



MCPB No. 10-40
Preliminary Plan No. 11993043A
Piney Spring Farm
Date of Hearing: April 1, 2010

APR 26 2010

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 March 9, 2010, Eleanor Cain ("Applicant"), filed an application to amend a preliminary plan of subdivision of property to revise the alignment of a certain reciprocal ingress/egress and utility easement on two existing lots, Lot 15 and Lot 16, Block A, Piney Spring Subdivision, consisting of 4.45 acres of land in the RE-2 zone, located in the southeast corner of the intersection of Piney Meetinghouse Road and Glen Road ("Property" or "Subject Property") in the Potomac Subregion Master area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated as a Consent Item entitled Preliminary Plan No. 11993043A, Piney Spring ("Preliminary Plan" or "Application"); and

WHEREAS Staff issued a memorandum to the Planning Board, dated March 19, 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 Staff, on April 1, 2010, the Planning Board considered the Consent Item at a public hearing (the "Hearing"); and

Approved as to
Legal Sufficiency: 
M-NCPPC Legal Department

WHEREAS, on April 1, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Wells-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 50, the Planning Board approved Preliminary Plan Amendment No. 11993043A to revise the alignment of a certain ingress/egress and utility easement across Lots 15 and 16, Block A, of the Piney Spring Subdivision on 4.45 acres of land in the RE-2 zone, located in the southeast corner of the intersection of Piney Meetinghouse Road and Glen Road ("Property" or "Subject Property"), in the Potomac Subregion Master Plan area subject to the following conditions:

- 1) The revised ingress, egress and utility easement across Lot 15 must be shown on a new record plat for the lot with proper reference to the abandonment of the existing easement.
- 2) The portion of the revised ingress, egress and utility easement on Lot 16 must be recorded by deed and the liber and folio for said deed must be referenced on the record plat required by Condition #1. No new plat for Lot 16 is required.
- 3) Applicant must submit a complete record plat application within 90 days of the date of mailing of the Resolution for this application.
- 4) The record plat must show all other necessary easements.

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 for conformance to the Potomac Subregion Master Plan remain valid.

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

All previous findings for adequacy of public facilities remain valid.

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

All previous findings for conformance with requirements of the Montgomery County Subdivision Regulations remain valid.

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

All previous conditions of approval pertaining of the approved forest conservation plan remain in full force and effect.

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.*

All previous conditions of the stormwater management concept approval remain in full force and effect.

BE IT FURTHER RESOLVED, a final record plat application for all property delineated on the approved Preliminary Plan amendment must be submitted within 90 days of the Initiation Date of this Resolution or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 26 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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and

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Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, April 15, 2010, in Silver Spring, Maryland.


Royce Hanson, Chairman
Montgomery County Planning Board