



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

MCPB No. 10-63  
 Preliminary Plan No. 11997056A  
 Kentsdale Estates  
 Date of Hearing: May 13, 2010

JUL 27 2010

**RESOLUTION**

WHEREAS, under 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 30, 2009, Roma Malkani, ("Applicant"), filed an application to amend a preliminary plan of subdivision of property to revise the forest conservation easements on Lot 41, Block D of the Kentsdale Estates subdivision, which consists of 4.19 acres of land in the RE-2 zone, located on the east side of Willowbrook Dives opposite the intersection with Paytley Bridge Lane ("Property" or "Subject Property") in the Potomac Subregion Master area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated as Preliminary Plan Amendment No. 11997056A, Kentsdale Estates ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board dated May 3, 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, the Planning Board considered the Item at a public hearing on May 13, 2010 (the "Hearing"); and

WHEREAS, on May 13, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Alfandre; 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

Approved as to  
 Legal Sufficiency: 

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

**www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org**

Preliminary Plan Amendment No. 11997056A to revise the forest conservation easements on Lots 41, Block D, of the Kentsdale Estates subdivision on 4.19 acres of land in the RE-2 zone, located on the east side of Willowbrook Drive opposite the intersection with Paytley Bridge Lane ("Property" or "Subject Property"), in the Potomac Subregion Master Plan area subject to the following conditions:

1. Compliance with the conditions of approval of the Amendment to the Final Forest Conservation Plan for Lot #41 Kentsdale Estates. The applicant must meet all conditions and requirements prior to MCDPS issuance of sediment and erosion control permit(s). Specific conditions include the following:
  - a. Approval of a Final Forest Conservation Plan Amendment for Lot #41 Kentsdale Estates consistent with FCP regulatory requirements found in *Forest Conservation Regulations - COMCOR 22A.00.01.09 B*, including specific requirements as listed in the May 3, 2010 letter from Environmental Planning staff to the Applicant.
  - b. The final sediment and erosion control plan must match the limit of disturbance as shown on the Final Forest Conservation Plan Amendment for Lot #41 and be consistent with its recommendations for tree protection.
  - c. Record plat to reflect a minimum of 0.44 acres of Category I conservation easement which includes all existing forest to be retained, in the eastern corner of Lot #41.
  - d. Record plat must be recorded prior to any land disturbance activities occurring on the lot.
2. All previous conditions of the Planning Board's approval for 119970560 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 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.*

The Planning Board finds that, with the revised conditions proposed, the Plan continues to conform to the requirements of Chapter 22A.

- 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, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~\_\_\_\_\_~~ **JUL 27 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).

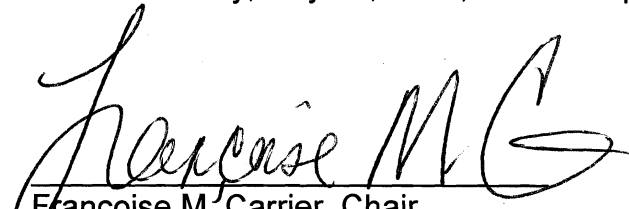
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**CERTIFICATION**

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

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Preliminary Plan No. 1199756A  
Kentsdale Estates  
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Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with Commissioners Alfandre, Dreyfuss, and Wells-Harley voting in favor of the motion, and with Chair Carrier abstaining and Commissioner Presley absent, at its regular meeting held on Thursday, July 15, 2010, in Silver Spring, Maryland.



Françoise M. Carrier, Chair  
Montgomery County Planning Board