



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-73
Forest Conservation Plan No. SC2010010
Maydale Park Stream Restoration Project
Date of Hearing: May 27, 2010

JUN 18 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 February 17, 2010, the Montgomery County Department of Parks ("Applicant") filed an application for approval of a Forest Conservation Plan on 1.54 acres of M-NCPPC parkland located within Maydale Park approximately 2,500' east of the intersection of Briggs Chaney and Good Hope Road ("Property" or "Subject Property") in the Cloverly Master Plan area ("Master Plan"); and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. SC2010010, Maydale Park Stream Restoration ("Forest Conservation Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated May 14, 2010 setting forth its analysis, and recommendation for approval of the Application, including the variance request to impact 22 subject trees, none of which are proposed for removal, 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, the Planning Board held a public hearing on the Application (the "Hearing") on May 27, 2010; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 27, 2010, the Planning Board approved the Final Forest Conservation Plan including all findings necessary for granting of the variance request, subject to certain conditions, on motion of Commissioner Wells-Harley and seconded by Commissioner Dreyfuss with a vote of 3-0; Commissioners Dreyfuss, Hanson, and Wells-Harley voting in favor; Commissioners Alfandre and Presley being absent..

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.C.P.P.C. 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 approved Final Forest Conservation Plan No. SC2010010 on 1.54 acres of M-NCPPC parkland located within Maydale Park approximately 2,500' east of the intersection of Briggs Chaney and Good Hope Road in the Cloverly Master Plan area, and subject to the following conditions:

1. Applicant to obtain services of an ISA certified arborist, or a Maryland Licensed Tree Expert, to perform the required tree preservation measures and appropriately protect the save trees.
2. The final sediment and erosion control plan must match the limit of disturbance as shown on the Final Forest Conservation Plan and be consistent with its recommendations for tree protection.

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 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 Law, Montgomery County Code, Chapter 22A and Forest Conservation Regulations Section 109B (COMCOR 22A.00.01.09B).*

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of Planning Board in this matter and the date of this Resolution is JUN 18 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 Alfandre, seconded by Presley, with

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Commissioners Wells-Harley, Alfandre, Dreyfuss, and Presley voting in favor of the motion, with a four-member Board, at its regular meeting held on Thursday, June 17, 2010, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board