

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

June 25, 2025

MCPB No. 25-035

Preliminary Plan No. 120240150

Addition to Glen Hills Section 3

Date of Hearing: March 27, 2025

CORRECTED RESOLUTION

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

WHEREAS, on June 26, 2024, Norton Land Design, LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create four (4) lots for three (3) new single-family detached units and the retention of one (1) existing single-family detached unit on 3.79 acres of land in the RE-1 zone, located south of Circle Drive and West of Newgate Road (“Subject Property”), in the Potomac Policy Area and 2002 *Potomac Subregion Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120240150, Addition to Glen Hills Section 3 (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20240220; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 27, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 27, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of **5-0**; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120240150 to create four (4) lots for three (3) new single-family detached units and the retention of one (1) existing single-family detached unit on the Subject Property,

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Approved as to

Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to four (4) lots for three (3) new single-family units and one (1) existing single-family detached unit.

Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Preliminary 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 Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary 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 January 28, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its combined Preliminary and Final Water Quality Plan/Site Development Stormwater Management concept letter dated May 22, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS, Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Well and Septic Section in its letter dated July 11, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS, Well and Septic Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

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

8. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access, and Water Supply Section in its letter dated December 2, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

9. Before approval of a record plat or any demolition, clearing, or grading for the Subject Property, the Applicant must receive Staff certification of this Preliminary Plan.

Transportation

10. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a. All land necessary to accommodate thirty-seven (37) feet from the existing pavement centerline along the Subject Property frontage for Circle Drive.
 - b. All land necessary to accommodate thirty-four (34) feet from the existing pavement centerline along the Subject Property frontage for Newgate Road.
11. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a six-foot (6 ft) wide sidewalk with a fifteen-foot (15 ft) street buffer along the Property frontages on Circle Drive and Newgate Road.
12. Before final inspection for each lot, the Applicant must construct the public sidewalk along the respective frontage.

Record Plat

13. There shall be no clearing or grading of the site before the recordation of plats.
14. Before record plat approval, the Applicant must abandon the existing well and septic system in accordance with MCDPS standards.
15. The record plat must show necessary easements.

Record Plat

16. The certified Preliminary Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction*

meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.

17. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Show resolutions and approval letters on the certified set
- b. Include the approved Fire Department Access Plan on the certified set.
- c. Show water and sewer house connections on the certified set.
- d. Update the lot numbers and square footage calculations in the data table on the certified set.

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

1. *The 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 Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision, considering the recommendations of the 2002 Potomac Subregion Master Plan, and for the residential use contemplated for the Property. All four lots meet the minimum lot size of 40,000 square feet as required by the RE-1 zone. The existing development patterns and street layouts within the surrounding area also dictated the proposed layout for the Preliminary Plan as the proposed layout is for lots for residential use with private driveway access.

The lots were reviewed for compliance with the dimensional and density requirements for the RE-1 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements and can accommodate houses with the width and setback requirements. A summary of this review is included in Table 1. The Application is proposed under the standard method in accordance with Section 59-4.4.6.B of the Zoning Ordinance. The Preliminary Plan has been reviewed by other applicable County agencies, all of whom have recommended approval.

Table 1: Addition to Glen Hills Section 3 Preliminary Plan Tract Area Data Table for RE-1 Zone Standard Method, Section 59.4.4.6.B

Development Standard	Permitted/Required	Proposed
Tract Area	N/A	3.79 Acres / 165,092 SF
Proposed Dedication	N/A	0.10 Acres / 4, 143 SF

Table 2: Addition to Glen Hills Section 3 Preliminary Plan Lot Data Table for RE-1 Zone Standard Method, Section 59.4.4.6.B

Development Standard	Permitted/Required	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Proposed Lot 4
Lot Area (min.)	40,000 SF	40,262 SF	40,216 SF	40,300 SF	40,163 SF
Lot width at front building line (min.)	125 feet	125 ft. or greater	125 ft. or greater	125 ft. or greater	125 ft. or greater
Lot width at front lot line (min.)	25 feet	25 ft. or greater	25 ft. or greater	25 ft. or greater	25 ft. or greater
Frontage on street or open spaces	Required, except as exempt under Chapter 50	Yes	Yes	Yes	Yes
Density (max.) units/acre	1.09	1.05	1.05	1.05	1.05
Lot Coverage (max.)	15%	15% or less	15% or less	15% or less	15% or less
Principle Building setbacks (min.)					
Front	50 feet	50 ft.	50 ft.	50 ft.	50 ft.
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	50 feet	N/A	N/A	N/A	50 ft. or greater
Side setback	17 feet	17 ft.	17 ft.	17 ft.	17 ft.
Sum of side setbacks	35 feet	35 ft.	35 ft.	35 ft.	35 ft.
Rear setback	35 feet	35 ft.	35 ft.	35 ft.	35 ft.
Principal Building Height (max.)	50 feet	50 ft.	50 ft.	50 ft.	50 ft.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

a) *Land Use*

The 2002 *Potomac Subregion Master Plan* does not mention the Property specifically, yet the Master Plan does support “the retention and reconfiguration of existing zoning for all developed, underdeveloped, and undeveloped land in the subregion” (p. 40). The “Travilah” community, in which the Property is located, is planned for low-density residential housing and serves as a transitional area of the Master Plan between the more developed Potomac and North Potomac communities of the Subregion and more rural Darnestown community to the west. The proposed residential project supports the provision of needed housing development within the County while preserving a rural development pattern.

b) *Environment*

The 2002 *Potomac Subregion Master Plan* emphasizes a need to maintain the environmental integrity of the plan area by protecting critical natural resources - forests, floodplains, wetlands, and stream valleys - while responding to an increased demand for homes in the area. Further, the environmental recommendation is to “maintain and reaffirm” a low-density residential 'green wedge' for most of the Subregion and to encourage development clustering to protect environmentally sensitive areas. While the Master Plan does not have specific environmental recommendations for the Subject Property, the Application does comply with the overarching goals and policies of the Master Plan.

c) *Transportation*

With regards to transportation, the 2002 *Potomac Subregion Master Plan* states a goal to preserve the Subregion’s existing character, which is described as semi-rural. Circle Drive and Newgate Road are classified as Neighborhood Streets. The Complete Streets Design Guide calls for a six-foot (6 ft) sidewalk with a 15-foot (9-foot minimum) street buffer for neighborhood streets that are in an open-section roadway, which the Applicant is conditioned to build.

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

a) *Roads and other Transportation Facilities*

- i. The Subject Property has frontage along Circle Drive and Newgate Road within the Travilah area; both roads currently have a total right-of-way width of 60 feet. As shown on the Preliminary Plan, an additional right-of-way dedication of seven feet (7 ft) from the roadway centerline is proposed along Circle Drive, and an additional four feet (4 ft) of right-of-way dedication from the roadway centerline

is proposed along Newgate Road. Additionally, as shown on the Preliminary Plan, 4,143 square feet of dedication is proposed at the corner of Circle Drive and Newgate Road.

At present, there are no existing pedestrian or bicycle facilities along the frontage of the Property. A Ride On bus stop currently exists north of the Property along Darnestown Road (MD-28), intersecting with Glen Mill Road and Travilah Road, served by Ride On Route 76. Accessibility to the transit stop is hindered by a lack of pedestrian crossing, non-existent pedestrian connections, and thick foliage.

a) Local Area Transportation Review (LATR)

The 2024-2028 *Growth and Infrastructure Policy* requires a transportation impact study for any project that is estimated to generate a net increase of 30 or more vehicle trips in either the morning or evening peak hours. This Application is exempt from a Local Area Transportation Review Study because the Project generates less than 30 net new weekday peak-hour vehicle trips.

b) Schools

Overview and Applicable School Test

The FY2025 Annual School Test, approved by the Planning Board on December 19, 2024, and effective since January 1, 2025, applies to this Application. The project proposes to create four (4) lots for three (3) new single-family detached units and an existing single-family unit.

School Adequacy Test

The project is served by Fallsmead Elementary School, Robert Frost Middle School, and Thomas S. Wootton High School. The student enrollment and capacity projections used for these schools in the Updated FY2025 Annual School Test are noted in the following Table 3:

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

	Program Capacity	Enrollment	% Utilization	Seat Surplus or Deficit
Fallsmead ES	571	502	87.9%	+69
Robert Frost MS	1,051	1,037	98.7%	+14
Thomas S. Wootton HS	2,120	2,031	95.8%	+89

Table 4. Updated FY2025 Annual School Test Results

	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Fallsmead ES	No UPP	143	184	269
Robert Frost MS	No UPP	134	225	382
Thomas S. Wootton HS	No UPP	249	513	831

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the updated FY2025 Annual School Test results, Fallsmead Elementary School, Robert Frost Middle School, and Thomas S. Wootton High School are not placed in Utilization Premium Payment (UPP) tiers, as shown in Table 4. If the project is estimated to generate more students than the identified ceilings, then UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Project, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single-family detached, single-family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of three new single-family detached units that are not age-restricted, the proposed plan is estimated to generate no elementary school students, no middle school students, and no high school students in an average year during its life cycle based on the Subject Property's location within a Turnover Impact Area, as shown in Table 5. The number of students generated does not exceed the adequacy ceilings identified for each school, therefore, no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

Table 5: Student Enrollment Impact Estimate (reflects Updated FY2025 Student Generation Rates)

Type of Unit	Net Number of Units	Turnover ES Student Generation Rate	ES Student Estimate	Turnover MS Student Generation Rate	MS Student Estimate	Turnover HS Student Generation Rate	HS Student Estimate
SF Detached	3	0.184	0.552	0.101	0.303	0.153	0.459
SF Attached	0	0.217	0.000	0.118	0.000	0.167	0.000
MF Low-rise	0	0.121	0.000	0.065	0.000	0.083	0.000
MF High-rise	0	0.049	0.000	0.025	0.000	0.032	0.000
TOTALS	3		0		0		0

c) Other Public Facilities and Services

The Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. The Montgomery County Department of Environmental Protection confirmed that the restrictions in the Water and Sewer Plan for the Glen Hills and Piney Branch areas do not apply to the Subject Property because the Property was already within the planned sewer envelope when the 2002 Potomac Subregion Master Plan was initiated.

The Preliminary Plan was reviewed by the MCDPS, Fire and Access and Water Supply Section, and a Fire Department Access Plan was approved on December 2, 2024. Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the 2024-2028 Growth and Infrastructure Policy (GIP) in effect at the time that the Preliminary Plan was accepted.

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Preliminary Plan satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20240220, which are included in a separately approved resolution and are incorporated herein.

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

MCDPS approved a Combined Preliminary and Final Water Quality Inventory/Stormwater Management Concept Plan on May 22, 2024. The plan will meet stormwater management requirements using Environmental Site Design to include drywells.

Approximately 2.66 acres of the overall 3.79 acres of the Subject Property are located within the Piney Branch Special Protection Area (“SPA”). As such, the Applicant was required to hold a Water Quality Plan meeting with the Montgomery County Department of Permitting Services, Water Quality Plan Section. The Applicant scheduled and held this meeting on August 21, 2023, which was attended by DPS Water Resources, M-NCPPC, and the Applicant’s consultant Norton Land Design, LLC.

During this meeting, the Applicant demonstrated that the impervious surfaces for the overall development would remain below 15%. As a result, DPS determined under Sec. 19-63(b)(1)(B) of the County Code that because the project size is less than 10 acres and the imperviousness is less than 15%, only a Water Quality Inventory is required, and no Water Quality Plan is necessary.

Although no Water Quality Plan is required, in keeping with the Environmental Guideline’s recommendation that a land development project demonstrate that imperviousness be minimized, the Applicant revised the layout of the proposed units, reduced some driveway lengths and widths and made other modifications to keep impervious surfaces significantly below the 15% target. The Applicant has submitted an Impervious Surface Plan as supporting data showing that total imperviousness is at 9% for the Subject Property.

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

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

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

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

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

April 30, 2025

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

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Linden, seconded by Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, June 12, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board