



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

**MCPB No. 10-74**  
**Special Protection Area Water Quality 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 19, Article V, Water Quality Review in Special Protection Areas, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Special Protection Area (SPA) water quality plan applications;

WHEREAS, on April 14, 2010, the Montgomery County Department of Parks ("MCDP"), requested the approval of a SPA Preliminary and Final Water Quality Plan for a disturbed area of 1.54 acres which includes approximately 1,600 linear feet of stream within M-NCPPC parkland located in Maydale Park-approximately 2,500' east of the intersection of Briggs Chaney and Good Hope Road ("Property" or "Subject Property"), in the Upper Paint Branch Special Protection Area portion of the Cloverly Master Plan; and

WHEREAS, the SPA water quality plan request was designated Water Quality Plan No. SC2010010, Maydale Park Stream Restoration ("SPA Water Quality Plan"); 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 without 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 SPA Water Quality Plan on May 27, 2010 (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the SPA Water Quality Plan; and

WHEREAS, on May 27, 2010, the Planning Board approved the SPA Water Quality Plan without conditions, on motion of Commissioner Wells-Harley and seconded

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, N.C. S.P.P.C. Legal Department 2010 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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by Commissioner Dreyfuss; with a vote of 3-0; with Commissioners Dreyfuss, Hanson, and Wells-Harley voting in favor; Commissioners Alfandre and Presley being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, the Planning Board approved SPA Water Quality Plan No. SC2010010 for a disturbed area of 1.54 acres which includes approximately 1,600 linear feet of stream within M-NCPPC parkland located in Maydale Park, 2,500' east of the intersection of Briggs Chaney and Good Hope Road in the Cloverly Master Plan area, without conditions; and

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, that:

1. *The Application satisfies all the applicable requirements of the SPA Law, Montgomery County Code, Chapter 19, Article V.*

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 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 Commissioners Wells-Harley, Alfandre, Dreyfuss, and Presley voting in favor of the

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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