



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

OCT -1 2009

MCPB No. 09-111
Preliminary Forest Conservation Plan for Special Exception Modification
No. S-274-D
Suburban Hospital
Date of Hearing: September 25, 2008

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 March 27, 2008, Suburban Hospital ("Applicant"), filed an application for approval of a Preliminary Forest Conservation Plan on 15.17 acres of land known as 8600 Old Georgetown Road, located on the east side of Old Georgetown Road across from the National Institute of Health (NIH) property. The site's other three perimeters are along the north side of Southwick Street, the south side of McKinley Street and the west side of Grant Street (the "Property" or "Subject Property"), in the Bethesda-Chevy Chase Master Plan Area ("the Plan Area"); and

WHEREAS, this preliminary Forest Conservation Plan was submitted to be reviewed in concert with Special Exception #S-274-D for expansion of Suburban Hospital. The site has previously undergone initial special exception consideration and subsequent modification reviews, most recently in 2007. However, no previous reviews required a Preliminary Forest Conservation Plan, based on the proposed scope of work. Applicant's forest conservation plan application was designated Preliminary Forest Conservation Plan No. S-274-D - Suburban Hospital ("Forest Conservation Plan" or "Application"); and

WHEREAS, the scope of work in the subject modification is for the expansion and modernization of the hospital facilities to align with contemporary standards for

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

surgical and clinical facilities and patient care rooms. Due to additional property acquisition by the hospital this application represents an increase in the total acreage and property boundary to 15.17 acres. This proposal includes a proposed demolition of existing single-family detached homes and the removal of as many as 38 significant and specimen trees associated with the existing residential lots which are now in the hospital's central ownership.

WHEREAS, Staff issued a memorandum to the Planning Board, dated September 4, 2008, 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, on September 25, 2008, 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 September 25, 2008, the Planning Board approved the Forest Conservation Plan subject to certain conditions, on motion of Commissioner John Robinson; seconded by Commissioner Jean Cryor; with a vote of 4-1. Commissioners Joseph Alfandre, Jean Cryor, Royce Hanson, and John Robinson voting in favor and Commissioner Amy Presley voting against the motion.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Preliminary Forest Conservation Plan #S-274-D associated with the modification to Special Exception S-274-D for the Suburban Hospital site, subject to the following conditions:

1. The proposed development shall comply with conditions of the preliminary Forest Conservation Plan. The applicant shall satisfy all conditions prior to recording of plat(s), Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, or as specified below:
 - a. Approval of Final Forest Conservation Plan (FFCP) consistent with the approved PFCP and all final FCP regulatory requirements, prior to any clearing, grading or demolition on the site.
 - b. At the time of site plan submission, FFCP must show tree-compatible site design, stress reduction measures, and adjusted LOD/grading, prepared, signed and stamped by an ISA-certified arborist to avoid and minimize

impacts, and determine feasibility to save tree #204, #210, #212, #213, #214, #220, #230, #233, #234, and #237.

- c. Further detailed tree save analysis must be conducted which addresses the specified objectives noted, as follows:
 - i. Tree #212 and #213: definite tree save;
 - ii. Tree #214, #230, #233, #234, and #237: all reasonable tree save efforts to be explored; and
 - iii. Trees #204, #210 and #220: save efforts depends on County waiver to typical roadway cross section.
 - d. The applicant's arborist shall include analysis and recommendations for several existing candidate willow oak trees to be transplanted in vicinity of Grant Street. Transplanting large trees as compensation for specimen tree loss is recommended in Forest Conservation Regulation Section 108F(3):
 - i. Any candidate willow oak tree to be transplanted shall be shown on the FFCP with the recommended transplanting techniques and details by the applicant's arborist.
 - ii. The analysis must justify why any candidate willow oak tree cannot be transplanted, if recommended as appropriate by the arborist.
2. Prior to release of sediment control permit, the tree save recommendations on the FFCP, as prepare, signed and stamped by an ASI-certified arborist, must include detailed tree preservation measures for each tree found feasible for save and transplanting.
- a. The FFCP shall include separate pre and post-demolition and pre and post-construction plans prepared by the applicant's arborist in relation to the trees to be saved and transplanted along Grant Street.
 - b. Final sediment control plan must be consistent with final LOD on the approved FFCP, and must reflect a LOD no closer to trees to be protected than as shown on the approved FFCP.

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 Application satisfies all the applicable requirements of the Forest Conservation Regulations, Montgomery County Planning Board Section 109.A., and the Forest Conservation Law, Montgomery County Code, Chapter 22A.

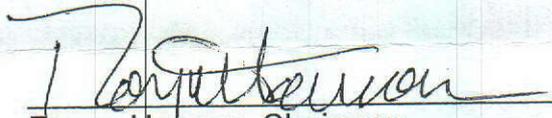
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is OCT - 1 2009 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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