



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

MCPB No. 10-82
SPA Water Quality Plan No. MR2010804
Thompson Road Connection
Date of Hearing: June 10, 2010

SEP 27 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; and

WHEREAS, on April 2, 2010, Montgomery County Department of Transportation ("Applicant"), filed an application for approval of a SPA Water Quality Plan on approximately 0.72 acre of land located in existing and proposed road right-of-way, east of the intersection of Rainbow Drive and Williston Road ("Property" or "Subject Property"), in the Cloverly master plan area ("Master Plan"); and

WHEREAS, Applicant's SPA water quality plan application was designated Water Quality Plan No. MR2010804, Thompson Road Connection ("Water Quality Plan" or "Application"); and

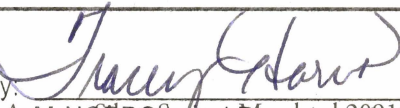
WHEREAS, Staff issued a memorandum to the Planning Board, dated May 27, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, the Planning Board held a public hearing on the Application (the "Hearing") on June 10, 2010; and

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

WHEREAS, on June 10, 2010, the Planning Board approved the Water Quality Plan subject to certain conditions, on motion of Commissioner Wells-Harley; seconded by Commissioner Dreyfuss, 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

Approved as to Legal Sufficiency: 
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of Montgomery County Code Chapter 19, Article V, the Planning Board approved SPA Water Quality Plan No. MR2010804 on approximately 0.74 acre of land located in existing and proposed road right-of-way, east of the intersection of Rainbow Drive and Williston Road ("Property" or "Subject Property"), in the Cloverly master plan area ("Master Plan") subject to the following conditions:

1. Approval of the Preliminary/Final Water Quality Plan with the following conditions:
 - a. Total net increase of impervious surface area for the project to be no more than 4144 square feet.
 - b. Submit plans that include specifications for restoration of areas where pavement will be removed into pervious, vegetated, natural surfaces.
 - c. Impervious surface removal credits of 3287 square feet will be provided from the Rainbow Drive Sidewalk Construction and Pavement Removal project (MR2010803).
 - d. DOT must remove an additional 857 square feet of impervious surfaces within the Upper Paint Branch SPA after the plan for this work has been reviewed and approved by M-NCPPC staff. Plans must include specifications for restoration of these areas to pervious, vegetated natural surfaces. Prior to start of work, DOT must obtain the necessary permits for the work and conduct a pre-construction meeting with inspection staff from M-NCPPC and DPS. The removal of these impervious surfaces must be accomplished by July 1, 2011. Written notification of the completion of the impervious surface removal must be sent to the Planning Director no later than July 15, 2011.
 - e. Tree save plan, dated April 29, 2010, to be revised to include the following notes:
 - i. Specific locations of root pruning must be determined by the certified arborist or the M-NCPPC forest conservation inspector as part of the pre-construction meeting.
 - ii. Root pruning must be performed at the direction of a certified arborist or the M-NCPPC forest conservation inspector.

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 SPA Law, Montgomery County Code, Chapter 19, Article V.

The Applicant proposes to connect two roads and construct a sidewalk, resulting in a net increase of 4144 square feet of impervious surfaces. The existing imperviousness within the project area is 25.6%. In order to have no net increase of impervious surfaces and, therefore, comply with the Upper Paint Branch Environmental Overlay Zone, the Applicant will obtain 3287 square feet of impervious surface removal credits from the Rainbow Drive Sidewalk Construction and Pavement Removal Project (MR2010803). In addition, the Applicant will remove an additional 857 square feet of impervious surfaces within the SPA as part of a project that will be accomplished by July 1, 2011.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by the Montgomery County Department of Permitting Services, in coordination with the Montgomery County Department of Environmental Protection, who are the lead agencies for these components of the SPA Water Quality Plan.

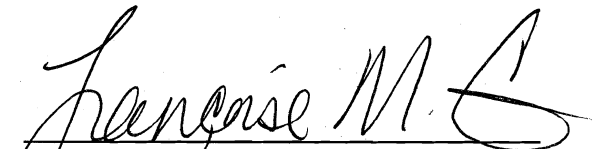
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 27 2010 (which is the date that this Resolution is mailed to all parties of record); and

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 Planning Commission on motion of Commissioner Alfandre, seconded by Vice Chair Wells-Harley, with Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Chair Carrier abstaining, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board