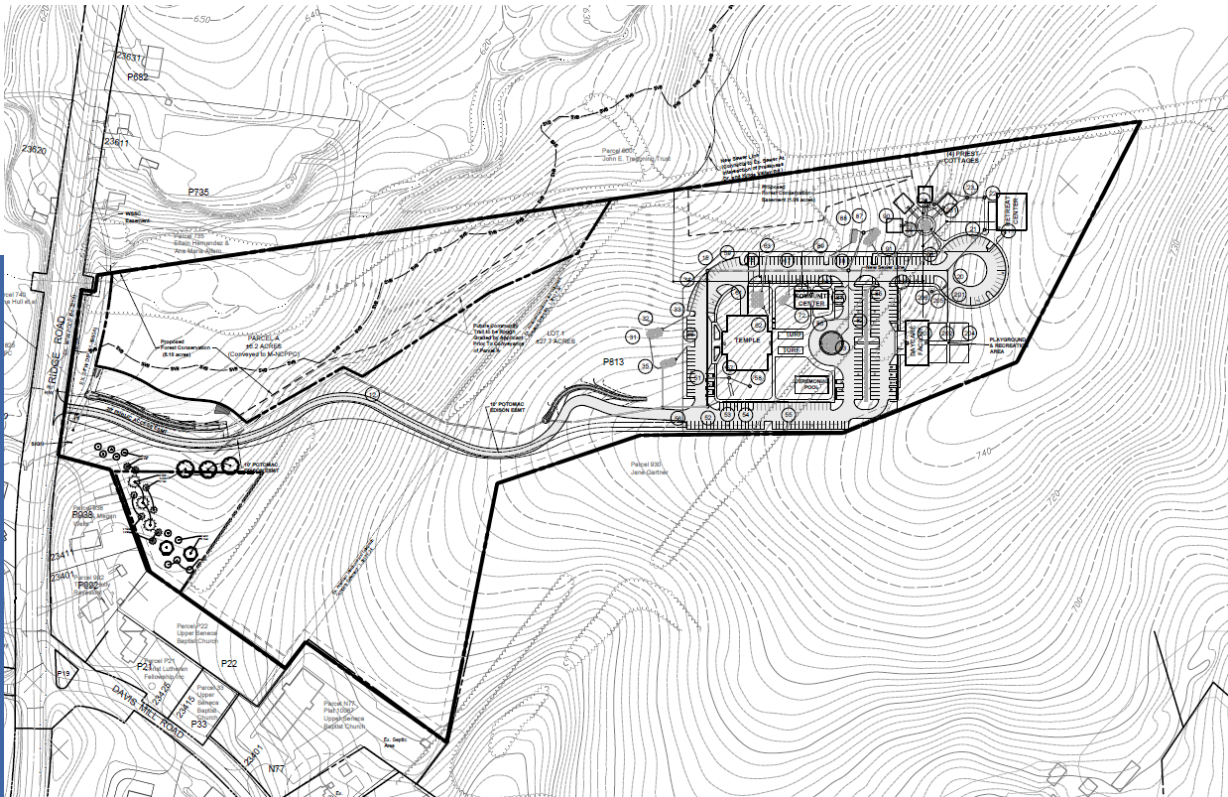


## RESURVEY ON LOCUST LEVEL

### PRELIMINARY PLAN AMENDMENT 12020004A FINAL FOREST CONSERVATION PLAN AMENDMENT F20250370



Request to extend the Preliminary Plan Validity period by approximately two years, until March 4, 2027, and proposed removal and onsite replacement of existing Category I Conservation Easement.

COMPLETED: 9/22/2025

PLANNING BOARD HEARING DATE: 10/2/2025

MCPB ITEM NO. 7

## Planning Staff

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### LOCATION/ADDRESS

23501 Ridge Road, On Ridge Road, 650 feet north of Davis Mill Road

### MASTER PLAN

1994 Clarksburg Master Plan and Hyattstown Special Study Area

### ZONE

Rural Cluster (RC)

### PROPERTY SIZE

33.82 acres

### APPLICANT

DC Metro Sai Samsthan

### ACCEPTANCE DATE

Preliminary Plan: January 13, 2025

FFCP: November 26, 2024

### REVIEW BASIS

Chapter 50, Chapter 22A



### Summary:

- On February 24, 2020, the Planning Board approved Preliminary Plan No. 120200040 to create one lot for a religious assembly, including a private daycare center, community center, retreat center, ceremonial pool and dedication of 7 acres to Parks.
- The Applicant made a timely request to extend the validity period for the Preliminary Plan and to modify a condition related to park conveyance.
- Staff recommends that the Preliminary Plan validity period be extended two years, until March 4, 2027.
- This Final Forest Conservation Plan ("FFCP") Amendment Application includes the removal of 0.44 acres and the onsite relocation of 0.66 acres of existing Category I Conservation Easement.
- Planning Staff recommends approval of the Final Forest Conservation Plan Amendment application for the disturbance related to the relocation of elements of the storm water management system and for the removal and onsite relocation of the existing Category I Conservation Easement.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN NO. 12020004A

Staff recommends approval with conditions of the Preliminary Plan Amendment to extend the Preliminary Plan validity period and modify the park conveyance area. All site development elements shown on the latest electronic version of the Preliminary Plan Amendment No. 12020004A, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the conditions below. Conditions 7 and 14 modify and supersede the previously approved conditions. All other conditions remain in full force and effect, except as may be modified or amended by the accompanying Final Forest Conservation Plan Amendment No. F20250370.

#### Modified Conditions

### PRELIMINARY PLAN VALIDITY PERIOD

7. The Applicant must convey to **The** Maryland-National Capital Park & Planning Commission ("Commission") approximately ~~seven (+/- 6.27)~~ acres of the Subject Property identified as "Parcel A" on the approved Preliminary Plan located in the northwest corner of the site for a master planned trail connection between Ovid Hazen Wells Park and Damascus Recreational Park as shown in the Preliminary Plan per the 2016 *Countywide Park Trails Plan*. The land must be conveyed to the Commission at the time of record plat in **the** form of a deed approved by the Commission's Office of General Counsel, and must be held in escrow until completion of improvements associated with ~~in~~ Parcel A and completion of the forest conservation reforestation maintenance period. The land to be conveyed must be identified on the record plat and must be free of any trash and unnatural debris prior to the deed of conveyance being recorded in the land records.
14. The Preliminary Plan Amendment will remain valid for ~~36 months~~ two (2) years beyond the original validity period until March 4, 2027, from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and ~~prior to 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.

### FINAL FOREST CONSERVATION PLAN AMENDMENT F20250370

Staff recommends approval with conditions of Final Forest Conservation Plan Amendment No. F20250370 ("FFCP") for the removal and onsite replacement of the existing Category I Conservation Easement. All site development elements shown on the latest electronic version of the Final Forest Conservation Plan Amendment No. F20250370, as of the date of this Staff Report submitted via ePlans



to the M-NCPPC, are required except as modified by the following conditions<sup>1</sup>. These conditions supersede the Final Forest Conservation Plan conditions of approval reflected as Condition No. 10 under Preliminary Plan No. 120200040. Specifically, modifications are proposed to the easement requirements of Condition No. 10(a), the Impervious Surface Agreement date in Condition No. 10(d), and the planting areas in Condition No. 10(f) and (g). All other previously approved conditions are restated below with the modified conditions:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. Before recordation of the plat and the start of any demolition, clearing, grading or construction, whichever comes first, for the development shown on the accompanying Preliminary Plan Amendment No. 12020004A, the Applicant must:
  - a. Record a Category I Conservation Easement reflecting forest saved and planting areas 2 and 3 on Lot 1, near the Temple complex as shown on the FFCP. The easement agreement must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed before recordation of the Deed of Release of Conservation Easement for the existing conservation easement.
  - b. Record a Modified Category I Conservation Easement within the area to eventually be conveyed to Parks on Parcel A as specified on the approved FFCP and labeled as the Parks Conveyance Area. The Modified Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. At the time of dedication of Parcel A as shown on the FFCP to Montgomery County Department of Parks (“Parks”), the Modified Category I Conservation Easement will be automatically extinguished by its express terms, without the necessity for further action by the Applicant, and the Parks Conveyance Area will thereafter be maintained by Parks as a conservation area.
  - c. Submit a Deed of Release of Conservation Easement for the entirety of the existing Category I Conservation Easement areas recorded among the Land Records at Book 63683, Page 244 in a form approved by the M-NCPPC Office of General Counsel. The Deed of Release must be recorded among the Land Records. The entirety of the existing easement remains in full force and effect until the Deed of Release has been approved and recorded in the Montgomery County Land Records.

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<sup>1</sup> For the purposes 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.

- d. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - e. Install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - f. Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FFCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
  - g. Submit a cost estimate for the reforestation/afforestation and other FFCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FFCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
  - h. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 3.91 acres of new forest planting mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
  - i. Enter into an agreement with the Planning Board by submitting an Impervious Surface Agreement to limit impervious surfaces to no more than 20.0 percent of the Subject Property as specified in the Montgomery County Council Resolution 18-217, dated July 21, 2015, approving Water Sewer Category Change No. WSSC-14-GWC-02A, and as shown on the Impervious Surface Plan dated June 13, 2025. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Land Records.
5. Afforestation/Reforestation plantings for the portion of Planting Area 1 that is outside of the LOD, and Planting Area 3 must occur within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Project Site, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  6. Afforestation/Reforestation plantings for the portion of Planting Area 1 that is inside the LOD, and Planting Area 2 must occur in the first planting season following stabilization of the applicable disturbed area, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  7. Within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, the Applicant must install the variance tree mitigation plantings as shown on the FFCP or as directed by the M-NCPPC Forest Conservation Inspection Staff.

Resurvey on Locust Level,

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Property is identified as Parcel 813 on Tax Map FW22 and is located at 23501 Ridge Road, in Germantown (“Subject Property” or “Property”), on the east side of Ridge Road approximately 650 feet north of Davis Mill Road in the Rural East Policy Area and the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area* (“Master Plan”) area.

To the north of the Subject Property are single-family detached residential units in the Residential Estate-1 (RE-1) zone, as well as agricultural uses in the Rural Cluster (RC) zone (Figure 1). East and southeast of the Subject Property is additional agricultural land in the Agricultural Reserve (AR) zone. Directly south of the Subject Property consists of agricultural uses in the AR zone. The property between the Subject Property and Davis Mill Road is zoned R-200 and includes residential development, religious institutions, and a cemetery. West of the Subject Property consists of a single-family house, a gas station, and a convenience store in the Neighborhood Retail (NR)-0.75 H-45 zone. Portions of the adjacent properties are within the Cedar Grove Historic District (red hatching in Figure 1), particularly to the southwest of the Subject Property and north of Davis Mill Road.

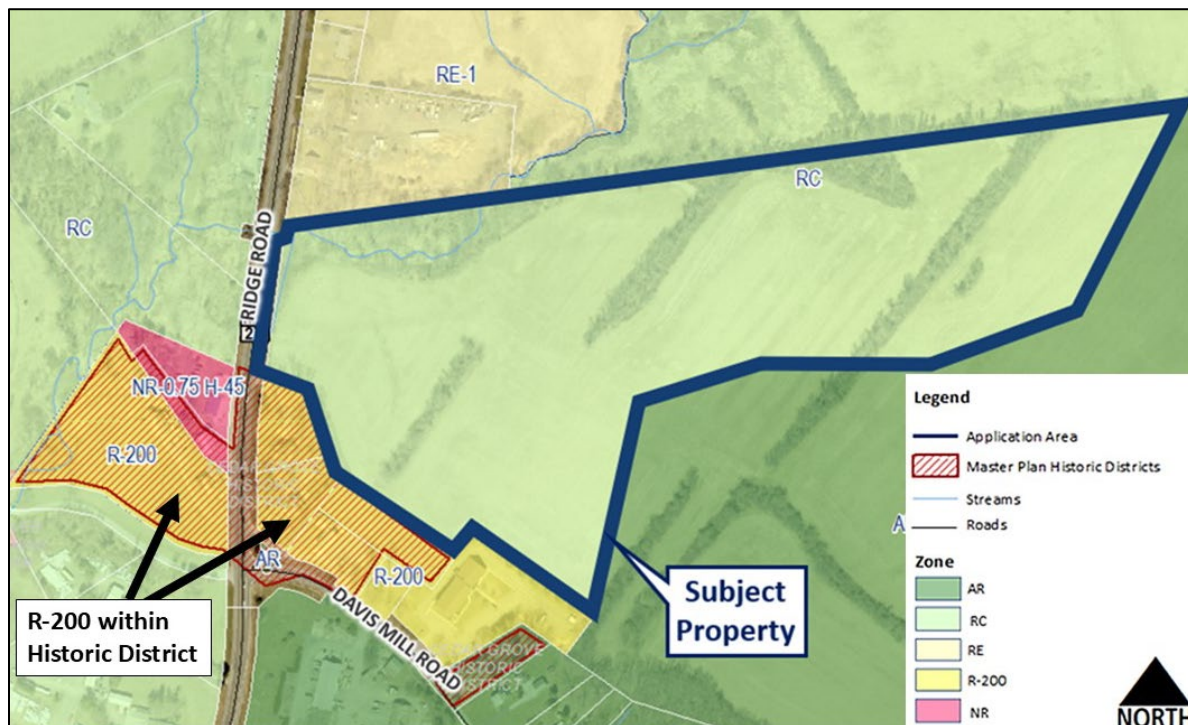


Figure 1 – Vicinity and Zoning Map

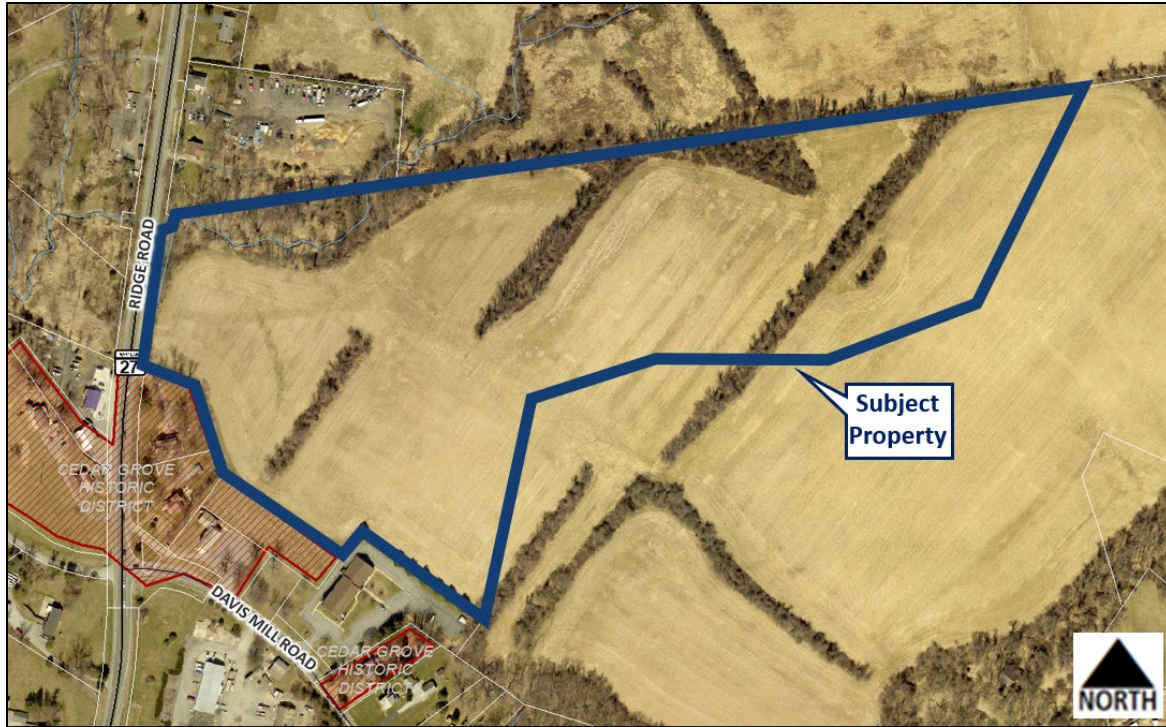


Figure 2 – Subject Property

## PROPERTY DESCRIPTION

The 33.82-acre Subject Property is currently in agricultural production and otherwise undeveloped. There is no existing vehicular access to the Property; however, the Property does have approximately 400 feet of frontage on Ridge Road.

The majority of the Subject Property is located within the Little Seneca Creek watershed, which the State classifies as Use IV-P waters. However, there are two small areas, one in the northeast corner and the other in the southeast corner of the Subject Property, located within the Upper Great Seneca, Wildcat Branch watershed, which the State classifies as Use III-P waters. The Subject Property contains 2.55 acres of forest, one stream, 3.53 acres of stream buffer, 0.57 acres of wetlands, 1.81 acres of forested floodplain, and twenty-seven (27) trees that are 30-inch diameter breast height (“DBH”) or greater in size.

## SECTION 3: PROJECT DESCRIPTION

## PREVIOUS APPROVALS

### WATER SEWER CATEGORY CHANGE NO. WSSC 14-GWC-02A

On June 23, 2015, the County Council approved WSSCR 14-GWC-02A for a water and sewer category change by Council Resolution 18-217. The proposed development plan under the initial application included a place of worship with 500 seats, a private school with 500 students, and a child development center for 150 children located at the eastern end of the site. The sewer water and category change from W-6 and S-6 to W-1 and S-3 was approved with several conditions listed below (Attachment A).

1. Both W-1 and S-3 are restricted to a private institutional facility (PIF) use only.
2. DEP will review sewer main extension plans with WSSC to ensure that PIF policy requirements with regard to main extensions are maintained by this project;
  - a. a maximum impervious surface level of 20 percent;
  - b. the location of all buildings at the east end of the site; and
  - c. an unstructured open space towards Ridge Road to buffer properties in the Cedar Grove Historic District. The church will provide a dedication to M-NCPPC in the northwest corner of the site for a trail connection between Ovid-Hazen Wells Park and other park facilities to the east.

### PRELIMINARY PLAN 120200040

On February 24, 2020, the Planning Board approved Resurvey on Locust Level, Preliminary Plan No. 120200040 by Resolution MCPB No. 20-011, to create one lot for a religious assembly (depicted in Figure 3), including an associated 29-student private daycare center, community center, retreat center, ceremonial pool and four priest cottages, and one parcel (+/-7 acres) to be conveyed to the M-NCPPC (Montgomery Parks), on 33.82 acres of land in the RC zone (Attachment B). The accompanying Preliminary/Final Forest Conservation Plan ("FFCP") No. 120200040 was also approved by the same resolution and included 2.01 acres of forest retention and 3.91 acres of reforestation, protected by a Category I Conservation Easement.

The Preliminary Plan was granted a validity period of 36 months from the Preliminary Plan initiation date<sup>2</sup> which was April 3, 2020, and an Adequate Public Facilities (APF) validity period of five 60 months (5 years) from the Resolution mailing date (March 4, 2020). As a qualifying application, both validity periods were automatically extended two years by the County Council by Subdivision Regulation Amendment No. 20-01. As a result, the Preliminary Plan was valid until April 3, 2025, and the Adequate Public Facilities is valid until March 4, 2027.

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<sup>2</sup> Resolution MCPB No.20-011 was mailed on March 4, 2020. The Subdivision Regulations establish that the Preliminary Plan initiation date is 30 days after the date the resolution is mailed, unless an appeal is filed.



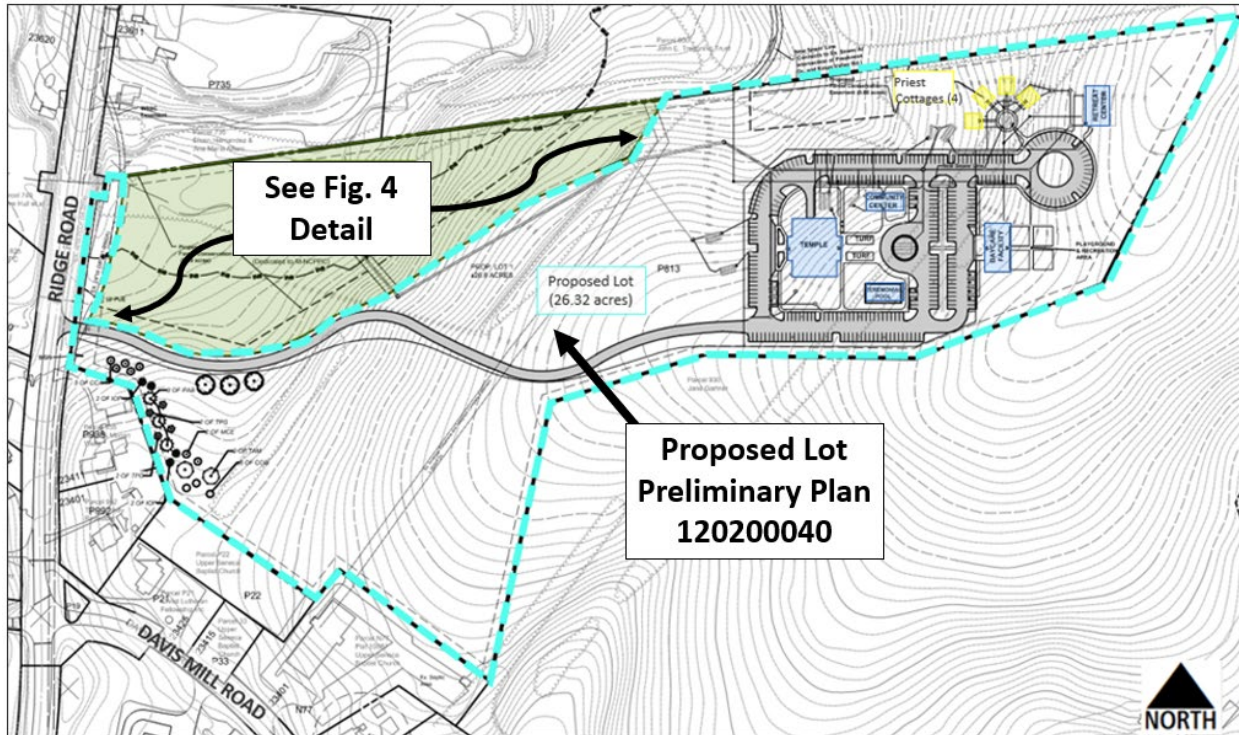


Figure 3 – Approved Preliminary Plan 120200040

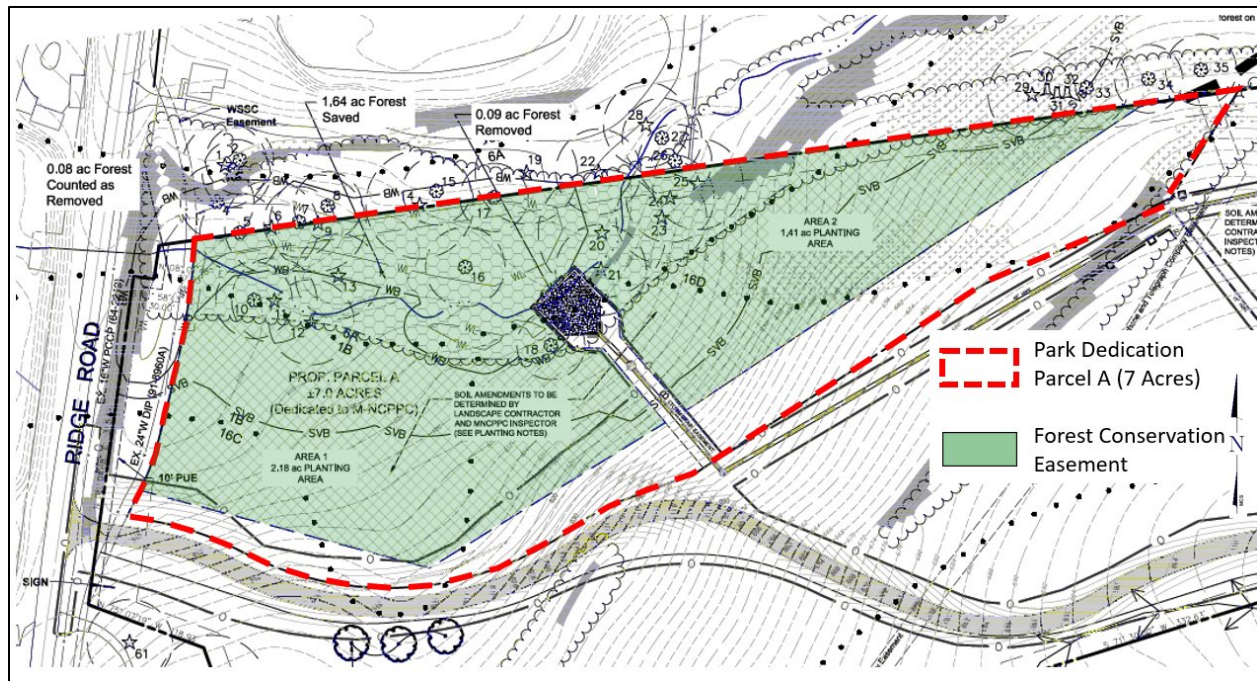


Figure 4 – Existing/Approved Park Conveyance Parcel and Conservation Easement





## FINAL FOREST CONSERVATION PLAN AMENDMENT F20250370

The FFCP application is for modifications to the stormwater management (SWM) outfall and slight realignment of the entry drive near the buildings, as shown on the FFCP. The FFCP includes the abandonment of 19,343 square feet (0.44 acres) of existing Category I Conservation Easement with onsite mitigation of 28,756 square feet (0.66 acres) of new Category I Conservation Easement. The easement removal modifications are necessary to implement the proposed changes to the SWM outfall to relocate the outfall to a more suitable location to provide a safe and stable conveyance of site drainage to the stream channel. This application will require the release of the existing Category I Conservation Easement recorded at Book 63683 Page 244 and the recordation of two new Category I Conservation Easements and reforestation.

### IMPERVIOUS SURFACES

This Application also includes an Impervious Surface Plan (Attachment C), which shows the modifications to the entry driveway to ensure that the 20% impervious cap set by County Council Resolution 18-217 is being met. The previous Impervious Surface Plan under Plan No. 120200040 showed a total impervious surface amount of 14.80%. The revised Impervious Surface Plan increases the impervious level slightly to 15.35 percent but still maintains the overall impervious surface amount below the 20% cap (Table 1).

**Table 1 - Impervious Surface Calculations**

<b>IMPERVIOUS SURFACE AREA CALCULATIONS</b>	
<b>ITEM</b>	<b>SQUARE FOOTAGE</b>
Paved Parks Trail (approximate)	15,000 sq ft
Driveway	31,375 sq ft
Parking Facility	112,800 sq ft
Buildings	30,000 sq ft
Walkways and Paths	25,800 sq ft
Ceremonial Pool	3,000 sq ft
Playground and Rec Area	8,125 sq ft
TOTAL IMPERVIOUS AREA	226,100 sq ft
TOTAL SITE AREA	1,472,553 sq ft
PERCENT SITE IMPERVIOUSNESS	15.35 %*

\*NOTE: 20% maximum impervious surface level allowed per Water & Sewer Category Change WSCCR 14-GWC-02A and County Council Resolution 18-217.

### ENVIRONMENT AND SUSTAINABILITY

The redesign and relocation of the SWM outfall ensures many environmental improvements are realized over what was previously approved. The realignment of the SWM outfall has seven immediate environmental benefits:

1. Avoids wetlands and wetland buffers;
2. Avoids direct impacts on perennial streams;
3. Removes and avoids impacts to one (1) significant and two (2) specimen trees shown on the previous FFCP;
4. Avoids removal of forest in both a wetland buffer and a stream valley buffer (“SVB”);
5. Avoids disturbance in a stream valley buffer;
6. Avoids impacts to hydric soils; and
7. Avoids steep slopes in environmental buffers.

The realignment of the SWM outfall removes the previously approved impacts to the forested SVB and provides a contiguous area of Category I Conservation Easement that is not bisected by an outfall. This realignment creates larger unified forested area of approximately 5.26 acres.

## SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. A notice of the Application was sent to all required parties by the Applicant on April 30, 2025. As of the date of this Staff Report, no correspondence has been received.

## SECTION 5: PRELIMINARY PLAN 12020004A FINDINGS AND ANALYSIS

This Application is being reviewed under Section 50-4.2.H, which allows the Planning Board to extend a preliminary plan’s validity period pursuant to a series of findings.

Except as modified below, the proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable.

### PRELIMINARY PLAN VALIDITY

#### PRELIMINARY PLAN VALIDITY EXTENSION

According to Section 50.4 of the County Code, the validity period associated with a preliminary plan requires that all approved lots and parcels be recorded by Record Plat within the preliminary plan validity period established in the Planning Board Resolution. Resolution No. 20-11 established a 36-

month validity period for the Preliminary Plan with an initial expiration date of April 3, 2025 (as extended).

Section 50-4.2.H.1 of the Montgomery County Code authorizes the Board to approve a preliminary plan validity period extension, subject to the following criteria:

**1. Extension request**

- a) Only the Board is authorized to extend the validity period. The applicant must submit a request to extend the validity period of an approved preliminary plan in writing before the previously established validity period expires.***

The Applicant filed a timely preliminary plan validity extension request with the Planning Department on April 2, 2025, before the Preliminary Plan validity expired on April 3, 2025. The Application was accepted on April 29, 2025.

- b) The Director may approve a request to amend the validity period phasing schedule of an approved preliminary plan if the length of the total validity period of the preliminary plan is not extended. The applicant must submit the request in writing before the previously established validity period of the phase expires.***

Not Applicable

- c) The written request must detail all reasons to support the extension request and include the anticipated date by which the plan will be validated. The applicant must certify that the requested extension is the minimum additional time required to record all plats for the preliminary plan.***

The Applicant has provided a Statement of Justification (SOJ) for the requested extension to the plan validity (Attachment D). Without a timely request extending the Preliminary Plan's validity period, the Preliminary Plan would have otherwise expired on April 3, 2025.

As discussed in the Applicant's SOJ, additional time is requested because of unanticipated delays as further detailed in finding No. 3.

The request for a 2-year extension of the validity period will allow the Applicant additional time to certify the accompanying FFCP No. F20250370, record the necessary Category I Conservation Easements and finalize the pending record plat, validating the Preliminary Plan. Once the record plat is recorded in the Montgomery County Land Records, the Applicant can move forward with the permitting process.

## **2. Effect of failure to submit a timely extension request.**

The request was received in a timely manner; therefore, the sub-sections herein do not apply.

## **3. Grounds for Preliminary Plan Extension**

- a. *The Board may only grant a request to extend the validity period of a preliminary plan if the Board finds that:*
  - i. *delays by the government or some other party after the plan approval have prevented the applicant from meeting terms or conditions of the plan approval and validating the plan, provided such delays are not caused by the applicant; or*
  - ii. *the occurrence of significant, unusual and unanticipated events, beyond the applicant's control and not caused by the applicant, have substantially impaired the applicant's ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the applicant if the plan were not extended.*
- b. *The applicant bears the burden of establishing the grounds in support of the requested extension.*

As explained in the Applicant's Statement of Justification and generally summarized below, the Applicant's ability to validate the Preliminary Plan has been impaired due to significant, unanticipated events beyond the Applicant's control. Due to external factors such as the COVID-19 Pandemic, unforeseen funding shortfalls, permitting delays, and post-approval coordination with applicable agencies, the Applicant has not been able to finalize the record plat application (No. 220210140) that was submitted in 2021.

Like with many other projects, the COVID-19 pandemic had a significant impact on the development timeline, including delays in obtaining project funding and supply chain impacts that have significantly affected project cost. These unforeseen circumstances continue to affect the project's schedule, but the Applicant expects to start construction within the next year.

The project has also faced delays due to the coordination with local agencies and the neighboring owner. These delays, which affected the approvals of the pending Forest Conservation amendment and the Water and Sewer plans, are outside of the Applicant's control but are necessary to ensure compliance with all planning, zoning, and environmental requirements.

A slight realignment of the entry drive and stormwater management outfall necessitated changing the approved FFCP, including the Conservation Easement boundary and the boundary and overall size of the Park conveyance parcel.

Despite the impediments, the Applicant has continuously worked to move this project forward. The Applicant has been actively working with Montgomery Parks to finalize the necessary agreements and permits for the conveyance of approximately 6.2 acres of the Subject Property to Montgomery Parks.

Additionally, to connect the development to sewer, the Applicant had been coordinating access and easements with the owner of the adjacent parcel to connect to the public sewer main.

To date, the Applicant has made significant progress. The Applicant has filed Water and Sewer plans with WSSC for review, and administrative approvals from the State Highway Administration (SHA) for access to the Property have been approved. The Applicant has also filed Soil Erosion and Sediment Control Plans with MCDPS that are ready for approval upon approval of the pending FFCP amendment and filed a record plat that has been reviewed and should be approved upon approval of the FFCP.

While substantial progress has been made, additional time is required to finalize these arrangements and ensure the project meets all regulatory requirements. An extension of the Preliminary Plan will allow the Applicant to build upon these milestones and obtain the permits for project construction.

#### **4. Planning Board considerations for extension.**

- a. *The Board may condition the grant of an extension on a requirement that the applicant revise the plan to conform with changes to the requirements of this Chapter since the plan was approved.*

No relevant significant changes have been made to the Subdivision Regulations since the plan was approved.

- b. *The Board may deny the extension request if it finds that the project, as approved and conditioned, is no longer viable. The Board must consider whether the project is capable of being financed, constructed, and marketed within a reasonable time frame. The Applicant must demonstrate the project's viability upon request by the Board or the Director.*

The Applicant requests a reasonable extension of two years (matching the existing APF validity period) to complete the necessary steps to record the plat. According to the Applicant's SOJ, upon approval of the Subject Applications, the pending record plat will

Resurvey on Locust Level,



be revised to show the updated Conservation Easement and the Montgomery Parks conveyance parcel and resubmitted for approval. The Applicant anticipates breaking ground within the next year.

## SECTION 6: FINAL FOREST CONSERVATION PLAN AMENDMENT F20250370 FINDINGS AND ANALYSIS

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code (“FCL”), and requires a Final Forest Conservation Plan Amendment. The Applicant had previously obtained approval of a Final Forest Conservation Plan, No. 120200040, which included a tree variance for impacts and removal of trees protected under Sec. 22A-12(b)(3) of Chapter 22A. The FFCP is in compliance with the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s *Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”), as conditioned in the Staff Report and described below.

### FOREST CONSERVATION

The Applicant has submitted Final Forest Conservation Plan Amendment No. F20250370 (“FFCP”) showing the revised SWM layout and Category I Conservation Easement removal with onsite mitigation and placement of two new easement areas. 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 tree variance approved under plan no. 120200040 is still valid with the required mitigation of three MD native overstory trees for the removal of Tree 44 (Figure 7). In addition, the Subject Property is not located within a Priority Urban Forest area, as mapped by the Maryland Department of Natural Resources.

The total net tract area for forest conservation purposes is 35.57 acres, which includes the Subject Property of 33.82 acres, plus offsite work of 1.75 acres for the installation of a sewer line. The Property is zoned Rural Cluster (RC), and the proposed development is classified as Institutional Development Area (“IDA”) as specified in Section 22A-3 of the FCL and in the Land Use Table of the Trees Technical Manual. The Subject Property contains 2.59 acres of forest. The Applicant proposes to remove 0.58 acres of forest and retain 2.01 acres of forest. This results in a total reforestation requirement of 3.91 acres, all of which will be met onsite. Within the overall total of forest saved and forest planted, 1.64 acres of forest saved and 3.32 acres of reforestation are located within Parcel A, a 6.20-acre area that

will eventually be conveyed to the M-NCPPC Montgomery Parks ("Parks"). The remaining 0.46 acres of forest saved and 0.59 acres of forest planted are located in close proximity to the proposed temple complex and will be protected by a Category I Conservation Easement.

The 1.64 acres of forest saved and the 3.32 acres of reforestation within Parcel A will be conveyed to Parks at a future date. Since the forest saved and reforestation are being used to meet the requirements of the FFCP worksheet and also to reforest the stream valley buffer ("SVB") as required under Section 22A-12(e)(1)(B) of the FCL, the forest saved and the reforestation plantings must provide long term protection as required under Sec 22A-12(h)(2) of the FCL until Parks accepts ownership of Parcel A.

It is standard practice to protect forest plantings and sensitive environmental features like SVBs by placing a Category I Conservation Easement ("FCE") over these items. Even though the reforestation plantings and the SVB are within the area of future proposed Parks Conveyance Area, that dedication of land will not be accepted until such time that the reforestation has been installed, has finished the five (5) year maintenance period, has been fully accepted by M-NCPPC, and the financial surety has been released. Since this process will take a minimum of five years, the placement of a Category I Conservation Easement over the reforestation plantings and SVB offers protection until such time that the Parks Department accepts the dedicated land. Once this area has been dedicated to the Parks Department and they become the property owners, the previously recorded FCE will no longer be effective, since the owner of the land, M-NCPPC, and the designee of the FCE, M-NCPPC, would be the same entity. After dedication, Parks will manage the forested area as a conservation area using their best management practices, which is also considered to be a long-term protection measure sufficient to meet Section 22A-12(h)(2) of the FCL and the Code of Montgomery County Regulations, Chapter 22A, Sec. 22A.00.01.15

There is one area of existing FCE removal that will be mitigated with onsite FCE replacement (Figure 6). The 19,343 square feet (0.44 acres) of FCE requested to be removed is located just north of the entry driveway at the entrance from Ridge Road. This portion of FCE is being removed to install a new SWM outfall with a series of drop pools, with the outfall flowing to a channel that runs parallel to Ridge Road. This channel then connects to the onsite stream that flows west beneath Ridge Road. A small sliver of this FCE removal area runs from the SWM outfall back to the location of the previously approved SWM outfall. This removal is for site grading to assist with drainage to the aforementioned channel.

The FCE removal is mitigated by onsite replacement of 28,756 square feet (0.66 acres) of new FCE. The previously approved SWM outfall within Parcel A that was shown to impact the SVB, the forest within the SVB, and the onsite stream itself is currently shown to be removed, and this 0.16-acre area will now be placed into an FCE and the unforested SVB will be reforested. An additional area of 0.23 acres of new FCE will be placed adjacent to the existing FCE and the future community trail within Parcel A. A final 0.27 acres of new FCE is added adjacent to the existing FCE located just north of the proposed temple area.

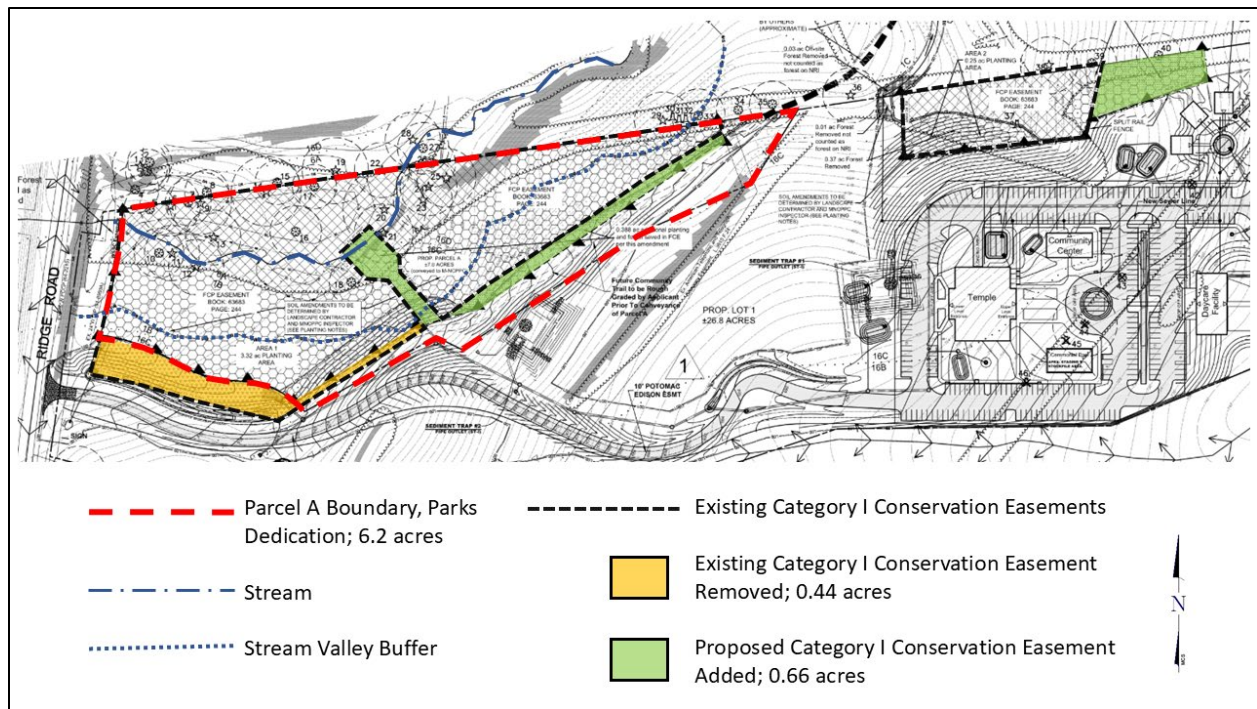


Figure 6 – Proposed Category I Conservation Easement Removals and Relocations

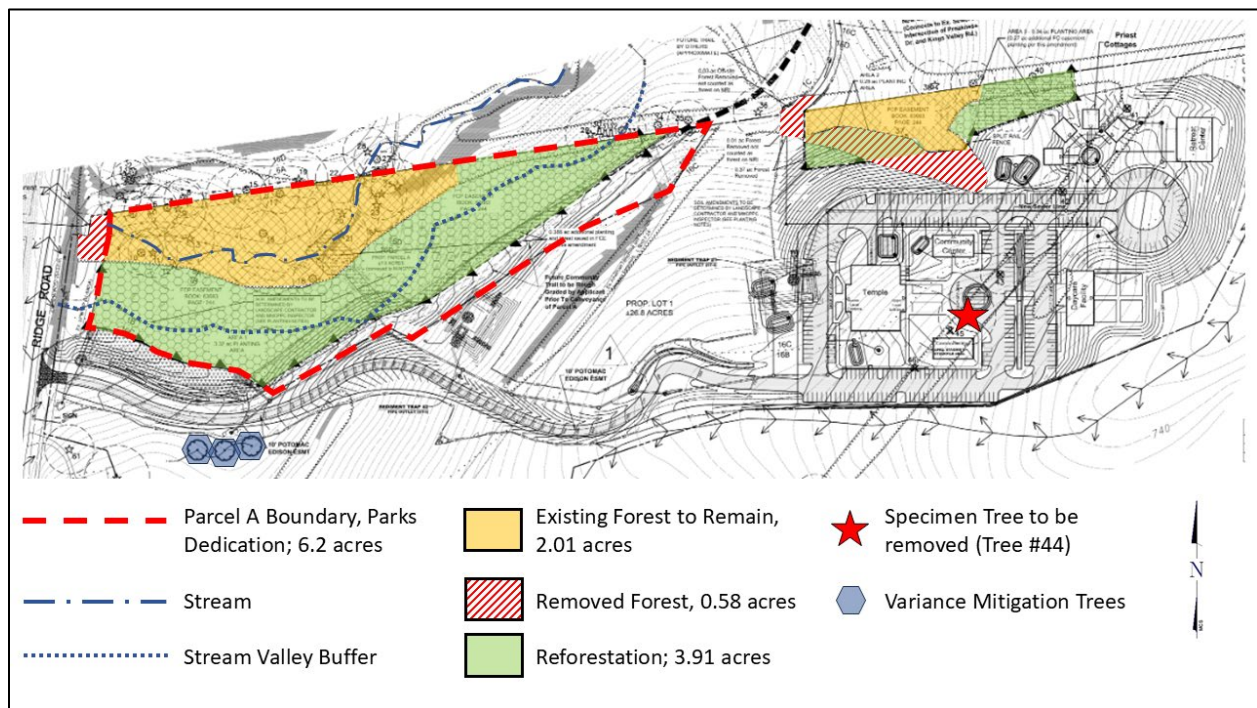


Figure 7 – Proposed Forest Removal, Reforestation and Tree Variance Mitigation

## SECTION 6: CONCLUSION

The Preliminary Plan Amendment meets all requirements established in the Subdivision Regulations. With the amended conditions at the beginning of this report, Staff recommends approval of a 2-year Preliminary Plan validity period extension. Except as modified within this report, the proposed Preliminary Plan Amendment does not alter the intent of the previous conditions and findings, which remain applicable.

The Final Forest Conservation Plan Amendment 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. Therefore, as conditioned, Staff recommends approval of Final Forest Conservation Plan Amendment No. F20250370 with the conditions as specified at the beginning of this report.

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### ATTACHMENTS

*Attachment A – Water and Sewer category change*

*Attachment B – Resolution - Preliminary Plan and FFCP*

*Attachment C – Impervious Surfaces Plan*

*Attachment D – Statement of Justification*

Resolution No.:	<u>18-217</u>
Introduced:	<u>May 21, 2015</u>
Adopted:	<u>July 21, 2015</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

**Background**

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On May 13, 2015, the County Council received recommendations from the County Executive regarding nine Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.

7. A public hearing was held on June 23, 2015.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on June 29, 2015 and made recommendations to the Council.
9. The Council held a worksession on July 14, 2015.

**Action**

The County Council for Montgomery County, Maryland approves the following actions on amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.

A handwritten signature in cursive script, reading "Linda M. Lauer".

Linda M. Lauer, Clerk of the Council



## Montgomery County Comprehensive Water Supply and Sewerage Systems Plan April 2015 Amendment Transmittal: Water/Sewer Category Map Amendments

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use on-site systems, usually wells and/or septic systems. Category 1 identifies properties approved for public service and that have access to public system mains. Category 3 identifies properties approved for public service but need new main extensions in order to receive public service. Categories 4 and 5 identify properties that currently should use on-site systems, but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years. (See page 5 for additional information.)

Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following charts present the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted by the County Executive to the Council for consideration in May 2015.

### WSSCCR 13-GWC-01A: Peter Huyser\*

Property Information and Location Property Development	Applicant's Request: County Council Action									
<ul style="list-style-type: none"><li>• 8617 Warfield Rd., Gaithersburg</li><li>• Parcel P435, Dorsey Meadows; acct. no. 01527504</li><li>• Map tile: WSSC – 228NW08; MD – GU13</li><li>• North side of Warfield Rd. east of Miracle Dr.</li><li>• RE-2 Zone; 38,768 sq. ft. (0.89 ac.)</li><li>• Goshen – Woodfield – Cedar Grove Planning Area Preservation of Agriculture and Rural Open Space Master Plan (1980)</li><li>• Middle Great Seneca Creek Watershed (MDE Use I)</li><li>• Existing use: unimproved parcel <u>Proposed use:</u> residential, single-family house <i>*Original owner; property subsequently purchased by Freddy Quintanilla.</i></li></ul>	<table><tr><th>Existing –</th><th>Requested –</th><th>Service Area Categories</th></tr><tr><td>W-6</td><td><b>W-3</b></td><td></td></tr><tr><td>S-6</td><td><b>S-3</b></td><td></td></tr></table> <p><b>Action</b></p> <p><b>Approve W-3. Deny S-3; maintain S-6.</b></p>	Existing –	Requested –	Service Area Categories	W-6	<b>W-3</b>		S-6	<b>S-3</b>	
Existing –	Requested –	Service Area Categories								
W-6	<b>W-3</b>									
S-6	<b>S-3</b>									

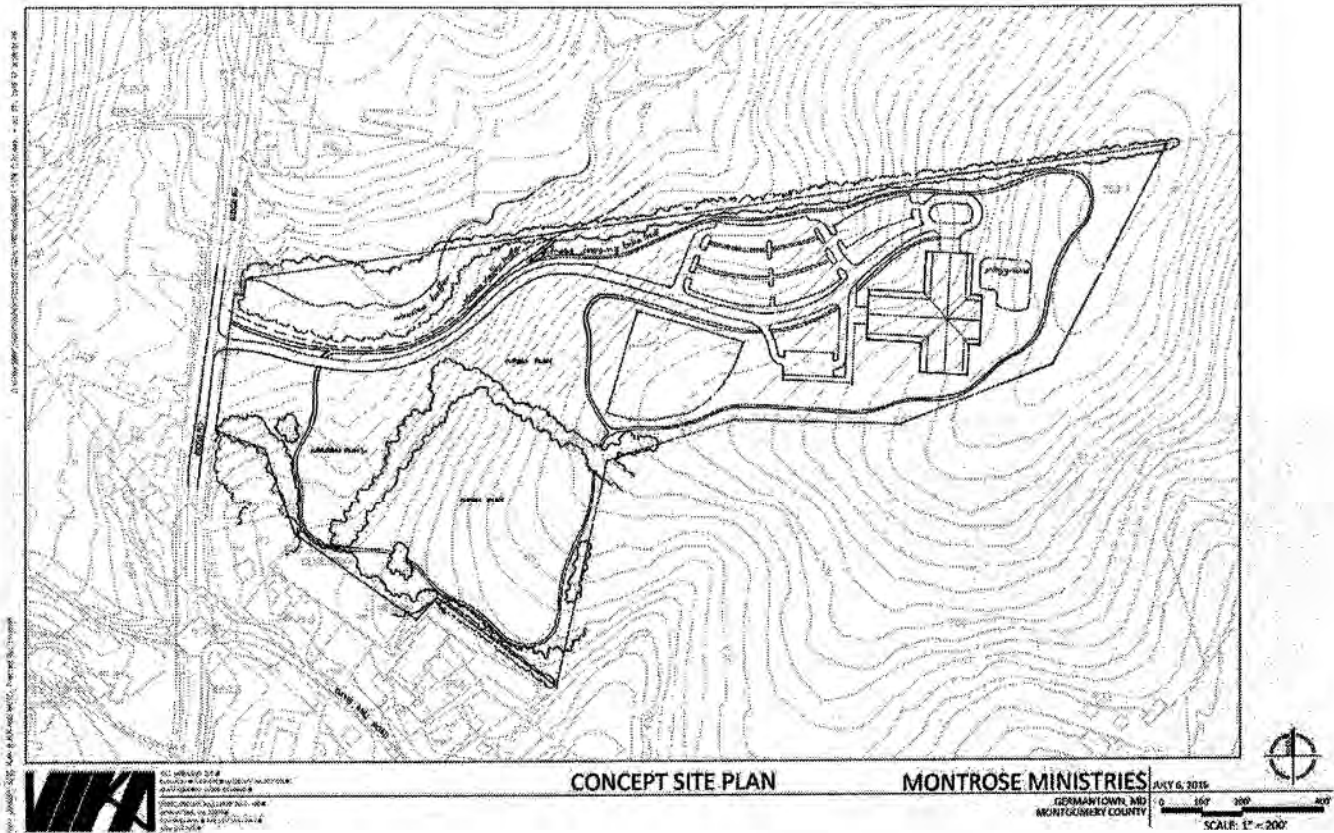
### WSSCCR 13-GWC-02A: Cheryl Gearhart, Tr.

Property Information and Location Property Development	Applicant's Request: County Council Action								
<ul style="list-style-type: none"> <li>9311 Warfield Rd., Gaithersburg</li> <li>Lot 37, Block C, Goshen Estates (acct. no. 03649692)</li> <li>Map tile: WSSC – 229NW09; MD – FV51</li> <li>North side of Warfield Rd., west of Warfield Ct.</li> <li>RE-2 Zone; 39,097 sq. ft. (0.90 ac.)</li> <li>Goshen – Woodfield – Cedar Grove Planning Area Preservation of Agriculture and Rural Open Space Master Plan (1980)</li> <li>Upper Great Seneca Creek Watershed (MDE Use I)</li> <li>Existing use: vacant /unimproved lot</li> <li><u>Proposed use:</u> one single-family house</li> </ul>	<table border="1"> <thead> <tr> <th colspan="2">Service Area Categories:</th></tr> <tr> <th>Existing</th><th>Requested</th></tr> </thead> <tbody> <tr> <td>W-3</td><td>W-3 (no change)</td></tr> <tr> <td>S-6</td><td><b>S-3</b></td></tr> </tbody> </table> <p><b>Action</b></p> <p><b>Deny S-3; maintain S-6.</b></p>	Service Area Categories:		Existing	Requested	W-3	W-3 (no change)	S-6	<b>S-3</b>
Service Area Categories:									
Existing	Requested								
W-3	W-3 (no change)								
S-6	<b>S-3</b>								

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2015 Amendment Transmittal: Water/Sewer Category Map Amendments**

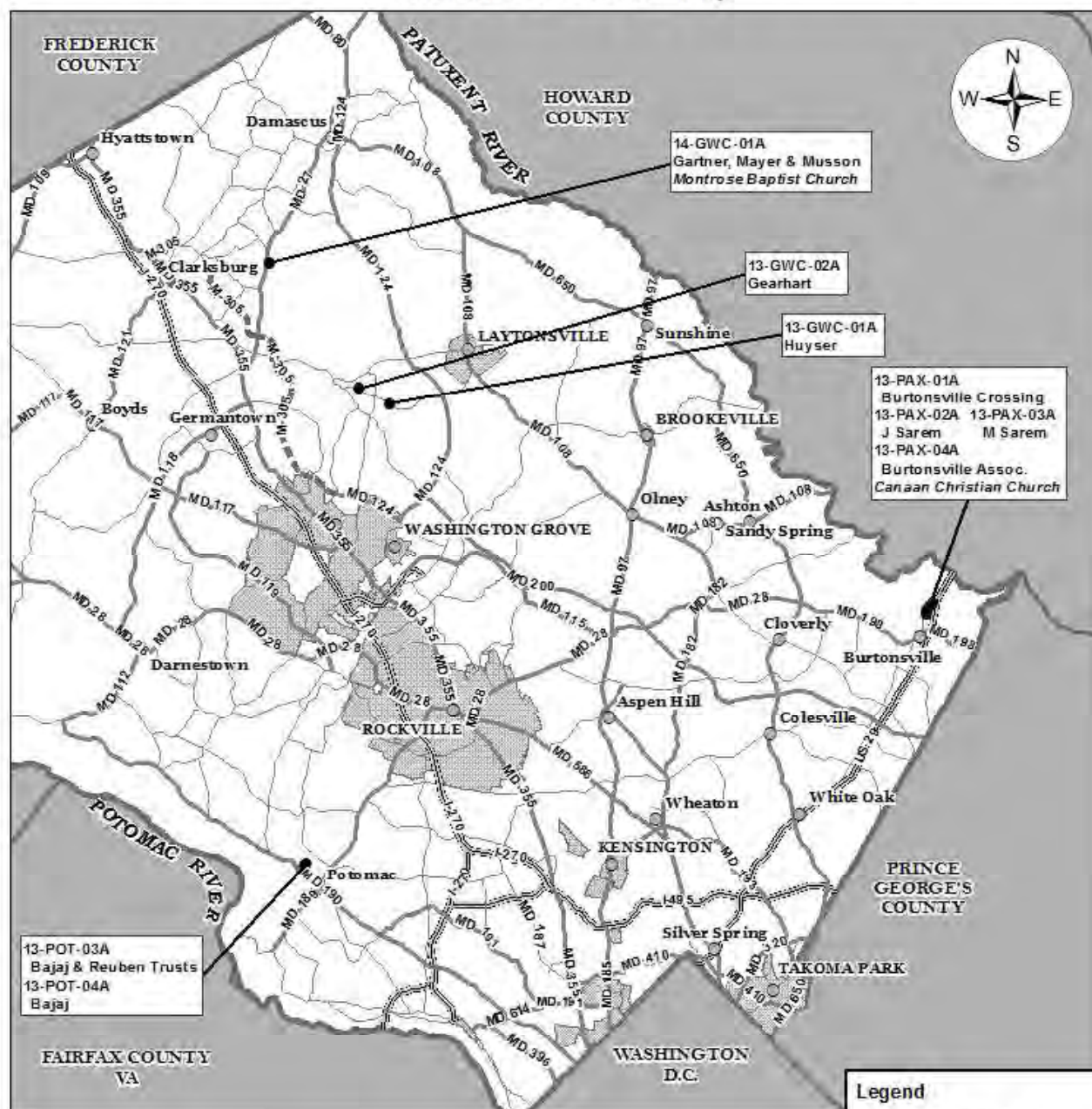
**WSCCR 14-GWC-02A: Jane Gartner, John Mayer & Larry Musson (for Montrose Baptist Church)**

Property Information and Location Property Development	Applicant's Request County Council Action						
<ul style="list-style-type: none"> <li>23501 Ridge Rd. - Cedar Grove</li> <li>Parcel P813, Res on Locust Level (acct. no. 02866721)</li> <li>Map tile: WSSC – 233NW11; MD – FW22</li> <li>East side of Ridge Rd. (MD 27), north of Davis Mill Rd.</li> <li>RC Zone; 33.82 acres</li> <li>Goshen - Woodfield - Cedar Grove Planning Area Clarksburg Master Plan (1994)</li> <li>Little Seneca Creek Watershed (MDE Use IV)</li> <li>Existing use: agricultural</li> <li>Proposed use: place of worship (500 seats), private school (500 students), &amp; child development center (150 children) for Montrose Baptist Church (see the sketch concept plan below)</li> </ul>	<p>Service Area Categories:</p> <table> <tr> <th>Existing</th><th>Requested</th></tr> <tr> <td>W-6</td><td>W-3</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </table> <p><b>Action</b></p> <p>Approve W-1* and S-3, with the following conditions and restrictions:</p> <ul style="list-style-type: none"> <li>Both W-1 and S-3 are restricted to a private institutional facility (PIF) use only.</li> <li>DEP will review sewer main extension plans with WSSC to ensure that PIF policy requirements with regard to main extensions are maintained by this project.</li> </ul>	Existing	Requested	W-6	W-3	S-6	S-3
Existing	Requested						
W-6	W-3						
S-6	S-3						
<p>The preliminary plan to be considered by the Planning Board will conform substantially with the second concept plan submitted by the church (6/26/15, see below), particularly with regard to:</p> <ol style="list-style-type: none"> <li>1) a maximum impervious surface level of 20 percent,</li> <li>2) the location of all buildings at the east end of the site,</li> <li>3) an unstructured open space towards to Ridge Rd. to buffer properties in the Cedar Grove Historic District.</li> </ol> <p>The church will provide a dedication to M-NCPPC in the northwest corner of the site for a trail connection between Ovid Hazen Wells Park and other park facilities to the east.</p>							
<p><i>*This resolution approves W-1, rather than the requested W-3, due to availability of existing water mains abutting the site.</i></p>							



Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2015 Amendment Transmittal: Water/Sewer Category Map Amendments

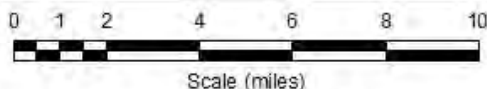
April 2015 Packet Transmittal: Category Change Amendments Locator  
Water and Sewer Plan Map



DEP  
Water and Wastewater  
Policy Group



2/24/15



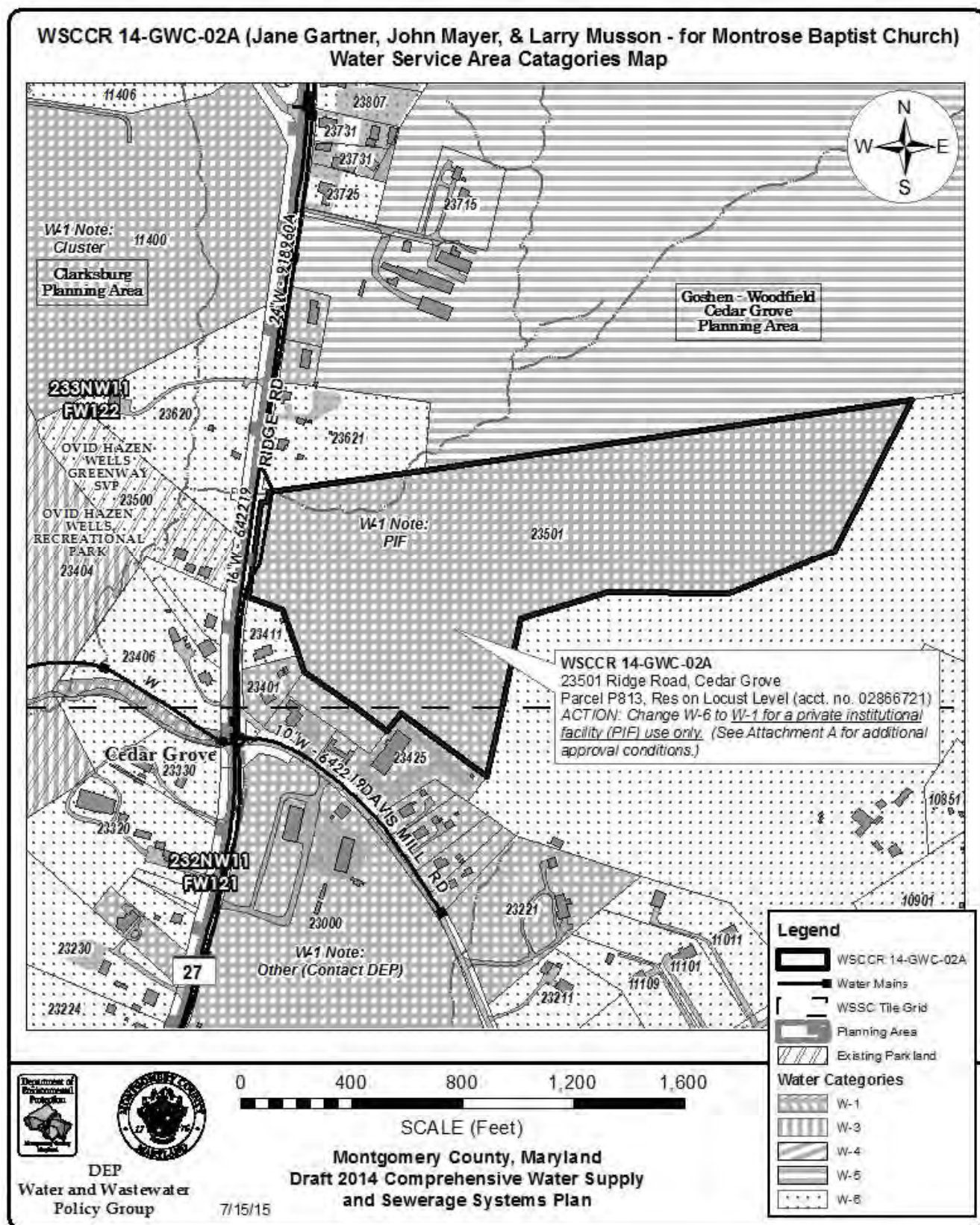
Montgomery County, Maryland  
2015 Comprehensive Water Supply  
and Sewerage Systems Plan

**Legend**

- Current Requests
- Localities
- Major Roads & Highways
  - County Roads
  - State Roads & Highways
  - US Highways & Interstates
  - Proposed Roads
- Municipalities

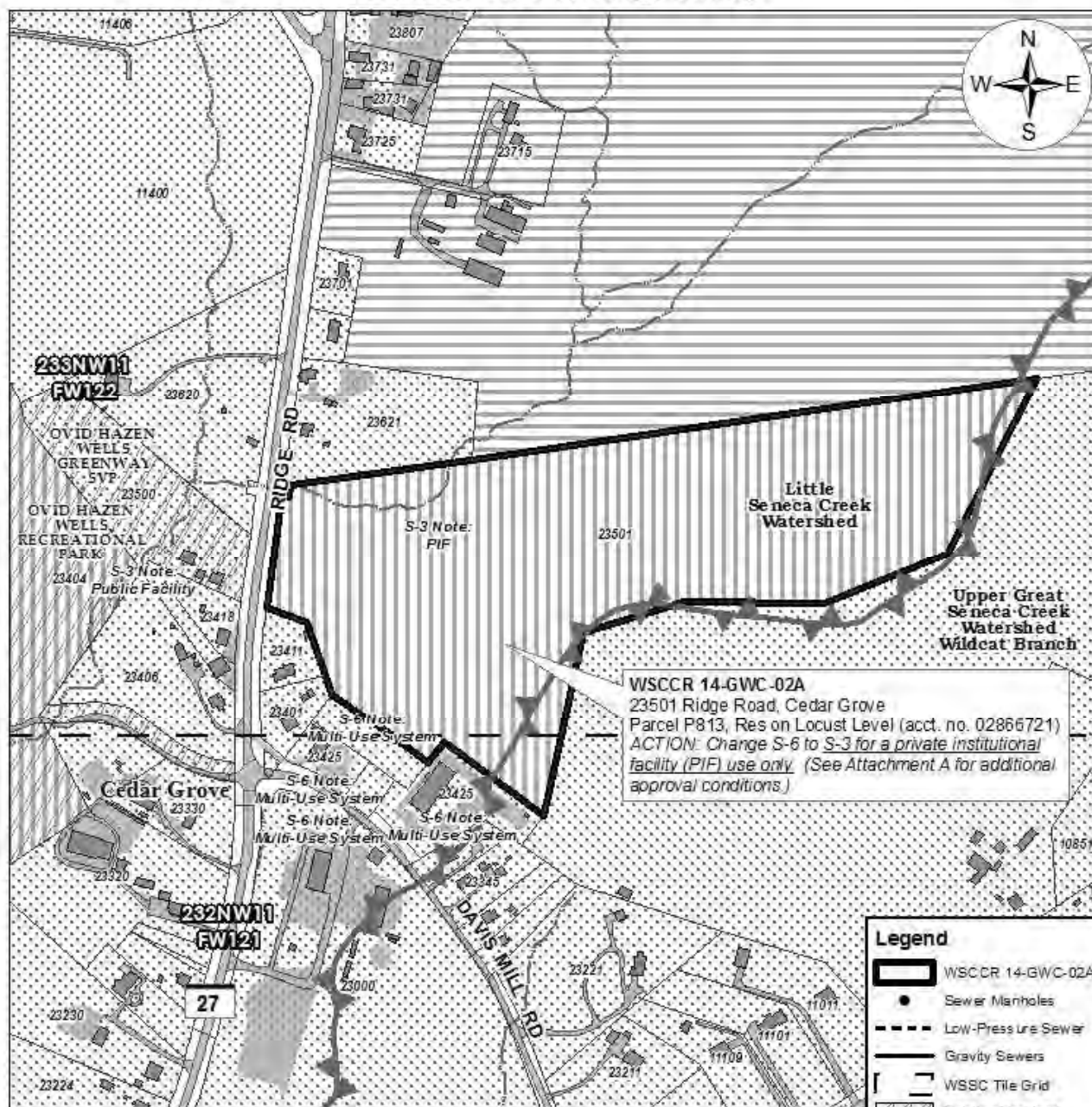


Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2015 Amendment Transmittal: Water/Sewer Category Map Amendments



Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
April 2015 Amendment Transmittal: Water/Sewer Category Map Amendments

WSSCR 14-GWC-02A (Jane Gartner, John Mayer, & Larry Musson - for Montrose Baptist Church)  
Sewer Service Area Categories Map



DEP  
Water and Wastewater  
Policy Group

1/24/15

0 400 800 1,200 1,600

SCALE (Feet)

Montgomery County, Maryland  
Draft 2014 Comprehensive Water Supply  
and Sewerage Systems Plan

Legend

- WSSCR 14-GWC-02A
  - Sewer Manholes
  - Low-Pressure Sewer
  - Gravity Sewers
  - WSSC Tile Grid
  - Existing Park Land
  - Major Watersheds
- Sewer Categories**
- S-1
  - S-3
  - S-4
  - S-5
  - S-6



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich  
County Executive

Adam Ortiz  
Director

## MEMORANDUM

January 10, 2020

TO: Richard Weaver, Chief, Area 3 Planning, M-NCPPC  
Angelica Gonzalez, Planner Coordinator, Area 3 Planning, M-NCPPC

FROM: Alan Soukup, Senior Planner, Water supply and Wastewater Unit  
Department of Environmental Protection

SUBJECT: Preliminary Plan No. 120200040 "Resurvey on Locust Level"

DEP provides the following review of the subject preliminary plan with respect to the County's Water and Sewer Plan and to Council Resolution No. 18-217 (approved 7/21/15) for WSCCR 14-GWC-02A.

The use of public water and sewer service for this project is consistent with the existing, restricted W-1 and S-3 service area categories.

This preliminary plan revises a prior concept plan that the County Council reviewed and found acceptable under CR 18-217 for WSCCR 14-GWC-02A. The proposed user of the site at that time was Montrose Baptist Church. The Council approved categories W-1 and S-3 for this site under the Water and Sewer Plan's private institutional facilities (PIF) policy based on the presented concept plan. Both categories W-1 and S-1 are restricted to a PIF use only. The PIF policy requires M-NCPPC staff to review any revised development plan for a site with an approved PIF-based category change and to recommend whether changes to revised plan are significant as to warrant reconsideration of the category change request by the Council.

M-NCPPC staff have recommended that preliminary plan 120200040 conforms sufficiently with the original concept plan for Montrose Baptist Church and does not require reconsideration of the category change request 14-GWC-02A by the Council. DEP concurs with this recommendation. Council staff has also reviewed the M-NCPPC recommendation and agree that no further Council consideration of the category change request is needed.

The preliminary plan addresses specific requirements included in the Council's resolution:

- Maximum impervious level of 20 percent. (Confirmed by M-NCPPC staff.)
- Location of buildings at the east end of the site.
- Unstructured open space towards Ridge Rd. to buffer properties in the Cedar Grove Historic District.



- Dedication of park land to M-NCPPC along the northern part of the site to allow for a needed trail connection.

In addition to the PIF policy issue of conformance with the prior development plan, this plan satisfies the PIF policy's requirements, as follows:

- Public service is restricted to a PIF use only for which DC Metro Sai Samsthan qualifies.
- Public water is directly available to the site from an existing water main along Ridge Rd.; no offsite main extensions are needed.
- Public sewer service will require a main extension from the Gartner property to WSSC's gravity sewerage system. A planned low-pressure main extension, crossing and largely contained on the intervening Tregoning property, will tie into an existing gravity sewer main near the intersection of Kings Valley Rd. and Preakness Dr. For the most part, the extension will belong to the user, not WSSC. The planned extension, as a dedicated low-pressure sewer, will not allow for sewer service to any other intervening or abutting property, as required by the PIF policy. WSSC and DEP staff have reviewed and concur with the proposed sewer extension concept. DEP will monitor the applicant's extension design process to ensure continued conformance with the PIF policy.

ADS:ads

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cc: Steve Shofar, Chief, Intergovernmental Affairs Division, DEP  
Keith Levchenko, Senior Legislative Analyst, County Council  
Ray Chicca and Art Atencio, Development Services Division, WSSC

COMMISSIONERS  
 Chris Lawson, Chair  
 T. Eloise Foster, Vice Chair  
 Fausto R. Bayonet  
 Howard A Denis  
 Sandra L. Thompson

GENERAL MANAGER  
 Carla A. Reid



January 13, 2020

DC Metro Sai Samsthan  
 c/o Prasad Konka  
 19711 Waters Road  
 Germantown, MD 20874

Re: Letter of Findings  
 WSSC Project No. 6870Z20 Resurvey on Locust Level

Dear Mr. Konka:

A hydraulic planning analysis has been completed on the Resurvey on Locust Level project. The project has been conceptually approved. Please refer to the enclosed 200'-scale sketch along with the summary table and list of conditions included in this letter, which provide the results of our analysis.

HYDRAULIC SUMMARY TABLE	
Proposed Development: Church – 605 seats; Daycare – 42 students; 4 SFD's; 3,600 sf clubhouse; 12,500 sf Retreat center	
200-ft Sheet: 233NW11	
SEWER	WATER
WWTP Service Area: Damascus	Hydraulic Zone Group: Montgomery High
Mini-Basin Number: 15-051	Pressure Zone: 836A
	High Grade: 880 feet
	Low Grade: 789 feet

The following is a list of conditions that apply to this project and must be met before a Systems Extension Permit (SEP) will be issued.

#### MANDATORY REFERRAL PROCESS

This project may be subject to the Maryland-National Capital Park and Planning Commission's Mandatory Referral Program, depending on its planned water / sewer infrastructures and associated appurtenances. It is the Applicant's responsibility to contact the appropriate County's Department of Park and Planning for specific guidance and their standards for Mandatory Referral Review. During Phase 2 Design Review, WSSC must be notified, if the project is subject to the Mandatory Referral Process.

#### PROPERTY WILL BE ASSESSED

If a connection to an existing WSSC-built main line extension is made, a front-foot-benefit assessment and any deferred connection costs will be levied against the property served. A yearly charge will appear on your County property tax bill for a set period of time -- currently 23 years. For details contact the Property Assessment Unit on 301-206-8032.

### ***SANITARY SEWER CONDITIONS***

#### SEWER AVAILABLE

An existing sanitary sewer is available to provide service to this project. Sanitary sewer service may be obtained by constructing service connections without a public extension. Each property connecting to the existing lines will be assessed at the rate prevailing at the time of the main's construction (see "PROPERTY WILL BE ASSESSED" above).

#### REQUIRED SANITARY SEWER MAIN SIZES

All sewer shall be 8-inch diameter gravity sewer.

The size of the onsite pressure sewer/grinder system range shall be determined during design as pump elevations and locations are finalized.

#### INSTALL EJECTOR/GRINDER PUMPS

Based on the proposed grading plan, ejector or grinder pump(s) and on-site low-pressure sewer are required for service. A registered plumber must install the pumps at the developer's expense.

For properties to be served by a grinder pump system, the developer is responsible for all on-site installation (i.e. materials, electrical equipment, the grinder pump unit

and plumbing hook-up which shall be installed by a registered plumber). Grinder pump units must be approved by WSSC. Ultimately the property owner will be responsible for all on-site maintenance of grinder pump systems. Builder/developers/owners should disclose this requirement to purchasers at property settlement.

#### ENVIRONMENTAL IMPACTS

The proposed sewer main outfall will impact wetlands, stream buffers, 100-year flood plain, steep slopes, and possibly large trees. The alignment may need adjustment during the design stage.

#### SHOW MINIBASIN BOUNDARY ON DESIGN PLANS

This project will be served by more than one sewer system minibasin. Design plans that encompass more than 1 minibasin should indicate the boundary as shown on the attached sketch.

#### ***WATER MAIN EXTENSION CONDITIONS***

##### TRAVEL TIME EXCEEDS LIMITS

A cursory review of the onsite water system indicates that over 2000' of 10" service line would be required to provide standard fire flows to the fire hydrants servicing the buildings. The long main with a large diameter needed to provide standard fire flows to this property may not guarantee acceptable water quality at the customer's tap. When large long pipes are used to serve a property, excessive travel times for the water to reach the customer can result. During long travel times, the chlorine added at the plant as a disinfectant can dissipate, and no longer be effective, before the water reaches the tap. The designer of the onsite system should consider the long travel times and if necessary provide for remediation by reducing travel times or providing additional water quality measures at the users end. To remediate the long travel time for this project, the designer should consider re-evaluating the fire requirements, design for a fire booster pump system, establish a flushing program, design additional water quality measures at the user end or other appropriate measures.

##### LARGE DIAMETER WATER MAINS IN THE VICINITY

There is a 16-inch Pre-stressed Concrete Cylinder Pipe (PCCP) water main and a 24-inch Ductile Iron (DI) water main located in the vicinity of this project.

Please refer to the latest WSSC Pipeline Design Manual, Part 3, Section 11, Loading Analysis, for additional general information and guidance.

#### WATER AVAILABLE

An existing water main is available to provide service to this project. Water service may be obtained by constructing service connections without a public extension. Each property connecting to the existing lines will be assessed at the rate prevailing at the time of the main's construction (see "PROPERTY WILL BE ASSESSED" above).

#### INSTALL BOOSTER PUMPS

Due to low water pressure conditions (less than 40 psi) at the higher elevations on this site, the on-site plumbing system may require booster pump installation. Booster pumps are required for buildings with first floor levels above elevation 696 feet.

#### OUTSIDE METERS

Any residential water service over 300 feet in length will require an outside meter. For commercial water service connections, built to serve a standard or minor site utility (on-site) system over 80 feet in length, WSSC would prefer an outside meter in a vault, however an indoor meter may be allowed under certain conditions.

### ***EASEMENT CONDITIONS***

#### GENERAL

WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the WSSC Pipeline Design Manual. Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.

#### COORDINATION WITH OTHER BURIED UTILITIES

Refer to the latest WSSC Pipeline Design Manual Pages G-1 and G-2 for utility coordination requirements. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC easement unless specifically approved by WSSC. Longitudinal occupancy of WSSC easements (by other utilities) is not permitted. Proposed utility crossings of WSSC pipelines or easements that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at the design plan review phase. Refer to the latest WSSC Pipeline Design Manual Part Three, Section 3. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including impacts to proposed street and building layouts.



The applicant must provide a separate “Utility Plan” to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and easements. Upon completion of the site construction, any utilities that are found to be located within WSSC’s easements (or in conflict with WSSC pipelines) must be removed and relocated at the applicant’s expense.

#### **OFF-PROPERTY EASEMENTS MUST BE OBTAINED**

The proposed sewer main extension will require the acquisition of easements from other property owners. It is the Applicant’s responsibility to obtain these easements.

#### **ADHERE TO MINIMUM EASEMENT WIDTHS**

The minimum easement width for a normal (14 inches diameter or less) extension, either water or sewer, installed at normal depth is 20 feet. A minimum easement width of 30 feet is required when both normal-diameter water and gravity sewer lines are installed in the same easement at normal depth. Installation of deep or large water and / or sewer mains will require additional easement width. For minimum horizontal separation between a building and a WSSC pipeline, refer to the requirements in the latest WSSC Pipeline Design Manual, Part Three, Section 3.c.2. Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40 feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved. Balconies and other building appurtenances are not to be within the easement. Additionally, water and sewer pipeline alignment should maintain 5 feet horizontal clearance from storm drain pipeline / structures and other utilities.

### ***CONNECTION AND SITE UTILITY CONDITIONS***

#### **RECORD SERVICE CONNECTION EASEMENT**

A service connection easement across Parcel 600 to provide service to Parcel 813 must be recorded.

#### **SITE UTILITY PROCESS REQUIRED**

The Site Utility process is usually required for water lines greater than 2 inches in diameter or sewer lines greater than 4 inches. Contact Permit Services at 301-206-8650 or at [www.wsscwater.com](http://www.wsscwater.com) for more information on electronic submittal of Site Utility plans.

(A statement may be required to address a potential issue with the Site Utility in the project. See Development Section Manager (Design) to receive the needed statement and insert here prior to finalizing the Letter of Findings. If a situation

involves multiple properties sharing the same private on-site W or S systems, see PSS Manager or Development Section Manager (Design))

ENVIRONMENTAL CONDITIONS

The applicant must resolve all environmental issues directly with the Environmental reviewer. All outstanding environmental issues must be resolved prior to the Design Phase.

The next step in the process is Phase 2, Review for System Integrity. Contact Permit Services at 301-206-8650 or at [www.wsscwater.com](http://www.wsscwater.com) for more information on electronic submittal of System Integrity Review Packages. Should you wish to schedule a pre-design meeting, please contact Art Atencio at (301) 206-8816 or [art.atencio@wsscwater.com](mailto:art.atencio@wsscwater.com).

This Letter of Findings will expire if no “actions” are taken by the applicant over the 3-year period following the date of this letter. For definition of “actions”, see the latest Development Services Code, Section 405.1.1.

If you have any questions or concerns, please feel free to contact me at 301-206-8816 or [art.atencio@wsscwater.com](mailto:art.atencio@wsscwater.com).

Sincerely,



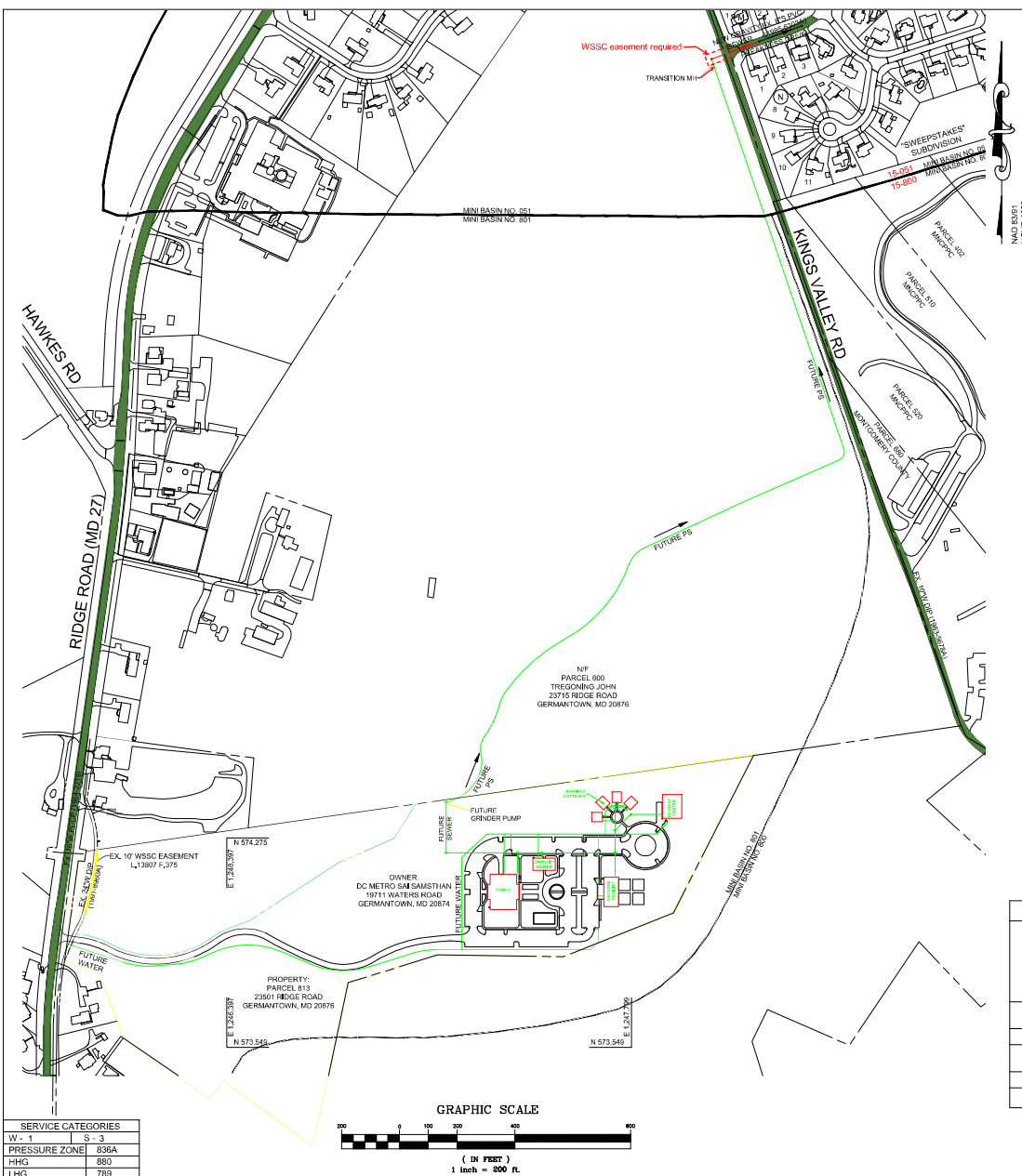
Arthur J. Atencio, P.E.  
Project Manager  
Development Services Division

Enclosure: 200'-scale sketch

cc: Mark Hollida - MHGPA  
Mr. Tom Gingrich - Development Design Section Manager  
Mr. Alan Soukup ([alan.soukup@montgomerycountymd.gov](mailto:alan.soukup@montgomerycountymd.gov)) - Department of Environmental Protection - Montgomery County Government

bcc: #DSGIntake  
Accounting Division – Kerry Murphy  
Planning Division – Carol Mojica  
DSD GIS Technician – Pedro Flores, Sang Ngo, Jack Stanley  
Development Service – Jane Nealis

TEMPLATE LAYOUT CURRENT as of 01/17/2018



DEVELOPMENT BY PARTS						
PARTS (OUTLINE EACH PART IN A DIFFERENT COLOR)	# OF UNITS / SQ. FT.					
	SFDU	TH	COTTAGE S (SF)	COMMUNITY BUILDING (SF)	RETREAT (SF)	TEMPLE (persons)
PART1			(9600 sf)	3600	12500	605
TOTAL =			9600	3600	12500	605

VICINITY MAP  
SCALE 1"=2000'  
Mont. Co. PAGE 4929 GRID C2

LEGEND

- APPLICANT'S PROPERTY
- EXISTING WATER MAINS (CONTRACT # & SIZE)
- EXISTING SEWER MAINS (CONTRACT # & SIZE)
- PROPOSED WATER MAINS
- PROPOSED SEWER MAINS
- PROPOSED PRESSURE SEWER/ FORCE MAIN
- DEPENDENT PROJECT WATER MAINS (CONTRACT # & SIZE)
- DEPENDENT PROJECT SEWER MAINS (CONTRACT # & SIZE)
- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- BOUNDARY OF GOV'T PARKS / BOARD OF ED PROPERTY
- ADJACENT PROPERTIES
- ABUTTING ROADS W/ NAMES
- EXISTING PAVING
- PROPOSED ON-SITE WATER
- PROPOSED ON-SITE SEWER
- PROPOSED SEWER SERVICE CONNECTIONS (COMMERCIAL, APARTMENT, & AS NEEDED)
- EXISTING / PROPOSED EASEMENTS
- PROPOSED MAJOR CONTOURS (EVERY 10' - IF AVAILABLE, IF NOT PROVIDE EXISTING CONTOURS)
- PROPOSED MINOR CONTOURS (EVERY 2' - IF AVAILABLE, IF NOT PROVIDE EXISTING CONTOURS)
- PROPOSED HIGHLOW POINT ELEVATIONS

APPROVED

*Auth. [Signature]*

January 13, 2020

WASHINGTON SUBURBAN SANITARY COMMISSION



ENGINEER:  
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DRAINAGE BASIN / MINI BASIN 15-801  
HYDRAULIC PLANNING ANALYSIS  
RESURVEY LEVEL LOCUST

CONTRACT DA6870Z20  
200'S 233NW11/12/23/2019

VERIFY SCALE: BAR IS ONE INCH ON ORIGINAL DRAWING 0" 1" IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-011

Preliminary Plan No. 120200040

Resurvey on Locust Level

Date of Hearing: February 27, 2020

MAR 04 2020

## RESOLUTION

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

WHEREAS, on September 19, 2019, DC Metro Sai Samsthan ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot for a religious assembly and associated 29-student private daycare center, community center, retreat center, ceremonial pool, and four priest cottages; and one parcel for conveyance to M-NCPPC on 33.82 acres of land in the RC zone, located northeast of the intersection of Ridge Road (MD 27) and Davis Mill Road ("Subject Property"), in the Goshen Policy Area and 1994 Clarksburg Master Plan and Hyattstown Special Study Area ("*Master Plan*") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120200040, Resurvey on Locust Level ("Preliminary Plan" or "Application"); 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 February 14, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 27, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120200040 to create one lot for a religious assembly and associated accessory uses and conveyance of one parcel on the Subject Property, subject

Approved as to

Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

Phone: 301.495.4605 Fax: 301.495.1320

www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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

- 1) This approval is limited to one (1) lot for a religious assembly and associated accessory uses including a daycare center for a maximum of 29 children, a community center, a retreat center, a ceremonial pool, and four (4) priest cottages.
- 2) The Planning Board has reviewed and accepts the recommendations made by the Montgomery County Council as part of the Water Sewer Category Change No. WSSC 14-GWC-02A under Council Resolution No. 18-217 adopted on July 21, 2015, and the Planning Board hereby incorporates them as conditions of the Preliminary Plan approval.
- 3) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 19, 2020, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by the Maryland State Highway Administration (SHA).
- 5) 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 January 28, 2020 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated December 12, 2019, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the

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



amendments do not conflict with other conditions of the Preliminary Plan approval.

- 7) The Applicant must convey to Maryland-National Capital Park & Planning Commission ("Commission") approximately seven (+/-7) acres of the Subject Property identified as "Parcel A" on the approved Preliminary Plan located in the northwest corner of the site for a master planned trail connection between Ovid Hazen Wells Park and Damascus Recreational Park as shown in the Preliminary Plan per the 2016 *Countywide Park Trails Plan*. The land must be conveyed to the Commission at time of record plat in a form of deed approved by the Commission's Office of General Counsel, and must be held in escrow until completion of improvements within Parcel A and completion of the forest conservation reforestation maintenance period. The land to be conveyed must be identified on the record plat and must be free of any trash and unnatural debris prior to the deed of conveyance being recorded in the land records.
- 8) Prior to conveyance of Parcel A to M-NCPPC, the Applicant shall rough grade the future trail alignment in coordination with Parks Department Staff.
- 9) The Applicant must reserve an area from the edge of Ridge Road to Parcel A to allow for a 20-foot wide park easement for public access and construction. The Applicant shall enter into a reciprocal access easement with M-NCPPC. The easement shall be for the sole purpose of reciprocal access and must be compatible with the overall site layout of the Applicant's property and compatible with the M-NCPPC trail alignment. The public access easement may be reasonably relocated by the Applicant with the Parks Department's review and approval.
- 10) The Applicant must comply with the conditions of approval for the Preliminary/Final Forest Conservation Plan ("FCP") No. 120200040, approved as part of this Preliminary Plan, including:
  - a. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record Category I Conservation Easements over all areas of retained and planted forest as specified on the approved FCP. The Category I Conservation Easements approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed and the Book/Page for the easements must be referenced on the record plat.
  - b. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must provide financial surety in a

form approved by the M-NCPPC Office of the General Counsel for the 3.91 acres of new forest planting.

- c. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must submit a two-year Maintenance and Management Agreement ("MMA") approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas credited toward meeting the requirements of the FCP.
- d. Prior to the start of any clearing, grading, or demolition on the Subject Property, the owner of the Subject Property must enter into an Impervious Surface Agreement with the Planning Board to limit impervious surfaces to no more than 20 percent of the Subject Property as specified in Montgomery County Council Resolution 18-217 dated July 21, 2015. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.
- e. Within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, the Applicant must install the variance tree mitigation plantings as shown on the FCP or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- f. Afforestation/Reforestation plantings for Planting Areas 1, 2, and 4 (outside of the limits of disturbance ("LOD")) must occur within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Project Site, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- g. Afforestation/Reforestation plantings for Planting Area 3 (inside the LOD) must occur in the first planting season following stabilization of the applicable disturbed area.
- h. The Applicant must install the permanent split-rail fencing along the border of the Category I Conservation Easements as shown on the approved FCP or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- i. The Applicant must install permanent Conservation Easement signage along the perimeter of the Category I Conservation Easements as shown on the approved FCP or as directed by the M-NCPPC Forest Conservation Inspection Staff.

- j. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved FCP.
  - k. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the FCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
- 11) The Applicant must provide a minimum of three (3) long-term bike parking spaces located near the entrance of the religious assembly as shown in the Preliminary Plan. The long-term bike parking spaces must be in a secured bicycle locker or Staff approved equivalent and must be identified on the Certified Preliminary Plan. Examples of acceptable parking include, but are not limited to bicycle rooms, lockers, or racks in a protected area.
  - 12) The Applicant must provide a minimum of two (2) short-term bike parking spaces located near the entrance of the religious assembly as shown in the Preliminary Plan. The short-term publicly-accessible bike spaces must be inverted-U racks or Staff approved equivalent, installed in a location convenient to the main entrance of the religious assembly, and the specific location of the short-term bike rack must be identified on the Certified Preliminary Plan.
  - 13) The Adequate Public Facilities ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
  - 14) Before approval of the Certified Preliminary Plan, the following revisions must be made and/or information provided subject to Staff review and approval:
    - a. The Certified Preliminary Plan must include an impervious surface exhibit.
    - b. The Applicant must include the stormwater management concept approval letter and other applicable agency approval letters, development program, and Preliminary Plan resolution on the approval or cover sheet(s).



- c. The Certified Preliminary Plan must include a 10-foot easement parallel to the internal driveway for Potomac Edison utilities that is no more than a 3:1 side slope.
- d. The Applicant must label and dimension the 20-foot wide public access easement from Ridge Road to Parcel A on the Preliminary Plan.
- e. The Certified Preliminary Plan must contain the following note:  
*"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 approval of a building permit. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."*
- f. Ensure consistency of all details and layout between the data table and the Preliminary Plan.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and 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 of Land Article of the County code. The approved 26.82 lot size, width, shape and orientation is appropriate for the location and for the religious assembly use approved including a temple, associated parking area with vehicle circulation, a daycare center, a retreat center, ceremonial pool, and four small cottages for attending or visiting priests. The approved buildings and structures are grouped together as tightly as possible and located toward the rear of the lot to take advantage of the sloping topography, and to limit visual impacts onto the Cedar Grove Historic District. The lot shape, steep slopes, conditions of approval as part of Council Resolution 18-217, a stream buffer and existing easements all contribute to limiting the buildable area on the Subject Property.

Although the approved lot is irregular in shape, it allows conveyance of a portion of the Property for the future trail alignment that will go through the Property while meeting the minimum 300-feet of frontage requirement for development in the RC Zone. Despite these constraints, the approved lot is large enough in size to accommodate a religious institution and its associated uses, parking and stormwater management facilities. The shape and size of the lot also provides enough room to meet the forest conservation requirements on-site in a conservation easement.

The approved lot was reviewed for compliance with the Montgomery County Code, Chapter 59 and the Application meets the dimensional requirements for the Rural Cluster (RC) zone as specified in the Zoning Ordinance. The lot as approved will meet all the dimensional requirements for area, frontage, width, and provides ample buildable area within the setbacks in the RC zone. A summary of this review is included in Table 1 below. The Preliminary Plan has been reviewed by other applicable county agencies, all of which have recommended approval.

*Table 1 – Development Standards in the Rural Cluster Zone*

Development Standards - RC	Required by the Zone	Approved by the Planning Board and Binding on the Applicant
Lot Area	5 acres (min.)	26.82 acres
Min. Lot width at front building line	300 feet	300 feet
Min. Lot width at front lot building line	300 feet	300 feet
Max. Lot Coverage	10 percent	5 percent
Max. Density	1 unit/5 acres	N/A
Min. Setbacks for Principal Building		
Front	50 feet	50 feet min.
Side	20 feet	20 feet min.
Rear	35 feet	35 feet min.
Min. Setbacks for Accessory Structures		
Front	80 feet	80 feet min.
Side	15 feet	15 feet min.
Rear	15 feet	15 feet min.
Max. Principal Building Height	50 feet	50 feet
Max. Accessory Structure Building Height	50 feet	44 feet
Min. Vehicle Parking	167	294
Bicycle Parking	5	5



Development Standards - RC	Required by the Zone	Approved by the Planning Board and Binding on the Applicant
Impervious Surface Level *	20 percent	14.8 percent

\*Restriction under water and sewer category change WSCCR 14-GWC-02A approved under Council Resolution 18-217.

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

This Subject Property is in the Clarksburg Planning Area and is part of the Ridge Road Transition Area of the *1994 Clarksburg Master Plan and Hyattstown Special Study Area*. The Master Plan has two objectives for the analysis area that are relevant to this Property. One proposes ‘a land use pattern east of Ridge Road which is compatible with Agricultural Reserve areas in the Goshen/Woodfield Planning Area’ (p.71). The second proposes ‘a land use pattern which provides a suitable setting for the Cedar Grove Historic District’ (p.72).

The Master Plan recommends the Rural Cluster Zone for properties—including this one—in this part of the analysis area to promote agricultural activities as well as low-density residential neighborhoods that would echo the existing development pattern. This density and development pattern also protect the historic district by creating an appropriate rural setting next to it.

This Application meets the objectives of the Master Plan. Religious Assembly is a permitted use in the Rural Cluster Zone, which implies that the use is in keeping with the intent of the zone and, in this case, with Master Plan objectives. The approved temple and accessory structures are located on the eastern end of the Property and are approximately 1,500 feet from Ridge Road to retain undeveloped open space at the entrance that is located near the Cedar Grove Historic District to maintain the rural character in this area. The Applicant has also proposed landscaping along the driveway that may be visible from properties within the Cedar Grove Historic District that consists of residential development and a religious institution to ameliorate the impact of any such design on the historic district.

Further, the *1994 Clarksburg Master Plan and Hyattstown Special Study Area* (p.158) identifies a regional greenway through the Property that will connect to the Damascus Recreational Park to the north with the Ovid Hazen Wells Park to the south. In addition, the *2016 Countywide Park Trails Plan* (Trails Plan) identifies an approved hard surface (paved) trail alignment with this greenway,

in part passing through this Property. The Trails Plan also identifies this '*Ovid Hazen Wells Recreational Park-Damascus Recreational Park Link*' as a priority hard surface trail connection that would serve as a major regional connection in the Northern Region (p.56).

The Applicant is conveying approximately seven (7) acres, to M-NCPPC in order to implement the Trails Plan recommendations. The conveyance of land will allow the Parks Department enough space to facilitate the design, construction and future long-term maintenance of the approved hard surface trail within the dedicated area. Therefore, the approved Application is consistent with the Trails Plan.

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

#### Master-Planned Roadway and Bikeways

The Property is located along Ridge Road, identified by the Master Plan of Highways and Transitways as a two-lane arterial with an 80-foot right-of-way which was previously dedicated; therefore, no additional dedication is required. The 2018 *Bicycle Master Plan* recommends a Tier 4 priority shared-use sidepath along the west side of MD 27 opposite the Subject Property; there are no master-planned improvements along the frontage of the Subject Property and no improvements are required.

#### Pedestrian and Bicycle Facilities

As mentioned, a Tier 4 priority shared-use sidepath is recommended along the west side of MD 27 opposite the Subject Property; there are no master-planned improvements along the frontage of the Subject Property and no improvements are required. The Applicant is exempt from frontage improvements along MD 27 under Ch 49.27.a of the County Code due to it being owned and operated by SHA.

Montgomery Parks has requested that the Applicant convey approximately seven (7) acres in the northwest portion of the Subject Property to M-NCPPC. The conveyance is intended to facilitate design, construction and future long-term maintenance of an approved hard surface trail connection between Ovid Hazen Wells Park and other park facilities to the east such as the Damascus Recreational Park and Upper and Lower Magruder Branch Parks.

#### Local Area Transportation Review (LATR)

The Application is exempt from additional LATR review as it does not generate 50 or more person trips in the peak AM or PM periods. As detailed in the transportation statement, a conservative approach was taken in determining trip generation, with the Hindu temple being analyzed under the ITE code for a



church (ITE does not produce data for Hindu temples) and the retreat center analyzed as a hotel, with both receiving a 50 percent reduction credit. This reduction was agreed upon in light of similar studies of Hindu temples which showed either minimal or no peak-hour trip generation due to the unscheduled nature of Hindu worship, which contrasts with scheduled hours for worship for other churches. In a 2016 study of the nearby Jagadguru Sri Shivarathreshwara's Spiritual Mission in Gaithersburg, trip generation was reported at 10 person trips over the course of a typical day for a comparably sized temple. It is noted that over major holidays, particularly New Years in the fall and the Holi Festival of Colors in the spring, attendance may increase to about 200 persons over the course of a day. As these events only occur on a limited number of days and do not contribute to regular transportation patterns, these events do not warrant additional study. The retreat center, which may accommodate overnight stays, is analyzed under the hotel use code. However, due to the retreat center's religious purpose, guests are not expected to leave the premises during their stay, contributing to a significant reduction in trips as compared to a true hotel use. The approved daycare center on the other hand was analyzed without reduction.

#### Circulation and Connectivity

The site is accessed via a driveway that is approximately 1,500 feet in length and fire accessible. Parking is located around the perimeter of the main complex with allowance for two-way circulation. A parallel parking bay with two-way circulation is approved to the east and adjacent to the main parking and will serve the approved daycare facility. To the northeast corner, a circular parking facility will serve the retreat center. An internal network of sidewalks will connect all buildings and parking facilities. The circulation pattern, as approved, is safe and adequate for the use. As conditioned, the approved use is consistent with the 1994 *Clarksburg Master Plan & Hyattstown Special Study Area*, the *Master Plan of Highways and Transitways*, and the approved 2018 *Bicycle Master Plan*.

#### School Capacity

Due to the approved non-residential use, the Preliminary Plan is not subject to the Annual School Test.

#### Sewer and Water Facilities

The approved application will provide adequate sewer facilities. On June 23, 2015 the County Council approved WSCCR 14-GWC-02A for a water and sewer category change by Council Resolution 18-217. The approved development plan under the initial application included a place of worship with 500 seats, a private school with 500 students and a child development center for 150 children located

at the eastern end of the site. The sewer water and category change from W-6 and S-6 to W-1 and S-3 was approved with several conditions listed below.

- 1) Both W-1 and S-3 are restricted to a private institutional facility (PIF) use only;
- 2) DEP will review sewer main extension plans with WSSC to ensure that PIF policy requirements with regard to main extensions are maintained by this project;
- 3) a maximum impervious surface level of 20 percent;
- 4) the location of all buildings at the east end of the site; and
- 5) an unstructured open space towards Ridge Road to buffer properties in the Cedar Grove Historic District. The church will dedicate a portion of the Property to M-NCPPC in the northwest corner of the site for a trail connection between Ovid-Hazen Wells Park and other park facilities to the east.

The Application addresses the conditions adopted under Council Resolution No. 18-217 listed above. The Application consists of a private institution for a religious assembly, the Applicant received an approval letter from the Department of Environmental Protection (DEP) and the Washington Suburban Sanitary Commission (WSSC), the impervious surface level approved is 14.8 percent, all buildings are located at the east end of the site and an unstructured open space is provided towards Ridge Road. Conveyance of +/-7 acres will also be provided as part of the Application for the future trail connection. Therefore, the approved Application meets the conditions outlined in the Montgomery Council Resolution 18-217.

In order to achieve compliance with the County Council's conditions as they were written, the Planning Board and the Department of Environmental Protection in conjunction with the WSSC reviewed the Application. MCDEP issued a letter, dated January 10, 2020 and Washington Suburban Sanitary Commission issued a letter dated, January 13, 2020, confirming the accuracy of the Applicant's wastewater calculations and the consistency of the Application with the County's Comprehensive Water and Sewer Plan as well as Sewer Category Change under WSCCR14-GWC-02A in County Council Resolution 18-217. The Department of Environmental Protection and WSSC have also agreed on a sewer extension alignment that is adequate for this Project and satisfies the requirements of the private institutional facility (PIF) policy. Public sewer service will require a main extension from the Subject Property to WSSC's gravity sewerage system. A



planned low-pressure main extension, crossing and largely contained on the intervening northern property, will tie into an existing gravity sewer main near the intersection of Kings Valley Road and Preakness Drive. The Applicant has received permission from the northern property owner to install the sewer connection for adequate sewer facilities for the Subject Property. The extension will belong to the user, not WSSC. The planned extension, as a dedicated low-pressure sewer, will not allow for sewer service to any other intervening or abutting property, as required by the PIF policy. DEP will monitor the extension design process to ensure continued conformance with the PIF policy.

The Application also provides adequate water facilities. Public water is directly available to the Property from an existing water main along Ridge Road; no offsite main extensions are needed. Other public facilities and services are available and will be adequate to serve the religious assembly and associated accessory uses.

#### Other Public Facilities and Services

The Preliminary Plan has also been reviewed by the Fire Department Access and Water Supply Section that has determined that the Application provides adequate access for fire and emergency vehicles. Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect.

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

#### Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD"), Plan No. 420191840, for the Subject Property was approved on May 23, 2019. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The majority of the Subject Property is located within the Little Seneca Creek watershed, a Use IV-P stream. However, there are two small areas, one in the northeast corner and the other in the southeast corner of the Subject Property that are located in the Upper Great Seneca, Wildcat Branch watershed, a Use III-P stream. The Subject Property is 33.82 acres in size, contains 2.55 acres of forest, 3.53 acres of stream buffer, one stream, 0.57 acres of wetland, 1.81 acres of forested floodplain and twenty-seven (27) trees that are 30" diameter breast height ("DBH") or greater in size.



#### Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the County code. As required by Chapter 22A, an FCP was submitted with the Application. The total net tract area for forest conservation purposes is 35.57 acres which includes the Subject Property of 33.82 acres, plus offsite work of 1.75 acres for the installation of a sewer line. The property is zoned RC and the approved development is classified as Institutional Development Area (IDA) as specified in Chapter 22A-3 of the County code. The Subject Property contains 2.59 acres of forest. The Applicant proposes to remove 0.58 acres of forest and retain 2.01 acres of forest. This results in a total reforestation requirement of 3.91 acres, all of which will be met onsite. Within the overall total of forest saved and forest planted, 1.64 acres of forest saved, and 3.59 acres of reforestation are located within a 7.0-acre area that will eventually be conveyed to the M-NCPPC Parks Department. However, this conveyance may not happen for several years. Until this conveyance occurs this area of forest saved, and forest planted will be protected by a Category I Conservation Easement. The remaining 0.37 acres of forest saved, and 0.32 acres of forest planted located in close proximity to the approved temple complex will also be protected by a Category I Conservation Easement.

#### Forest Conservation Variance

As required under Section 22A-12(b)(3) of the County code a variance must be approved by the Planning Board if trees 30" DBH or greater are impacted. The Applicant proposes to impact two trees and remove one tree that are 30" DBH or greater (Table 2). These trees are being impacted or removed for the construction of the main building and the installation of the SWM outfall. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a variance to be granted. The Planning Board has made the following determinations in the review of the variance request and the approved FCP.

*Table 2 – Impacted/Removed Specimen Trees*

<b>Tree No.</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>DBH</b>	<b>% Impact</b>	<b>Notes</b>
20	Tulip Poplar	<i>Liriodendron tulipifera</i>	45.0"	4%	Impacts only, Save tree
21	Red Maple	<i>Acer rubrum</i>	32.0"	21%	Impacts only, Save tree
44	Black Cherry	<i>Prunus serotina</i>	35.0"	100%	Remove tree

The Applicant has demonstrated that the denial of the variance request would cause an unwarranted hardship. The Applicant proposes to construct a temple, associated parking area with vehicle circulation, a ceremonial pool, a daycare facility, a retreat center and four small cottages for attending priests. The approved buildings and structures are grouped together as tightly as possible and located toward the rear of the lot to take advantage of the sloping topography, limit visual impacts on the Cedar Grove Historic District, and to address the conditions of the water and sewer category change. The lot shape, steep slopes, a stream buffer and an existing AT&T easement all contribute to limiting the buildable area on the Subject Property.

The impacts to Trees 20 and 21 are the result of the approved storm drain outfall. Stormwater management ("SWM") practices require the outfall of site stormwater drainage be directed to any existing streams in an attempt to maintain, as much as possible, the existing hydrology of those streams. The chosen alignment of the approved outfall sought to meet this requirement while avoiding wetlands, impacting the least amount of stream buffer, and impacting the least number of forest and specimen trees. Although impacts to Trees 20 and 21 were minimalized, those impacts could not be eliminated entirely and require a tree variance review.

Tree 44 is located toward the rear of the Subject Property. This Property is located adjacent to the Cedar Grove Historic District and the Master Plan recommends preserving open space along MD 27 and locating development towards the rear of the Property. Satisfying this requirement and not encroaching into the existing AT&T easement meant moving the development envelope of the approved buildings to a point where Tree 44 is within the active construction area of the temple. The impacts to Tree 44 cannot be reduced and removal is the only viable option.

Addressing the SWM design practices, agency requirements to move the approved development as far back from MD 27 as possible and respecting the existing AT&T easement have placed the Applicant in the position of unavoidably impacting these three specimen trees. Based on these conditions, the Planning Board concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.* Granting the variance to impact Trees 20 and 21 and remove Tree 44 will not confer a special privilege on the Applicant as the impacts are due to necessary development requirements of the Application. Trees 20 and 21 are located in close proximity to the location of the approved SWM outfall. Tree 44 is located within the active construction area for the temple and would be difficult to save. Therefore, the granting of this variance is not a special privilege that would be denied to other applicants.
2. *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 on existing site conditions of the Subject Property and the requirements to meet development standards and Master Plan recommendations to preserve the rural setting of the Cedar Grove Historic District by placing adjacent development as far as possible from the historic district.
3. *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 of the Subject Property and the required improvements, and not as a result of land or building use on a neighboring property.
4. *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 one specimen tree being removed is not located within a stream buffer, wetland, or a special protection area. Also, as a result of County Council Resolution 18-217 dated July 21, 2015 granting a water and sewer change, an impervious surface limitation was placed on this Subject Property of 20 percent. The Applicant proposes to address this requirement by clustering the design and keeping the impervious surface to 14.8 percent as shown on the most recently submitted Impervious Surface Exhibit Plan.

Mitigation for Trees Subject to the Variance Provision

There is one standalone tree approved for removal in this variance request resulting in a total of 35.0 inches of DBH being removed. As a standalone tree, its removal is not accounted for in the forest conservation worksheet, therefore, the Planning Board recommends that its loss be mitigated consistent with Board



practice. The FCP includes mitigation at a rate that approximates the form and function of the trees removed. This tree will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3 caliper inches in size, resulting in a mitigation requirement of 8.75 caliper inches of planted, native canopy trees. The FCP includes the planting of three 3-inch caliper native canopy trees on the Property as mitigation for the removal of this one variance tree. Although these trees will not be as large as the tree removed, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of this tree. No mitigation is required for trees that are impacted but retained.

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection. The request was forwarded to the County Arborist on December 5, 2019. To date, the Planning Board has not received any comments from the County Arborist.

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

The approved Application includes environmental site design (ESD) measures including one bio-swale, 19 micro-bioretenion and one planter box micro-bioretenion to meet all stormwater management requirements of Chapter 19. The stormwater concept plan has been approved by the Department of Permitting Services Water Resources Section. The Subject Property is not located in a Special Protection Area and therefore does not require a water quality plan.

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

The Subject Property abuts the Upper Seneca Baptist Church to the southwest and the accompanying cemetery site is included in the Montgomery County Burial Sites Inventory. Burial dates in the cemetery range from 1843 to the present. The oldest graves are in the portion of the cemetery away from the boundary separating the cemetery from the Application area. Graves closest to the Property are recent (late 20<sup>th</sup> century or later) and there is no visible evidence of graves outside of the abutting church Property. Because there is no

evidence of a cemetery on the Subject Property, the project appears unlikely to have any effect on the neighboring Upper Seneca Baptist Church Cemetery; no archaeological investigations or adjustments are needed at this time consistent with the County Burial Sites Inventory and associated guidelines.

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

There are no other applicable provisions specific to the Property and necessary for approval of the subdivision is satisfied.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration 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 must be filed; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 04 2020 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

#### 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 Vice Chair Fani-González seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson and Verma voting in favor at its regular meeting held on Thursday, February 27, 2020, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chairman  
Montgomery County Planning Board



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DC Metro Sai Samsthan  
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REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP FW22 WSSC 233NW11  
PARCEL P813  
L. 49379 F. 205  
12TH ELECTION DISTRICT  
MONTGOMERY COUNTY  
MARYLAND

PROPOSED LOT 1  
RESURVEY ON  
LOCUST LEVEL

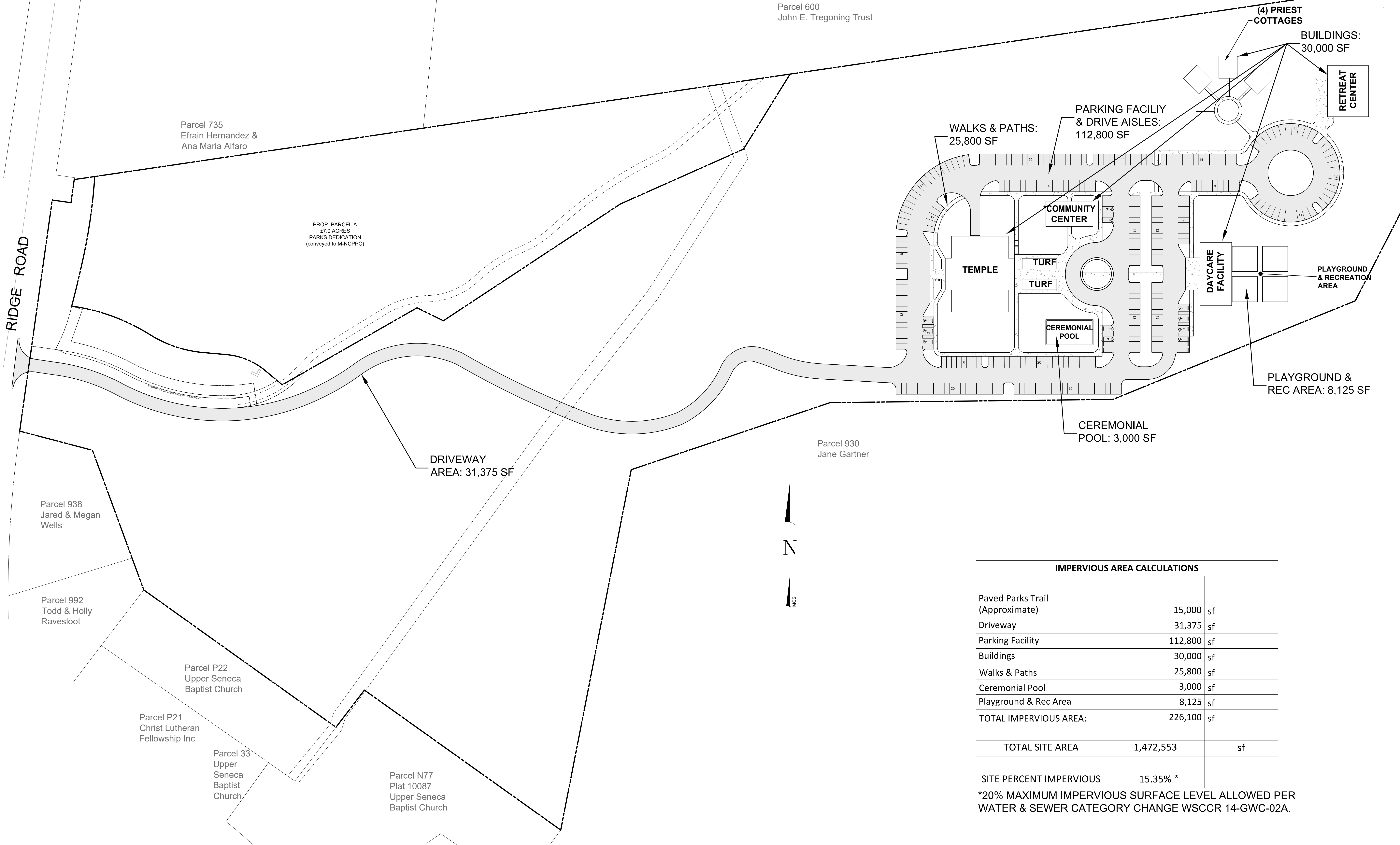
PROJ. MGR	AR
DRAWN BY	AR/FCJ
SCALE	1"=60'
DATE	06/10/2025

IMPERVIOUS AREA  
EXHIBIT  
MNCPPC #F20250370

EX1.01

PROJECT NO. 2019.102.11  
SHEET NO. 1 OF 1

Attachment C



IMPERVIOUS AREA CALCULATIONS		
Paved Parks Trail (Approximate)	15,000	sf
Driveway	31,375	sf
Parking Facility	112,800	sf
Buildings	30,000	sf
Walks & Paths	25,800	sf
Ceremonial Pool	3,000	sf
Playground & Rec Area	8,125	sf
TOTAL IMPERVIOUS AREA:	226,100	sf
TOTAL SITE AREA	1,472,553	sf
SITE PERCENT IMPERVIOUS	15.35% *	

\*20% MAXIMUM IMPERVIOUS SURFACE LEVEL ALLOWED PER  
WATER & SEWER CATEGORY CHANGE WSCCR 14-GWC-02A.

## **Justification Statement for Preliminary Plan Extension Pursuant to Section 50.4.2.H of the Montgomery County Code**

DC METRO SAI SAMSTHAN

23501 Ridge Road Germantown, MD

April 3, 2025

**To: The Montgomery County Planning Board**

**Re: Request for Extension of Preliminary Plan Approval - 120200040**

Dear Members of the Planning Board,

DC Metro Sai Samsthan (DCMSS), the owner of Resurvey on Locust Level, hereby submits this justification statement in support of the request for an extension of the Preliminary Plan approval, pursuant to Section 50.4.2.H of the Montgomery County Code.

### **Background:**

On February 27, 2020, the Montgomery County Planning Board approved the Preliminary Plan for the above-referenced project, that would create one lot for religious assembly and associated 29-student private daycare center, community center, retreat center, ceremonial pool, and priest cottages; and one parcel for conveyance to M-NCPPC. The Preliminary Plan approval was valid for a period of 36 months (plus a 2-year blanket extension) with an expiration date of April 4, 2025. However, due to ongoing fund-raising and coordination delays, an extension is requested to ensure that the project can continue to move forward for construction.

### **Reasons for Request:**

Pursuant to §50.4.2.H of the Montgomery County Code, an extension of the Preliminary Plan approval may be granted if the applicant demonstrates good cause. In support of this request, the following rationale is provided:

#### **1. Unforeseen Delays in Permitting:**

The project has faced delays primarily due to the coordination with local agencies and the neighboring owner. These delays, which affected the approvals of the pending Forest Conservation amendment and the Water and Sewer plans, are outside of the applicant's control but are necessary to ensure compliance with all planning, zoning, and environmental requirements.

#### **2. COVID-19 or Other External Factors (if applicable):**

Like many other projects, the COVID-19 pandemic has had a significant impact on the development timeline, including delays in obtaining project funding, and supply chain impacts that have significantly affected project cost. These unforeseen

circumstances continue to affect the project's schedule, but the owner expects to start construction within the next year.

**3. Ongoing Coordination with Agencies:**

DCMSS has been actively working with Montgomery County Parks to finalize the necessary agreements and permits for the donation of approximately seven acres of DCMSS property to Parks department. Additionally, in order to connect the development to sewer, DCMSS had been coordinating access and easements with the owner of the adjacent parcel to connect to the public sewer main. While substantial progress has been made, additional time is required to finalize these arrangements and ensure the project meets all regulatory requirements.

**4. Progress Made to Date:**

Despite the delays, substantial progress has been made on key elements of the project. DCMSS has filed Water and Sewer plans with WSSC for review; obtained State Highway Administrative Approval for the proposed site access; filed Soil Erosion and Sediment Control Plans with MCDPS that are ready for approval upon approval of the pending Forest Conservation plan; and filed record plat that has been reviewed and should be approved upon completion of the Forest Conservation plan. An extension of the Preliminary Plan will allow DCMSS to build upon these milestones and obtain the permits for project construction.

**Conclusion:**

Given the above reasons and the progress made to date, DCMSS respectfully requests the Planning Board approve an extension of the Preliminary Plan approval for two years to align with the current APFO expiration date of March 4, 2027. While an extension of this length is being requested, it is anticipated that the project will break ground this year, and the full time requested may not be needed. DCMSS remains fully committed to advancing the project and delivering a much-needed place of worship for their congregation.

Thank you for your consideration of this request. DCMSS is available to provide any additional information or clarification as needed.