

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

MARCH 27, 2026

MCPB No. 26-14
Preliminary Plan No. 120240050
Korean Mission Church
Date of Hearing: March 5, 2026

RESOLUTION

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

WHEREAS, on April 3, 2024, Korean Mission Church (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create two (2) lots for one (1) single-family detached dwelling unit and one (1) religious assembly use with daycare on 28.76 acres of land in the Rural Cluster (RC) zone, located at 1201 Ashton Road, on the south side of Ashton Road (MD 108) (“Subject Property”), in the Rural East Policy Area and 1998 *Sandy Spring/Ashton Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120240050, Korean Mission Church (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20240360; 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 20, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 5, 2026, 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 Vice Chair Linden, with a vote of 5-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley, Hedrick, and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120240050 to create one (1) lot for an existing single-family detached house and one (1) lot for a religious assembly building with a 100-seat

sanctuary and associated day care use on the Subject Property, subject to the following conditions:¹

General Approval

1. This Preliminary Plan is limited to one (1) lot for a single-family detached house and one (1) lot for a religious assembly building with a 100-seat sanctuary and associated day care use.

Adequate Public Facilities

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

Plan Validity Period

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

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 19, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated May 15, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section, in its stormwater management concept letter dated

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.

November 13, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Well and Septic Section, in its letter dated January 7, 2026, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Well and Septic Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
10. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section, in its letter dated December 31, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

Other Approvals

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

Environment

12. Impervious surfaces are limited to no more than 10.0 percent within the transition area of the Patuxent River Primary Management Area (“PMA”) of the Subject Property, as shown on the Impervious Area Plan dated January 29, 2026.
13. Before the start of any clearing, grading, or demolition on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces within the transition area of the Patuxent River Primary Management Area (“PMA”) on the Subject Property to no more than 10.0 percent, as shown on the Impervious Area Plan dated January 29, 2026. 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.

Transportation

Frontage Improvements on Existing Roads

14. The Applicant must provide the following dedication and show them on the record plat for the following existing road:

- a) All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for Ashton Road.
15. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of a twelve-foot-wide (12 ft) deceleration lane along the east portion of the Property frontage on Ashton Road, as shown on the Certified Preliminary Plan.
16. Before the recordation of the plat, the Applicant must satisfy all necessary requirements of MDOT SHA to ensure the construction of a ten-foot-wide (10 ft) grass shoulder along the Property frontage on Ashton Road, as shown on the Certified Preliminary Plan.
17. Before the issuance of a building permit, the Applicant must grade the Property frontage on Ashton Road for the future installation of a six-foot-wide (6 ft) concrete sidewalk, to be built by others in the future, as shown on the Certified Preliminary Plan.
18. Before the issuance of the right-of-way permit or any building permit for the religious assembly building, the Applicant must pay to MCDOT the full cost of constructing a six-foot-wide (6 ft) concrete sidewalk on the Ashton Road frontage of the Property, in accordance with the Complete Streets Design Guide, and in the amount of \$179,983.10, as calculated using the LATR Cost Estimation Tool for the engineer's cost estimate, and approved by Planning Staff and MCDOT.

Pedestrian and Bicycle Circulation

19. The Applicant is required to provide a minimum of three (3) long-term and one (1) short-term bicycle parking spaces.
 - a) The long-term spaces must be in a secure and well-lit bicycle room in the religious assembly building. The exact location and details of the bicycle room must be provided on the Certified Preliminary Plan and approved by Planning Staff.
20. The short-term spaces must be provided by installing inverted-U racks (or approved equivalent) adjacent to the religious assembly building, as shown on Preliminary Plan (weather-protected preferred).
21. At the time of the Certified Preliminary Plan, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Director², on behalf of the Planning Board. The TMAg is necessary to ensure transportation facilities are adequate to serve the property and must include, at a minimum, the hours of

² Planning Staff is authorized to make amendments to the TMAg as long as the amendment does not conflict with other conditions of Preliminary Plan approval.

operation of the adult daycare, arrival times for staff members, number of shuttles being used, the schedule for shuttles, and ongoing monitoring requirements, all in order to assure the trip caps as follows:

- a) In the weekday morning peak hour, no more than 39 trips.
- b) In the weekday evening peak hour, no more than 15 trips.

Historic Preservation

22. Before issuance of any sediment control or building permit for Lot 2, the cemetery boundaries must be staked in the field as required by County Code Section 50.4, and the area must be clearly marked with signage stating that the area is a cemetery and that heavy equipment must not enter. The area must be cordoned off with snow fencing.
23. Trees planted within 50 feet of known graves must be shown on the Landscape and Lighting Plan and must not have root systems likely to extend into the area of graves.
24. Before approval of the record plat, the Applicant must develop a maintenance plan for the cemetery consistent with the Planning Board Guidelines for Burial Sites, Appendix B, and receive the approval of Historic Preservation staff.

Record Plats

25. There shall be no clearing or grading of the site before the recordation of the plat(s).
26. The record plat must show necessary easements.
27. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
28. The record plat must reflect the following building restriction lines (BRL) as shown on the Preliminary Plan:
 - a) A 25-foot building and pavement restriction line parallel to the western and southern cemetery boundary.

Landscape and Lighting Plans

29. The on-site landscaping and lighting must substantially match what is shown on the Certified Landscape and Lighting Plan.

Surety

30. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board, in a form approved by the M-NCPPC Office of General Counsel, that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include all plant materials, on-site lighting, pavement, and any materials identified in the cemetery maintenance agreement, such as fencing and signage.
- c) Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.

Certified Preliminary Plan

31. The certified Preliminary Plan must contain the following notes:

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

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

- a) Show resolutions and approval letters on the certified set.
- b) Include the approved Fire Department Access Plan.
- c) Update the gross tract area to 28.76 acres to reflect the surveyed area.
- d) Update the landscape and lighting plan to include canopy trees in the parking lot islands and every 30 feet on center between the parking lot and the eastern property line, starting at least 50 feet south of the cemetery boundary.

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

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

The lots were reviewed for compliance with the dimensional requirements of the Rural Cluster (RC) zone as specified in the Zoning Ordinance. The size, width, shape, and orientation of the 14.52-acre lot for the existing house and the 13.81-acre lot for religious assembly use (in a general building type) are appropriate for the subdivision's location, taking into account the applicable technical review criteria in Section 50-4.3. The density of the lots is consistent with the low-density envisioned by the Master Plan and RC zone. The Applicant is dedicating 0.43 acres (18,740 sq. ft.) along the Property frontage, leaving 28.33 acres of Site Area.

As illustrated on the Preliminary Plan and Tables 1 and 2, the lots are adequately sized to meet the RC development standards and accommodate the proposed uses, on-site Conservation Easement, parking, drive aisles, well and septic systems, landscape screening, stormwater management facilities, utility easement and other necessary infrastructure, while also providing a buffer between the development and cemetery.

Table 1: Preliminary Plan Data Table for RC Zone, Standard Method, Section 59.4.3.4

Development Standard	Permitted/ Required	Proposed Lot 1 (Residential)	Proposed Lot 2 (Religious Use)
Tract Area	28.76 acres	-	-
Proposed Dedication	0.43 acres	-	-
Site Area	28.33 acres		
Density (1 DU/5 acres)	5 DUs	1 DU	1 Religious Use
Minimum Lot Area	5 acres	14.52 acres	13.81 acres
Minimum Lot Frontage	300 ft.	383 ft.	610 ft.

Development Standard	Permitted/ Required	Proposed Lot 1 (Residential)	Proposed Lot 2 (Religious Use)
Minimum Lot width at Front B.R.L.	300 ft.	383 ft.	610 ft.
Maximum Lot Coverage	10%	0.51% (0.07 ac)	1.74% (0.24 ac)
Principle Building Setbacks*			
Front	50 ft.	50 ft.	50 ft.
Side	20 ft	20 ft.	20 ft.
Rear	35 ft.	35 ft.	35 ft.
Accessory Building Setbacks³ (minimum)			
Front	80 ft.	80 ft.	80 ft.
Side	15 ft.	15 ft	15 ft.
Rear	15 ft.	15 ft.	15 ft.

**Final setbacks determined by MCDPS at the building permit.*

Table 2: Parking Requirements

Standard	Permitted/ Required (Lot 1)	Proposed Lot 1	Permitted/ Required (Lot 2)	Proposed Lot 2
Vehicle Parking Spaces	2 spaces (2 per dwelling unit)	2 spaces	48 spaces ⁴ (3 per 1,000 GFA)	52 spaces
Non-ADA Spaces	2 spaces	2 spaces	46 spaces	49 spaces
ADA Auto Spaces	NA	NA	1 space	2 spaces

³ The religious assembly building and pavilion are considered primary structures because they are associated with the religious use.

⁴ These calculations are based on the day care use, which has the higher parking requirement than the religious assembly use. The provided number of vehicle parking spaces are sufficient for both the day care and religious assembly as discussed in the applicant's Shared Parking Analysis dated February 16, 2026. The Applicant has demonstrated that the two proposed uses will not operate concurrently, and therefore, shared parking can be achieved.

Standard	Permitted/ Required (Lot 1)	Proposed Lot 1	Permitted/ Required (Lot 2)	Proposed Lot 2
ADA Van Spaces	NA	NA	1 space	1 space
Bicycle Parking Spaces	NA	NA	4 spaces	4 spaces
Long-term Spaces	NA	NA	3 spaces	4 spaces
Short-term Spaces	NA	NA	1 space	4 spaces

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

1998 Sandy Spring/Ashton Master Plan

The Subject Property is within the area covered by the 1998 *Sandy Spring/Ashton Master Plan* (“Master Plan”). The primary concern of the Master Plan is “to maintain and preserve the aesthetic qualities and rural character of Sandy Spring/Ashton” (p. xii). Equally important is the preservation of the environment, especially since the area is upstream from one of the region’s main drinking water supply reservoirs along the Patuxent River (p. xvi).

The Master Plan provides descriptions of five elements of rural character. The Subject Property is within the “Rural Open Space” element, which is characterized by large areas of cropland, pastures, meadows, and/or woodlands. The Master Plan maintained the Rural Cluster (RC) zone for the property to help preserve rural open space in the area. The Master Plan envisioned the Rural Open Space as remaining predominantly rural (p. 39).

The Master Plan describes Ashton Road (MD 108) as “an important east-west arterial road” that also serves as the main street for both Sandy Spring and Ashton (p. x). To help preserve the character of the road, the Master Plan supported construction of the Intercounty Connector (ICC/MD 200) to divert traffic away from MD 108. The Master Plan recommends a cross section for open sections of MD 108 (p. 50), but the specific recommendations appear to apply only to MD 108 west of New Hampshire Avenue (MD 650). An 80-foot right-of-way is recommended for MD 108 throughout the Master Plan area. East of MD 650, the Master Plan recommends an on-road bikeway (pp. 60-61). This recommendation was updated to bikeable shoulders in the *Bicycle Master Plan*. The Applicant proposes to grade the shoulder for future bike lanes and provide a fee-in-lieu payment towards the future construction of the lanes by others.

The Application maintains Ashton Road as a two-lane road, with a 12-foot-wide deceleration lane. The Master Plan supports acceleration, deceleration, and turning lanes only where necessary; the Applicant proposes the minimum necessary road widening to maintain the road's character, in keeping with the Master Plan.

To protect and enhance water quality within the Patuxent River watershed, the Plan maintained the low-density zoning already in place on the Property (p. 65); much of the Subject Property is within the Patuxent Primary Management Area (PMA). The Master Plan also recommends preserving forested areas as open space (p. 67) and includes the Subject Property as an important "stream buffer" area on its "stream valley and forest protection" map (p. 69). The Applicant is preserving a significant amount of forest (19 acres) and the stream valley buffer to protect water quality and provide wildlife habitat.

The Master Plan does not have any specific recommendations for the Subject Property. The proposed development is generally near MD 108 and away from the stream valleys and steep slopes, although the existing house and its proposed septic areas are all within the PMA. The septic reserve areas for the church/daycare are also within the PMA. Forest cover should be maintained within these areas until they are needed for septic system purposes, and abandoned septic areas should be reforested when possible.

The Applicant is proposing naturalistic landscaping to screen the church/daycare building and parking lot from the road. The parking lot is located to the side of the building instead of between the building and the road. These site design elements help preserve the Property's rural character. For the reasons discussed above, the Board finds that the Preliminary Plan substantially conforms to the Master Plan.

1993 Functional Master Plan for the Patuxent River Watershed

The Property is within the Patuxent River Primary Management Area ("PMA"), which was limited by the 1993 *Functional Master Plan for the Patuxent River Watershed* to 10% imperviousness. The PMA on the Property is the land area within 1/8 mile (660 feet) of the streams on and near the Property. The 660-foot-wide PMA consists of the stream valley buffer and the transition area. *The Environmental Guidelines* outline specific requirements for properties located within the PMA. The stream valley buffer is delineated based on the stream buffer calculations outlined in the *Environmental Guidelines* for a Use IV watershed. The remaining area within the 660-foot-wide PMA is the transition area. To protect the water quality within the Patuxent watershed, the *Environmental Guidelines* establish impervious limits and state the following:

Patuxent River Primary Management Area (PMA): Overall imperviousness within the PMA transition area of a development site should not exceed 10 percent. If a higher imperviousness is desirable in the transition area to maintain community character, achieve compatibility, and/or accomplish master plan goals, imperviousness may be averaged over the entire site (i.e., not to exceed 10% on the entire site, p. 25).

There is an existing house and outbuildings (10,349 SF of imperviousness) on the western portion of the Property within the PMA transition area. The new construction on proposed Lot 2 proposes no additional imperviousness within the transition area. The total imperviousness onsite (on both Lots 1 and 2) within the PMA is 1.14 percent.

The Application is below the 10% threshold recommended by the Environmental Guidelines. As conditioned, impervious surfaces are limited to no more than 10% of the Subject Property as shown on the Impervious Area Plan dated January 29, 2026.

Accordingly, the proposed development substantially conforms to the recommendations of the 1993 *Functional Master Plan for the Patuxent River Watershed*.

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

a) Roads and other Transportation Facilities

i. Existing Facilities

The Subject Property has frontage on Ashton Road, a State-owned and maintained public street classified as a Country Connector, with a master planned minimum right-of-way of 80 feet under the *Master Plan of Highways and Transitways*. Ashton Road is a two-lane road without any pedestrian or bicyclist facilities. There is also no immediate or adjacent access to public transit.

ii. Proposed public transportation infrastructure

As part of this Application, the Applicant will dedicate 40 feet of right-of-way from the Property line to the centerline of the pavement to meet the master planned 80 feet of right-of-way for Ashton Road. The Applicant will also construct a 12-foot-wide deceleration lane, as required by Maryland State Highway Administration (“MDOT SHA”).

As mentioned, Ashton Road is classified as a Country Connector. The 2025 *Complete Streets Design Guide* calls for a six-foot-wide (6 ft) concrete sidewalk with a street buffer. Similarly, the 2018 *Bicycle Master Plan* calls for the construction of a ten-foot-wide (10 ft) asphalt bikeable shoulder along Ashton Road. MDOT SHA has determined that the Applicant is not required to construct these facilities.

Instead, the Applicant will provide a ten-foot-wide (10 ft) grass shoulder and a fee-in-lieu-of-construction for the six-foot-wide (6 ft) concrete sidewalk. As conditioned, the Applicant will make a financial contribution of \$179,983.10 to MCDOT, as referenced in MCDOT's letter dated May 19, 2025. Additionally, the Applicant will grade the Site's frontage, allowing others to install a concrete six-foot-wide (6 ft) sidewalk in the future.

b) Local Area Transportation Review (LATR)

The Application was accepted before January 2025; therefore, it is reviewed under the 2020-2024 *Growth and Infrastructure Policy* (GIP) within the Rural East Policy Area, a Green Policy Area. As demonstrated in its Transportation Exemption Statement (TES) dated October 23, 2023, the Application is expected to generate 45 net new person-trips during the morning peak hours and 26 net new person-trips during the evening peak hours. Therefore, the Applicant is exempt from providing a transportation study that addresses Local Area Transportation Review (LATR) Guidelines, as it falls below the 50 net new person-trips threshold of the 2020-2025 GIP with 39 net new person trips in the morning peak hours and 15 net new person trips in the evening peak hours, as further detailed in the Applicant's TES and the Staff Report.

As conditioned, the Applicant is subject to the following to ensure that the proposed trip generation is not exceeded, and the 50 net new person-trips threshold is not triggered. The assumptions were included in developing the trip generation analysis:

- a. The attendees of the adult day care will arrive at the Site using the shuttle service provided by the adult day care staff members.
- b. During the morning peak hours, three (3) staff members will arrive at the Site, for a total of four (4) net new-person trips.
- c. During the morning peak hours, 17 shuttles will occur for a total of 23 morning net new person-trips.
- d. The adult day care will close before 4:00 P.M., generating zero (0) net new person-trips during the evening peak hours.

c) Parking, Queuing, and Loading 59-6.2

The proposed development will have a shared parking facility for both of the new proposed uses, the religious assembly and the adult day care. As stated

in the Applicant's Shared Parking Analysis dated February 16, 2026, the two proposed uses will not operate concurrently and, therefore, shared parking can be achieved. The calculations above in Table 2 show the number of vehicle parking spaces based on the adult day care use, which has the highest parking requirement. Under Section 6.2.4. of the Zoning Ordinance, at least 48 parking spaces are required, and the Applicant is providing a total of 52 spaces. This fulfills the required number of vehicle parking spaces, and no additional spaces are needed.

Under Section 6.2. of the Zoning Ordinance, there are no loading and queuing requirements. Therefore, no queuing and loading spaces are being provided.

d) Schools

A school adequacy analysis is not required for this Application because no additional residential development is proposed, and the religious assembly portion of the Application will not produce any school aged children.

e) Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The use of on-site wells and septic systems are consistent with the existing W-6 and S-6 services categories designated for the Property. An initial well and two back up well locations have been approved to serve each lot. The existing house on Lot 1 will initially use an existing well and a new well will be drilled on Lot 2 to serve as the initial well for the religious assembly building. Percolation and water table testing were performed on each lot to determine the location of the proposed septic fields and septic reserve area. The Application has been reviewed by the MCDPS – Well and Septic Section, which determined that the proposed well and septic locations are acceptable, as shown on the approved well and septic plan dated January 7, 2026.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on December 31, 2025. The Fire Department Access Plan provides fire code compliant access from MD 108 to the new church building. West of the new church driveway, the Applicant will install two 30,000-gallon underground water supply cisterns within a public safety water supply easement, allowing the fire department to provide fire protection services to the proposed new buildings and the nearby community at-large.

Dry utilities, including electricity, gas, and telephone are also available to the Property. Other utilities, public facilities and services, such as electric,

telecommunications, police stations, firehouses, and health services, are currently operating within the standards set by the GIP.

4. *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. F20240360, which are included in a separately approved resolution and are incorporated herein.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. MCDPS Water Resources Section approved a Combined Stormwater Management Concept/Site Development Stormwater Management Plan on November 13, 2024. The plan proposes to meet the required stormwater management goals by installing two landscape infiltration basins.

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

The Subject Property contains a known burial site, the Boswell Family cemetery. Historic Preservation Staff and the Applicant have coordinated to provide a full memo detailing the history and analysis of the archeological work done to date. When a known cemetery is identified on a Property, the Applicant must satisfy four requirements as specified in Section 50.4.3.M.1, which have been satisfied as follows:

- a) *The Applicant must use the Montgomery County Planning Board Guidelines for Burial Sites to establish the location of the burial site. Unless Planning Department Staff believes that vandalism concerns dictate otherwise, the corners of the burial site must be staked in the field before preliminary plan submittal. If required, the stakes must be maintained by the applicant until Preliminary Plan approval.*
- b) *An inventory, that may include photographs, of existing burial site elements (such as walls, fences, gates, landscape features, fieldstones,*

grave locations, and tombstones) and their condition must be submitted as part of the Preliminary Plan application.

- c) *The placement of lot lines must promote long-term maintenance of the burial site and protection of existing elements.*
- d) *The burial site must be protected by arrangements sufficient to assure the Planning Board of its future maintenance and preservation, as specified in the Montgomery County Planning Board's guidelines for burial sites.*

Consistent with Montgomery County Code and the Planning Board Guidelines for Burial Sites, and in consultation with Historic Preservation Division staff, the Applicant conducted archaeological investigations by a qualified consultant. The purpose of these investigations was to establish the boundaries of the family cemetery and record surviving associated features. Nineteenth-century family graveyards often have unmarked graves associated with them, and in cases where the family occupied the land for multiple generations or held people in slavery, there is the possibility that the extent of graves could be well beyond what is visible on the surface.

Methods employed by the Applicant's consultant included historical research, walking over the ground to find small markers and grave depressions, ground penetrating radar, and very shallow test excavations. The point of the historical research was to find any evidence for the number of people interned. No burial records are known for the family. Historical research does show that the Boswells held people in slavery. In addition to the vicinity of the Boswell Family Cemetery, locations where the Boswells' enslaved may have been buried include Ashton ME Church Cemetery, approximately 1.25 miles to the west along Ashton Road, with or near the family graves, or on the portion of the Boswell Farm immediately to the east of the family graveyard, outside the Subject Property in PEPCO right-of-way.

A pedestrian survey recorded extant markers and associated grave depressions. The ground above historical graves often subsides as coffins decay and collapse. These depressions can be visible on the surface. This portion of the work identified 15 head and foot markers and three grave depressions associated with ten graves.

Ground penetrating radar (GPR) is used to help find unmarked graves. GPR broadcasts radio waves into the ground and records the reflections that return. Reflections associated with graves often contrast with the surrounding results, allowing archaeologists to identify burials. A GPR survey was conducted in December 2024 over an area measuring approximately 122 by 80 feet. This included all the known graves (an area approximately 20 by 40

feet) plus the surrounding ground within the Applicant's project area. The GPR study identified 35 additional probable or possible graves in the vicinity of the marked graves, for a total of 45 graves in three closely spaced rows in an area measuring approximately 23 by 52 feet.

Staff received a copy of the draft GPR report in April 2025 and reviewed it. While concurring with most of the findings, staff raised concerns that some of the GPR results were ambiguous. Roots, rocks, and moisture-retained areas in different soils also produce radar reflections that can make GPR results difficult to interpret. In such cases, archaeologists sometimes strip away the relatively thin layer of dark-colored topsoil to reveal the lighter colored subsoil beneath. The shafts where historical graves were dug and then back filled, in contrast in color and texture with the surrounding undisturbed subsoil, allowing unmarked graves to be identified. Staff recommended corrections to the historical background and additional ground testing to verify that GPR reflections found in the vicinity of the proposed parking were not unmarked graves.

The Applicant's archaeological consultant conducted the recommended additional testing in May 2025 in an area within the portion of proposed parking nearest to the cemetery and between the proposed parking and the cemetery. Methods consisted of shallow excavations intended to remove the dark topsoil and expose the underlying lighter subsoil, exposing any shafts associated with unmarked graves. No additional graves were found in the vicinity of the proposed parking. Staff reviewed the revised report and concurred with the findings in June 2025.

Historic Preservation staff reviewed the Applicant's Preliminary Plan, including proposed lot lines, buffer between proposed hardscape parking and the cemetery, and the landscape plan in the vicinity of the graveyard. Staff determined that the proposed lot lines are consistent with the long-term preservation of the cemetery, that the proposed 25-foot buffer between the parking and cemetery is adequate, and the proposed landscape plan will not harm the cemetery.

County Code, Section 50.4, and the Planning Board Guidelines for Burial Sites require that the boundaries of the cemetery be staked in the field and that the Applicant submit a long-term maintenance plan for the cemetery. The maintenance plan should include groundskeeping measures to prevent the cemetery from becoming overgrown and to ensure that efforts to control plant growth do not harm the extant grave markers. As conditioned, a maintenance plan must be reviewed and approved by Historic Preservation Staff before approval of the record plat, and the cemetery boundaries must be staked before approval of the record plat. The markings must be maintained

throughout construction to ensure that grave markers are not damaged by construction equipment.

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

Subsection 50.4.3.N of the Subdivision Regulations requires a landscape and lighting plan to be submitted with Preliminary Plans for places of worship and institutional uses. The landscape and lighting plan submitted by the Applicant shows that the parking lot landscaping and outdoor lighting standards in Section 59-6.2.9 can be met.

As conditioned, the Applicant will be adding canopy trees every 30 feet on center and additional shrubs along the eastern edge of the parking lot to supplement the proposed understory trees. As conditioned, the understory trees in the parking lot planting islands will also be replaced with canopy trees to meet the minimum 25% parking lot shading requirement. No canopy trees will be planted within 50 feet of the cemetery boundary.

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

MARCH 27, 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 Vice Chair Linden with a vote of 4-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley and Hedrick, voting in favor of the motion, Commissioner Pedoeem being necessarily absent, at its regular meeting held on Thursday, March 26, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

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