



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-83

SPA Water Quality Plan No. MR2010803

Rainbow Drive Sidewalk Construction and Pavement Removal

SEP 27 2010

Date of Hearing: June 10, 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 2.11 acres of land located in existing road right-of-way, west of Snider Lane to 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. MR2010803, Rainbow Drive Sidewalk Construction and Pavement Removal ("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.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910

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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. MR2010803 on approximately 2.11 acres of land located in existing road right-of-way, west of Snider Lane to 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 impervious surfaces of new sidewalk within the project area to be no more than 7583 square feet.
 - b. Submit plans that include specifications for restoration of areas where pavement will be removed into pervious, vegetated, natural surfaces.
 - c. Credits for impervious surface removal will be assigned to offset the following MCDOT projects only: this sidewalk project (Rainbow Drive sidewalk, Mandatory Referral MR2010803), Cape May and Good Hope Roads sidewalk project (Mandatory Referral MR04816-DPWT-01), and Thompson Road connection project (Mandatory Referral MR2010804).
 - d. 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 M-NCPPC forest conservation inspector or the certified arborist 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 construct a new sidewalk, resulting in an increase of 7583 square feet of impervious surfaces. For purposes of reviewing the imperviousness for the project, the tract area is considered to be the land area within the existing road right-of-way where the sidewalk will be constructed which is currently pervious from the near edge of the existing roadway to the closest right-of-way edge, or use the limits of disturbance when disturbance occurs outside the right-of-way. The project's imperviousness is proposed at 19.8 percent. To meet the 8 percent imperviousness limit of the Upper Paint Branch Environmental Overlay Zone, the Applicant will remove

existing pavement of Rainbow Drive as part of this project. Part of the pavement removal will be credited towards the new sidewalk along Rainbow Drive. There is also enough pavement removal to use as credit for the 2008 DOT sidewalk project along Cape May and Good Hope Roads (MR04816-DPWT-01) and for part of the required impervious surface removal credit for the Thompson Road Connection project (MR2010804).

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.

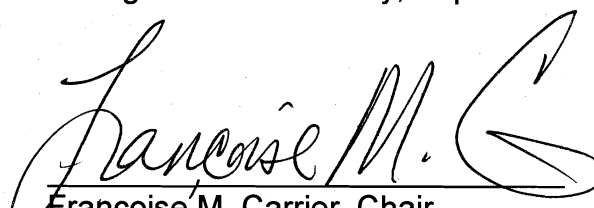
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 27 2010 (which is the date that this Resolution is mailed to all parties of record); and

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