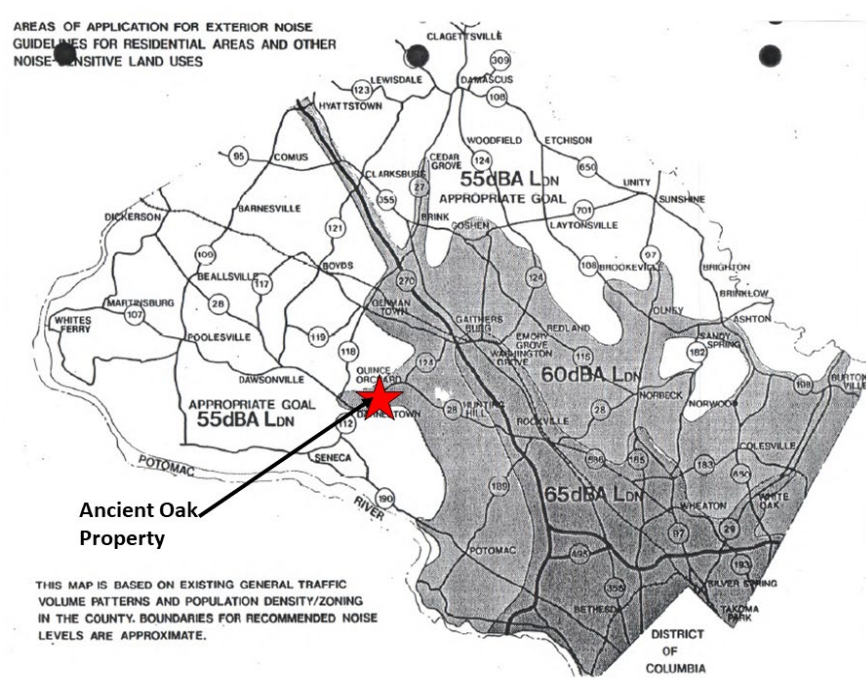


Figure 5 – Map 2-1 from Noise Guidelines

The Subject Property is located adjacent to Darnestown Road, which is classified as an Area Connector by the *Master Plan of Highways and Transitways* and has an Annual Average Daily Traffic (“AADT”) count of 10,902 based on the most recent available data in 2022 from MDOT SHA. Based on the roadway classification and the AADT count, this triggers a noise analysis as specified under Section II.2.1 of the Noise Guidelines. The Applicant submitted a noise analysis, performed by Hush Acoustics, LLC, dated September 30, 2024 (Attachment D).

The future noise projections for anticipated noise in 20 years (Figure 6) shows that the proposed single-family residential structure will be impacted by noise levels in the 55 to 60 dBA Ldn range while the rear yard exterior space will be below 55 dBA Ldn. Since the projected noise levels are below the threshold of 60 dBA Ldn no mitigation measures are required to maintain noise levels in the outdoor spaces below the threshold.

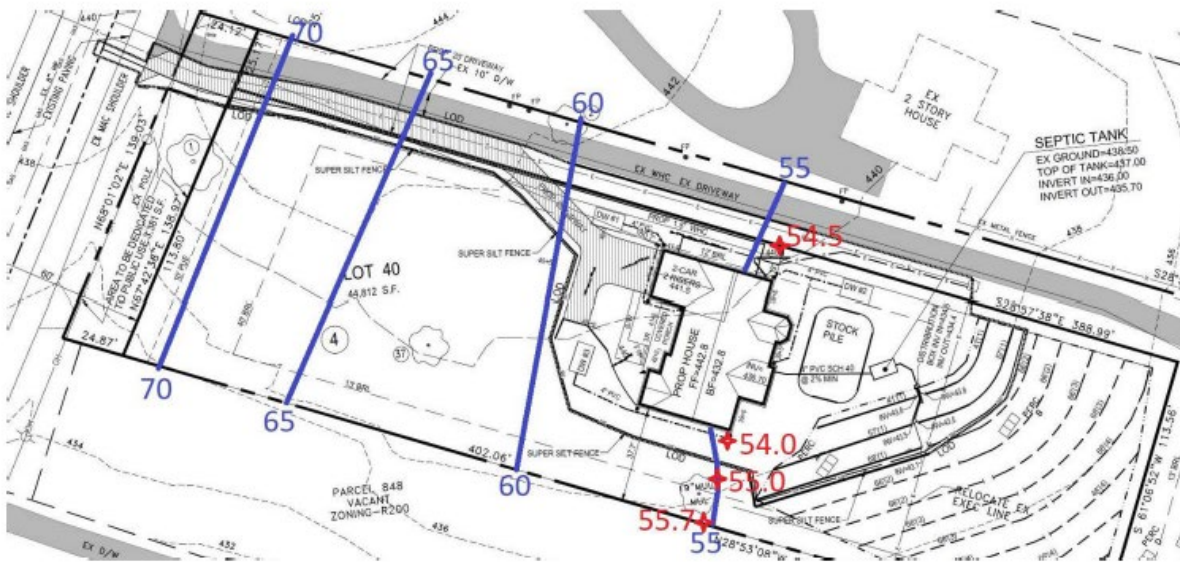


Figure 6 – 20 Year Project Noise Level Impacts

c) Transportation

The Master Plan recommends the area maintain its rural and rustic character, while implementing other modes of transportation that invite pedestrians and bicyclists. To this end, one of the main goals of the Master Plan is to create communities with pedestrian links that can allow access to commercial and public facilities such as retail centers and recreational parks (p.109). The Master Plan also recommends a network of bike paths and bikeways to improve bicycle accessibility and safety between major community destination points (p.120). Therefore, it calls for the expansion of the existing bicycle network within the Subregion “to accommodate the greatest number of users while protecting the environment” and rural character of the place (p.124).

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

As discussed below, public facilities will be adequate to support and service the area of the subdivision. The Administrative Subdivision Plan will utilize public water services and private

septic systems as referenced in the DPS Well and Septic approval letter dated February 28, 2025.

a) Roads and other Transportation Facilities

i. Existing Facilities

The Subject Property contains frontage on Darnestown Road, a State-owned and maintained public street. Darnestown Road is classified as an Area Connector under the Master Plan of Highways and Transitways. The master planned right-of-way for Darnestown Road is 120 feet. To satisfy this requirement, the Applicant will dedicate 60 feet of right-of-way from the centerline of the pavement to the Property line.

There is currently an approximately 10-foot-wide bikeable shoulder along Darnestown Road, but no pedestrian facilities. The existing 10-foot-wide bikeable shoulder satisfies the requirements under the 2018 *Bicycle Master Plan*.

ii. Proposed public transportation infrastructure

As conditioned, the Applicant will pay a fee-in-lieu of construction of a six (6) foot-wide sidewalk with a 15-foot-wide street buffer along Darnestown Road. The fee-in-lieu of construction will be paid to MCDOT, in contribution to the identified Capital Improvements Project (CIP) - Sidewalk Program Minor Projects (P506747). This will fulfil the requirements for Area Connectors under the 2024 *Complete Streets Design Guide*. The existing 10-foot-wide asphalt bikeable shoulder along Darnestown Road will remain.

b) Local Area Transportation Review (LATR)

The Applicant is subdividing the Subject Property into two (2) lots for a new single-family unit and retaining the existing single-family home. The Property is located in the Rural West Policy Area, which is categorized as a Green Policy Area under the 2020 – 2024 Growth and Infrastructure Policy (“GIP”). As demonstrated in the Applicant’s transportation exemption statement, dated June 5, 2024, the proposed Administrative Subdivision generates fewer than 50 net new peak-hour person trips. Therefore, a transportation impact study is not required for the Administrative Subdivision to satisfy the LATR requirement. The estimated number of peak hour trips generated by a total of two (2) single-family detached units is one (1) in the morning and one (1) in the evening.

c) Schools

Overview and Applicable School Test

The FY25 Annual School Test, approved by the Planning Board on June 20, 2024, and effective July 1, 2024, is applicable to this Application. The Project proposes to create two lots for a new single-family detached unit on Lot 40 while retaining the existing single-family detached unit on Lot 39.

School Adequacy Test

The Project is served by Darnestown Elementary School, Lakelands Park Middle School, and Northwest High School. Based on the FY25 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following tables (Tables 2 and 3):

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

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

Table 3. FY2025 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Darnestown ES	No UPP	69	86	129
Lakelands Park MS	No UPP	212	317	490
Northwest HS	No UPP	277	551	891

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the FY25 Annual School Test,

Darnestown ES, Lakelands Park MS, and Northwest HS do not require any UPP as identified in Table 3.

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

b) Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Administrative Subdivision Plan is within the W-1 and S-6 categories, respectively, and will utilize public water services and private septic systems as reference in the approved DPS Well and Septic letter on February 28, 2025.

The Administrative Subdivision Plan was reviewed by the MCDPS, the Fire Department Access, and the Water Supply Section, and a Fire Department Access Plan was approved on April 18, 2025 (Attachment B). Other utilities, public facilities, and services, such as electricity, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the *2020-2024 Growth and Infrastructure Policy* (GIP).

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

The Preliminary/Final Forest Conservation Plan No. F20241000 satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Please refer to Section 6 below for the analysis and findings of the Preliminary/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 the MCDPS, on February 11, 2025, per Chapter 19 of the County Code (Attachment B).

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

There is no evidence, actual notice, or constructive notice of a burial site within the Property. The Subject Property is not included 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 Administrative Subdivision Plan that are necessary for the approval of this Application.

SECTION 6: FINAL FOREST CONSERVATION PLAN NO. F20241000 FINDINGS AND ANALYSIS

The Subject Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code (“FCL”) and requires a Final Forest Conservation Plan. The Applicant has submitted a Final Forest Conservation Plan No. F20241000 (“FFCP”) for review and approval concurrent with the Administrative Subdivision Plan No. 620240220. The submitted FFCP is in compliance with the Forest Conservation Law and the Montgomery County Environmental Guidelines, as conditioned and described below.

FOREST CONSERVATION

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420241810 for this Property was approved on April 25, 2024. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Potomac River Direct watershed classified as a Use Class I-P by the State of Maryland. The Subject Property has no forest cover but does contain numerous specimen and significant trees located both on-site and just off-site of the property. These trees are largely located to the rear of the Property, with two specimen trees and one significant tree located at the front of the Property near Darnestown Road. The Subject Property does not contain any streams, stream buffers, wetlands, springs, seeps, or floodplains.

FINAL FOREST CONSERVATION PLAN

The Applicant has submitted an FFCP (Attachment C) for concurrent review with the Administrative Subdivision Plan No. 620240220. This FFCP satisfies the requirements of both a Preliminary Forest Conservation Plan and a Final Forest Conservation Plan as required under Sec. 22A-11(b)(2)(A) of the FCL. As conditioned, the Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned R-200 and is assigned a Land Use Category of High-Density Residential (“HDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is 2.20 acres which includes the Total Tract Area of 2.26 acres plus 0.02 acres of offsite disturbance associated with this Application, minus 0.08 acres for right-of-way dedication along Darnestown Road. The Subject Property does not contain existing forest resulting in a total afforestation requirement of 0.33 acres either within or outside of the same watershed or Forest Conservation Priority Area. The Applicant proposes to meet the afforestation requirement by purchasing forest mitigation bank credits from an offsite forest bank or by paying a fee-in-lieu into the Forest Conservation Fund if no forest mitigation bank credits are available.

FOREST CONSERVATION VARIANCE

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The FCL requires no impact to trees that: measure 30 inches or greater DBH; are part of a historic site or designated with a historic structure; are designated as National, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

VARIANCE REQUEST

The Applicant submitted a variance request on February 4, 2025 (Attachment E). The Applicant proposes to impact two (2) trees that are 30 inches or greater DBH, which are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 4).

Protected Trees Table						
Tree Number	Botanical Name	Common Name	Size DBH	Tree Condition	% CRZ Impacted	Status
1	<i>Acer rubrum</i>	Red Maple	26/40”	Good	24%	Within area of R/W dedication. Twin tree. Retain tree; impacts only
2	<i>Ulmus americana</i>	American Elm	30”	Good	32%	Retain tree; impacts only

Table 4. Protected Trees to be impacted

UNWARRANTED HARDSHIP BASIS

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of their property. The Subject Property is 2.26 acres located in an R-200 zone. A reasonable and significant use of the property is the proposed two residential lots that meet the zoning criteria. In this case, the unwarranted hardship is caused by the need for driveway access from Darnestown Road for the proposed new lot. Because two lots are being accessed by one driveway, MC FRS requires that the driveway be widened and improved for emergency vehicle use. This widening and improvement results in the impact to the two Protected Trees (Figure 7).

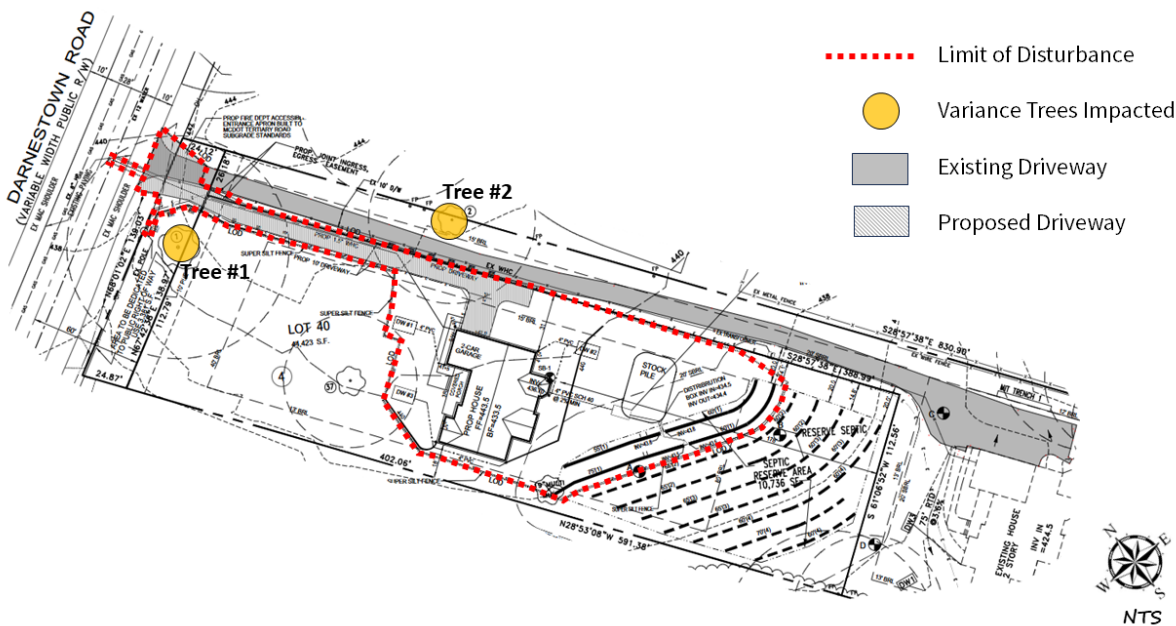


Figure 7. Variance Trees

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

VARIANCE FINDINGS

i. ***Will not confer on the applicant a special privilege that would be denied to other applicants.***

Granting the variance will not confer a special privilege on the Applicant as the impacts to the two Protected Trees are due to the development of the Property, location of the trees in proximity to the LOD, and necessary site design requirements for this residential development. Granting a variance to allow disturbance within the developable portion of the

site is not unique to this Applicant. Therefore, granting of this variance is not a special privilege that granted only this Applicant and denied to other applicants.

ii. ***Is not based on conditions or circumstances which are the result of the actions by the applicant.***

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, necessary design requirements of this Application and requirements of other governmental agencies. Disturbance has been minimized.

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

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

iv. ***Will not violate State water quality standards or cause measurable degradation in water quality.***

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted are not located within a stream buffer, wetland, or Special Protection Area. These trees being impacted are fully expected to recover and to continue providing the ecological and water quality functions that may be initially reduced by the impacts of the Protected Trees. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

MITIGATION FOR TREES SUBJECT TO THE VARIANCE PROVISIONS

There is some disturbance within the CRZ of two Protected Trees. However, the impacts to these trees are minor ranging from 24% up to 32% CRZ impacts, and they will receive adequate tree protection measures. These trees are expected to fully recover and continue to provide all the environmental benefits currently offered. Therefore, no mitigation is recommended for trees that are impacted but retained.

RECOMMENDATION ON THE VARIANCE

Staff recommends approval of the variance request.

SECTION 7: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50-6.3.C and the technical requirements of Section 50-4.3 of the Subdivision Regulations, and the applicable requirements of Section 50-6.1.C. The lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 2002 *Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The Final Forest Conservation Plan satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Planning Staff recommends approval of Administrative Subdivision No. 620240220 and Final Forest Conservation Plan No. F20241000 with the conditions cited in this Staff Report.

ATTACHMENTS

Attachment A: Administrative Subdivision Plan

Attachment B: Agency Letters

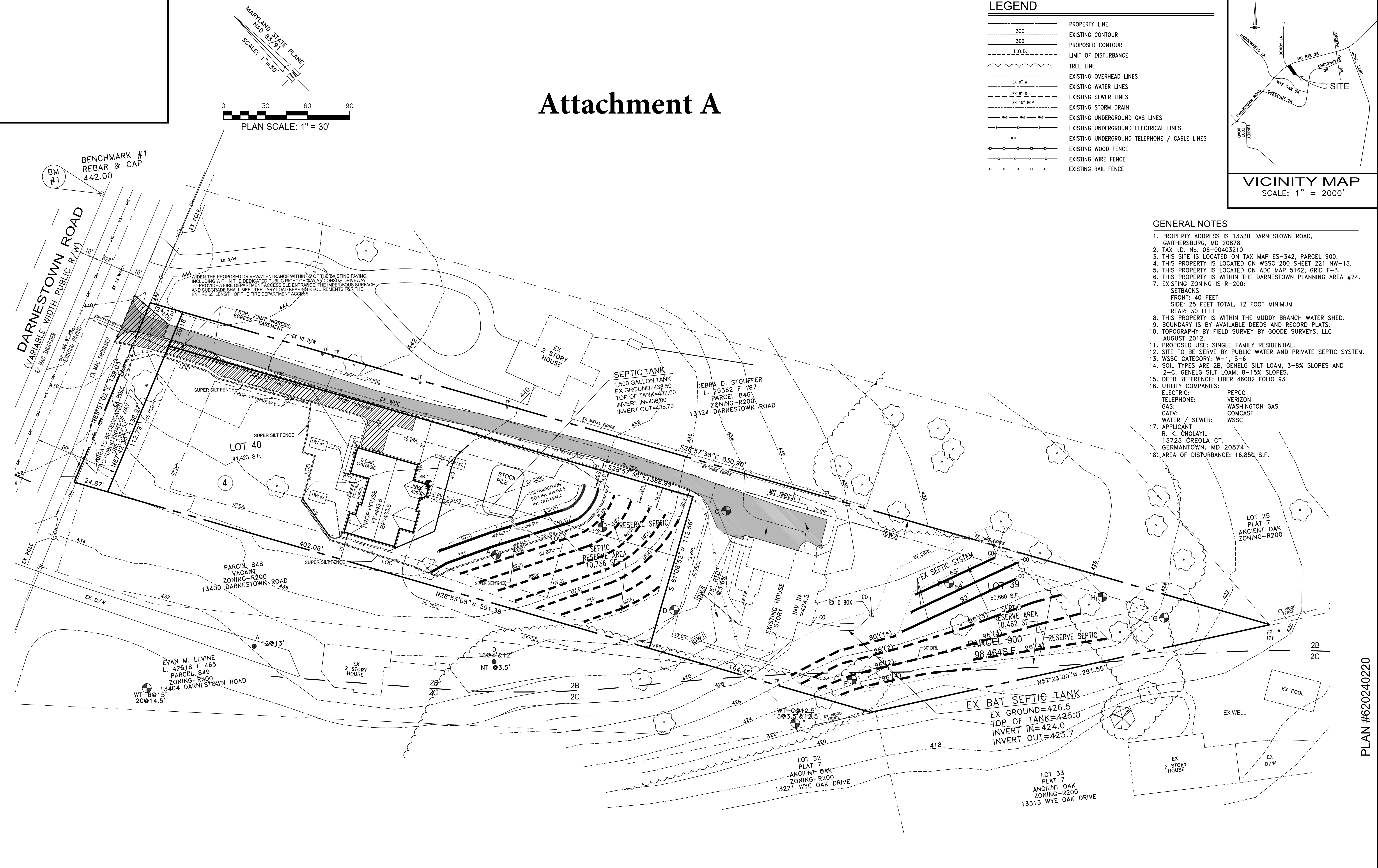
Attachment C: Forest Conservation Plan

Attachment D: Noise Analysis Report

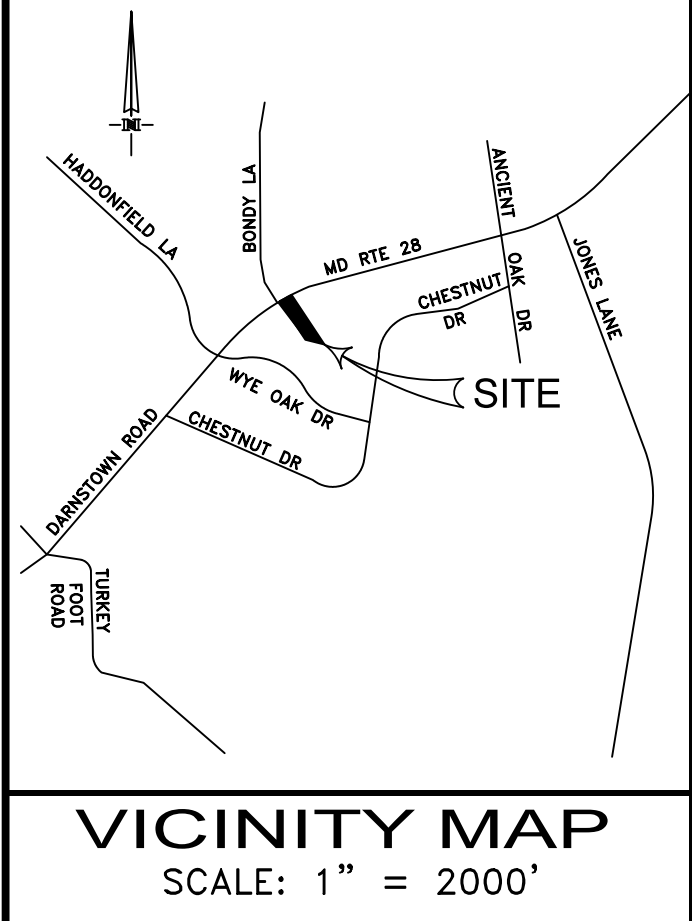
Attachment E: Variance Letter

Attachment F: Statement of Justification

Attachment G: Flag Lot Exhibit



LEGEND	
	PROPERTY LINE
	EXISTING CONTOUR
	PROPOSED CONTOUR
	LIMIT OF DISTURBANCE
	TREE LINE
	EXISTING OVERHEAD LINES
	EXISTING WATER LINES
	EXISTING SEWER LINES
	EXISTING STORM DRAIN
	EXISTING UNDERGROUND GAS LINES
	EXISTING UNDERGROUND ELECTRICAL LINES
	EXISTING UNDERGROUND TELEPHONE / CABLE LINES
	EXISTING WOOD FENCE
	EXISTING WIRE FENCE
	EXISTING RAIL FENCE



- GENERAL NOTES**
- PROPERTY ADDRESS IS 13330 DARNESTOWN ROAD, GAITHERSBURG, MD 20878
 - TAX I.D. No. 06-00403210
 - THIS SITE IS LOCATED ON TAX MAP ES-342, PARCEL 900.
 - THIS PROPERTY IS LOCATED ON WSSC 200 SHEET 221 NW-13.
 - THIS PROPERTY IS LOCATED ON ADC MAP 5162, GRID F-3.
 - THIS PROPERTY IS WITHIN THE DARNESTOWN PLANNING AREA #24.
 - EXISTING ZONING IS R-200:
 - SETBACKS
FRONT: 40 FEET
SIDE: 25 FEET TOTAL, 12 FOOT MINIMUM
REAR: 30 FEET
 - THIS PROPERTY IS WITHIN THE MUDDY BRANCH WATER SHED.
 - BOUNDARY IS BY AVAILABLE DEEDS AND RECORD PLATS.
 - TOPOGRAPHY BY FIELD SURVEY BY GOODE SURVEYS, LLC AUGUST 2012.
 - PROPOSED USE: SINGLE FAMILY RESIDENTIAL.
 - SITE TO BE SERVED BY PUBLIC WATER AND PRIVATE SEPTIC SYSTEM.
 - WSSC CATEGORY: W-1, S-6
 - SOIL TYPES ARE 2B, GENELG SILT LOAM, 3-8% SLOPES AND 2-C, GENELG SILT LOAM, 8-15% SLOPES.
 - DEED REFERENCE: LIBER 46002 FOLIO 93
 - UTILITY COMPANIES:
ELECTRIC: PEPCO
TELEPHONE: VERIZON
GAS: WASHINGTON GAS
CATV: COMCAST
WATER / SEWER: WSSC
 - APPLICANT
R. K. CHOLAYIL
13723 CREOLA CT.
GERMANTOWN, MD 20874
 - AREA OF DISTURBANCE: 16,850 S.F.

MISS UTILITY

CALL "MISS UTILITY" AT 1-800-257-777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND 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 THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE No. 16518, EXPIRATION DATE: 06/10/2025.

Dean Packard
DEAN PACKARD, P.E.

02/14/25
DATE

PACKARD & ASSOCIATES LLC.

CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS

16220 FREDERICK ROAD, SUITE 300
GAITHERSBURG, MARYLAND 20877

PHONE (301) 208-0250 FAX (301) 208-1270

ADMINISTRATIVE SUBDIVISION PLAN

PROPOSED LOTS 38 & 39

ANCIENT OAK

13330 DARNESTOWN ROAD
GAITHERSBURG, MARYLAND 20878
LIBER 46002 FOLIO 93 - PARCEL 900
DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MARYLAND

SCALE 1"=30'	DRAWN 02/14/25
CHECKED	DATE
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET 3 of 3	

Attachment B

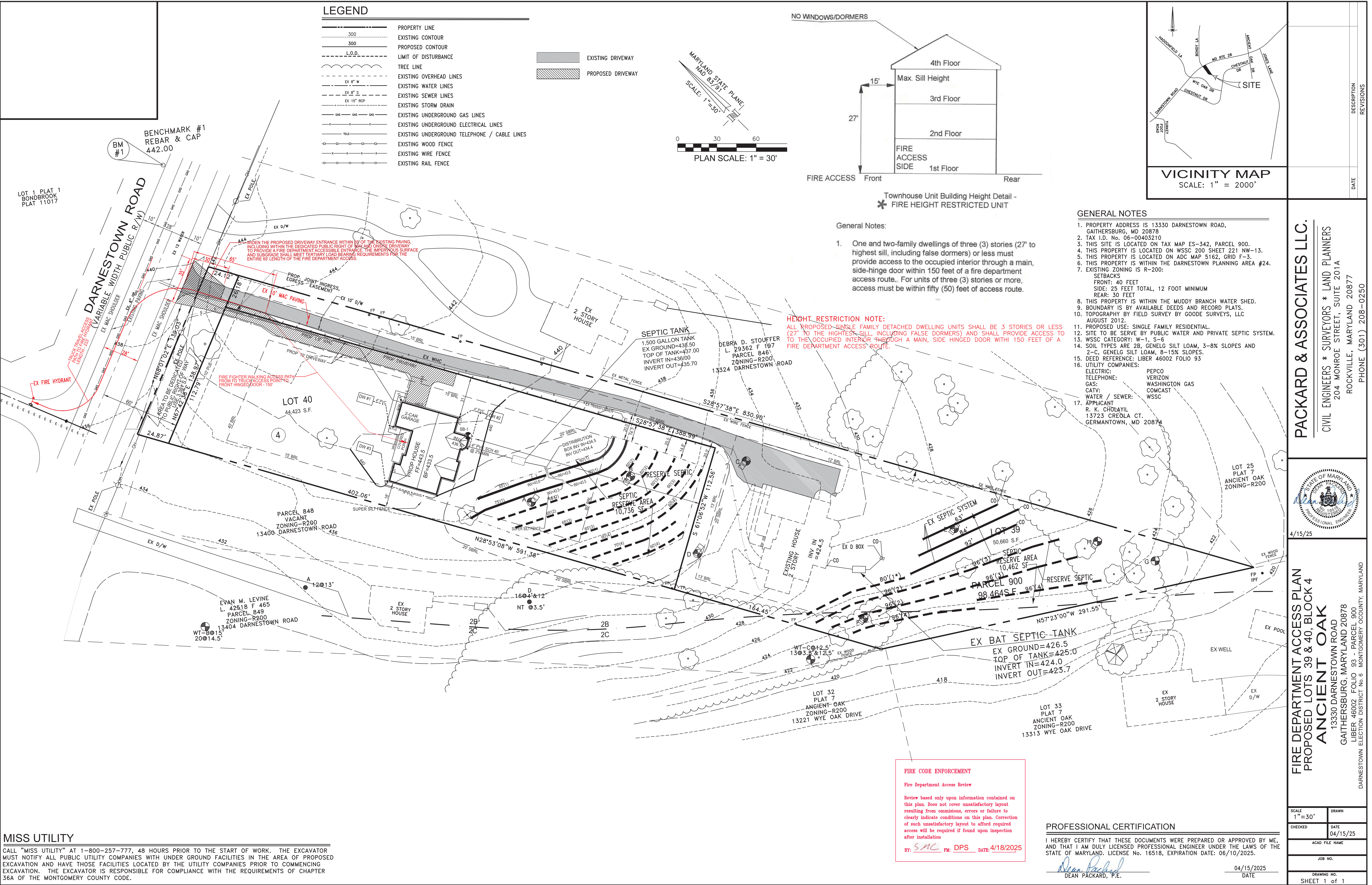


Department of Permitting Services Fire Department Access and Water Supply Comments

DATE: 18-Apr-25
TO: Dean Packard - dean@packardassociatesllc.com
P.G. Associates, Inc
FROM: Marie LaBaw
RE: Ancient Oak
620240220

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **17-Apr-25** .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.





Marc Elrich
County Executive

Christopher Conklin
Director

DEPARTMENT OF TRANSPORTATION

April 24, 2025

Ms. Mariah Clayborne, Planner II
UpCounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Dr.
Wheaton, MD 20902

RE: Administrative Subdivision Plan No. 620240220
Ancient Oak
REVISED LETTER

Dear Ms. Clayborne:

This letter replaces MCDOT's Preliminary Plan letter dated November 27, 2024.

We have completed our review of the Administrative Subdivision Plan with a date of July 9, 2024, on e-plans. This plan was reviewed by the Development Review Committee at its meeting on August 13, 2024.

The subject property is fronted on a public street 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 streets 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.

Office of the Director

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

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

1. All Planning Board Opinions relating to this plan or any subsequent revision, project plans, or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
2. Darnestown Road (MD 28) is classified as an Area Connector with 2 to 4 travel lanes and a minimum 120-foot right-of-way. We defer to Maryland State Highway MDSHA for any improvements along Darnestown Road (MD 28).
 - a. We defer to MDSHA for the sight distance study along Darnestown Road (MD 28).
 - b. We defer to MDSHA for storm drain study along Darnestown Road (MD 28). The proposed storm drain does not appear to drain onto a county-maintained storm drain system.
3. The applicant must pay for the cost to construct the 6-foot sidewalk per CSDG along their Darnestown Road (MD 28) site frontage. The applicant is required to provide an engineer's cost estimate that includes a 40 percent contingency for the sidewalk and all related improvements. This estimate must receive approval from MCDOT and Planning Staff. After approval, the applicant must make a payment toward the Capital Improvements Project (CIP) - Sidewalk Program Minor Projects (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 payment.
4. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

Thank you for the opportunity to review this Administrative Subdivision plan. If you have any questions or comments regarding this letter, please contact me for this project at brenda.pardo@montgomerycountymd.gov or (240) 777-7170.

Sincerely,

Brenda M. Pardo, Engineer III
Development Review Team
Office of Transportation Policy

Ms. Mariah Clayborne
Administrative Subdivision Plan No. 620240220
April 24, 2024
Page 3

SharePoint\Transportation\Director's Office\Development Review\Brenda\Administrative Subdivision\AS620240220 Ancient Oak\Letter\ 620240220-Ancient Oak-MCDOT Subdivision Letter_4.24.25

cc: Correspondence folder FY 2025

cc-e:	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Terry	MCDOT DTEO
	Rebecca Torma	MCDOT OTP

December 6, 2024

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

Dear Ms. Clayborne:

Thank you for the opportunity to review Administrative Subdivision Plan application 620240220 for the **Ancient Oak development** located on Darnestown Rd (MD 28). The State Highway Administration (SHA) has reviewed the application and is pleased to respond.

Based on preliminary review of the plans, a District Office (DO) Permit will be required for construction of the residential driveway on MD 28. SHA recommends conditional approval of the Administrative Subdivision Plan subject to the Applicant submitting a DO Permit application and detailed plans for a comprehensive review. Materials should be sent to SHA District 3 Utility office via email at shad3permits@mdot.maryland.gov.

If you have any questions or require additional information, please contact Mr. Elshaday Asrat at 301-513-7489+, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7350), or via email at EAsrat@mdot.maryland.gov.

Sincerely,



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

DG/ea

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



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

February 11, 2025

Mr. Dean Packard, P.E.
Packard & Associates, LLC.
204 Monroe Street, Suite 201A
Rockville, Maryland 20850

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
13330 Darnestown Rd
Ad Sub#: 620240220
SM File #: 293184
Tract Size/Zone: 2.26 Ac/98464
Total Concept Area: 0.473 Ac/20644
Parcel: P900
Watershed: Muddy Branch, Class I
Redevelopment (Yes/No): NO

Dear Mr. Packard:

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 Drywells and Non-Rooftop Disconnection. Though the concept is proposing to meet a target Pe of 1", a conceptual target Pe of 1.2" was found necessary based on the proposed impervious area; However, based on the geotechnical results and topography, it is evident that full treatment via ESD measures of a higher target Pe is achievable, which has allowed the incomplete conceptual computations to be determined sufficient.

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, which may require a higher target Pe to be met depending on the proposed percent impervious at time of final design. Complete and accurate Stormwater Management computations including target Pe, Target ESDv, provided Pe, provided ESDv, and individual ESDv calculations for each Drywell, Non-Rooftop Disconnection, or other alternative practice to be determined is expected on the first submission.
2. Each lot must be analyzed and fully controlled, including the respective portion of any shared driveway on the lot. Impervious within the ROW may be accounted for via overtreatment on lot 40, as drainage to an existing unmodified swale within the ROW does not meet the minimum criteria to receive ESDv credit.
3. An engineered sediment control plan must be submitted for this project, on which the signature on the first page must be digitally verified via a 3rd party.



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

Mr. Dean Packard, P.E.

2/11/2025

Page 2 of 2

4. Written acceptance of the adequacy of the downstream storm system must be sought from MDOT SHA per received MCDOT instructions prior to final design submission.
5. 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.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable 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 # 293184

Lot 39

ESD: Required/Provided 4 cf / 0 cf
PE: Target/Achieved: 1"/0"
STRUCTURAL: N/A cf
WAIVED: N/A cf.
Overtreatment on lot 40

Lot 40

ESD: Required/Provided 504 cf / 504 cf
PE: Target/Achieved: 1"/1.1"
STRUCTURAL: N/A cf
WAIVED: N/A cf

Public ROW

ESD: Required/Provided 10 cf / 0 cf
PE: Target/Achieved: 1"/0"
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

February 28, 2025

TO: Mariah Clayborne
Development Review
Maryland National Capital Park and Planning Commission

FROM: Megan Wilhelm
Well and Septic Section
Department of Permitting Services

SUBJECT: Status of final septic plan for Ancient Oak:

Ancient Oak
Lot 39 and Lot 40
13330 Darnestown Road
Darnestown, MD 20878
Plan # 620240220

This is to notify you that the Well & Septic Section of MCDPS approved the final septic plan (#295833) received in this office on October 23, 2024.

Approved with the following reservations:

1. The record plat must show the septic reserve area shown on this plan with the 20 ft SBRL.
2. The septic reserve area for lot 39 is approved for a maximum of five bedrooms.
3. The septic reserve area for lot 40 is approved for a maximum of four bedrooms.
4. The BAT system servicing 13330 Darnestown Rd must be serviced and in compliance before we approve the record plat.
5. The septic field building restriction line is subject to change upon reapproval by the MCDPS Well and Septic section.
6. Forest conservation easements established after this approval must meet all minimum well and septic setback requirements:
 - a. 5 feet from all septic areas

b. 10 feet from all well sites

7. Stream Valley Buffers established after this approval, must not encroach within the septic area boundaries. Sewage disposal areas require a separation distance of 100 feet from all streams.

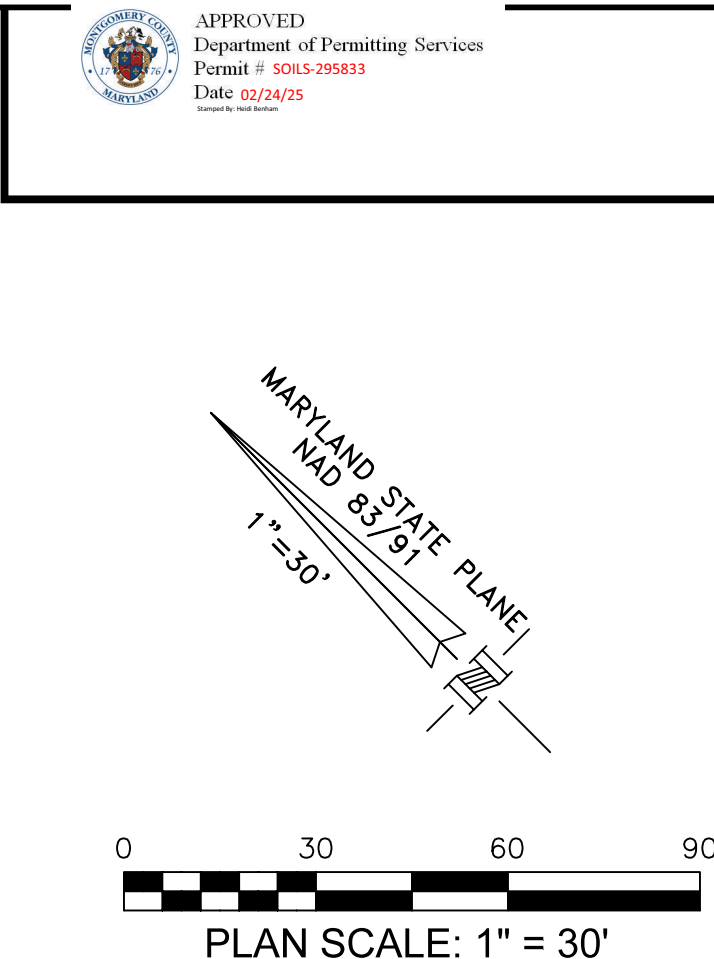
If you have any questions, please contact Megan Wilhelm at (240) 777-6271.

1. PROPERTY ADDRESS IS 13330 DARNESTOWN ROAD, GAITHERSBURG, MD 20878
2. TAX I.D. NO. 06-00403210
3. THIS SITE IS LOCATED ON TAX MAP ES-342, PARCEL 900.
4. THIS PROPERTY IS LOCATED ON WSSC 202 SUET 221 NW-13.
5. THIS PROPERTY IS LOCATED ON ADC MAP 5162, GRID F-3.
6. THIS PROPERTY IS WITHIN THE DARNESTOWN PLANNING AREA #24
7. EXISTING ZONING IS R-200:
SETBACKS
FRONT: 40 FEET
SIDE: 25 FEET TOTAL, 12 FOOT MINIMUM
REAR: 30 FEET
8. THIS PROPERTY IS WITHIN THE MUDDY BRANCH WATER SHED.
9. BOUNDARY IS BY AVAILABLE DEEDS AND RECORD PLATS.
10. TOPOGRAPHY BY FIELD SURVEY BY GOODE SURVEYS, LLC
AUGUST 2012 AND WAS UPDATES TO THE ASBUILT
CONDITIONS BY PACKARD & ASSOCIATES LLC, MARCH 2024.

11. PROPOSED USE: SINGLE FAMILY RESIDENTIAL.
12. SITE TO BE SERVED BY PUBLIC WATER AND PRIVATE SEPTIC SYSTEM.
13. WSSC CATEGORY: W-1, S-6
14. SOIL TYPES ARE 2B, GENELG SILT LOAM, 3-8% SLOPES AND 2-C, GENELG SILT LOAM, 8-15% SLOPES.
15. DEED REFERENCE: LIBER 46002 FOLIO 93
16. UTILITY COMPANIES:
 - ELECTRIC: PEPCO
 - TELEPHONE: VERIZON
 - GAS: WASHINGTON GAS
 - CATV: COMCAST
 - WATER / SEWER: WSSC
17. APPLICANT
R. K. CHOLAYIL
13300 DARNESTOWN ROAD
GAITHERSBURG, MD 20878
18. TRACT GROSS AREA = 98,117 SF OR 2.25 AC

19. ALL WELL AND SEPTIC SYSTEMS WITHIN 100' OF PROPERTY LINES HAVE BEEN SHOWN.
20. THIS PROPERTY WILL UTILIZE AN ONSITE SEPTIC DISPOSAL SYSTEM.
21. ALL TREES LOCATED IN THE SEPTIC SYSTEM AREA ARE SUBJECT TO REMOVAL UPON INSTALLATION OF THE INITIAL AND FUTURE REPLACEMENT SEPTIC SYSTEMS.
22. IN THE INTEREST OF WORKMAN SAFETY, DEPTH OF STONE OR CONCRETE UNDRAGGED TRENCHES MUST EXTEND TO NO LESS THAN 12 FEET BELOW GRADE. ABSORPTION SYSTEMS THAT HAVE APPROVED PERCOLATION BELOW 4 FEET CAN BE CREDIT ONLY FOR SIDEWALL AREA WITHIN THE ABSORPTION AREA ESTABLISHED BY THE PERCOLATION TESTS.

23. Lot 40 is approved for 4 bedrooms.
24. Lot 39 is approved for 5 bedrooms.



The diagrams in Figure 1 illustrate the construction of a road cross-section. The diagrams are as follows:

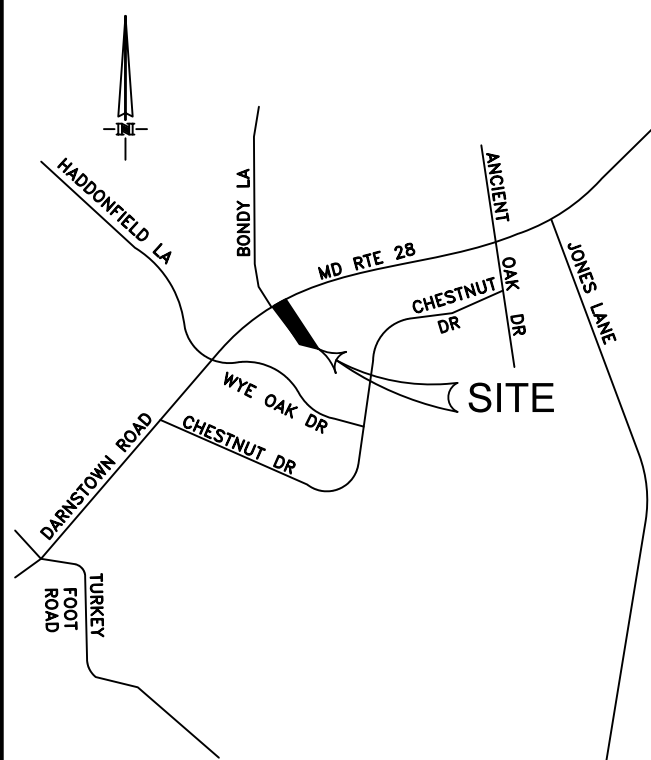
- Diagram 1: A simple horizontal line representing the ground level.
- Diagram 2: A horizontal line with a central label "300" and a dashed line above it.
- Diagram 3: A horizontal line with a central label "L.O.D." (Line of Sight) and a dashed line above it.
- Diagram 4: A horizontal line with a central label "EX 8° W" (Exterior Angle 8 degrees West) and a dashed line above it.
- Diagram 5: A horizontal line with a central label "EX 8° S" (Exterior Angle 8 degrees South) and a dashed line above it.
- Diagram 6: A horizontal line with a central label "EX 15° RCP" (Exterior Angle 15 degrees Right Circle Point) and a dashed line above it.
- Diagram 7: A horizontal line with a central label "GAS" and a dashed line above it.
- Diagram 8: A horizontal line with a central label "GAS" and a dashed line above it.
- Diagram 9: A horizontal line with a central label "GAS" and a dashed line above it.
- Diagram 10: A horizontal line with a central label "E" (East) and a dashed line above it.
- Diagram 11: A horizontal line with a central label "TELE" (Telegraph) and a dashed line above it.
- Diagram 12: A horizontal line with a central label "X" (Cross) and a dashed line above it.

- PROPERTY LINE
EXISTING CONTOUR
PROPOSED CONTOUR
LIMIT OF DISTURBANCE
TREE LINE
EXISTING OVERHEAD LINES
EXISTING WATER LINES
EXISTING SEWER LINES
EXISTING STORM DRAIN
EXISTING UNDERGROUND GAS LINES
EXISTING UNDERGROUND ELECTRICAL LINES
EXISTING UNDERGROUND TELEPHONE / CABLE LINES
EXISTING WOOD FENCE
EXISTING WIRE FENCE
EXISTING RAIL FENCE
EXISTING WATER CONNECTION
PROPOSED WATER CONNECTION
EXISTING UNDERGROUND ELECTRICAL LINES
PROPOSED UNDERGROUND ELECTRICAL LINES

- PROPOSED SPOT GRADES
SOIL BORING
DRY WELLS (EX & PROP)
EXISTING TREE

STABILIZED CONSTRUCTION
ENTRANCE

SUPER SILT FENCE
SUPER SILT FENCE &
& ROOT PRUNING
PROPOSED SEPTIC TRENCH
PROPOSED SEPTIC RESERVE
PERCOLATION TEST SITE
PROPOSED 20' SBRL
PROPOSED SEPTIC RESERVE AREA

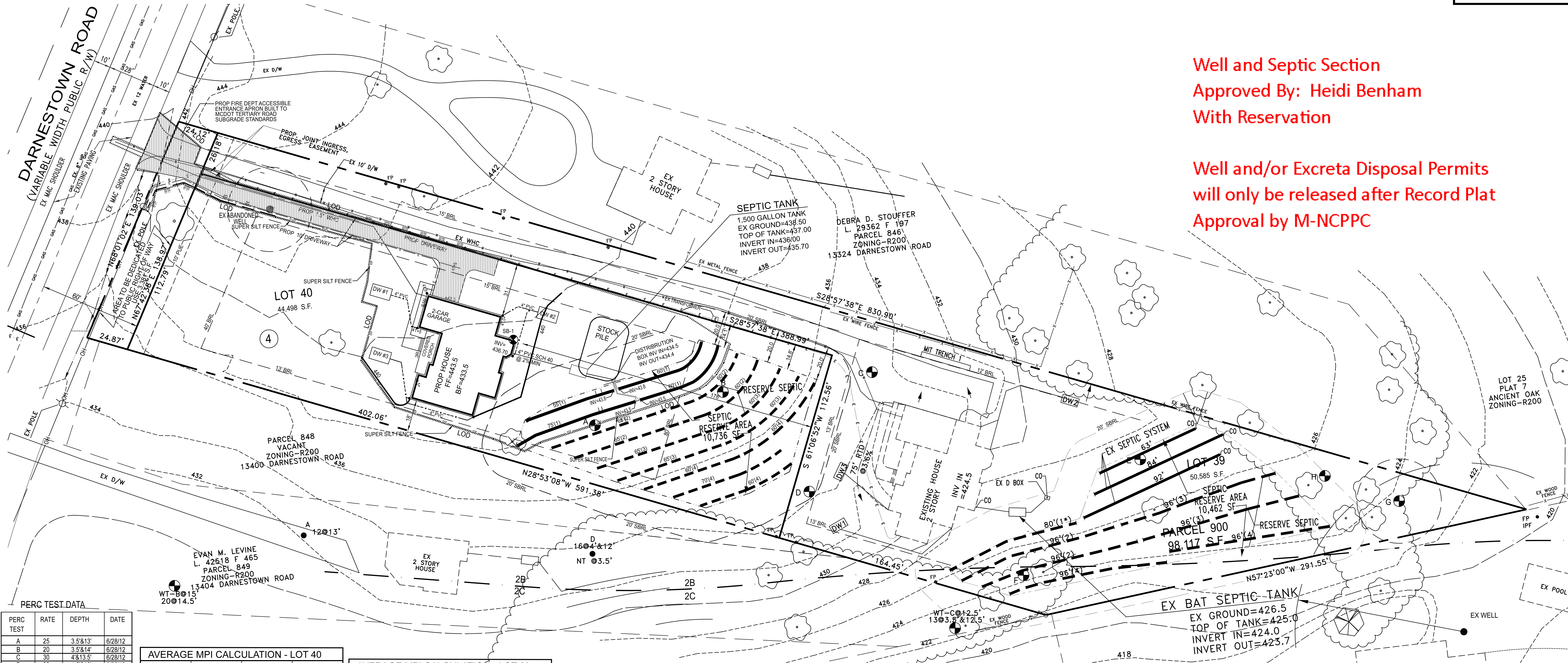


VICINITY MAP

SCALE: 1" = 2000'

DESCRIPTION	REVISIONS
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ATE



PERC TEST DATA			
PERC TEST	RATE	DEPTH	DATE
A	25	3.5'13"	6/28/12
B	20	3.5'14"	6/28/12
C	30	4'13.5"	6/28/12
D	23	4.5'13"	6/28/12
E		NT@3.5'	6/28/12
		10' 12.5'	6/28/12
		3' 5"	6/28/12
F	20	3.5'13.5"	6/28/12
G	NT 50%	ROCKAT 6'	6/28/12
H	20	3'12.5"	6/28/12
WTB		D@15'	4/01/03
WTC		D@12.5'	4/01/03

AVERAGE MPI CALCULATION - LOT 40			
TEST SITES	SITE MPI	AVERAGE MPI AT SITE	AVERAGE TOTAL MPI
A	25	25 M	25 M
B	20	20 M	
C	30	30 M	
D	23	23 M	

AVERAGE MPI CALCULATION - LOT 39			
TEST SITES	SITE MPI	AVERAGE MPI AT SITE	AVERAGE TOTAL MPI
E	10,30	20 M	20 M
F	20	20 M	
H	20	20 M	

SEPTIC SYSTEM DESIGN DATA - LOT 40							REMARKS
SRA	TEST SITES	TOTAL LENGTH REQD-FT	TOTAL LENGTH PROV-FT	STONE DEPTH FT	AVG RATE MPI	MAX # BR	
INIT	A,B,C,D	250	250	4.0	25	4	BEGIN TRENCH DEPTH = 4.5" BOTTOM TRENCH DEPTH = 8.5"
1	A,B,C,D	250	250	4.0	25	4	
2	A,B,C,D	250	250	4.0	25	4	
3	A,B,C,D	250	250	4.0	25	4	
4	A,B,C,D	250	250	4.0	25	4	
LOW FIXTURE ELEVATION 432.8 EJECTOR PUMP REQD		SEPTIC TANK				INVERT BEG SYSTEM 443.8	
	HSE INV	INV IN	TOP TANK	INV OUT			
	436.7	436.0	437.0 Ex Ground 438.5	435.7			

EX SEPTIC SYSTEM DESIGN DATA - LOT 39							
SRA	TEST SITES	TOTAL LENGTH REQD-FT	TOTAL LENGTH PROV-FT	STONE DEPTH FT	AVG RATE MPH	MAX # BR	REMARKS
INIT	E,F,H	319	319*	3.0	20	5	BEGIN RES TRENCH DEPTH = 3.5' BOTTOM RES TRENCH DEPTH = 8.5'
1	E,F,H	192	219	5.0	20	5	
2	E,F,H	192	219	5.0	20	5	
3	E,F,H	192	219	5.0	20	5	
LOW FIXTURE ELEVATION 426.5 EJECTOR PUMP REQD	HSE INV 424.5	INV IN 424.0	TOP TANK 425.0 Ex.Ground 426.5	INV OUT 423.7	INVERT 424.0	BEG SYSTEM	
SEPTIC TANK							80" OF INITIAL SYSTEM TRENCH NOT INSTALLED AND NOTED ON AS 80" (1")

MAPPED SOIL TYPES					
MAP UNIT SYMBOL	MAP UNIT NAME	HYDRIC	HIGHLY ERODIBLE	K VALUE	HSG
2B	GLENELG SILT LOAM, 3 TO 8 % SLOPES	No	No	K=0.37	B
2C	GLENELG SILT LOAM, 8 TO 15% SLOPES	No	No	K=0.37	B

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 UNDER GROUND 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 THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE No. 16518, EXPIRATION DATE: 06/10/2025.

Dean Packard
DEAN PACKARD, P.E.

02/11/25
DATE

PACKARD & ASSOCIATES LLC.

CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS

J4 MONROE SIREEI, SUITE 201A
ROCKVILLE, MARYLAND 20850

PHONE (301) 208-0250



02/11/2

SEPTIC PLAN

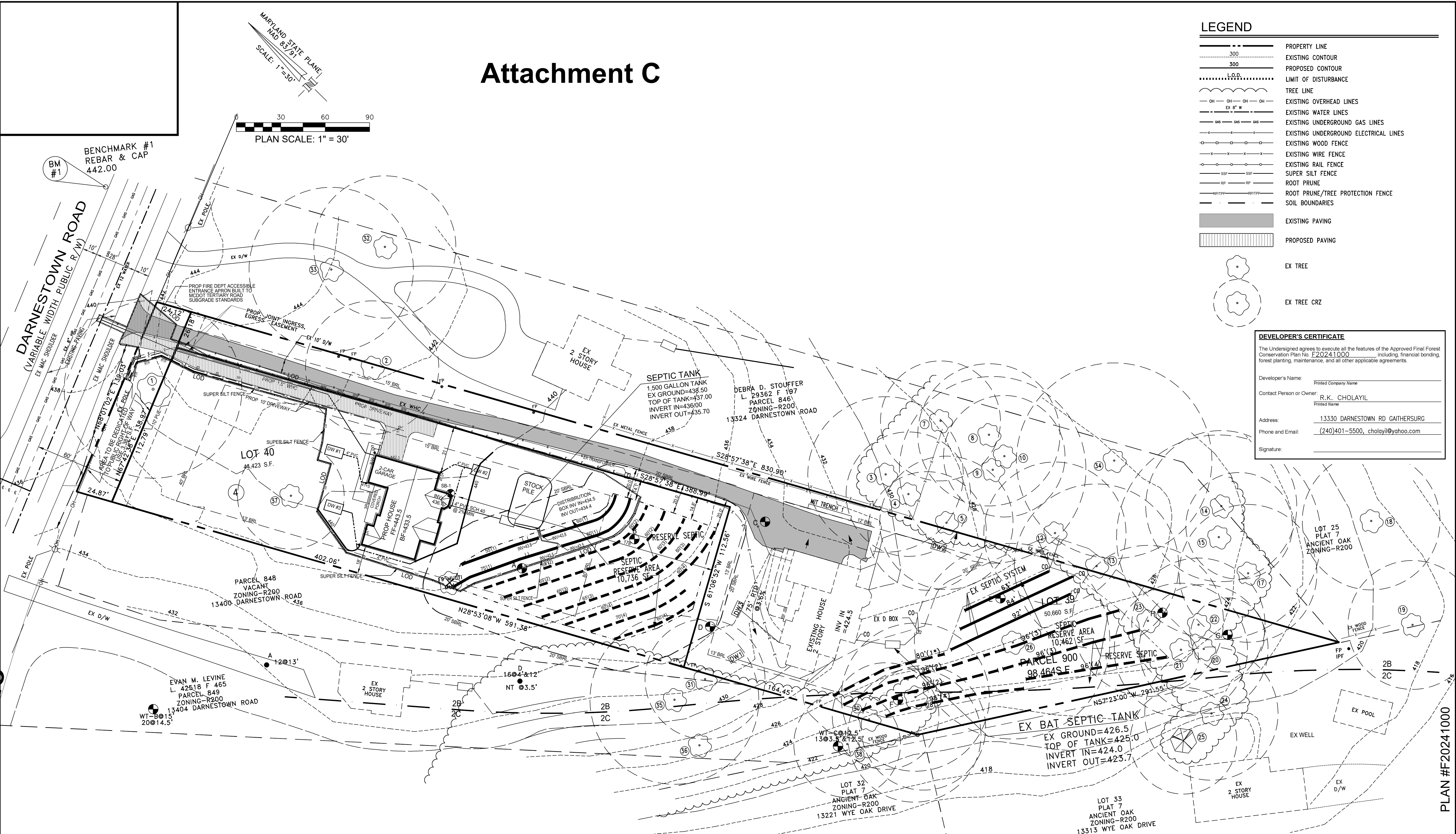
ANCIENT OAK
13330 DARNESTOWN ROAD

1000 BARNES TOWN ROAD
GAITHERSBURG, MARYLAND 20878
URSER 40000 FOLIO 00 BARCEL 000

LIBER 46002 FOLIO 93 - PARCEL 900
DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MARYLAND

SCALE 1"=30'	DRAWN
CHECKED	DATE 02/11/25
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET 1 of 2	

Attachment C



LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- LIMIT OF DISTURBANCE
- TREE LINE
- EXISTING OVERHEAD LINES
- EXISTING WATER LINES
- EXISTING UNDERGROUND GAS LINES
- EXISTING UNDERGROUND ELECTRICAL LINES
- EXISTING WOOD FENCE
- EXISTING WIRE FENCE
- EXISTING RAIL FENCE
- SUPER SILT FENCE
- ROOT PRUNE
- ROOT PRUNE/TREE PROTECTION FENCE
- SOIL BOUNDARIES
- EXISTING PAVING
- PROPOSED PAVING
- EX TREE
- EX TREE CRZ

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20241000 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: _____
Contact Person or Owner: R.K. CHOLAYIL
Address: 13330 DARNESTOWN RD GAITHERSBURG
Phone and Email: (240)401-5500, cholayil@yahoo.com
Signature: _____

SOIL DATA				
SYMBOL	DESCRIPTION	PRIME FARMLAND	HIGHLY ERODIBLE	HYDRIC
2B	GLENELG SILT LOAM 3-8% SLOPES	YES	NO	NO
2C	GLENELG SILT LOAM 8-15% SLOPES	YES	NO	NO

MISS UTILITY

CALL "MISS UTILITY" AT 1-800-257-777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND 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 THE REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

PACKARD & ASSOCIATES, LLC
204 MONROE STREET, SUITE 201A
ROCKVILLE, MD 20850
PHONE: 301-208-0250

Plan Prepared by:
Dean Packard
DEAN PACKARD, P.E.
Qualified Professional
CoMar 08.19.06.01

FINAL FOREST CONSERVATION PLAN
PROPOSED LOTS 39 & 40
ANCIENT OAK

13330 DARNESTOWN ROAD
GAITHERSBURG, MARYLAND 20878
LIBER 46002 FOLIO 93 - PARCEL 900
DARNESTOWN ELECTION DISTRICT No. 6 MONTGOMERY COUNTY, MARYLAND

PACKARD & ASSOCIATES LLC.

CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS
204 MONROE STREET, SUITE 201A
ROCKVILLE, MARYLAND 20877
PHONE (301) 208-0250

SCALE 1"=30'	DRAWN
CHECKED	DATE 02/25/25
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET 3 of 4	



9109 CORONADO TERRACE, FAIRFAX, VA 22031
T (703) 534.2790

September 30, 2024

Cholayil Radhakrishnan
c/o Dean Packard
Packard & Associates, LLC
204 Monroe Street, Suite 201A
Rockville, MD 20850

Re: 13300 Darnestown Road "Ancient Oak"
Traffic Noise Analysis

Cholayil:

This report summarizes the traffic noise analysis for the 13300 Darnestown Road "Ancient Oak" project in Montgomery County, MD.

1. Executive summary

A site survey was performed and sound levels were measured in the locations shown in Figure 2 for just over one day. Traffic volumes were counted briefly at the beginning of the survey. The Traffic Noise Model was used to model existing conditions. The output sound levels compared well to the measured sound levels. A traffic forecast was developed based on historical traffic data and a growth factor provided by the state DOT. The Traffic Noise Model was used to predict future noise levels on the site and at the facades of the proposed residence.

The design goals are to ensure that the projected Day-Night Average Sound Level (DNL) not exceed 60 dB in the rear side yard or 45 dB inside the residence.

The projected DNL will be 55.7 dB or lower in the rear yard. This is far less than the county limit of 60 dB. Therefore, there is no need for a noise barrier to meet the county criteria.

The projected DNL will be as high as 64.4 dB at the facades of the proposed house. Standard building construction can reduce noise levels approximately 20 to 25 dB. Therefore, the DNL indoors will be 44.4 dB or lower which meets the county limit of 45 dB. No architectural upgrades will be required.

2. Introduction

Hush Acoustics LLC was contracted to perform sound level measurements on the site, to model future noise levels, and to design noise barriers, as necessary. This analysis was based on the Administrative Subdivision Plan prepared by Packard & Associates LLC dated July 9, 2024. This drawing shows the proposed house location and elevation, existing ground elevations throughout the site, spot ground elevations around the proposed house, and the location and elevation of the existing Darnestown Road pavement. The site is located along the south side of Darnestown Road between Bondy Lane and Ancient Oak Drive. A vicinity map and aerial photo is included as Figure 1.



Figure 1. Vicinity Map and Aerial Photo

Per a conversation with Mr. Josh Penn in September 2023, we understand that Montgomery County uses the 1983 Staff Guidelines to evaluate transportation noise impacts for proposed residential land development. The guidelines provide outdoor DNL criteria as a function of both site location and community type, with discretion on which applies per each project. Per Table 2-1 of the guidelines, the DNL goal should be 65 dB along “major highway corridors”, 60 dB in “most areas of the county where suburban densities predominate”, and 55 dB in “permanent rural areas of the county where residential zoning is for five or more acres per dwelling”. Based on Map 2-1 of the guidelines the site is in the 60 dB zone, while per the descriptions in Table 2-1 the site is either in the 60 or 65 dB zones. To be conservative, we will assume 60 dB is the correct value. Although the Staff Guidelines say the noise level goals apply at the building line, from conversations with county staff we learned that they should be evaluated in usable outdoor areas such as rear and sometimes side yards of single-family houses, and common recreation areas such as pools and parks, again with some discretion on what types of areas to evaluate noise levels in. The Montgomery County Staff Guidelines also state that the interior noise guideline is a DNL of 45 dB.

3. Site survey

The purposes of the site survey are as follows:

1. to collect noise level data on the site. Noise level data are useful for the following reasons:
 - a. to validate the noise model
 - b. to determine how the hourly average sound levels compare to the Day-Night Average Sound Levels (DNL). The DNL is the noise metric used by Montgomery County. However, the Traffic Noise Model (TNM) uses the hourly average sound level. For locations mostly impacted by traffic noise, the relationship between the DNL and loudest hour average sound level is relatively constant. The measured sound levels are useful for determining this relationship.
 - c. to identify any significant non-traffic noise sources.
2. to observe traffic conditions such as prevailing speeds, classifications (i.e., percentages of automobiles, trucks, buses, and motorcycles), and directional distributions. Many of these parameters are not well documented in traffic studies. The prevailing speed often differs from the posted speed limit.
3. to observe road conditions such as locations and timing of traffic flow control devices (e.g., traffic signals, stop signs, and toll booths), and the pavement type.
4. to observe site conditions not represented on the site plan such as the presence and height of existing noise barriers along the road right-of-way.

The purpose of the site survey was not to determine how loud it will be at the proposed building. That is performed using the computerized noise modeling discussed below.

3.1 Sound level measurement procedure

Larson Davis model 831 and LxT sound level meters were installed in the locations indicated in Figure 2 from approximately 8:45 am on Thursday September 26, 2024 through 12 pm on Friday September 27, 2024. The sound level meters were programmed to report average, maximum, and minimum A-weighted sound levels during each one-minute interval. The meters were chained to trees and the microphones were attached to poles 19 feet above the ground at M1 and 14 feet at M2.

3.2 Site observations

The site currently has a lawn, and is generally level with respect to Darnestown Road. The main noise source on the site is traffic on Darnestown Road. There is also some sound from insects, birds, and aircraft. Darnestown Road has one through lane of traffic each direction, with a posted speed limit of 40 mph each direction.

3.3 Measured sound levels

Average sound levels during five-minute intervals were calculated based on the measured one-minute average sound levels. Figure 3 presents the resulting five-minute average sound levels. Hourly average sound levels were calculated based on the five-minute average sound levels. Figure 4 presents the hourly average sound levels. The Day-Night Average Sound Levels (DNL) were calculated for each full calendar

day. Table 1 presents the DNL and loudest-hour average sound level, and the difference between the two, for each calendar day.

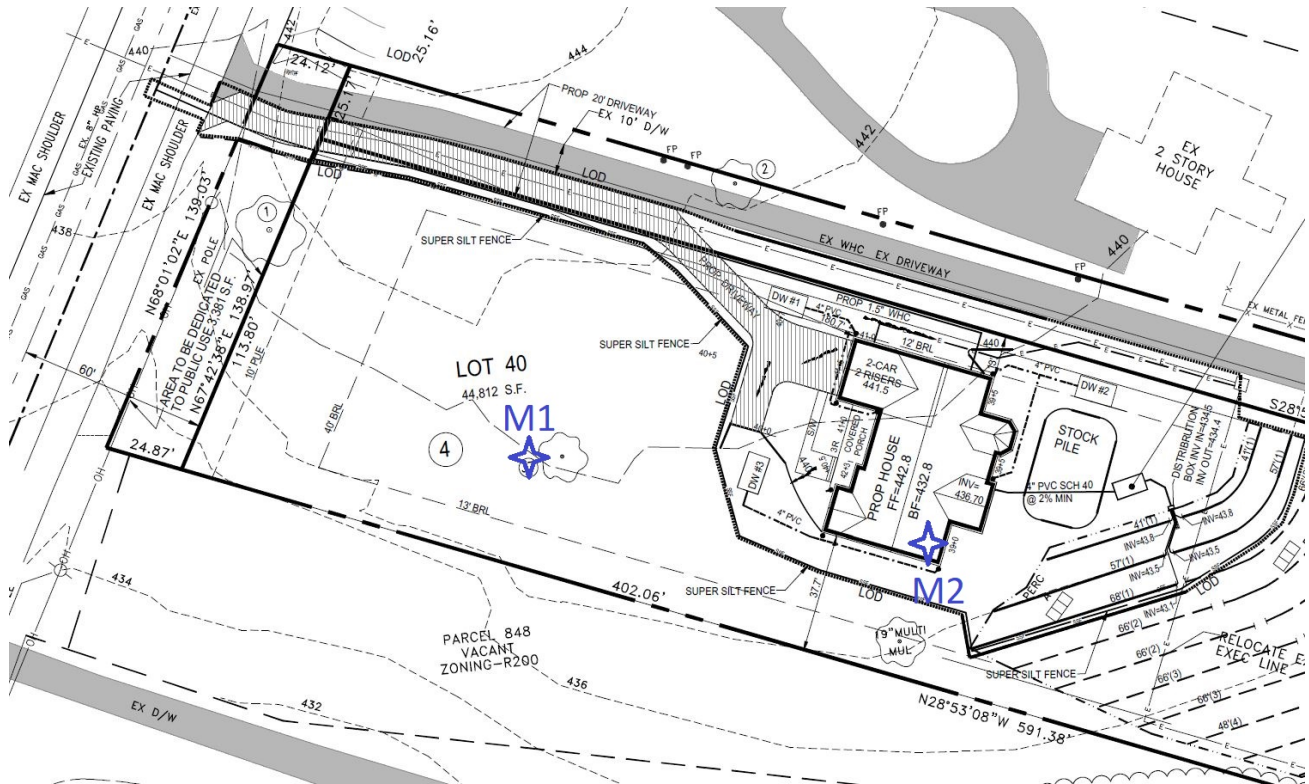


Figure 2. Sound Level Meter Locations

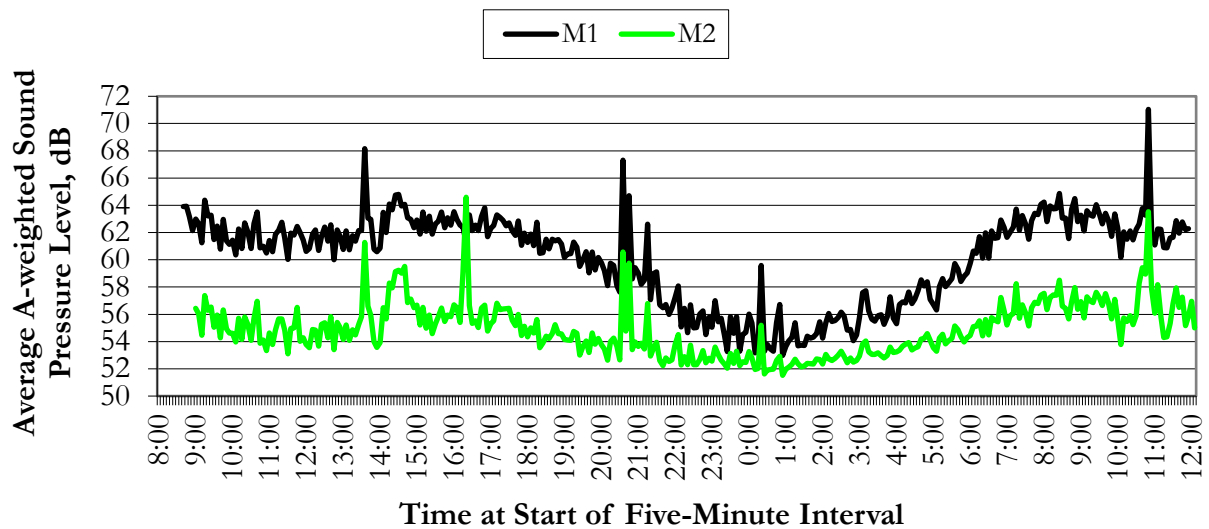


Figure 3. Five-Minute Average Sound Levels

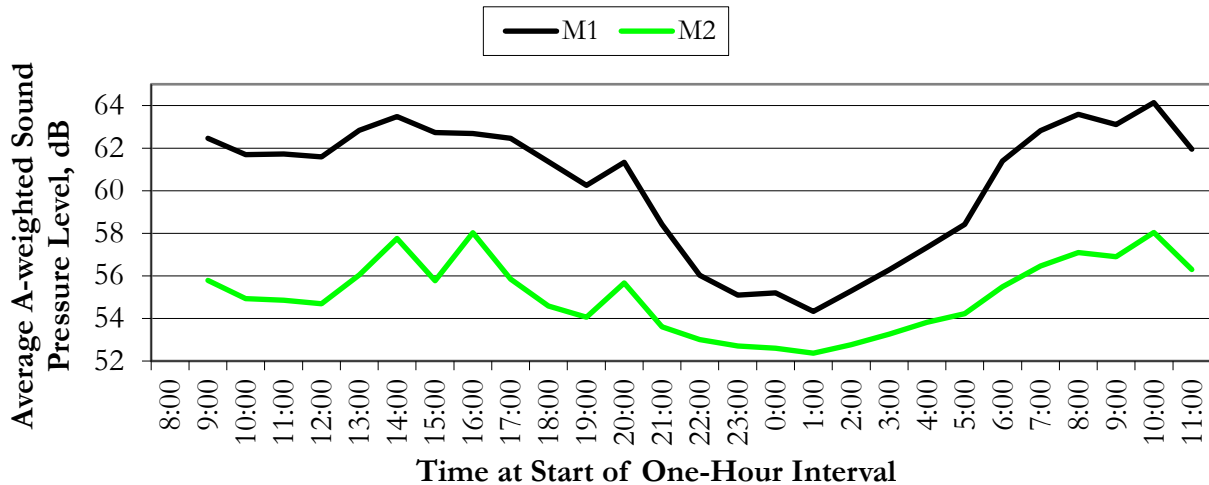


Figure 4. Hourly Average Sound Levels

Table 1. Measured DNL and Loudest-Hour Average Sound Levels, dB

Day, Date	DNL		Loudest-Hour Average Sound Level		DNL Minus Loudest-Hour Average	
	M1	M2	M1	M2	M1	M2
Thursday, Sept. 26, 2024	64.7	60.3	63.5	58.0	0.6	2.3
Friday, Sept. 27, 2024	9 am to 9 am		64.1	58.0	9 am to 9 am	

3.4 Traffic counts

Traffic volumes were counted during an 8-minute interval for each direction of traffic on Darnestown Road at the start of the survey. From these volumes the hourly average traffic volumes were extrapolated. Table 2 presents the extrapolated hourly traffic volumes. Automobiles include pickup trucks, passenger cars hauling trailers, and vans. Medium trucks are six-wheeled cargo vehicles with two axles. Heavy trucks are cargo vehicles with three or more axles. Speeds were determined using a hand-held radar gun. The median speeds for dozens of vehicles are listed in Table 2.

Table 2. Extrapolated Hourly Traffic Volumes and Prevailing Speeds

Day, Date and Time	Lanes	Autos	Medium Trucks	Heavy Trucks	Buses	Motorcycles	Speed (mph)
Thursday 9/26/24 at 9:17-9:25 am	WB (Far)	360	8	8	23	0	39
	EB (Near)	690	0	8	45	0	41

3.5 Weather

Weather can affect both the propagation of sound from a roadway, as well as produce sound by rustling leaves or causing wind or rain noise at the microphone. For these reasons, weather conditions were

documented during the survey. Hourly weather information was obtained from the National Weather Service for Washington Dulles International Airport. The following precipitation and wind faster than 10 mph were noted:

- Light rain was reported until 7:55 am on Wednesday
- By the time of the traffic counts on Wednesday there was no rain but the pavement was still somewhat wet, and the winds were from the S to SSE at 6-9 mph
- Mist was reported at 9:25 to 11:50 am on Wednesday
- Light rain was reported at 7:10-7:20, 9:58-10:00, and 10:35-10:45 pm on Wednesday
- Light rain was reported at 6:00-6:05, 6:40-6:45, and 7:05-10:20 am and 11:25 am-noon on Thursday (including rain at 7:10-7:15 am and heavy rain at 11:47 am).

4. Outdoor noise modeling

4.1 TNM overview

In the United States, roadway traffic noise levels are typically analyzed using the Federal Highway Administration's (FHWA) Traffic Noise Model (TNM). One of the current versions is 2.5. The output from TNM is the hourly average sound level at the receivers. The program allows input of the following information:

- Coordinates of selected points along the road centerlines
- Pavement width and type
- Hourly volumes and speeds of autos, medium trucks, heavy trucks, buses, and motorcycles for each road segment
- Coordinates and heights of evaluation points (receivers)
- Coordinates of ground elevations in selected locations (terrain lines)
- The default ground type, and coordinates and ground material in selected locations (ground zones)
- Coordinates of existing and proposed objects that shield the site such as noise walls and buildings (barriers)

Not used for this project:

- Locations of traffic flow control devices such as stop signs, traffic signals, and toll booths at the start of roads
- Road locations that are elevated (structure roadways)
- Coordinates, height and spacing between buildings of rows of buildings which partially shield the site (building rows)
- Coordinates and height of areas covered with thick evergreen forest (tree zones)

4.2 TNM validation

The traffic volumes and speeds presented in Table 2 were input into TNM. This TNM run is called the validation run. The following parameters were included:

- Each direction of travel of Darnestown Road was modeled as an individual road in TNM. The locations and elevations of selected points along Darnestown Road were taken from the site plan at the site, and from the computer program Google Earth to the east and west of the site.

- Per FHWA guidance, the pavement was modeled as “Average.”
- The posted speed limit of 40 mph was used each direction in lieu of our speeds in Table 1.
- Two terrain lines were added along between the road and site.
- The default ground type was lawn.
- Barriers were included to represent each of the 3 closest existing houses.
- A pavement ground zone was added to represent the paved road shoulder.
- Receivers were added at the sound level meter locations.

The output sound levels were then compared to the sound levels measured during the traffic counts. Table 3 presents this comparison.

Table 3. Comparison of TNM Validation Run Output and Measured Sound Levels, dBA

	M1	M2
Measured During Traffic Counts	63.4	56.6
TNM Output	61.5	56.8
TNM Minus Measured	-1.9	0.2

It can be seen from Table 3 that TNM was accurate, producing sound levels between 1.9 dBA less than and 0.2 dBA greater than were measured. This level of agreement between the modeled and measured sound levels is within the accepted level of accuracy of TNM which is +/- 3 dBA.

4.3 Future traffic conditions

The following historical traffic data were obtained from the Maryland Department of Transportation (MDOT) website:

- During a 24-hour turning movement count on June 21, 2023 on Darnestown Road at Jones Lane, peak-hour volumes on Darnestown Road were 763 EB and 391 WB during the morning (8-9 am) and 482 EB and 779 WB during the afternoon (4-5 pm).
- During a 72-hour classified traffic count on March 23 to 25, 2021, average classifications during peak-hours included:
 - EB 8-9 am: 4.65% medium trucks, 2.36% heavy trucks, 0.46% buses, 0.13% motorcycles
 - EB 4-5 pm: 5.00% medium trucks, 0.92% heavy trucks, 0.33% buses, 0.08% motorcycles
 - WB 8-9 am: 5.43% medium trucks, 2.39% heavy trucks, 1.41% buses, 0.00% motorcycles
 - WB 4-5 pm: 3.67% medium trucks, 1.63% heavy trucks, 0.29% buses, 0.47% motorcycles

In an email on September 27, 2024, a representative of MDOT stated that the annual growth rate for Darnestown Road is 0.75% at the site. We applied this rate for 21 years to the overall count volumes in 2023 to a future year of 2044, then applied the classification percentages from the 2021 counts (but increasing the percentages of buses significantly to 6% to match what we observed on site. The resulting forecast traffic volumes are presented in Table 4. It can be seen from Tables 2 and 4 that the forecast traffic volumes are higher than those observed during the site visit.

Table 4. Year 2044 Loudest-Hour Traffic Volumes

Lanes	Autos	Medium Trucks	Heavy Trucks	Buses	Motor-cycles	Prevailing Speed (mph)
am						
WB (Far)	394	25	11	27	0	40
EB (Near)	775	42	21	54	1	40
pm						
WB (Far)	804	33	15	55	4	40
EB (Near)	496	28	5	34	0	40

4.4 Future traffic noise modeling

TNM was run using the traffic volumes and speeds presented in Table 4. TNM was run separately for the am and pm conditions, and we computed the loudest-hour sound level for each receiver location. All parameters from the validation run were retained, with only the following changes:

- Traffic volumes in Table 4 were used.
- A barrier representing the proposed house was added.
- Receivers were added at various locations on the site 5 feet high to locate noise contours.
- Receivers were added at the approximate tops of windows on each floor of the proposed house, assuming it will have up to 3 stories.

4.5 Future outdoor traffic noise levels

It can be seen from Table 1 that the DNL was 0.6 dB higher than the loudest-hour average sound level at location M1 and 2.3 dB higher at location M2. The future loudest-hour average sound levels were output from TNM. We assumed that in the year 2044 the DNL would be 4 dB greater than the loudest-hour average sound level. This assumption is equivalent to assuming that a higher percentage of traffic would travel on Darnestown Road at night (between 10 p.m. and 7 a.m.) than presently do, or there would be more sirens.

The resulting year 2044 DNL are presented in Figures 5 and 6. It can be seen from Figure 5 that the DNL will be 55.7 dB or lower in the proposed rear yard. This is far less than the county limit of 60 dB. Therefore, there is no need for a noise barrier to meet the county criteria.

It can be seen from Figure 6 that the projected DNL will be as high as 60.9, 63.1, and 64.4 dB at the facades of the proposed house on the 1st, 2nd, and 3rd floors (if applicable), respectively. Standard building construction can reduce noise levels approximately 20 to 25 dB. Therefore, the DNL indoors will be 44.4 dB or lower. No architectural upgrades will be required.

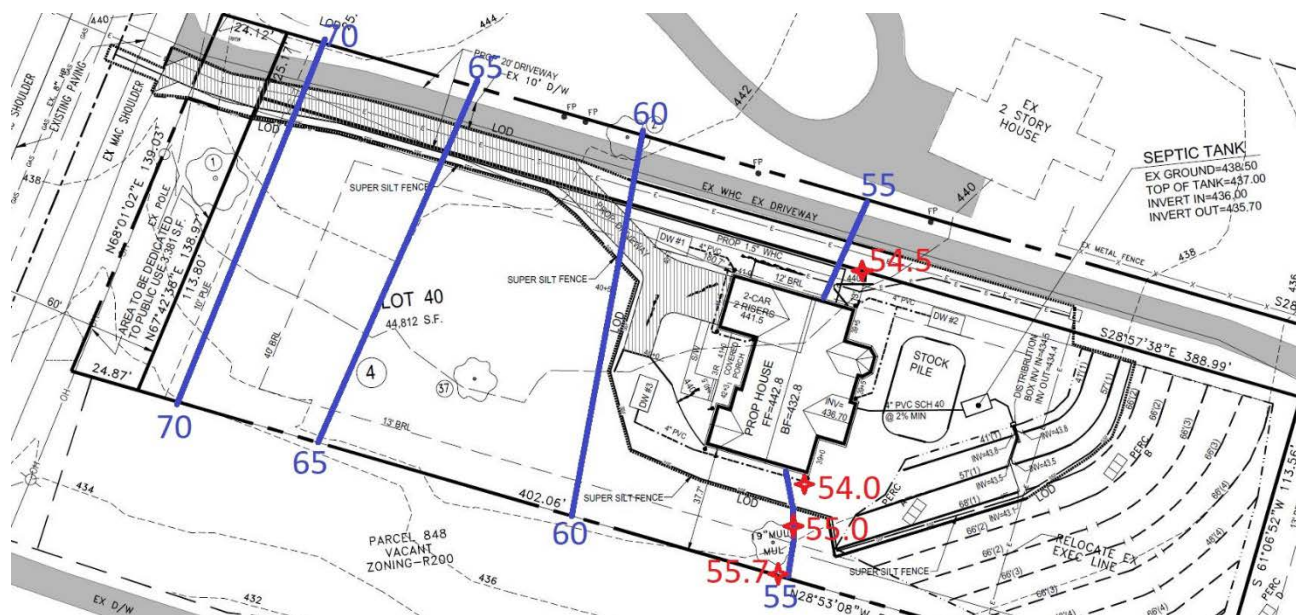


Figure 5. Year 2044 DNL, dB, Five Feet High

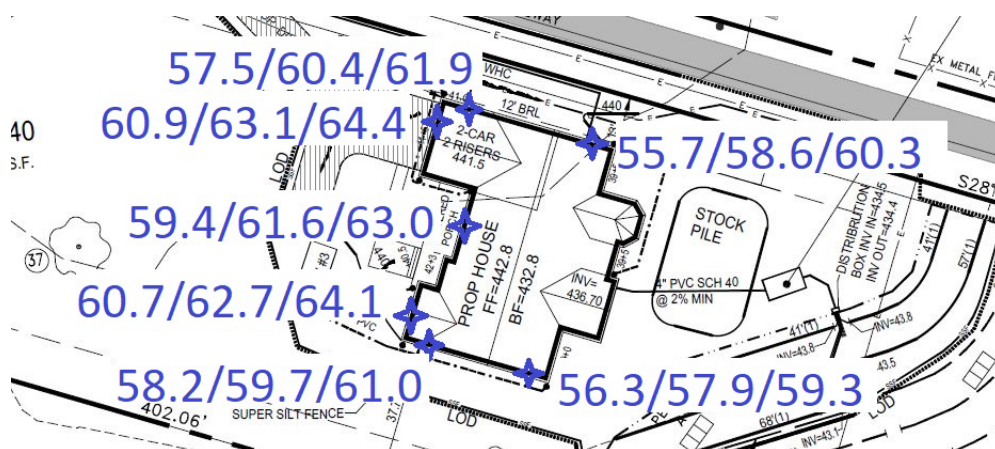


Figure 6. Year 2044 DNL, dB, at Facades of Proposed House on 1st/2nd/3rd Floors

If you have any questions, please contact me at 703/534-2790 or via e-mail at Gary@HushAcoustics.com.

Sincerely,

Gary Ehrlich

Gary Ehrlich, P.E.
Principal



Attachment E

Upcounty Planning Division – Montgomery County Planning Department

The Maryland National Capital Park & Planning Commission

Project Name: ANCIENT OAK
Administrative Plan No. 620240220
Forest Conservation Plan F20241000
Date: July 15, 2024
Address: 13300 Darnestown Road, Gaithersburg, MD 20878
Location: 100 feet northeast of the intersection with Bondy Lane
Tax Map: ES-342
Tax Account No: 06-00403210
Zone: R-200
Applicant: R.K. Cholayil
Owners: R.K. Cholayil

JUSTIFICATION FOR TREE VARIANCE

WITH THE REVIEW OF ADMINISTRATIVE SUBDIVISION PLAN AND FINAL FOREST CONSERVATION PLAN

A Variance is hereby requested pursuant to Section 22A-21 of Chapter 22A of the Montgomery County Code, 2021, as amended (the "County Code") on behalf of the Applicants, R.K. Cholayil, the owner of Parcel 900 (the "Subject Property"). This Tree Variance Request is submitted in connection with the coordinated review of the above referenced Administrative Subdivision Plan and the Final Forest Conservation Plan.

- 1) In order to develop the proposed 2 lot subdivision, **two (2)** protected trees are impacted. Construction of the proposed driveway, grading and drywell, as minimized will have a limited impact on the trees. These two (2) protected trees that are impacted are identified on the approved Natural Resource Inventory Plan as **#s 1 & 2**. There are no other protected trees or critical root zone impacts on or abutting the property, subject to this variance request.

Background Information

A Chapter 22A Variance is required in order to secure approval of the removal or disturbance of certain identified trees that are considered priority for retention and protection under the Natural Resources Article of the Maryland Annotated Code. Accordingly, Packard & Associates hereby requests a Tree Variance for the property identified as Parcel 900. This Variance request is submitted pursuant to Section 22A-21 of Chapter 22A of the County Code and Section 5-1607(c) and Section 5-1611 of Title 5 of the Natural Resources Article of the Maryland Annotated Code, (the "Natural Resources Article").

The Subject Property is classified in the R-200 Zone pursuant to the Zoning Ordinance and are identified as Parcel 900 as recorded in Liber 46002 at Folio 93. Parcel 900 has an existing house on the southern side of the property. The existing dwelling on the south side of Parcel 900 shall remain, and become designated as a proposed lot upon approval of the plans and issuance of the permits.

The existing house on Parcel 900 is at the high point, where slopes gradually fall away from the house to the north, east, south and west, toward the street and surrounding properties.

There is no designated forest on Parcel 900 but there are trees on the subject property and to the east and west of the property.

The Subject Property fronts Darnestown Road to the northwest. To the northeast, south and southwest are existing single family homes.

Critical Root Zone Disturbance

The proposed development by this re-subdivision application requires approval of a Specimen Tree Variance pursuant to Section 22A-21 of Chapter 22A of the County Code. Approval of the Specimen Tree Variance Request in conjunction with the re-subdivision application will;

- 2) Enable the Applicant to develop the Subject Property in a manner consistent with other properties in the neighborhood.
- 3) Enable the Applicant to redevelop the Subject Property by proposing the addition of one (1) single family detached home, while maintaining the existing single family home.
- 4) Allow the critical root zone disturbance of two (2) protected trees.
 - a. The 26"/40" Red Maple tree (#1) is a protected tree in fair condition, adjoining the Darnestown Road right of way, within the proposed dedication, just west of the proposed driveway expansion. The critical root zone of the Red Maple will be 30% impacted by the proposed development and is planned to be saved. The water line and driveway serving the existing house has already impacted the tree and the driveway expansion, PEPCO line and additional water connection will encroach on the critical root zone an additional 15'. The tree has some structural damage but will continue in fair health.
 - b. The 30" American Elm tree (#2) is a protected tree in good condition, abutting the north side of the existing driveway, serving the existing dwelling. The critical root zones of the American Elm tree will be 19% impacted by the proposed development and is planned to be saved. The impacts to the tree are beyond the existing driveway, existing water connection and electric line. The water and electric lines have already impacted the critical root zones with 36" cuts. The existing tree remains in good condition.

The Variance Requirements

Section 5-1607 of the Natural Resources Article requires a variance for the removal or disturbance of trees having a diameter of 30 inches when measured at 4.5 feet above the ground.

Section 5-1611 of the Natural Resources Article authorizes a local jurisdiction to grant a variance:

"where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to the applicant."

Chapter 22A of the County Code implements the Natural Resources Article of the State Law and specifies the circumstances that permit the Planning Board to grant a variance from Chapter 22A.

Section 22A-21(a) of the County Code establishes the "minimum criteria" for securing a Tree Variance and an applicant seeking a variance from any Chapter 22A requirement must:

- "(1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) verify that State water quality standards will not be violated and that a measurable

degradation in water quality will not occur as a result of granting the variance; and
(4) provide any other information appropriate to support the request."

A Tree Variance that meets the "minimum criteria" set out in Section 22A-21(a) of the County Code may not be approved if granting the request:

- "(1) will confer on the applicant a special privilege that would be denied to other applicants;
- (2) is based on conditions or circumstances which result from the actions by the applicant;
- (3) is based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
- (4) will violate State water quality standards or cause measurable degradation in water quality."

The following paragraphs illustrate the factual basis supporting Planning Commission approval of this Tree Variance. Technical information for this request has been provided by the Applicants' engineer, Dean Packard, PE, of Packard & Associates, LLC.

The special conditions that are peculiar to the Subject Property that would cause the unwarranted hardship are described as follows:

To meet the R-200 zoning, additional lots are possible for re-subdivision but in a manner consistent with other properties in the neighborhood, one additional lot is proposed. The siting of the proposed dwelling and lot was engineered in a way to minimize impacts to the existing protected tree. Protecting the tree is a priority to the owner and can be accomplished without creating a hardship denying the variance and subdivision for the additional lot.

- 1) The 26"/40" Red Maple tree #1 is in fair condition and can be saved. Root pruning and tree protection fence would provide adequate measures to protect the tree from the land disturbance and would ensure sustainability of the tree's condition.
- 2) The 30" American Elm tree #2 is in good condition and can be saved. Root pruning and tree protection fence would provide adequate measures to protect the tree from the land disturbance and would ensure sustainability of the tree's condition.

The unwarranted hardship is that the owner has the right to subdivide and build at least one additional home on the property, unless denied. Adequate measures to protect the trees should provide for the preservation of the trees and construction of the additional home.

Unwarranted hardship is demonstrated, for the purpose of obtaining a Chapter 22A Variance when an applicant presents evidence that denial of the variance would deprive the Applicant of the reasonable and substantial use of the property.

Section 5-1611 of the Natural Resources Article authorizes the Planning Board to grant a forest conservation variance "where owing to special features of a site or other circumstances, implementation of this subtitle would result in unwarranted hardship to the applicant." Those special features are described above.

Section 22A-21 of the County Code authorizes the grant of a variance under that Chapter when an applicant "shows that enforcement would result in unwarranted hardship." The phrase "unwarranted hardship" used in both the State Code and County Code is not defined in either. Under Chapter 22A of

the County Code a variance may only be granted following consideration of a list of factors set out in the Code, one of which is the presence of special conditions that would result in unwarranted hardship if the variance were denied. The decision of the Maryland Court of Appeals in *White v. North* is instructive. In that case the Court of Appeals concluded that the list of factors "must be considered are part of the entire matrix that defines what information is necessary to reach a finding as to the existence or nonexistence of an unwarranted hardship." The list of factors in *White vs. North* is strikingly similar to the variance requirements in Chapter 22A of the County Code.

The factors identified in the described as:

- (1) a deprivation of rights commonly enjoyed by others;
- (2) that no special privilege will be conferred on an applicant;
- (3) that the need for relief not be caused by an applicant's own acts;
- (4) the need for a variance does not arise from conditions on adjacent property;
- (5) a variance will not adversely affect water quality, (736 A.2d at 1083.)

According to the Court of Appeals "If total compliance with every specific requirement were necessary, relief would be really impossible and serious "taking" questions might arise." The Court went on to express its view "that these specifically stated requirements are to be considered in the context of the entire variance ordinance, to the end that, when interpreted as a whole, either they are or are not generally met."

Interpreting the factors that apply under the County Code, these Applicants would suffer unwarranted hardship if the impacts to the designated trees were not allowed. If the requested Variance were denied the Applicants would be precluded from redevelopment of the subject property by being unable to meet the restrictive requirements in Chapter 22A of the County Code, a right commonly and previously enjoyed by the owners of other properties in the community.

State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variances.

A Stormwater Management Concept Plan has been submitted to the Department of Permitting Services for the Subject Property using Environmental Site Design techniques to the Maximum Extent Practicable and the proposed two (2) lot development, upon approval, will meet State water quality standards. The approval of the requested Variance will not result in any measurable degradation in water quality standards.

Other information that supports the requested variances:

The Approved and Adopted trees Technical Manual lists several factors for consideration when reviewing applications for clearing that now require the approval of a Specimen Tree Variance. Generally, the Technical Manual recognizes that clearing is appropriate to create a building envelope for development and for street and driveway construction to provide access to new development and to create a building envelope for development. Among the development factors that the Technical manual considers appropriate for consideration when a Variance request is before the Planning Board is whether an urban form of development is desired at a particular location. The area in which the Subject Property is located, with its higher density residential zoning is far more appropriate for an urban form of development that will result from approval of the proposed re-subdivision.

Table 1. SPECIMEN TREES TO BE IMPACTED

Tree	Common Name	Tree Species	DBH	Condition	Variance Request
#1*	Red Maple	Acer rubrum	26/40	Fair	Yes*
#2*	American Elm	Ulmus americana	30	Good	Yes*

Table 1. SPECIMEN TREES TO BE IMPACTED (Continued)

Tree	Comments	% CRZ Impacts	Disposition
#1*	Impacts for driveway, PEPCO line and water line	30%	Save
#2*	Impacts for driveway, water line and electric line	19%	Save

* Tree is impacted and planned to be saved.

Conclusion

For the above reasons, and on behalf of the Applicant, R.K. Choleyil, we respectfully request that the Planning Commission grant the Applicant's request for a Variance from the provisions of the Montgomery County Forest Conservation Ordinance, Chapter 22A of the County Code as identified on the Final Forest Conservation Plan.

Certification

On behalf of the Applicant, R.K. Choleyil, the undersigned certifies that the information set forth in this Justification for Tree Variance is true, complete, and correct to the best of his knowledge, information, and belief.

Sincerely,
PACKARD & ASSOCIATES, LLC

Dean Packard

Dean Packard, PE
Qualified Professional

Upcounty Planning Division – Montgomery County Planning Department

The Maryland National Capital Park & Planning Commission

Project Name: Ancient Oak
Administrative Subdivision Plan No. 620240220
Address: 13330 Darnestown Road, Gaithersburg, MD 20878
Location: 100' Northeast of Bondy Lane
Tax Map: ES 342
Tax Account No: 06-00403210
Zone: R-200
Applicant: R.K. Cholayil
Owners: R.K. Cholayil

STATEMENT OF JUSTIFICATION IN SUPPORT OF ADMINISTRATIVE SUBDIVISION PLAN NO. 620240220

Pursuant to the Manual of Development Review Procedures, the Applicant, R.K Cholayil, hereby submits this Statement of Justification setting forth the facts and reasons in support of Planning Board approval of the proposed Administrative Subdivision Plan of Subdivision Application No. 620240220 (the "Administrative Subdivision Plan"), a subdivision of the properties identified as Parcel 900, as recorded in Liber 46002 at Folio 93 (the "Subject Property"). Parcel 900 fronts on Darnestown Road, Maryland Route 28.

Introduction

The Applicant, R.K. Cholayil, hereby requests this Administrative Subdivision Plan Application be reviewed pursuant to the standards and procedural requirements of Montgomery County Code, Chapter 50, "Subdivision of Land", and Chapter 59, "Montgomery County Zoning Ordinance", Section 59.4.4.7.B Residential R-200 Standard Method Development Standards.

The Applicant requests that this Administrative Subdivision Plan application be deemed to have been filed pursuant to Article II Division 50.4 Preliminary Plan of the Subdivision Regulations and that it be reviewed pursuant to the Standard Method Development Standards set forth in the Zoning Ordinance applicable to uses for property classified in the R-200 zone.

The proposed administrative subdivision plan is in accordance with all applicable provisions of the Subdivision Regulations and the layout of the subdivision, including size, width, shape, orientation and density of the single family detached subdivision.

The Subject Properties

The Subject Property is classified in the R-200 Zone pursuant to the Zoning Ordinance and are identified as Parcel 900 as recorded in Liber 46002 at Folio 93. Parcel 900 currently has an existing single family detached dwelling to the rear of the property. The dwelling on Parcel 900 shall remain, and become designated as a proposed lot upon approval of the plans and issuance of the permits.

Parcel 900 typically slopes gently westward to the adjoining properties. About half of the property sheet flows across adjoining properties to Darnestown Road and the rear half of the property sheet flows across adjoining properties to Wye Oak Drive.

The Subject Property has no forest but there is forest on the adjoining properties to the east and west. There are trees scattered across the property.

To the north and south of the Subject Property, there are developed single family detached homes. To the east and west, there are single family detached homes on individual parcels. The sliver of property abutting the northwest corner is vacant. There was a house on this property at one time but it burnt down years ago and is now vacant with little to no potential for a new home.

The Surrounding Neighborhood

For analysis purposes, the surrounding neighborhood shall be only defined by recorded lots directly to north, and south, zoned R-200. The properties to the east and west are individual unrecorded parcels.

The Proposed Subdivision

This Administrative Subdivision Plan application proposes to subdivide Parcel 900, into two proposed lots. The Standard Method is proposed to create one lot in the front of the property and one lot, with the existing single family home to the rear. The existing home to the rear that remain.

Master Plan Compliance

The proposed single family detached homes subdivision of the Subject Property substantially conforms to the objectives and general land use recommendations of the 2002 Potomac Subregion Master Plan, in the Darnestown Triangle and Vicinity Section. The proposed subdivision is not a part of but is surrounded by the Ancient Oak North subdivision. The Darnestown Triangle and Vicinity section of the Potomac Subregion Master plan recommends that the R-200 zoning be continues, but only without access to public sewer.

Zoning Compliance

The proposed subdivision is in compliance with zoning code section 4.3.C.1.b.i. – Flag Lots, stating in residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and:

- a) The building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot' and
- b) The building envelopes of all lots that are between the proposed flag lot and the road on which it front.

There is on additional lot proposed adjacent to the proposed flag lot and also between the road in which it fronts. The 80' rear building restriction line is added to the plan separating the flag lot but due to the proposed septic area, the proposed building envelope for the proposed lot (Lot 40) is 150' from the rear property line, and adjacent flag lot.

Forest Conservation

Natural Resources Inventory/Forest Stand Delineation No. 420241810 was submitted and approved for the Subject Property on April 25, 2024. A Preliminary Forest Conservation Plan is filed with this application. There is no forest on the Subject Property. No forest will be able to be placed into an easement so the forest will need to be planted in an offsite bank.

Public Facilities

STATEMENT OF JUSTIFICATION

Water and Sewer Service- The Subject Property is in water and sewer categories W-1 and S-6 and will be served by public water and private septic systems. Public water of sufficient transmission and treatment capacity exist in Darnestown Road. A water connection to the existing house is in place and the house is also served by a private septic system. The proposed lot to the front of the property will connect to the existing water main in Darnestown Road. Septic testing has been done for the proposed lot to the front of the property but approve from the MCDPS well and septic department will need to occur prior to proceeding.

Stormwater Management- Stormwater management for the Subject Property will be implemented through environmental site design facilities to the maximum extent practicable. A Stormwater Management Concept has been filed, Plan No. xxxxx was submitted to the Water Resources Section of the Montgomery County Department of Permitting Services and is currently under review in connection with this Preliminary Plan Application. The ESD Plan provides for drywell facilities to manage the proposed impervious runoff from the disturbed area on the proposed lot to the front of the property. The existing house and proposed lot to the rear of the property has permitted stormwater management drywells in place and the permit was closed some time ago. The Subject Property is located in the Muddy Branch, Class I Watershed.

Transportation Facilities- The Subject Property is subject to the Transportation Report for the 2002 Potomac Subregion Master Plan. Development of the two lot subdivision with one additional trip for the second proposed lot will generate (1) AM and (1) PM peak hour trip and is de minimus.

Because the proposed development will generate fewer than 50 peak hour person trips it is exempt from the Local Area Transportation Review Guidelines (LATR). The proposed development will connect to the existing Darnestown Road. The Subject Property will not be creating an appreciable increase in traffic.

Other required public facilities

Police- The Subject Property is located in County Police District 1D. The station is located at 100 Edison Park Drive, Gaithersburg, MD 20878, approximately 2.6 miles from the subject property.

Fire and Rescue Services - The Montgomery County Fire Station 31 is located at 12100 Darnestown Road, Gaithersburg, MD 20878, approximately 1.6 miles from the Subject Property.

Health Services - The nearest medical facility is Shady Grove Hospital at 9901 Medical Center Drive, Rockville, MD 20850, approximately 5.1 miles from the subject property.

Schools - The Subject Property, located in the Quince Orchard cluster and is served by Jones Lane Elementary School, Ridgeview Middle School and Quince Orchard High School. Public school facilities have been determined to be adequate at each level under the current Subdivision Staging Policy. None of the affected schools are currently in moratorium and each has sufficient capacity to accommodate the projected enrollment that would be generated from the proposed single lot subdivision.

Libraries - The closest public library is the Germantown Library, located at 18330 Montgomery Village Avenue, Gaithersburg, MD 20879 approximately 6.2 miles from the subject property.

Certification

STATEMENT OF JUSTIFICATION

On behalf of the Applicant, R.K. Chalayil, the undersigned certifies that the information set information, and belief.

Sincerely,
PACKARD & ASSOCIATES, LLC

Dean Packard, PE
MD Professional Engineer #16518
Expiration Date 6/10/23

Attachment G

