



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-51

Forest Conservation Plan No. G-885

Bowie Mill Property Date of Hearing: April 22, 2010

JUN 23 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on November 19, 2009, Bowie Mill Road, LLC ("Applicant"), filed an application for approval of a Forest Conservation Plan on 32.74 acres of land located on Bowie Mill Road ("Property" or "Subject Property"), in the Olney master plan area ("Master Plan"); and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. G-885, Bowie Mill Property ("Forest Conservation Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated March 23, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, the Planning Board held a public hearing on the Application (the "Hearing") on April 22, 2010; 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 Forest Conservation Plan subject to certain conditions, on motion of Commissioner Norman Dreyfuss; seconded by Commissioner Marye Wells-Harley; with a vote of 5-0, Commissioners Joseph Alfandre, Norman Dreyfuss, Royce Hanson, Amy Presley, and Marye Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Forest Conservation Plan No. G-885 on 32.74 acres of land located on Bowie Mill Road ("Property" or "Subject Property"), in the Olney master plan area ("Master Plan") subject

Approved as to
Legal Sufficiency:

Christina Somers 6/8/10

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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to the following conditions:

1. Compliance with the conditions of approval of the Preliminary Forest Conservation Plan. The Applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permit(s). Conditions include, but are not limited to, the following:
 - a. Category I conservation easements must be placed over all areas of forest retention, forest planting, and environmental buffers that lie outside a public road right-of-way.
 - b. Preliminary Forest Conservation Plan to be revised at the preliminary plan stage as follows:
 - i. Tree and shrub plantings to be added within the currently unforested portions of the environmental buffer along the western property boundary.
 - ii. If limits of disturbance lie outside the property boundaries, these offsite areas must be included in the net tract area.
 - iii. Any forest clearing associated with the installation of sewer lines in the environmental buffer must be included in the Forest Conservation Plan worksheet. The final sewer alignments to be determined at the preliminary plan stage.
 - c. Final Forest Conservation Plan must include the following elements :
 - i. Specific amount of any forest planting that exceeds the planting requirement as determined in the Forest Conservation Plan Worksheet may be used for forest banking.
 - ii. Any approved forest banking area must be planted at the same time as the required planting areas.
 - iii. Final locations of required planting areas and forest bank planting areas.
 - iv. Permanent forest conservation signs must be placed along the boundaries of the conservation easement area.
 - v. Tree save plan that identifies trees that are to be retained and provides appropriate tree protection measures along the edges of the forest retention area and for existing individual trees within proposed lots.
2. Final trail location within the environmental buffer to be determined at site plan.
3. Trails within the conservation easement area must be designed and constructed with mulch or other appropriate natural surface materials.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the 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:

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

There are approximately 6.79 acres of forest on the Property. The majority of the forest lies within the environmental buffer on the site. The Applicant will retain 6.06 acres of forest and plant about 3.15 acres of forest within the environmental buffer, which exceeds the required planting amount of 1.04 acres.

The Applicant submitted a request for a variance from the County Forest Conservation Law as four trees that are 30 inches or greater in diameter at breast height are proposed for removal. The variance was granted as part of the preliminary forest conservation plan approval. The Applicant will use the excess forest planting as a forest mitigation bank. The Planning Board finds that the Application satisfies the requirements of the Forest Conservation Law.

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