



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-67

Forest Conservation Plan No. MR2009734

Montgomery College BioScience Education Center

Date of Hearing: May 20, 2010

JUN 15 2010

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 August 6, 2009, Montgomery College ("Applicant"), filed an application for approval of a Forest Conservation Plan on 224.13 acres of land located at 20200 Observation Drive, Germantown, Maryland; bounded by Germantown Road (MD 118) on the north, Frederick Road (MD 355) on the east, Middlebrook Road on the south and I-270/I-270 off-ramp to eastbound MD 118 on the west ("Property" or "Subject Property"), in the Germantown master plan area ("Master Plan"); and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. MR2009734, Montgomery College BioScience Education Center ("Forest Conservation Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 7, 2010, setting forth its analysis, and recommendation for approval with conditions of the Application ("Staff Report"), and on May 20, 2010, 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 May 20, 2010, the Planning Board approved the Preliminary Forest Conservation Plan, on motion of Commissioner Joseph Alfandre; seconded by Commissioner Amy Presley; with a vote of 4-0, Commissioners Royce Hanson, Joseph Alfandre, Amy Presley, and Marye Wells-Harley voting in favor. Commissioner Norman Dreyfuss being absent.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.C. Planning Board, Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVES Preliminary Forest Conservation Plan No. MR2009720 on 224.13 acres of land located at 20200 Observation Drive, Germantown, Maryland; bounded by Germantown Road (MD 118) on the north, Frederick Road (MD 355) on the east, Middlebrook Road on the south and I-270/I-270 off-ramp to eastbound MD 118 on the west ("Property" or "Subject Property"), in the Germantown master plan area ("Master Plan"), subject to the following conditions:

1. *Applicant to demonstrate the preservation of 46 acres of high priority forest along I-270 at time of Final Forest Conservation Plan.*
2. *In addition to the protected acreage as shown on the Application, Applicant to permanently protect an additional 2.88 acres of high priority forest along I-270 (to be shown on the Final Forest Conservation Plan as part of the 46 acres) by:*
 - a. *Re-aligning proposed Observation Drive, south of the BioScience building, and/or*
 - b. *Minimizing proposed grading and forest loss for future Goldenrod Lane with the use of engineering techniques such as retaining walls, and/or*
 - c. *Protecting more high priority forest between future Golden Rod Lane and the future daycare facility.*
 - d. *Applicant must mitigate any shortfall of the 2.88 acres on-site at a 3:1 ratio within a category I forest conservation easement shown on the Final Forest Conservation Plan.*
3. *Applicant to place all stream buffers, environmental buffers, retained forests, and planted forests in a category I conservation easement, which may be modified to allow for limited impact encroachments such as natural surface trails and interpretive signage for educational purposes and activities,. The easement shall be approved by M-NCPPC Environmental Planning staff and the Office of General Counsel.*
4. *Category I conservation easements must be described by metes and bounds and recorded in the Land Records Office prior to any land disturbing activity.*

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:

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, including preservation of high priority forest as identified in the Germantown Sector Plan.

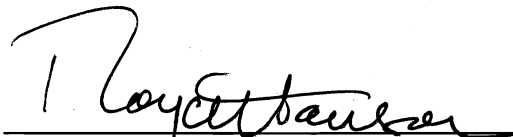
BE IT FURTHER RESOLVED, that this constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 15 2010 (which is the date that this Resolution is mailed to all parties of record); and

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 Wells-Harley, with Commissioners Hanson, Wells-Harley, and Dreyfuss voting in favor of the motion, and with Commissioners Alfandre and Presley absent, at its regular meeting held on Thursday, May 27, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board