

Pleasant Grove Community Church: Preliminary Plan No.120130160

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Completed: 4/7/17

**Description**

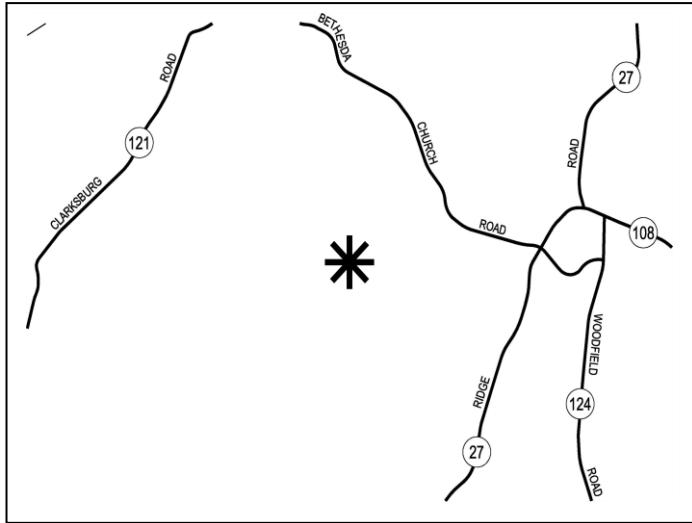
**Pleasant Grove Community Church: Preliminary Plan No.120130160** Request to create a lot from Parcel 088 on Tax Map FX122 for the construction of an 8,600 square foot, 200 seat, church; located at 11307 Mountain View Road, approximately 700 feet west of Johnson Drive; 4.02 acres; R-200 and Rural Village Overlay Zone; Damascus Master Plan.

**Applicant:** Reverend Lawrence Bryant

**Acceptance date:** 5/31/13

**Review Basis:** Chapter 50, Chapter 22A

**Staff Recommendation:** Approval with Conditions



**Summary**

- Staff recommends **approval** with conditions.
- The Application was filed before October 30, 2014 and was reviewed under the standards and procedures of the Property's zoning on October 29, 2014.
- The Application was reviewed under the 2012-2016 Subdivision Staging Policy since it was submitted prior to January 1, 2017.
- Prior to record plat, a Site Plan is required because the Application is within the Rural Village Overlay Zone (Sec.59-C-18.23).
- The Site Distance Study for the proposed entrance has not been approved by MCDOT because the full analysis requires removing a number of trees that contribute to the rustic character of Mountain View Road, a rustic road.
- The Property is within the Purdum Historic District (#10/24). Because the Property is within a Historic District, all trees with a DBH of one inch or greater were located and any impacts to these trees, including impacts to the critical root zone, are subject to a tree variance.
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law, by meeting the entire afforestation requirements off-site at a forest mitigation bank.
- *Staff has not received any citizen correspondence on the Application.*

## **SECTION 1 – RECOMMENDATION AND CONDITIONS**

**Preliminary Plan No. 120130160:** Staff recommends approval of the Preliminary Plan and associated Preliminary Forest Conservation Plan, subject to the following conditions:

1. This Preliminary Plan is limited to one lot for one religious institution with no weekday school or weekday day care.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120130160, approved as part of this Preliminary Plan, subject to the following conditions:
  - a. A Final Forest Conservation Plan (“FFCP”) must be approved by M-NCPPC Staff prior to the start of clearing and grading that is consistent with the approved Preliminary Forest Conservation Plan (“PFCP”).
  - b. Prior to the start of any clearing, grading, or demolition occurring on the Property, the Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for 0.61 acres of mitigation credit.
  - c. The Certificate of Compliance must be recorded in the Land Records prior to any clearing, grading, or demolition occurring on the Property.
  - d. Mitigation for the removal of fifty-six (56) trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 126 caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees must be planted on the Property, in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector. The trees must be planted within one year of construction completion.
  - e. The limits of disturbance (“LOD”) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
  - f. 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 approved Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated August 20, 2014, 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 the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of the plat, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. No clearing or grading of the site, or recording of plats prior to Certified Site Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) Fire Code Enforcement Section in its letter dated November 8, 2016,

and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Fire Code Enforcement Section, provided the amendments do not conflict with other conditions of Preliminary Plan approval.

7. The Planning Board accepts the recommendations of the MCDPS - Water Resources Section in its stormwater management concept letter dated November 13, 2012, and reconfirmed on July 12, 2016, 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 the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Applicant must dedicate and show on the record plat a dedication of 35-feet of right-of-way from the centerline of Mountain View Road as shown on the Preliminary Plan.
9. Final approval of the location of (buildings, on-site parking, site circulation, and sidewalks) will be determined at Site Plan.
10. 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 site plan approval. 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."*

11. The record plat must show necessary easements.
12. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

## **SECTION 2 – PROPERTY LOCATION AND DESCRIPTION**

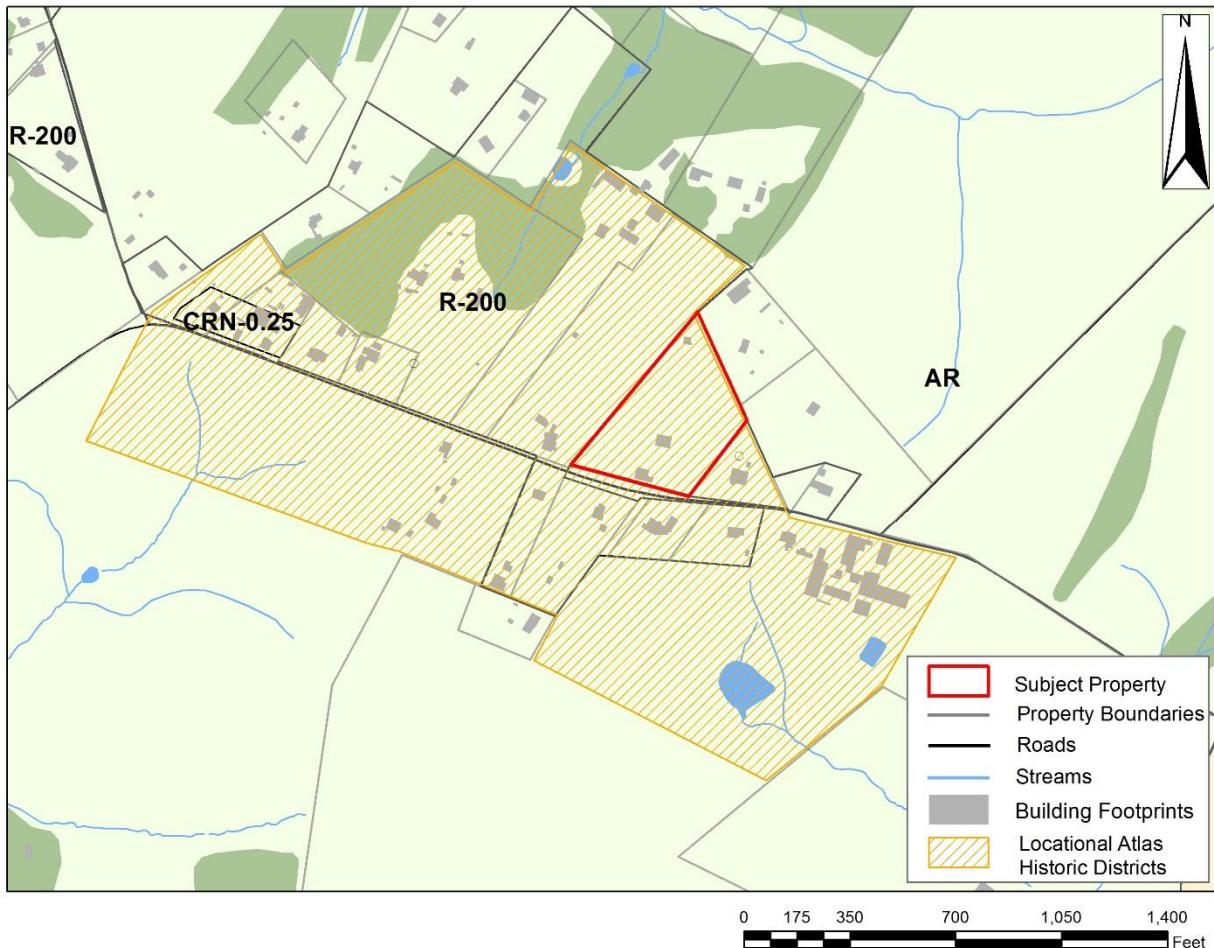
The Subject Property is located on the north side of Mountain View Road (11307 Mountain View Road), approximately 700 feet west of Johnson Drive and consists of a 4.02 acre unplatte parcel (P088 on Tax Map FX122) zoned R-200 and within the Rural Village Overlay Zone (“Property” or “Subject Property”). The Subject Property is located on the eastern edge of Purdum, one of the Rural Village Communities identified in the *2006 Damascus Master Plan* (“Master Plan”). The Property is also within the Purdum Historic District, Site 10-24 on the Locational Atlas and Index of Historic Sites (Figure 1). The Subject Property fronts on and has access to Mountain View Road, a rustic road, with an existing 50-foot-wide right-of-way and a pavement width of approximately 20 feet. The southern half of the Property is improved with a single-family detached home, barn and gravel driveway which has access to Mountain View Road. There is a large deck/stage of unknown use and origin at the northern tip of the Property and the remaining land is kept in open field. The existing house is served by an on-site well and septic system.

Pleasant Grove Community Church (“Applicant”) owns the abutting property to the east which contains the existing church and graveyard. The remaining area surrounding the Property is predominately comprised of one-family detached dwellings in the R-200 and farmsteads in the Agricultural Reserve zone.



Figure 1 – Aerial View

The Property is located within the Bennett Creek watershed; this portion of the watershed is classified by the State of Maryland as Use Class I-P waters. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. Nor are there any steep slopes, highly erodible soils, specimen trees, or forests on the Property. However, there are three off-site specimen trees adjacent to the Property.



*Figure 2 – Vicinity and Zoning*

### SECTION 3 – PROPOSAL

Preliminary Plan Application No. 120130160, Pleasant Grove Community Church (“Application” or “Preliminary Plan”) proposes to convert the Subject Property from a parcel to a lot to allow construction of a 200 seat, 8,600 square foot religious institution. The existing structures on the Property will be removed. A new, 20-foot-wide driveway will be constructed on Mountain View Road at the same location as the existing driveway. Since Mountain View Road is classified as a rustic road, the proposed access has been reviewed by the Rustic Roads Advisory Committee in addition to MCDOT, and M-NCPPC Staff.

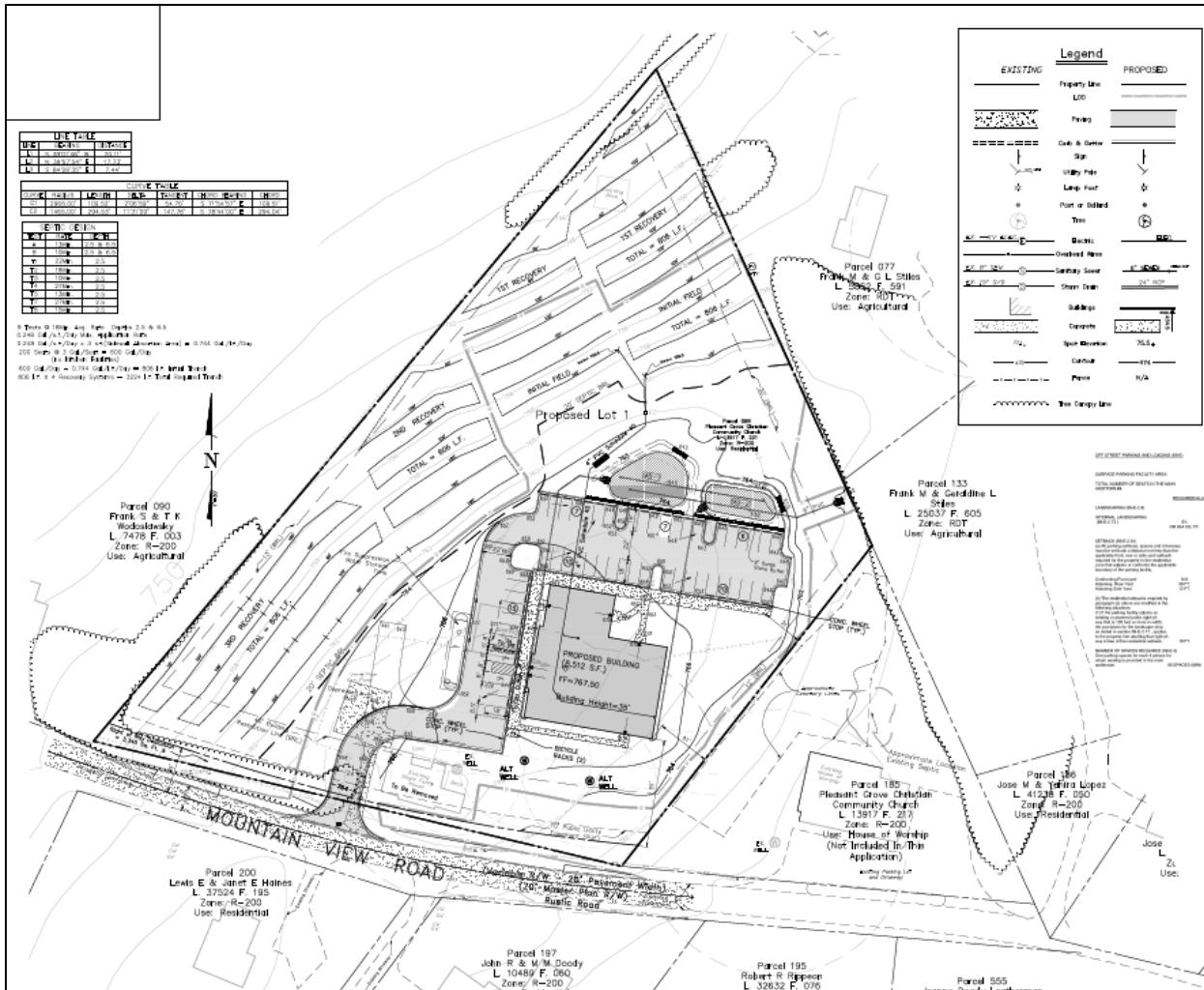


Figure 3 – Preliminary Plan

Dedication of 3,388 square feet of land along the Property's frontage is required to achieve the full master planned right-of-way width recommended for Mountain View Road. The Property is within the W-6 and S-6 water and sewer service categories, respectively. The new structures will be served by an on-site private well and septic system, to be constructed in the locations shown on the Preliminary Plan (Attachment A).

The required stormwater management goals will be met via micro biofiltration. This Application also includes a PFPC and a tree variance request.

## **SECTION 4 - ANALYSIS AND FINDINGS**

### **Conformance to the Master Plan**

The Preliminary Plan is consistent with recommendations in the *2006 Damascus Master Plan* and the *2004 Amendment to the Rustic Roads Functional Master Plan*.

#### **2006 Damascus Master Plan**

This Master Plan recommends, “using a modified version of the Rural Village Overlay Zone to provide a mixed-use zone approach appropriate for rural communities to protect villages that may become subject to potential development pressures. The Rural Village Overlay Zone is designed to create attractive, cohesive, and pedestrian-friendly rural village centers and prohibits land uses otherwise allowed in the underlying zone that would be inappropriate in rural villages. Amendments to this zone are proposed to prohibit additional uses that would be inappropriate in these villages, allow certain uses only by special exception, and allow the Montgomery County Planning Board to modify setback and green area requirements if necessary to better replicate existing development patterns. The purpose of this zoning is to maintain the existing scale of development. New development should be consistent with the historical character and community lifestyles” (p.40). The Master Plan also provides additional guidance for development within the Rural Village Overlay Zone (p.41). Much of the guidance in the Master Plan regarding the Rural Village Overlay zone is intended for commercial development which does not apply to this Application.

The Damascus Master Plan states that residents in the *Rural Village Communities* “often have historical ties to their communities. These communities feature local institutions like post offices, retail stores, or churches.” The Pleasant Grove Community Church congregation has been part of Purdum since 1869. The new church will accommodate the expansion of the congregation and continued connection to the community in the same general location. The scale and size of the proposed building, with only 200 seats, are compatible with the surrounding rural community.

The Preliminary Plan conforms to Master Plan recommendations on compatibility with the surrounding community. Those recommendations were specifically taken into consideration when determining the building’s location, and parking lot design. The building is setback 81 feet from Mountain View Road, which provides a large, open, green area between the building and road. The green area provides ample area for landscaping and limits the visual impact of the building from the rustic road. Most of the parking for the church is behind the building, which limits visibility from the road. Only a single row of parking is proposed along the west side of the building and landscaping along the frontage will screen the parking from Mountain View Road. Building massing and architecture was not reviewed as part of the Preliminary Plan, but based on the footprint of the building, parking lot design, and improvements shown on the Preliminary Plan, the Application conforms to the recommendations of the Master Plan.

After Preliminary Plan, a Site Plan is required because the Property is within the Rural Village Overlay Zone. As part of the Site Plan, the Applicant will be required to demonstrate, in detail, how the design of the proposed church meets the intent of the zone through details such as building materials, façade and landscaping. The Site Plan will also be reviewed by the Historic Preservation Commission because the Property is within the Purdum historic district. The Preliminary Plan leaves sufficient flexibility make additional modifications that may be necessary to further achieve the goals of the Rural Village Overlay Zone and recommendations of the Historic Preservation Commission.

#### 2004 Rustic Roads Functional Master Plan Amendment

Mountain View Road is a paved asphalt, two-lane public road running from King Valley Road for 0.7 mile, before changing into Price's Distillery Road, also a Rustic Road. Mountain View Road is 22 feet wide from Johnson Drive to Purdum Road. Mountain View Road is not a master-planned road and because of its Rustic Road designation, there are no existing or recommended sidewalks or bikeways. The Rustic Roads Advisory Committee ("RRAC") has reviewed the Application to determine if it has any effect on Mountain View Road. In its letter dated July 14, 2016, (Attachment B) the RRAC determined that the committee generally supports the proposal, but also outlined concerns regarding the proposed access point, specifically the clearing of trees in the right-of-way, and grading in the right-of-way. The RRAC also asked the Applicant to evaluate an inter-parcel connection between the existing and proposed church that would eliminate the need for a new driveway.



*Figure 4 – Existing Entrance on Mountain View Road*

In a letter dated September 2, 2016, the Applicant replied to the RRAC regarding its concerns and recommendation (Attachment C). The Applicant will continue to work with the RRAC at the time of Site Plan to minimize impacts on the rustic road. As proposed, the Preliminary Plan is consistent with recommendations in the *Damascus Master Plan* and *Rustic Road Functional Master Plan*. The Application's conformance with the applicable master plans will be reviewed in further detail as part of the Site Plan approval.

#### Historic Preservation

The Purdum Historic District (#10/24) is identified in the Locational Atlas and Index of Historic Sites in Montgomery County, Maryland. The Application is subject to historic preservation review pursuant to

Chapter 24A-10 of the Montgomery County Code. The Historic Preservation Commission will need to review all aspects of this project, including demolition of existing structures and design of the proposed church and hardscape features. This is most appropriately done at the time of Site Plan when the architecture/design of the new structures is refined.

The Subject Property is improved with a residence and barn. Tax records indicate that the residence was constructed in 1900. A survey of the district prepared for the Locational Atlas states: "This appears to be an older home which has been extensively remodeled. The present structure, covered with siding and with two added side wings, now has the appearance of a modern, traditional style home. Only the two brick, older looking center chimneys suggest its possible age."

To achieve compatibility with the characteristics of this rural and linear historic district, Historic Preservation Staff recommends at the time of Site Plan, that hardscaped areas and parking surfaces be paved with tinted, exposed aggregate paving or permeable materials and that the church's primary façade be oriented towards the street.

#### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the Damascus Master Plan, the Purdum Rural Village Overlay Zone and the Rustic Road Functional Master Plan. The construction of a religious institution is a permitted use in the R-200 zone and the Rural Village Overlay zone. The proposed lot, will accommodate the proposed church, parking, access lanes and all required infrastructure such as stormwater management, well, septic and other utilities.

*Table 1: Preliminary Plan Data Table – R-200 Zone Standard Method of Development (Div. 59-C-1.32)*

<b>Data Table</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Minimum lot area	20,000 SF min.	171,580 SF min.
Density (units/acre)	7.8 DU/AC	NA
Lot width at building line	100 ft. min.	400 ft. min.
Lot width at existing or proposed street line	50 ft. min.	400 ft. min.
Setbacks		
– Front	40 ft. min.	40 ft. min. <sup>1</sup>
– Side	12 ft. min./ 25 ft. total min.	15 ft. / 25 ft. total min. <sup>1</sup>
– Rear	30 ft. min.	30 ft. min. <sup>1</sup>
Lot coverage	42,907 SF/25% max.	9,000 SF/5.2% max. <sup>1</sup>
Building height	50 ft. max.	35 ft. max. <sup>1</sup>
Parking (Sec. 59-E)		
Parking Spaces (1 space per 4 seats)	50 spaces min.	52 space min.
Bicycle Parking	2 spaces	2 bicycle racks <sup>1</sup>

<sup>1</sup> As determined at the time of Site Plan.

The lot was reviewed for compliance with the dimensional requirements of the R-200 zone and additional regulations as specified in the Zoning Ordinance. The lot, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks that allow a reasonable buildable area for the proposed structure in that zone. A summary of this review is included in Table 1. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

### **Adequate Public Facilities Review (APF)**

The Preliminary Plan application was submitted prior to January 1, 2017 and is therefore being reviewed under the 2012-2016 Subdivision Staging Policy rules that were in effect on December 31, 2016.

#### **Roads and Transportation Facilities**

The Applicant is dedicating sufficient land to achieve 35-feet of total right-of-way from the centerline of Mountain View Road to meet the master planned right-of-way width along the Property frontage. Access to the Property is from Mountain View Road where the existing driveway is located. The entrance will be improved to meet MCDOT and RRAC standards and ensure adequate access for emergency vehicles. The Application has been reviewed by the MCDOT, which determined that the Property has adequate vehicular access in a transmittal letter dated, August 4, 2014 (Attachment D). The Site Distance Study for the proposed entrance has not been approved by MCDOT because the full analysis requires removing a number of trees that contribute to the rustic character of Mountain View Road, and the Applicant feels that removing them now would be premature. For review purposes, the Applicant provided MCDOT with an engineered design demonstrating that adequate sight distance can be achieved at the time of Site Plan where tree removal, if necessary, can be addressed (Attachment E).

A parking lot with 52 parking spaces will provide adequate on-site parking to serve the church at a ratio of one space for every 4 seats in the sanctuary. An internal sidewalk within the parking lot will provide a safe connection for patrons entering the building. Given the Mountain View Road is classified as rustic sidewalks are not proposed along the Property frontage.

The proposed road, parking, circulation and access to the Subject Property, as shown on the Preliminary Plan, will be adequate to serve the proposed development conditioned upon achieving adequate sight distance.

#### **Local Area Transportation Review (LATR) & Transportation Policy Area Review (TPAR)**

The Applicant was not required to submit a traffic study to satisfy the LATR test or the TPAR test and, a transportation tax payment is not required because the County Subdivision Regulations Section 50-35(k)(6) on adequate public facilities does not apply to any place of worship, residence for religious staff, parish hall, or addition to a school associated with a place of worship. The Application does not include weekday day care service or weekday educational facilities that would generate new peak-hour trips during the weekday morning and evening peak periods, therefore it is exempt from the transportation elements of APF.

### Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The use of an on-site well and septic system is consistent with the existing W-6 and S-6 services categories designated for the Property. The Application has been reviewed by MCDPS – Well and Septic Section, which determined the proposed well and septic locations are acceptable as shown on the approved well and septic plan dated July 10, 2014 (Attachment F).

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Code Enforcement Section, which determined that the Property has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated November 8, 2016. (Attachment G). As specified in the Fire Department approval documents and shown on the Preliminary Plan, the Applicant must install a 30,000-gallon underground water supply storage tank, within an easement, adjacent to the main building entrance.

Other public facilities and services, police stations, and health services are currently operating within the standards set by the 2012-2016 Subdivision Staging Policy Resolution.

### Environment

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) #420120390 for the Property was approved on December 13, 2011. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property straddles the Bennett Creek and Little Bennett Creek watersheds and does not contain any forest stands. There are no streams, wetlands, 100-year floodplain, stream buffers, highly erodible soils, or slopes greater than 25 percent located on or immediately adjacent to the Property. There are three trees greater than or equal to 24” Diameter at Breast Height (“DBH”) that were identified on a property adjacent to the Subject Property, two of which are 30” DBH and greater. In addition, due to the historic nature of this site, impacts to any tree one inch or greater DBH require a variance.

#### Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required, a Preliminary Forest Conservation Plan was submitted with the Preliminary Plan. The net tract area for Forest Conservation purposes is 4.05 acres. Development for the church generates a 0.61 acre of forest planting requirement which will be met off-site. This is acceptable since there is no existing forest on the Property and the building, parking lot and septic field leave no room for forest planting.

#### *Forest Conservation Variance*

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact

to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Because the Property is within a Historic District, all trees with a DBH of one inch or greater were located and any impacts to these trees, including impacts to the critical root zone, are subject to a tree variance. For this Application, Staff recommends that a variance be granted and mitigation be required.

Variance Request – The Applicant submitted a variance request in a letter dated October 18, 2016, for impacts to or removal of trees (Attachment H). Due to its location within the Purdum Road Historic District, all trees one inch and greater DBH on this site are considered protected (“Protected Tree”) and need a variance for proposed impacts. The Applicant wishes to remove fifty-six (56) Protected Trees and these trees are listed in Table 2. The Applicant also proposes to impact, but not remove, forty (40) Protected Trees. The critical root zones of these trees will be impacted by necessary site grading and construction but they will not be removed. Details of the Protected Trees to be affected but retained are listed in Table 3.

*Table 2 - Protected Trees to be removed*

<b><u>Tree ID #</u></b>	<b><u>Species</u></b>	<b><u>DBH</u></b>	<b><u>% Impacted</u></b>	<b><u>Condition</u></b>
8	Mulberry	22	100%	Good
11	Red Maple	16-14	100%	Good
12	Red Oak	14-10	100%	Good
13	Red Maple	14-8	100%	Good
14	Silver Maple	12-10	100%	Good
15	Virginia Pine	12	100%	Fair
16	Eastern Red Cedar	6	100%	Good
17	Norway Spruce	8-6	100%	Good
20	Mulberry	19	100%	Good
21	Ailanthus	19-13	100%	Good
22	Flowering Dogwood	2	100%	Good
23	Ailanthus	21-17	100%	Good
24	Pear	10-9	100%	Good
26	Mulberry	6-4	100%	Good
27	Cherry	6	100%	Good
28	Black Locust	14	100%	Good
33	Sweet Cherry	16	100%	Good
34	Silver Maple	14	100%	Good
35	Red Maple	10	100%	Good
36	Sweet Cherry	23	100%	Poor
37	Eastern Red Cedar	17	100%	Good
38	Eastern Red Cedar	7	100%	Good
39	Virginia Pine	11	100%	Good
40	Virginia Pine	4	100%	Good
41	Virginia Pine	9	100%	Good
42	Black Cherry	1	100%	Good
43	Black Cherry	1	100%	Good

<u>Tree ID #</u>	<u>Species</u>	<u>DBH</u>	<u>% Impacted</u>	<u>Condition</u>
44	Black Locust	6	100%	Good
45	Black Cherry	1	100%	Good
46	Black Cherry	1	100%	Good
47	Black Locust	12	100%	Good
48	Red Maple	1	100%	Good
49	Virginia Pine	3	100%	Good
50	Black Cherry	1	100%	Good
51	Red Maple	3	100%	Good
54	Black Cherry	1	100%	Good
55	Virginia Pine	8	100%	Good
56	Virginia Pine	3	100%	Good
63	Virginia Pine	7	100%	Good
64	Virginia Pine	6	100%	Good
65	Red Oak	2	100%	Good
66	Red Oak	2	100%	Good
67	Virginia Pine	6	100%	Good
71	Virginia Pine	10	100%	Good
72	Red Maple	2	100%	Good
77	Virginia Pine	5	100%	Good
78	Virginia Pine	7	100%	Good
83	Virginia Pine	8	100%	Good
104	Eastern Red Cedar	14	100%	Good
105	Red Maple	12	100%	Good
110	Virginia Pine	16	100%	Good
125	Pear	10	100%	Good
127	Red Oak	13	100%	Good
128	Red Oak	10	100%	Good
129	Flowering Dogwood	6-4	100%	Good
131	Mulberry	13	100%	Good

*Table 3 - Protected Trees to be affected but retained*

<u>Tree ID #</u>	<u>Species</u>	<u>DBH</u>	<u>% Impacted</u>	<u>Condition</u>
3	Sassafras	26	15%	Good
4	Chestnut Oak	32	23%	Good
7	Black Cherry	8	27%	Fair
19	Black Cherry	10	16%	Good
25	Hackberry	22	30%	Good
29	American Elm	17-9	30%	Good
30	Ailanthus	15	26%	Good
31	Mulberry	14	33%	Good
32	Black Locust	10-6	9%	Good
52	Black Cherry	1	13%	Good
61	Red Maple	20	39%	Good
62	Eastern Red Cedar	6	23%	Good
68	Red Maple	9	25%	Good
69	Virginia Pine	7	13%	Good
70	Virginia Pine	6	44%	Good
73	Red Maple	2	23%	Good
79	Red Maple	21	35%	Good
80	Virginia Pine	6-6	25%	Good
85	Virginia Pine	6	7%	Good
87	Virginia Pine	6	32%	Good
89	Red Maple	8	10%	Good
90	Virginia Pine	9	29%	Good
91	Red Maple	8	18%	Good
92	Virginia Pine	6	10%	Good
93	Red Maple	10	17%	Good
94	Eastern Red Cedar	11	27%	Good
97	Red Maple	5	16%	Good
100	Red Maple	10	31%	Good
109	Black Cherry	14	29%	Good
114	Red Maple	14	29%	Good
120	Red Maple	17	22%	Good
121	Red Maple	7	4%	Good
123	Eastern Red Cedar	18	16%	Good
126	Pear	12	14%	Good
130	Boxelder	16-11	38%	Fair
132	Boxelder	8	35%	Good
133	Boxelder	14	37%	Good
134	Ailanthus	13	35%	Good
135	Black Walnut	17	38%	Good
136	Ailanthus	14	35%	Good

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property and the zoning and development requirements for the Property. Staff agrees with this assessment.

The Subject Property has a total tract area of 4.12 acres, including 0.10 acres of off-site limit of disturbance area, on Mountain View Road. No forest or specimen trees (24 inch or greater DBH) exist on the site. However, three specimen trees exist on two parcels adjacent to the eastern boundary of the Subject Property. Although impacts to two of these trees were avoided, tree #4 will be impacted. In addition to this tree impact, because the Property is in historic area all trees one inch and greater on a historic site require a variance for removals and impacts, the Applicant has requested a variance for impacts and removals of ninety-five additional trees ranging from 1" to 23" DBH.

The construction of the church and associated parking and storm water facilities will require the disturbance of less than half of the Property. The church itself is to be located toward Mountain View Road within a few feet of the 40-foot building restriction line. All three specimen trees will be saved. However, the proposed church construction requires that extensive septic fields be located on the Property which impact tree #4. The initial field will intrude into the root zone of tree #4; approximately 23 percent of the root zone will be affected. It will also affect seven smaller trees within the area. In order to meet the requirements for the size and location of these septic fields, the church has no other option but to place them as shown on the Plan and to disturb those trees. These septic fields have been located according to soil conditions and topography, and are approximately sized for this use. One of the reasons for siting the church building as shown is to leave open the areas most appropriate for the septic fields. Due to the large septic area, the space available for development becomes limited and results in the tree removals and impacts along the eastern Property line.

Another condition requiring the need for tree removal is with the new entrance to the project site, an appropriate sight distance must be provided, as well as grading to allow access to the parking lot. Trees along the right of way on the Property are being impacted and removed to allow vehicles to enter and exit the site safely and reduce visual obstructions. The Property is situated along a rustic road, with the driveway sited with intent to cause as little disturbance and tree removal as possible while maintaining the aesthetics and structure of the existing road.

Staff worked with the Applicant to revise the limits of disturbance to minimize the impacts to the Protected Trees as much as possible, particularly the offsite trees. The number and location of the Protected Trees, the existing shape and location of the Property and development requirements create an unwarranted hardship. If the variance were not considered, the development anticipated on this R-200 zoned Property would not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the PFCP:

Granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. The Protected Trees are located within the developable area of the Property and tightly clustered along a berm in Mountain View Road where the expanded entrance driveway is located. Any church considered for this Property would be faced with the same considerations of locating a septic field, driveway entrance, building and parking lot. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that 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 need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Trees within the developable area and the facilities required for this kind of institution.

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

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not 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. No trees located within a stream buffer, wetland, or Special Protection Area will be impacted or removed as part of this Application. In addition, the Montgomery County Department of Permitting Services (MCDPS) has found the stormwater management concept for the proposed development to be acceptable as stated in a letter dated November 13, 2012 (Attachment I). The Applicant proposes to mitigate the removal of the Protected Trees by planting replacement trees onsite, that will ultimately replace the functions currently provided by the Protected Trees to be removed.

Mitigation for Protected Trees – The Protected Trees subject to the variance provision and proposed to be removed are not located within an existing forest. Mitigation for the removal of the 56 trees is recommended at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur 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. This Application proposed to remove 503 inches in DBH, resulting in a mitigation requirement of 126 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The FCP includes the planting of 42 native, canopy trees on the Property as mitigation for the removal of the 56 variance trees. These trees will not be as large as most of the trees lost, but they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. Staff does not recommend mitigation for trees affected, but not removed. The affected root systems will regenerate and the functions provided restored.

County Arborist's Recommendation on the Variance – 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 for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On February 6, 2017, the County Arborist provided a letter recommending that a variance be granted with mitigation (Attachment J).

Variance Recommendation – Staff recommends that the variance be granted with mitigation described above.

#### Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 13, 2012, and reconfirmed on July 12, 2016 (Attachment K). The approved concept proposes to meet the required stormwater management goals via micro biofiltration.

#### Citizen Correspondence and Issues

The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on Mountain View Road. The Applicant held two pre-submission meetings for the Application. Both meetings took place at Pleasant Grove Christian Community Church (11225 Mountain View Road). The first was held in 2012 as part of the Applicant original submission, to which 21 community members attended. The Applicant presented the Preliminary Plan, and explained different elements of the plan, such as stormwater management, forest conservation, and the development process. The Applicant addressed questions about circulation and access from Mountain View Road. The Applicant chose to hold a second meeting on May 11, 2016 to update the community on the Application. Eight community members attended the meeting where the Applicant reintroduced that Preliminary Plan and answered questions about site layout, lighting and access.


To date, Staff has not received any correspondence from community members regarding the Preliminary Plan Application.

#### **CONCLUSION**

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the *Damascus Master Plan* and *Rustic Roads Functional Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Application. Therefore, Staff recommends approval of the Application with the conditions specified at the beginning of this Report.

## **Attachments**

- Attachment A – Preliminary Plan
- Attachment B – RRAC letter
- Attachment C – Applicant response letter to RRAC
- Attachment D – MCDOT
- Attachment E – Sight Distance
- Attachment F – MCDPS Well & Septic
- Attachment G – MCDPS Fire Code Enforcement
- Attachment H – Tree Variance Request
- Attachment I – MCDPS Stormwater Management
- Attachment J – County Arborist Letter
- Attachment K – MCDPS Stormwater Management





## RUSTIC ROADS ADVISORY COMMITTEE

July 14, 2016

MS. Lauren Wirth  
Macris, Hendricks and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, Maryland 20886-1279

RE: Pleasant Grove Community Church  
Mountain View Road, Rustic Road

Dear Ms. Wirth:

We wish to thank you and your team for your presentation to us at our meeting on May 31, 2016. Your presentation concerned the proposal to develop a new church on property that is adjacent to Mountain View Road (designated as a Rustic Road) by your client, the Pleasant Grove Community Church. The proposed church would have a 200 seat capacity. The first floor footprint of the church building was shown as 8,512 square feet. The building was shown to be 35 feet in height. The proposed parking lot has 54 parking spaces.

The layout depicted on the preliminary plan (dated 2-01-2013) proposes to construct a new entrance onto Mountain View Road. Construction of this feature would require tree cutting and grading in the right-of-way to facilitate site distance for cars entering onto Mountain View Road. The length of this clearing would be 150 feet and would require the removal of 29 trees located in the Mountain View Road right-of-way. You indicated that major landscaping that includes large tree species would be installed on the grounds of the proposed church to satisfy historic preservation tree removal mitigation requirements. You also indicated that Montgomery County would not approve the construction of the proposed entrance unless potential site distance issues on Mountain View Road were adequately addressed.

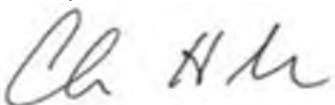
You indicated that 3,340 square feet is proposed to be dedicated to the Mountain View Road right-of-way, and that a 10-foot wide Public Utility Easement is proposed to run parallel with the expanded right-of-way along the entire frontage of the proposed project. The committee inquired if an inter-parcel connector road could be constructed between the two properties to eliminate the need to construct the proposed entrance on Mountain View Road, and to minimize any clearing and grading that might be needed in the right-of-way. You responded that the site lacked sufficient space to construct a connector road between the two properties due to the proximity of the proposed Public Utility Easement to the existing cemetery on the current church site.

The Rustic Roads Advisory Committee has deliberated this project and generally supports the proposal to remove trees from the Mountain View Road right-of-way in order to facilitate the construction of the proposed entrance; however, we would like to see the grading and clearing associated with the proposed driveway minimized in order to reduce impacts to the existing trees. We also request that all proposed signs, walls, fencing, pedestrian walkways and sidewalks be depicted on the site plans for this project.

We also request that you investigate if it is necessary to provide a 10-foot wide Public Utility Easement along the frontage of this rural property; and if not, then to further weigh the feasibility of constructing an inter-parcel connector road in lieu of constructing a new entrance on Mountain View Road.

Thank you for providing us with the opportunity to review this important project. If you have any questions, you can reach the committee through our staff coordinator, Michael Knapp, at 240-777-6335 or [Michael.Knapp@montgomerycountymd.gov](mailto:Michael.Knapp@montgomerycountymd.gov).

Sincerely,



Christopher H. Marston, Chair  
Rustic Roads Advisory Committee

Committee Members: Todd Greenstone, Thomas Hartsock, Sarah Navid, Audrey Patton, Jane Thompson, Robert Tworkowski

Cc:

Lawrence Bryant, Pleasant Grove Community Church  
Scott Whipple, Supervisor, Historic Preservation Unit, M-NCPPC  
Jonathan Casey, M-NCPPC lead reviewer  
Katherine Nelson, M-NCPPC environmental reviewer  
Gregory Leck, MCDOT  
Atiq Panjshiri, DPS  
Leslie Saville, M-NCPPC representative, RRAC

**Macris, Hendricks and Glascock, P.A.**

Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120

Montgomery Village, Maryland

20886-1279

Phone 301.670.0840

Fax 301.948.0693

[www.mhgpa.com](http://www.mhgpa.com)

September 2, 2016

Christopher Marston  
 Rustic Roads Advisory Committee  
 255 Rockville Pike, 2<sup>nd</sup> Floor  
 Rockville, MD 20850

Re: Pleasant Grove Community Church  
 MHG Project # 97.305

Dear Mr. Marston:

The purpose of this letter is to respond to the letter dated July 14, 2016 provided by the Rustic Roads Advisory Committee (RRAC) in reference to Pleasant Grove Community Church. Pleasant Grove Community Church has submitted an application to Maryland-National Capital Park and Planning Commission for approval of a Preliminary Plan of Subdivision and appreciates RRAC's support of the proposed improvements. In response to RRAC's comments, please see below:

- *Minimize grading and clearing associated with the driveway to reduce impacts to the existing trees.*  
 Although not readily apparent in our presentation to the RRAC, the Pleasant Grove Community Church instructed MHG to reduce the impact on trees within the right-of-way of Mountain View Road, and considerable efforts were made to minimize these impacts. We considered alternate driveway locations and worked with Montgomery County Department of Transportation (DOT) to create a design that would meet DOT standards while minimizing grading and tree removal within the ROW. In order to provide adequate sight distance, a minimal amount of grading will be required within the ROW and some tree removal will be necessary. Since there will be an expense associated with the removal of trees and grading the Pleasant Grove Community Church has no interest in clearing more than the minimum required for an efficient and safe access point.
- *Proposed signs, walls, fencing, pedestrian walkways and sidewalks should be depicted on the site plans for this project.*  
 There are no sidewalks, signs, walls, or fencing proposed within the public ROW. Any onsite sidewalks, signs, walls or fencing will be subject to the future Site Plan application and will be reviewed by MNCPPC. If during the Site Plan process the extent of the clearing and grading changes, the Pleasant Grove Community Church will return to the RRAC for its review of the changed conditions.
- *Investigate if it is necessary to provide a 10 foot wide Public Utility Easement along the frontage of the rural property, and if not, then further weigh the feasibility of constructing an inter-parcel connector road in lieu of constructing a new entrance.*

A standard condition of approval during the subdivision process in Montgomery County is granting a Public Utility Easement (PUE). Precedent has been set to grant a PUE on other properties along rustic roads in the county. In the event that a PUE is not required, there is still not adequate space outside of the ROW to provide a 20 foot wide access road with associated grading between the two properties. In addition, there is a well on the church property that would require a 10 foot setback to the paved access drive. The well is 25 feet from the property line, so

there would not be enough space for a 20 foot access drive.

Thank you for your consideration of these items and support of the application. Please contact me if you have any questions, comments or if you need additional information.

Sincerely,



Lauren Wirth



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

August 20, 2014

Arthur Holmes, Jr.  
Director

Ms. Molline Smith, Senior Planner  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

*Moline*:  
RE: Preliminary Plan No. 120130160  
Pleasant Grove Community Church

Dear Ms. Smith:

We have completed our review of the preliminary plan dated February 21, 2013. This plan was reviewed by the Development Review Committee at its meeting on July 1, 2013. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication of Mountain View Road to result in a 70 foot right-of-way in accordance with the master plan (rustic road).
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Mountain View Road is classified as a "Rustic Road" under Section 49-78 of the Montgomery County Code. As such, every effort must be made to preserve the significant features within the right of way of that roadway.
4. Show the locations of the proposed driveway(s) on the preliminary plan.
5. The Sight Distances Study for the proposed entrance has NOT been approved at this time. Prior to DPS approval of the record plat and any building permits, the applicant will need to submit an updated Sight Distances Evaluation certification form to the Department of Permitting Services for the proposed driveway, which indicates that grading, tree trimming and/or tree removal has been completed and that the measured sight distance meets the minimum of 325 feet of sight distance required in each direction for the posted speed limit on Mountain View Road. Since access will be from a roadway included on the Rustic Roads Program, stake and pavement mark the proposed driveway location for evaluation of the impact on the Rustic Road features.

**Division of Traffic Engineering and Operations**


---

100 Edison Park Drive • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
[trafficops@montgomerycountymd.gov](mailto:trafficops@montgomerycountymd.gov)

Ms. Molline Smith  
Preliminary Plan No. 120130160  
August 20, 2014  
Page 2

6. The parking layout plan will be reviewed by the Department of Permitting Services at the site plan or building permit stage, whichever comes first. To facilitate their review, that plan should delineate and dimension the proposed on-site travel lanes, parking spaces, curb radii, handicap parking spaces and access facilities, and sidewalks. The applicant may wish to contact Mr. Sam Farhadi of that Department at (240) 777-6333 to discuss the parking lot design.
7. For safe simultaneous movement of vehicles, we recommend a driveway pavement width of no less than twenty four (24) feet to allow vehicles to enter and exit the site without encroaching on the opposing lanes. This pavement width will permit an inbound lane width of fourteen (14) feet and an exit lane width of ten (10) feet.
8. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
9. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
10. Where perpendicular parking spaces border a sidewalk, a two (2) foot vehicle overhang is assumed. The applicant should either provide a seven (7) foot wide sidewalk or wheelstops within those parking spaces.
11. For any parking facility containing more than fifty (50) parking spaces, the applicant needs to furnish bicycle parking facilities as required Section 59 E-2.3 of the Montgomery County Code. Accordingly, the applicant should provide either bike lockers or inverted "U" type bike racks.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Monet L. Lea, our Development Review Area Engineer for this project at [monet.lea@montgomerycountymd.gov](mailto:monet.lea@montgomerycountymd.gov) or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team

Ms. Molline Smith  
Preliminary Plan No. 120130160  
August 20, 2014  
Page 3

m:/correspondence/FY15/Traffic/Active/120130160, Pleasant Grove Community Church, MCDOT plan review ltr

cc:      Lawrence Bryant            Pleasant Grove Christian Comm.  
              Lauren Ireland            Macris, Hendricks & Glascock  
              Preliminary Plan folder  
              Preliminary Plan letters notebook

cc-e:     Catherine Conlon        M-NCPPC DARC  
              Leslie Saville           M-NCPPC Area 3  
              Jonathan Casey        M-NCPPC Area 3  
              Ed Axler                M-NCPPC Area 3  
              Atiq Panjshiri          MCDPS RWPR  
              Brian Jeeves           MCDPS RWPR



**MONTGOMERY COUNTY, MARYLAND**  
**DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION**  
**DEPARTMENT OF PERMITTING SERVICES**

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Pleasant Grove Church Preliminary Plan Number: **120130160**

Street Name: Mountain View Road Master Plan Road  
Classification: Rustic Road – ROW=70'

Posted Speed Limit: 40 mph

Street/Driveway #1 ( Proposed ) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet)	OK?
Right 270	X
Left 200	X

Sight Distance (feet)	OK?
Right _____	_____
Left _____	_____

Comments: Please See Attachment

Comments: \_\_\_\_\_

**GUIDELINES**

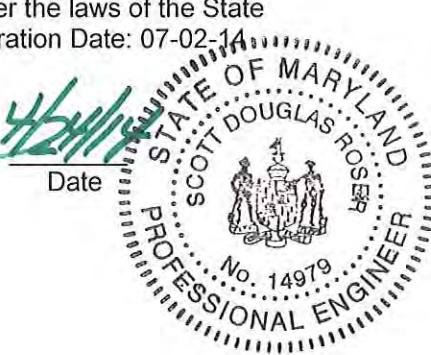
Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40 (45)	325' 400'
Major - 50 (55)	475' 550'

\*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

**ENGINEER / SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines and that these documents were prepared or approved by me, and that I am a licensed Professional Engineer under the laws of the State of Maryland, License No. 14979, Expiration Date: 07-02-14.



PLS/P.E. MD Reg. No.

14979

**Montgomery County Review:**

Approved

Disapproved:

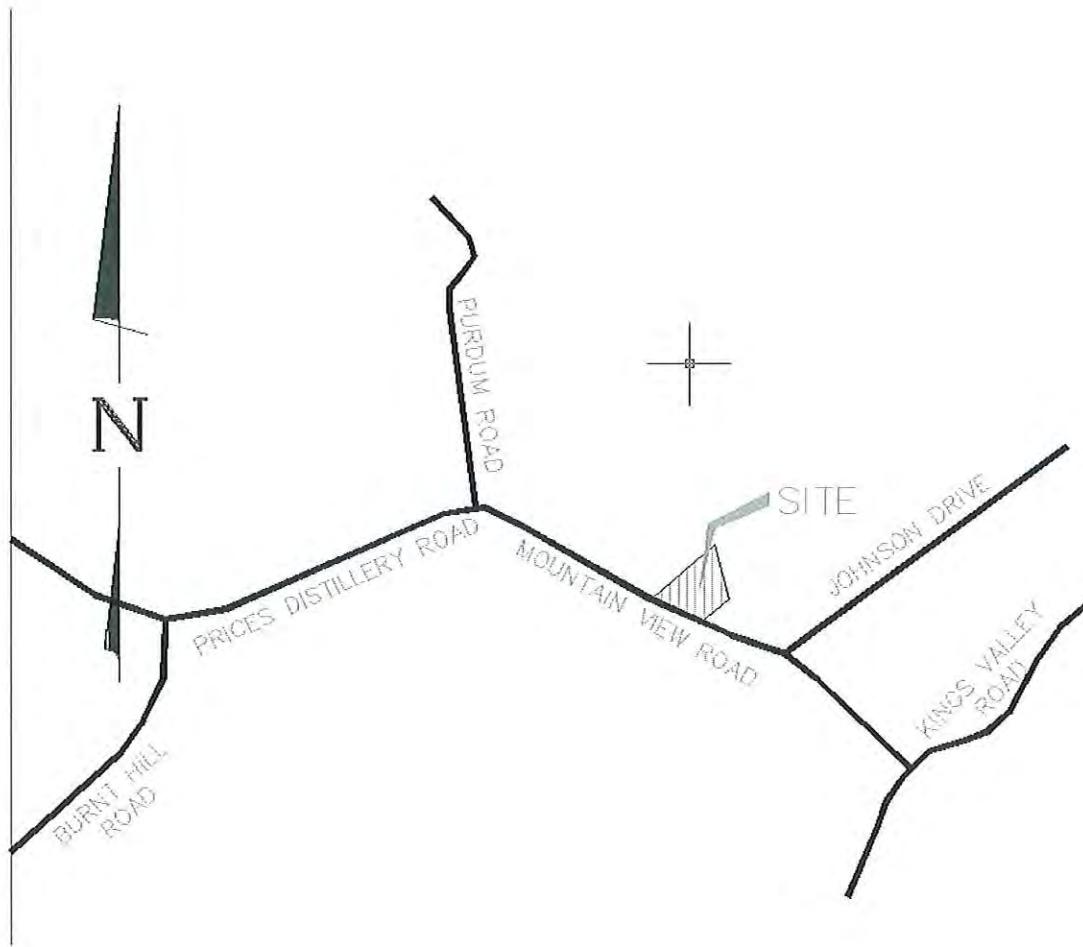
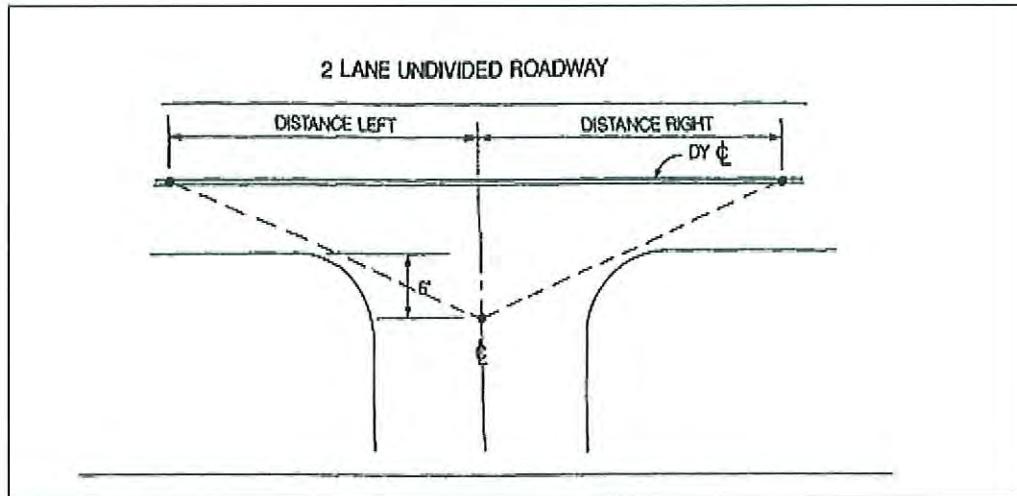
By: \_\_\_\_\_

Date: \_\_\_\_\_



MONTGOMERY COUNTY, MARYLAND ATTACHMENT E  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION ATTACHMENT



Macris, Hendricks and Glascock, P.A.  
Engineers • Planners • Surveyors • Landscape Architects



9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279  
Phone 301.670.0840  
Fax 301.948.0693  
[www.mhgpa.com](http://www.mhgpa.com)

February 1st, 2013

Permit Technician  
Montgomery County  
Department Permitting Services  
255 Rockville Pike 2nd Floor  
Rockville, Maryland 20850

Re: Pleasant Grove Community Church  
MHG Project No. 1997.305.32

Dear Permit Technician,

The proposed driveway for the referenced project fails to meet the sight distance requirements for the posted speed limit of 40 MPH under existing conditions. Shoulder grading and vegetation clearing will be needed in order to meet these requirements. It is, however, in our professional opinion that once shoulder improvements are completed, the sight distances requirements will be met satisfactorily. Please feel free to contact me if you have any questions or require any additional information. I hereby certify that this document was prepared or approved by me, and that I am a licensed Professional Engineer under the laws of the State of Maryland, License No. 14979, Expiration Date: 07-02-14

Sincerely Yours,  
  
SCOTT DOUGLAS ROSER  
PROFESSIONAL ENGINEER  
14979

Scott D. Roser, P.E.

## MEMORANDUM

July 10, 2014

**TO:** Cathy Conlon, Development Review,  
Maryland National Capital Park and Planning Commission

**FROM:** Gene von Gunten, Manager- Well & Septic Section  
Department of Permitting Services

**SUBJECT:** Status of Preliminary Plan: # 120130160  
Pleasant Grove Community Church

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on July 9, 2014.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. The proposed Church must utilize an approved septic treatment system with Best Available Technology as approved by the State of MD.
3. All storm-water management structures must be at least 100 feet from the primary water well.
4. Prior to any permitting, a legal covenant must be recorded with the Land Records of Montgomery County to delineate the maximum use of the septic system.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

CC:

Surveyor  
File



**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

**DATE:** 08-Nov-16  
**TO:** Lauren Wirth  
Macris, Hendricks & Glascock  
**FROM:** Marie LaBaw  
**RE:** Pleasant Grove Community Church  
120130160

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **08-Nov-16**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* Parking restrictions to be submitted at time of site plan \*\*\***

**\*\*\* Water supply easement to be submitted at time of site plan \*\*\***



**Macris, Hendricks & Glascock, P.A.**  
Engineers • Planners • Surveyors • Landscape Architects

**ATTACHMENT H**

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279

Phone 301.670.0840  
Fax 301.948.0693

October 28, 2015

Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Pleasant Grove Community Church  
Preliminary Forest Conservation Plan  
MNCPPC #120130160  
MHG Project No. 97.305.32

To Whom It May Concern:

On behalf of the Pleasant Grove Community Church, the applicant of the above-referenced Preliminary Forest Conservation Plan, we hereby request a variance for the removal of sixty trees and impact of thirty-four trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5 1611, and in accordance with Chapter 22A 21(b) of the Montgomery County Code. The project site is located within a proposed historic area; therefore all trees impacted or removed will be mitigated for regardless of size. There is a total of one hundred thirty six trees recorded onsite and off-site. Of those trees, seventy-six will be saved, along with many other trees that were not recorded as they are well away from the building envelope and project limits of disturbance. The proposed removal/impact of ninety four trees would satisfy the variance requirements.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The subject property has a total tract area of 4.12 acres, including 0.1 acres of off-site limit of disturbance area, on Mountain View Road in Damascus. Structures on the property consist of a residence and a barn. No forest or specimen trees exist on the site. However, three specimen trees exist on two parcels adjacent to the eastern boundary of the subject property. Although we avoided the impact to two trees, tree #4 will be impacted. In addition to this tree, we are requesting a variance for impacts and removals of ninety four trees from 1" to 22" because the property is a proposed historic site.

The construction of the church and associated parking and storm water facilities will require the disturbance of less than half of the property. The church itself is to be located toward Mountain View Road within a few feet of the 40' building restriction line. The construction of these facilities will disturb none of the three specimen trees. However, the proposed church construction requires that extensive septic fields be located on the property. These septic fields have been located according to soil conditions and topography, and are sized appropriately for this use. One of the reasons for siting the church building as shown is to leave open the areas most appropriate for the septic fields.

Due to the large septic area, the space available for development becomes limited and results in the tree removals and impacts along the eastern property line.

Most of the septic fields will impact no specimen trees. However, the initial field will intrude into the root zone of tree #4; approximately 23% of the root zone will be affected. It will also affect seven smaller trees within the area. In order to meet the requirements for the size and location of these septic fields, the church has no option but to place them as shown on the Plan and to disturb those trees. However, for the protection of tree #4, measures such as root pruning and tree protection fencing will be provided.

Another condition is that with the new entrance to the project site, an appropriate sight distance must be acquired, as well as grading to allow access to the parking lot. Trees along the right of way on the property are being impacted and removed to allow vehicles to enter and exit the site safely and reduce visual obstructions. The project site is situated along a rustic road, with the driveway sited with intent to cause as little disturbance and tree removal as possible while maintain the aesthetics and structure of the existing road.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;*

The inability to construct the necessary septic fields and driveway access with sight distance clearance would limit the development of the property. This would create a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

3. *Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;*

A Stormwater Management Concept has been submitted and approved for the proposed improvements. With this approval it is confirmed that the goals and objectives of the current state water quality standards are being met.

4. *Provide any other information appropriate to support the request.*

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

- (1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

All of the impacted or removed trees are located within the septic field and buildable area on the property or along the right of way for sight distance purposes. The inability to construct the septic fields and driveway access and proper sight distance would limit the development of the property. This would be a disadvantage for the applicant and would deprive them of the rights enjoyed by neighboring and/ or similar properties not subject to this approval process.

- (2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The requested variance is not based upon site conditions and development constraints which are the result of specific actions by the Applicant outside the norm of a development application allowed under the applicable zoning and associated

regulations. The variance is based on the proposed site layout that is constrained by site distance requirements and septic field requirements.

- (3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on the subject property and not a result of land or building on a neighboring property.

- (4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The trees being removed are not within a stream valley buffer, wetland, or special protection area. The Montgomery County Department of Permitting Services has approved the storm water management concept for the proposed project, confirming that the goals and objectives of the current state water quality standards are being met.

As required under the law, mitigation will be undertaken for sixty trees to be removed and stress reduction measures provided for all of the thirty-four impacted trees. A copy of the Preliminary Forest Conservation Plan has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at [fjohnson@mhgpa.com](mailto:fjohnson@mhgpa.com), or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,



Frank Johnson

Tree Variance Detail Table						
Tree ID #	Species	DBH	Impact/Count as Removed	% Impacted	Condition	Mitigation
*4	Chestnut Oak	32	Impact Only	23%	Good	stress reduction measures
7	Black Cherry	8	Impact Only	27%	Fair	stress reduction measures
8	Mulberry	22	Remove	100%	Good	22
11	Red Maple	16	Remove	100%	Good	16
12	Red Oak	14	Remove	100%	Good	14
13	Red Maple	10	Remove	100%	Good	10
14	Silver Maple	12	Remove	100%	Good	12
15	Virginia Pine	12	Remove	100%	Fair	12
16	Eastern Redcedar	6	Remove	100%	Good	6
17	Norway Spruce	8	Remove	100%	Good	8
19	Black Cherry	10	Impact Only	16%	Good	stress reduction measures
20	Mulberry	19	Remove	100%	Good	19
21	Ailanthus	19	Remove	100%	Good	19
22	Flowering Dogwood	2	Remove	100%	Good	2
23	Ailanthus	21	Remove	100%	Good	21
24	Pear	10	Remove	100%	Good	10
25	Hackberry	22	Remove	100%	Good	22
26	Mulberry	6	Remove	100%	Good	6
27	Cherry	6	Remove	100%	Good	6
28	Black Locust	14	Remove	100%	Good	14
29	Am. Elm	14	Impact Only	30%	Good	stress reduction measures
30	Ailanthus	14	Remove	100%	Good	14
31	Mulberry	14	Remove	100%	Good	14
32	Black Locust	10	Remove	100%	Good	10
33	Sweet Cherry	16	Remove	100%	Good	16
34	Silver Maple	14	Remove	100%	Good	14
35	Red Maple	10	Remove	100%	Good	10
36	Sweet Cherry	11	Remove	100%	Poor	11
37	Eastern Redcedar	17	Remove	100%	Good	17
38	Eastern Redcedar	7	Remove	100%	Good	7
39	Virginia Pine	11	Remove	100%	Good	11
40	Virginia Pine	4	Remove	100%	Good	4
41	Virginia Pine	9	Remove	100%	Good	9
42	Black Cherry	1	Remove	100%	Good	1
43	Black Cherry	1	Remove	100%	Good	1
44	Black Locust	6	Remove	100%	Good	6
45	Black Cherry	1	Remove	100%	Good	1
46	Black Cherry	1	Remove	100%	Good	1
47	Black Locust	12	Remove	100%	Good	12
48	Red Maple	1	Remove	100%	Good	1
49	Virginia Pine	3	Remove	100%	Good	3
50	Black Cherry	1	Remove	100%	Good	1
51	Red Maple	3	Remove	100%	Good	3
52	Black Cherry	1	Impact Only	13%	Good	stress reduction measures
54	Black Cherry	1	Remove	100%	Good	1
55	Virginia Pine	8	Remove	100%	Good	8
56	Virginia Pine	3	Remove	100%	Good	3
61	Red Maple	20	Impact Only	39%	Good	stress reduction measures
62	Eastern Redcedar	6	Impact Only	23%	Good	stress reduction measures
63	Virginia Pine	7	Remove	100%	Good	7
64	Virginia Pine	6	Remove	100%	Good	6
65	Red Oak	2	Remove	100%	Good	2
66	Red Oak	2	Remove	100%	Good	2
67	Virginia Pine	6	Remove	100%	Good	6
68	Red Maple	9	Impact Only	25%	Good	stress reduction measures

## ATTACHMENT H

69	Virginia Pine	7	Impact Only	13%	Good	stress reduction measures
70	Virginia Pine	6	Impact Only	44%	Good	stress reduction measures
71	Virginia Pine	10	Remove	100%	Good	10
72	Red Maple	2	Remove	100%	Good	2
73	Red Maple	2	Impact Only	23%	Good	stress reduction measures
77	Virginia Pine	5	Remove	100%	Good	5
78	Virginia Pine	7	Remove	100%	Good	7
79	Red Maple	21	Impact Only	35%	Good	stress reduction measures
80	Virginia Pine	6	Impact Only	25%	Good	stress reduction measures
83	Virginia Pine	8	Remove	100%	Good	8
85	Virginia Pine	6	Impact Only	7%	Good	stress reduction measures
87	Virginia Pine	6	Impact Only	32%	Good	stress reduction measures
89	Red Maple	8	Impact Only	10%	Good	stress reduction measures
90	Virginia Pine	9	Impact Only	29%	Good	stress reduction measures
91	Red Maple	8	Impact Only	18%	Good	stress reduction measures
92	Virginia Pine	6	Impact Only	10%	Good	stress reduction measures
93	Red Maple	10	Impact Only	17%	Good	stress reduction measures
94	Eastern Redcedar	11	Impact Only	27%	Good	stress reduction measures
97	Red Maple	5	Impact Only	16%	Good	stress reduction measures
100	Red Maple	10	Impact Only	31%	Good	stress reduction measures
104	Eastern Redcedar	14	Remove	100%	Good	14
105	Red Maple	12	Remove	100%	Good	12
109	Black Cherry	14	Impact Only	29%	Good	stress reduction measures
110	Virginia Pine	16	Remove	100%	Good	16
114	Red Maple	14	Impact Only	29%	Good	stress reduction measures
120	Red Maple	17	Impact Only	22%	Good	stress reduction measures
121	Red Maple	7	Impact Only	4%	Good	stress reduction measures
123	Eastern Redcedar	18	Impact Only	16%	Good	stress reduction measures
125	Pear	10	Remove	100%	Good	10
127	Red Oak	13	Remove	100%	Good	13
128	Red Oak	10	Remove	100%	Good	10
129	Flowering Dogwood	6	Remove	100%	Good	6
130	Boxelder	16-11	Impact Only	38%	Fair	stress reduction measures
131	Mulberry	13	Remove	100%	Good	13
132	Boxelder	8	Impact Only	35%	Good	stress reduction measures
133	Boxelder	14	Impact Only	37%	Good	stress reduction measures
134	Ailanthus	13	Impact Only	35%	Good	stress reduction measures
135	Black Walnut	17	Impact Only	38%	Good	stress reduction measures
136	Ailanthus	14	Impact Only	35%	Good	stress reduction measures
					Total:	547

547"/4= 136.75" to be replanted with 3" trees = 46 trees



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
*County Executive*

November 13, 2012

Diane R. Schwartz Jones  
*Director*

Mr. Kenneth Jones  
Macris, Hendricks, and Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request  
for Pleasant Grove Church  
Preliminary Plan #: Pending  
SM File #: 246371  
Tract Size/Zone: 4/R-200  
Total Concept Area: 2.1ac  
Lots/Block: N/A  
Parcel(s): P 088  
Watershed: Bennett Creek

Dear Mr. Jones:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via the use of micro biofiltration.

The following **item(s)/condition(s)** will need to be addressed **during/prior to** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

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

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

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Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,  


Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB: tla CN 246371

cc: C. Conlon  
SM File # 246371

ESD Acres:	2.1ac
STRUCTURAL Acres:	N/A
WAIVED Acres:	N/A



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
*County Executive*

Lisa Feldt  
*Director*

February 6, 2017

Casey Anderson, Chair  
 Montgomery County Planning Board  
 Maryland National Capital Park & Planning Commission  
 8787 Georgia Avenue  
 Silver Spring, Maryland 20910

RE: Pleasant Grove Community Center, ePlan 120130160, NRI/FSD application accepted on 9/15/2011

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

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

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

Casey Anderson  
February 6, 2017  
Page 2

3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting ‘conditions of approval’ pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller  
County Arborist

cc: Katherine Nelson, Planner Coordinator



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

July 12, 2016

Mr. Jeremiah Swenson  
Macris, Hendricks, & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886

Re: Stormwater Management  
**CONCEPT RECONFIRMATION**  
Pleasant Grove Church  
SWM Concept #: 246371

Dear Mr. Swenson:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated 11/13/12 is hereby reconfirmed. Please adhere to all conditions required as part of that approval and the additional condition added below.

1. The proposed overflow of the micro bioretention structures will be reevaluated during the detailed plan submission.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Etheridge".

Mark Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

Cc: SM File #: 246371

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