

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

January 16, 2026

MCPB No. 25-141
Administrative Subdivision No. 620250080
24927 Burnt Hill Road
Date of Hearing: December 18, 2025

RESOLUTION

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

WHEREAS, on May 28, 2025, Site Solutions, Inc. (“Applicant”) filed an application for approval of an administrative subdivision plan of property that would create one (1) lot and one (1) unit on 10 acres of land in the AR zone, located at 24927 Burnt Hill Road, Clarksburg, Maryland (“Subject Property”), in the Rural East Policy Area and 1985 *Damascus Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s administrative subdivision plan application was designated Administrative Subdivision Plan No. 62025008, 24927 Burnt Hill Road (“Administrative Subdivision Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250380, 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 December 3, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 18, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Pedoeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Administrative Subdivision Plan No. 62025008 to create one (1) lot for one (1) dwelling unit on

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

the Subject Property, subject to the following conditions:¹

General Approval

1. This Administrative Subdivision Plan is limited to one (1) lot for one (1) dwelling unit.

Adequate Public Facilities and Outside Agencies

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

Plan Validity Period

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50-4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 15, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each recommendation in the letter, which MCDOT may amend, provided the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section, in its stormwater management concept letter dated August 1, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
6. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Well and Septic Section, in its letter dated November 11, 2025, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS – Well and Septic Section may amend, if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
7. Because the parcel was created prior to 2010, and pursuant to the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section, the current Fire Department Access standards are not applicable.

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

Other Approvals

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

Record Plats

9. There shall be no clearing or grading of the site before recordation of the plats.
10. The record plat must show the septic reserve areas as shown on the approved plans in accordance with MCDPS standards.
11. The record plat must show necessary easements.
12. Any record plat for the Subject Property must contain the following note:
 - a. *Agriculture is the preferred use in the AR Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.*

Developments With Transferable Development Rights (“TDRs”)

13. The Applicant must include with the submission of each record plat an affidavit to verify the availability of a TDR for each lot shown on that plat and must include a note referencing the affidavit on the record plat.

Certified Administrative Subdivision Plan

14. The certified Administrative Subdivision Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards, including setbacks, building restriction lines, building height, and lot coverage for each lot.*
 - b. *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to always be on-site.*
15. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified set.
 - b. Update development standards table on the certified set.

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

1. *The Administrative Subdivision Plan meets the requirements of Chapter 50, Section 6.1.B, for creation of up to five (5) residential lots for detached houses located in the Agricultural Reserve zone.*

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

The MCDPS – Well and Septic Section reviewed the Application and determined that the proposed well and septic location is acceptable in its approval letter dated November 11, 2025.

- B. *any required road dedications and public utility easements along the frontage of the proposed lots are shown on the record plat, and the applicant provides any required improvements;*

As described below, the proposed lot does not have frontage on a public road and instead, will access Burnt Hill Road via ingress/egress and utility easements. No public improvements are required at this time because Burnt Hill Road is designated as a Rustic Road.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50-4.3.J of the Subdivision Regulations, as discussed below.

- D. *a covenant is recorded for the unplatted balance of the tract noting that density and development rights have been used for the new lots and noted on the record plat for the lots;*

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

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

The Board approves the proposal to convert the existing 10-acre parcel into a lot, exceeding the 5-acre lot size limit. Allowing a 10-acre lot will allow for maximum retention of the 5.03 acres of forest on the Property.

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

As conditioned and discussed below, the Application satisfies the stormwater management requirements of Chapter 19 and the forest conservation requirements of Chapter 22A.

2. *The Administrative Subdivision Plan meets the technical review requirements of Chapter 50, Section 4.3.*

A. 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 Administrative Subdivision Plan meets all applicable sections of the Subdivision Regulations except with regard to frontage, for which the Applicant has requested and the Board has granted a waiver. The proposed lot size, width, shape and orientation is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of the surrounding properties, and for the building type proposed for the Property.

The 10-acre parcel does not meet the minimum lot size requirements for the AR Zone, which is 25 acres. However, the Subject Property is exempt from the minimum lot area requirements and lot width requirements of the AR Zone, as the parcel was created before January 6, 1981, per Section 7.7.1.D.9 of the Montgomery County Zoning Ordinance.

Instead, the Property must meet the Rural (R) zone requirements. The Subject Property meets all Rural zone requirements, Section 59-4.3.3, including a lot area of at least five (5) acres and a minimum width at the building line of 300 feet, as further demonstrated in the tables below.

Table 1: Administrative Subdivision Plan Lot Area Data Table for AR or Rural Zone Standard Method, Section 59.4.3.3B

DEVELOPMENT STANDARDS: Agricultural Rural (AR) Zone and prior Rural Zone

ZONE: AR or Rural where indicated with *	Permitted/Required	Proposed Lot 1
Lot Size*	5 acres (Min.)	10.00 acres / 435,600 sf
Front Setback (Principal Building)	50 ft. (Min.)	50 ft. or more
Side Setbacks (Principal Building)	20 ft. (Min.)	20 ft. or more
Rear Setback (Principal Building)	35 ft. (Min.)	35 ft. or more
Building Height (Principal and Accessory Buildings)	50 ft. (Max.)	50 ft. or less
Lot Coverage	10% (Max.)	10% max (less than 2% is shown)
Lot Width at Front Building Line*	300 ft. (Min.)	300 ft. or more
Lot Width at Front Lot Line*	25 ft. (Min.)	25 ft. or more
Front Setback (Accessory Structures)	50 ft. (Min.)	50 ft. or more
Side Setback (Accessory Structures)	15 ft. (Min.)	15 ft. or more
Rear Setback (Accessory Structures)	15 ft. (Min.)	15 ft. or more

Section 50-4.3.C.1.c of the Subdivision Regulations provides that the Board must not approve lots that do not abut a public or private road, unless certain criteria are met. The Board finds that the Application meets the listed criteria, except for the following, for which the Applicant has requested a waiver:

ii. the lots will be served by a private driveway that serves no other lots without frontage;

Due to the unusual circumstances of the Subject Property that preclude the Applicant from meeting the frontage requirements or use of a shared common driveway that serves no other lots without frontage, the Board grants a waiver from this requirement and makes the required findings under Section 50.9.3.A as follows.

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

The Application is unique in that the parcel was originally created before January 6, 1981, but that the parcel shape and size has never changed nor has the Subject Property been developed. When the Property was originally created, legal access was granted to the houses to its south; however, acquiring additional land from an adjoining property owner to create a pipe stem to attain frontage on Burnt Hill Road would result in a change in the size and shape of the Property from where it was originally created, which would jeopardize the ability to be exempt for the minimum lot area. Therefore, there is no feasible or legal alternative to attain frontage on a public road. Maintaining the existing access to the Property does not jeopardize public health, safety or general welfare.

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

The intent of the requirement to have road frontage is to ensure perpetual access and utility service to a proposed lot. In this case, the intent is still being met since the Applicant has deeded rights to ingress, egress and utility service via easement.

3. the waiver is:

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

The waiver is the minimum necessary to provide relief from the requirements of Chapter 50 to allow this lot to be platted according to the legacy provisions. No other waivers have been submitted with this Application.

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

The waiver is consistent with the objectives of the General Plan and will not have a detrimental effect on the Master Plan vision to preserve agricultural land in the AR Zone. The waiver is not adverse to the public interest because the existing common access has historically been placed serving the existing dwellings.

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

a) *Land Use*

The Property is located within the 1985 *Damascus Master Plan* area, which confirmed the Property's zoning as Rural Density Transfer (now AR). The Application conforms to the Master Plan by proposing a detached residential dwelling unit with agricultural uses. Residential development, accessory uses, and agricultural activities are permitted uses in the AR zone. Therefore, the proposed Application substantially conforms to the Master Plan regarding land use.

b) *Environment*

The Property is in the Little Bennett Creek Watershed, where the 1985 *Damascus Master Plan's* environmental recommendations seek to protect water resources by providing that, "all efforts should be made to protect the natural environment in this stream valley area as well as protecting the migration routes for wildlife" (p.90). As proposed, the overall development of one house, including the conservation easement of 5.03 acres will be consistent with the Master Plan's recommendations.

c) *Transportation*

No dedication is required as part of this Application because the lot does not front on a right-of-way. Because of Burnt Hill Road, Rustic Road designation, there are no existing or recommended sidewalks or bikeways.

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

a) *Roads and other Transportation Facilities*

i. *Existing Facilities*

There is currently a shared driveway that connects to Burnt Hill Road that serves four single-family homes. Burnt Hill Road is a two-lane Rustic Road with a master planned right-of-way of 70 feet.

ii. *Proposed public transportation infrastructure*

The Applicant is proposing a new driveway that would connect to an existing shared driveway that connects to Burnt Hill Road. Since the Property was deeded in 1961, the continued use of the existing shared driveway for vehicular access is acceptable.

iii. *Local Area Transportation Review (LATR)*

Per the 2025 Local Area Transportation Review (LATR) Guidelines, developments of five or fewer single-family dwellings are not required to provide trip generation estimates as they are assumed to generate fewer than 30-net new weekday peak-hour vehicle trips. As a result, the Application is not subject to further Local Area Transportation Review (LATR) analysis.

b) *Schools*

Overview and Applicable School Test

The Updated FY26 Annual School Test, approved by the Planning Board on June 26, 2025, and effective since July 1, 2025, is applicable. The Project proposes a single lot for a new single-family detached dwelling unit.

School Adequacy Test

Little Bennett Elementary School, Rocky Hill Middle School, and Clarksburg High School serve the Project. Based on the FY2026 Annual School Test the Property has a net increase of only one new single-family detached dwelling unit, which is not subject to any UPP by default as shown in Table 2. Therefore, this Application does not require a Utilization Premium Payment.

Table 2. FY2026 Annual School Test Projections & UPP Tier Placements

	Program Capacity	Enrollment	Utilization Rate	Seat Surplus or Deficit	UPP Tier Placement
Little Bennett ES	630	588	93.3%	+42	No UPP
Rocky Hill MS	1,020	1,043	102.3%	-23	No UPP
Clarksburg HS ²	2,020	1,881	93.1%	+139	No UPP

Other Public Facilities and Services

The Subject Property has W-6 and S-6 water and sewer service categories, respectively, and will utilize a new on-site private well and septic system, consistent with the service categories. Additionally, dry utilities including electric and communication lines are available adjacent to the Property.

Other utilities, public facilities, and services, such as electric, telecommunication, police stations, firehouses, and health services, are currently operating in accordance with the Growth and Infrastructure Policy (GIP) in effect.

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

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20250380, which are included in a separately approved resolution and are incorporated herein.

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

² Projected enrollment is modified to estimate the impact of Crown HS (CIP P651909), reflecting the scope of the boundary study approved by the Board of Education on March 19, 2024. Due to the delay of the Damascus HS Major Capital Project (CIP P652102), some of the boundary changes can be implemented in phases.

MCDPS approved the Stormwater Management Concept Plan on August 1, 2025. The plan will meet stormwater management requirements using Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) using four drywell facilities.

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

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

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

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

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

January 16, 2026

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0; Chair Harris and Commissioners Bartley, Hedrick, and Pedoeem, voting in favor of the motion, Vice Chair Linden was necessarily absent, at its regular meeting held on Thursday, January 15, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board