



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 09-85  
Preliminary Plan No. 11997101A  
Connelly School of the Holy Child  
Date of Hearing: July 20, 2009

AUG 4 2009

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on January 26, 2009, the Connelly School of the Holy Child, ("Applicant"), filed a limited amendment application to amend the previous conditions of approval of Preliminary Plan, 119971010, which included the associated forest conservation plan on a 9.88 acre lot, Lot 17, Block A, Bradley Farms, located at 9250 Bradley Boulevard which is approximately 1,250 feet northwest of Persimmon Tree Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Applicant's limited preliminary plan amendment application was designated Preliminary Plan No. 11997101A, Connelly School of the Holy Child ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 8, 2009, 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 Staff and the staff of other governmental agencies, on July 20, 2009, 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

APPROVED AS TO LEGAL SUFFICIENCY

*[Signature]* 7/24/09  
M-NCPPC LEGAL DEPARTMENT

WHEREAS, the Planning Board considered conditions from Staff that revised those included in the Staff Report, and

WHEREAS, on July 20, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Cryor; seconded by Commissioner Alfandre; with a vote of 3-0, Commissioners, Alfandre, Cryor, and Hanson, voting in favor, Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Amendment to Preliminary Plan and Forest Conservation Plan No. 11997101A to revise the conditions of the previously approved preliminary plan on the Subject Property subject to the following conditions:

1. Within nine (9) months of the mailing of the Planning Board Resolution approving the Application, the Applicant must record a new record plat. The record plat must reference the standard Category I (liber 13178 folio 412) and Category II (liber 13178 folio 421) conservation easements as recorded in the Land records for Montgomery County, Maryland
2. Prior to Planning Board approval of the record plat, Applicant must receive Staff approval of the certificate of compliance for an offsite forest conservation mitigation bank.
3. A Maintenance and Management Agreement for the on-site planting must be submitted and accepted in a form acceptable to the Office of General Counsel prior to the pre-planting meeting.
4. Financial security to assure completion of the site preparation, on-site planting, and control of non-native and invasive vegetation in accordance with Section 22A-12(i) of the Code must be submitted and accepted prior to the pre-planting meeting.
5. All on-site plantings must be completed and accepted by the Commission forest conservation inspector by July 31, 2010, subject to reasonable extension for adverse weather conditions.
6. The northeast and southeast sides of Conservation Easement #2 must be fenced with split rail/wire mesh combination as per the Revised FCP, or other Commission approved fencing style. Fencing must be installed by the Applicant, and accepted by a forest conservation inspector prior to the commencement of the maintenance and management period under the Maintenance and Management Agreement.
7. Applicant may obtain all necessary permits and approvals and begin construction of the proposed athletic field prior to the recordation of the record plat.

8. All other conditions of Preliminary Plan and Forest Conservation Plan No. 19971010 as contained in the Planning Board's Resolution dated August 6, 1997 that were not modified by and are consistent with the Application as submitted (including, without limitation, the Revised FCP) shall remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

All previous findings by the Planning Board remain in full force and effect including conformance to the master plan

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

All previous findings by the Planning Board remain in full force and effect including adequacy of public facilities.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

All previous findings by the Planning Board remain in full force and effect including those related to lot configuration.

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

With the conditions of approval referenced above as approved by the Planning Board for limited amendment 11997101A, this plan fully complies with the applicable requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the*

*Montgomery County Department of Permitting Services ("MCDPS")  
that the Stormwater Management Concept Plan meets MCDPS'  
standards.*

This limited amendment makes no changes to the existing stormwater management facilities within the Winterset Subdivision. The Application meets all applicable stormwater management requirements.

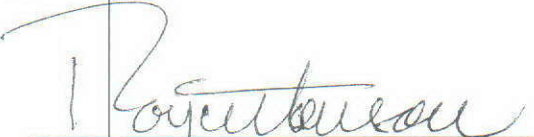
BE IT FURTHER RESOLVED, that this Resolution constitutes the ~~written~~ <sup>AUG 4, 2009</sup> opinion of the Board, and the date of this Resolution is \_\_\_\_\_ (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Cryor, with Commissioners Hanson, Alfandre, and Cryor voting in favor of the motion, and with Commissioner Wells-Harley abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 30, 2009, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board