



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

SEP 15 2009

MCPB No. 09-97
Preliminary Plan No. 11995016A
Camberwell Property, Lot 12
Date of Hearing: July 30, 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 December 16, 2008, Curtis Polk, ("Applicant"), filed a limited amendment application to amend the previous conditions of approval of Preliminary Plan No. 119950160 on a 2.06 acre lot, Lot 12, Block B, Camberwell Subdivision, located on the Iron Gate Road south of the intersection of Democracy Boulevard and Iron Gate Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No.11995016A, Camberwell, Lot 12, Block B ("Preliminary Plan" or "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 20, 2009, setting forth its analysis and recommendation to approve the Application ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 30, 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:

Christina Sorrent 8/10/09
M-NCPPC Legal Department

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

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WHEREAS, on July 30, 2009, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson and Wells-Harley, voting in favor, Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of the Montgomery County Code Chapter 50, the Planning Board approved a limited amendment to the previous conditions of approval for Preliminary Plan No. 11995016A, to revise the conditions of the approved preliminary forest conservation plan on the Subject Property, subject to the following conditions:

1. Applicant must record a new record plat within nine (9) months of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan. The record plat must reference the standard Category I (liber 13178 folio 412) conservation easement as recorded in the Land Records for Montgomery County, Maryland. Applicant may obtain permits and finish construction of the proposed pool house prior to the recordation of the record plat.
2. Applicant must receive Staff approval of the certificate of compliance for an offsite forest conservation mitigation bank prior to Planning Board approval of the record plat.
3. All on-site planting must be completed and approved by the M-NCPPC forest conservation inspector by December 15, 2009.
4. Financial security to cover the cost of the on-site plantings, site preparation, and control of non-native and invasive vegetation must be submitted and accepted for review prior to the pre-planting meeting.
5. A Maintenance and Management agreement for the on-site planting must be submitted and accepted for review prior to the pre-planting meeting.
6. All other conditions of Preliminary Plan and Forest Conservation Plan No. 119950160 that were not modified herein, as contained in the Planning Board's Resolution dated February 23, 1995, 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 amended by the conditions referenced above, 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 with 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 No. 11995016A, this Preliminary Plan satisfies the applicable requirements of Chapter 22A, the Montgomery County Forest Conservation Law. With the proposed changes, the Preliminary Plan fulfills the requirements of the Forest Conservation Law. In addition, as a response to the violation, the Applicant is providing additional mitigation that is above the minimum requirements of the Forest Conservation Law. The violation is being mitigated at a 4:1 ratio (1:1 onsite planting and 3:1 offsite retention). Therefore, the Planning Board finds that the Preliminary Plan meets the applicable requirements of the 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 approval makes no changes to the stormwater management concept originally approved for the Camberwell Subdivision. The Application meets all applicable stormwater management requirements.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 15 2009 (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 Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Alfandre, Presley, and Wells-Harley voting in favor of the motion, and with Commissioner Cryor absent, at its regular meeting held on Thursday, September 10, 2009, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board