



JUN 23 2010

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-50
Site Plan No. 82005006A
Project Name: Fairland Park Community
Date of Hearing: April 22, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on December 10, 2009, Fairland Development, LLC/Fairland Development II, LLC ("Applicant"), filed an application for approval of a site plan amendment for 247 residential lots consisting of 216 one-family detached units and 31 one-family attached and semi-detached MPDUs ("Site Plan" or "Plan") on 130.46 acres of PD-2-zoned land, located on the southeast quadrant of the intersection of Cedar Tree Drive and Islewood Terrace ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 82005006A, Fairland Park Community (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 8, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on April 22, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 22, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.C. Planning Commission, Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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Commissioner Well-Harley; with a vote of 5-0, Commissioners Alfandre, Dreyfuss, Hanson, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 82005006A for 247 residential lots consisting of 216 one-family detached units and 31 one-family attached and semi-detached MPDUs, on 130.45 gross acres in the PD-2 zone, subject to the following conditions:

1. Development Plan Conformance

The development must comply with the binding elements of the Development Plan Amendment DPA 09-1 as approved by Council Resolution No. 16-1105 on September 15, 2009.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan Amendment No. 12005020A.

3. Forest Conservation

The Applicant must comply with the conditions of approval of the Amendments to the Preliminary and Final Forest Conservation Plans as conferred in the Staff approval letter as modified on April 22, 2010 by the Planning Board, unless otherwise amended by M-NCPPC Staff, provided the amendments do not conflict with other conditions of the Site Plan approval. The Applicant must meet all conditions and requirements prior to recording the plat or MCDPS issuance of sediment and erosion control permit(s) as applicable.

4. Public School Site Dedication

- a. The dedication of the school site parcel to Montgomery County Public Schools must be completed prior to recordation of plats for the residential lot(s) in Phase II (per Binding Element no. 6 of G-813 Part I).
- b. The Applicant must comply with the conditions of the Montgomery County Public Schools in the memorandum dated March 30, 2010, unless otherwise amended and approved by the Montgomery County Public Schools, provided the amendments do not conflict with other conditions of the Site Plan approval.

5. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 12.5 percent of the total number of units as MPDUs on-site, consistent with the requirements of Chapter 25A.
- b. The MPDU agreement to build shall be executed prior to the release of any building permits.
- c. All of the required MPDUs shall be provided on-site.

6. M-NCPPC Department of Parks

The Applicant must comply with the conditions of the M-NCPPC Department of Parks, Park Planning and Stewardship Division, in the memorandum dated April 15, 2010, unless otherwise amended by M-NCPPC Staff, provided the amendments do not conflict with other conditions of the Site Plan approval.

- a. The Applicant must convey approximately 22.93 acres that lie in the northern portion of the Subject Property, identified as "Parcel G" on the Site Plan, for use as parkland. The land must be dedicated to the M-NCPPC through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the Office of General Counsel. At time of conveyance, the Property must be free of any trash and unnatural debris. Boundaries must be staked and signed to designate dedicated parkland.
- b. Prior to approval of plat(s), the Applicant must provide funding in a form acceptable to M-NCPPC, in the amount of \$20,000.00, for construction of a stream crossing bridge within Parcel G in order to facilitate construction of a 4-foot wide, natural surface trail.
- c. The Applicant must convey approximately 2,770 square feet located off of Public Road C, identified as "Parcel B" on the Site Plan, for use as public access to natural surface trails located within Fairland Recreational Park. The land must be dedicated to the M-NCPPC through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the Office of General Counsel. "Parcel B" must be 15 feet wide and signed to identify it as public access to parkland. The Applicant must construct a 4' wide natural surface trail within Parcel B from Public Road C to the natural surface trail system. At time of conveyance, the Property must be free of any trash and unnatural debris.
- d. The Applicant must provide an adequate public sidewalk/trail along Public Road C from Parcel B for safe access to Public Road A and provide safe crossings of Public Road A for pedestrian access to the sidewalk/trail located along the south side of Public Road A.

7. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC Staff prior to issuance of the 200th building permit (the same number used for completion of amenities) that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

8. Recreation Facilities

- a. The Applicant shall meet the square footage requirements for all of the applicable recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The Applicant shall provide the following recreation facilities: an indoor community space within the community building, a swimming pool, a wading pool, an open play area, and bike and pedestrian systems.

9. Transportation

The Applicant must comply with the conditions of the M-NCPPC Transportation Division in the memorandum dated March 30, 2010, unless otherwise amended by M-NCPPC Staff, provided the amendments do not conflict with other conditions of the Site Plan approval.

10. Pedestrian Circulation

The Applicant must provide a 20-foot-wide Public Access Easement (PAE) on HOA Parcel B between Lots 23 and 24 of Block H and construct a 5-foot-wide paved pedestrian connection located in the middle of the PAE from Saddle Creek Drive to the point shown on the Certified Site Plan. The Applicant must provide for a 20-foot-wide clear opening in the proposed fence between Lots 23 and 24 of Block H.

11. Architecture

Provide architectural treatment of the MPDU townhouse and duplex groupings to have an outward appearance of one-family detached units consistent with the rest of the development, including but not limited to façade materials and architectural treatments. A graphic representation (elevation) of these units, as previously submitted, must be provided on the Certified Site Plan.

12. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles shall not exceed 16 feet including the mounting base.

13. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated July 22, 2009, unless otherwise amended and approved by the

Montgomery County Department of Permitting Services, provided the amendments do not conflict with other conditions of the Site Plan approval.

14. Golf Course Mitigation

- a. The Applicant must install netting and landscaping as shown on the Errant Shot Study by Schlegel stamped by MNCPPC on March 26, 2010, for the purpose of minimizing adverse impacts to humans, pets, property and homes surrounding the golf course from potential errant golf balls originating from the Gunpowder Golf Course.
- b. The Applicant must install netting and landscaping prior to the issuance of the 1st building permit for the affected lot areas adjacent to golf holes #3 and #6. The two areas include lots 26-31 Block A and lots 6-13 Block D.
- c. The Applicant must install and maintain warning signs at appropriate locations in the community to warn of the possibility of errant golf balls. The locations of the signs, as previously submitted, must be shown on the Certified Site Plan. The signs shall read "Notice Golf Play Nearby."
- d. The Applicant is responsible for maintaining the netting and poles until the homeowner's association (HOA) accepts the common ground where the netting and poles are located.
- e. Applicant must include language that notifies the homeowners of the inherent risks associated with living along and adjacent to a golf course: i) in each sales contract, which language must be initialed by the purchaser, and ii) in the HOA Covenants and Restrictions to be recorded in the land records. The final language for the contract disclosure, and the Declaration of Covenants, Conditions and Restrictions must be approved by the Commission's Office of General Counsel prior to Certified Site Plan.
- f. The netting, poles, and signage provided on the Certified Site Plan and associated with the residential neighborhood are only applicable as long as the Gunpowder Golf Course operates in its current configuration with respect to golf holes #3 and #6.

15. Landscape Surety

The Applicant shall provide a surety (performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, fencing, recreational facilities, poles and netting, and site furniture within the relevant block of development. Surety to be posted prior to issuance of the first building permit and shall be tied to the development program.
- b. Provide a cost estimate of the above materials and facilities, which will establish the initial bond amount.

- c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a Site Plan Surety & Maintenance Agreement for the above materials and facilities that outlines the responsibilities of the respective parties and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

16. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in the phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Local recreational facilities and site elements must be completed prior to the following release of building permits:
 - 1) Phase IA (Cedar Tree Drive to the southern section of Public Road C consisting of 112 dwelling units):
 - i. The fence and landscaping on Parcel H must be installed no later than 6 months after issuance of the last permit for the units abutting these parcels;
 - ii. The tot lot, path, benches and landscaping in Parcel L must be installed prior to the issuance of 78th building permit, which represents 70 percent of the 112 dwelling units within this section;
 - iii. The pathways in Parcels J and K must be completed within six months of the issuance of the permits for the units that abut the parcels;
 - 2) Phase IB (Public Road B adjacent to the Prince George's County boundary consisting of 84 dwelling units):
 - i. The tot lot, path, benches and landscaping in Parcel D, Block B must be installed prior to the issuance of the 60th building permit, which represents 70 percent of the 84 dwelling units in this section;
 - ii. The pathway in Parcel C must be completed within 6 months of the issuance of the permits for the units that abut this parcel;

- 3) Phase II (Cedar Tree Drive to Saddle Creek Drive consisting of 51 dwelling units):
 - i. The path connection between lots 23 and 24, Block H, from Public Road A to the point shown on the Certified Site Plan must be installed prior to occupancy of either unit;
 - ii. The fence and landscaping on Parcel M and Parcel L must be installed no later than 6 months after issuance of the last permit for the units abutting the perimeter of these parcels;
- e. Community-wide pedestrian pathways and recreation facilities, including an indoor community space, a swimming pool, a wading pool, an open play area, landscaping, lighting and parking for the community center, and bike and pedestrian systems, must be completed prior to issuance of the 200th building permit.
- f. Provide each section of the development with necessary roads.
- g. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

17. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Modify data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency off all details and layout between Site Plan and landscape plan.
- e. Include the "Golf Course Acknowledgement" language on the Certified Site Plan.
- f. Show and label phasing boundaries in the Certified Site Plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on Fairland Park Community drawings stamped by the M-NCPPC on March 3, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the

entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The development conforms to all non-illustrative elements of the Development Plan Amendment (DPA 09-1) for Fairland Park Community. DPA 09-1 created three amended development plans: (1) G-813 Part I and G-814 (privately owned), (2) G-813 Part II (publicly owned), and (3) G-813 Part III (publicly owned) in order to remove the public golf course component, which could not be achieved, and separate the publicly and privately owned land, as called for by the approved Development Plans. Each of the three amended development plans has a set of binding elements. This Application conforms to all binding elements in terms of maximum number of units, mix of MPDUs and market rate units, forest conservation requirements, trail system, green area, school site dedication, and setbacks.

2. *The Site Plan meets all of the requirements of the PD-2 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the PD-2 Zone. This zone does not have specific development standards in order to provide for more flexibility in development. Standards for setbacks and building height are established with the Site Plan approval and binding on the Applicant.

A waiver was granted by the County Council from the minimum 20% one-family attached requirement in Section 59-C-7.13(1) of the Zoning Ordinance in the approval of DPA No. 09-1 by Resolution No. 16-1105, in light of the Master Plan's emphasis on increasing the number of detached homes in the Fairland area. The Application proposes 13% one-family attached units and 87% one-family detached units.

The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

Development Standards	Approved by the Planning Board & Binding on the Applicant
Gross Tract Area (GTA)	130.45 acres
Housing Mix (59-C-7.13) - One-family detached - One-family semi-detached/attached (MPDUs)	87% 13% min. ^(a)
Max. Number of Dwelling Units - One-family detached - One-family attached (MPDUs) - Semi-detached (MPDUs)	247 216 25 6
MPDUs (%)	12.5%
Max. Residential Density (du/acres) 59-C-7.14(a)	1.89
Min. Building Setbacks (feet)	
Min. Setback from public street - One-family detached - One-family attached (MPDUs) - Semi-detached units (MPDUs) - Community building	15 10 10 10
Rear yard - One-family detached (front garage) - One-family detached (rear garage) - One-family attached and semi-detached units (MPDUs)	20 0 0
Side yard - One-family detached (front garage) - One-family detached (rear garage) - One-family attached and semi-detached units (MPDUs)	5 5 0
Min. Accessory Building Setback (ft)	
Rear and side lot lines - Detached garages - All other structures	0 5
Max. Building Height (feet) ^(b)	

- One-family detached (front garage)	40
- One-family detached (rear garage)	35
- One-family attached (w/ garage)	40
- One-family attached (no garage)	30
- Semi-detached units	40
Min. Green Area (% of GTA) (59-C-7.16)	76.81 (100.2 acres)
Land Devoted to Public Use (acres)	47.03 (total)
- MCDOT Public Roads	13.09
- MNCPPC Public Parkland	22.99
- MCPS Elementary School Site	10.95
Min. Onsite Parking Spaces (59-E)	
Community Center	26
Residential	
- One-family detached (front garage)	732
- One-family detached (rear garage)	66
- One-family attached (w/ garage)	50
- One-family attached (no garage)	12
Bicycle spaces (@ 1 sp/ 20 parking spaces)	4

^(a) A waiver was granted by the County Council from the minimum 20% requirement in Section 59-C-7.13¹ of the Zoning Ordinance in the approval of DPA No. 09-1 by Resolution No. 16-1105, in light of the Master Plan's emphasis on increasing the number of detached homes in the Fairland area.

^(b) Building height as measured to the mean height of roof (not peak).

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The Site Plan has 247 dwelling units, of which 216 are one-family detached, and 31 one-family attached and semi-detached units (MPDUs), and a community center. The location of the units follows the new street layout, and avoids important environmental features. The units are concentrated along the southern and western property boundaries, which allows for the creation of a large centrally located open space and amenity area connected to the community center and pool area. The community center is prominently located on axis with the main entrance to the

development, which adds visibility to this facility and could contribute to a stronger civic sense. The 31 MPDUs are divided into 3 clusters with a mix of duplexes and triplexes, which integrates them well into the overall development.

Along the southern property boundary, the units will abut existing Gunpowder Golf Course, owned by M-NCPPC. Although often considered as a desirable relationship, the proximity of the units to the golf course was evaluated in an Errant Shot Study to ensure safety of the future residents. The approved mitigation measures consist of approximately 20-60-foot tall netting in the areas of highest errant balls frequency and vegetative buffer in areas of less impact.

The Applicant is dedicating 10.95 acres of land to Montgomery County Public Schools (MCPS) for the construction of a future Elementary School, as recommended in the Fairland Master Plan. MCPS Staff supports the location of the School site, which is easily accessible by both the vehicular and pedestrian circulation systems, and abuts parkland recently acquired by M-NCPPC for Fairland Recreational Park.

The location of the buildings and structures is safe, adequate, and efficient with the approved mitigation measures.

b. Open Spaces

The Site Plan provides a significant amount of open space and amenity area centrally located just north of the stream valley and environmentally protected areas. This area will be a mostly flat open play area that provides a link between the community center and the school site. Other secondary open spaces are located within the residential clusters and easily accessible to the attached units. All open spaces are well connected through the trail and sidewalk system. The open spaces are safe, adequate and efficient.

c. Landscaping and Lighting

The landscape plan achieves several objectives by providing a buffer from the adjacent townhouse community to the west of the approved development, and by supplementing the mitigation measures for errant shots from the existing Gunpowder Golf Course along the southern property boundary. Additionally, the landscaping provides canopy coverage and shade for parking areas, roads, and open spaces. Smaller plant material, such as herbaceous plants, evergreen and deciduous

shrubs, and ornamental trees, emphasizes the entrance to the development, the community center area and playground areas. The landscaping with an emphasis on native species is adequate, safe and efficient.

The lighting plan consists of pole mounted light fixtures with a pole height of approximately 16 feet located on all public roads, the community center parking lot, and the parking area for the duplexes at the western corner of the property boundary. The lighting provides safe, adequate and efficient illumination for the visitors and residents of this community.

d. Recreation Facilities

The recreation facilities provided include community space within the community center, a swimming pool, a wading pool, an open play area, three tot lots, and bike and pedestrian systems. This development meets all the recreation requirements onsite through these facilities, which satisfy the 1992 MNCPPC Recreation Guidelines. The facilities provided adequately and efficiently meet the recreation requirements of this development, while providing safe and accessible opportunities for recreation.

e. Vehicular and Pedestrian Circulation

The Site Plan provides three vehicular access points to the site, two of which are extensions of existing public roads, Cedar Tree Drive and Saddle Creek Drive, along the western property boundary, and a third access will eventually connect to Old Gunpowder Road to the east through the Prince George's County side of the development. The circulation system consists of a main spine road, Public Road A, which runs through the entire site, and well-connected side streets that provide access to the residential clusters and private alleys. Public roads are shown with a 26-foot-wide paved road width to reduce imperviousness while providing the same level of service. Planning Staff has encouraged the Applicant and County agencies to accommodate on-street parking; however, the latest regulations from the Department of Fire & Rescue may prevent on-street parking in order to allow for access, sight distance and safety. Further, the height of the residential buildings must maintain a specific sill height in order to provide for safe fire access from the reduced street. The Applicant has committed to the lower sill height recommended by Fire and Rescue in order to accommodate on-street parking. Staff recommends continued coordination with the necessary Agencies to accommodate on-street parking.

The pedestrian circulation system consists primarily of sidewalks that closely follow the road layout, and an 8-foot bike path that provides access to some open space areas. Pedestrian access from adjacent sidewalks and a hiker/biker access to the Fairland Recreational Park adequately and efficiently integrate this site into the surrounding area. Additionally, the Site Plan will also provide for a future pedestrian connection from Public Road A to the Saddle Creek community. This connection, shown as an opening in the future fence and a 20-foot "gap" in between the proposed lots, was envisioned to encourage pedestrian access from the existing adjacent communities to the future Elementary School. The pedestrian and vehicular circulation systems are safe, adequate, and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The structures and uses approved are compatible with other uses and site plans, and with existing and proposed adjacent development. In order to increase compatibility between the new residential uses, consisting primarily of one-family detached units, and the adjacent residential communities to the west, consisting primarily of one-family attached units, the Site Plan provides a 6-foot board and baton fence with landscaping along the western property line for screening. This is compatible with the recently approved development along the Prince George's County boundary in terms of lot size, building orientation, and setbacks. Along the southern property line, because of the proximity of the new units to the existing Gunpowder Golf Course several studies were performed to ensure safety of the future residents, thereby increasing compatibility between the two uses. The approved mitigation measures consist of approximately 20-60-foot tall netting in the areas of highest errant balls frequency and vegetative buffer in areas of less impact. The errant golf shot trajectory study provides recommendations for netting heights based on 85-90% containment of shots. Additionally, the Applicant is placing signs within the neighborhood to alert future residents of the nearby golf course, adding to the safety component and compatibility within the development.

Within the development, compatibility between the one-family attached and one-family detached units is achieved through architectural treatment and by grouping the attached units into groups of 2, 3 and 5 units. The massing of these groupings is similar to the detached units, allowing for better integration of the different unit types.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved by Environmental Planning Staff on February 28, 2008. The site contains environmental buffers and associated environmentally sensitive features within the buffers, such as streams, wetlands and floodplains, most of which are being protected. The small pockets of wetlands to be disturbed are being mitigated in the larger stream system and stream valley to enhance the forested stream valley areas to be preserved. The filling of the smaller wetland areas is acceptable since the habitat value will be greatly diminished in these areas.

The Application retains approximately 37.64 acres of forest and clearing of approximately 44.03 acres of forest with no requirement for planting due to forest conservation requirements. Although there is no forest planting requirement, native trees and/or shrubs will be planted in two places: a portion of an unforested environmental buffer that will be adjacent to the community center and pool, and an area at the toe of the created slope of the reclamation area approved by the Maryland Department of the Environment (MDE) that is adjacent to existing wetlands.

The storm water management concept, approved on July 22, 2009, consists of on-site channel protection measures via dispersion, and via construction of six wetland ponds and modification of the existing wet pond; onsite water quality control via treatment within the wetland ponds as well as construction of one sand filter.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is ~~_____~~ JUN 23 2010 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Presley, with Commissioners Wells-Harley, Alfandre, Dreyfuss, and Presley voting in favor of the motion, with a four-member Board, at its regular meeting held on Thursday, June 17, 2010, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board