



MCPB No. 10-94
Preliminary Forest Conservation Plan
Mandatory Referral No. MR2010719-DGS-1
Silver Spring Library
Date of Hearing: June 24, 2010

OCT - 5 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 April 29, 2010, Montgomery County Department of General Services (the "Applicant"), filed an application for approval of a Preliminary Forest Conservation Plan on 1.45 acres of land commonly known as the future Silver Spring Library site located at the west side of Fenton Street between Wayne Avenue and Bonifant Street ("Property" or "Subject Property"), in the Fenton Village neighborhood of the Silver Spring master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary forest conservation plan application for the property was designated Forest Conservation Plan No. MR2010719-DGS-1, Silver Spring Library ("Forest Conservation Plan" or "Application"). The application is associated with Mandatory Referral No. MR2010719-DGS-1 for construction of a new public library facility. The site is subject to the forest conservation law found in Montgomery County Code Chapter 22-A; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 11, 2010, ("Staff Report"); setting forth its analysis, and recommendation for approval, of the Silver Spring Library Preliminary Forest Conservation Plan application subject to certain condition(s); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on June 24, 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

Approved as to
 Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, on June 24, 2010, the Planning Board approved the Preliminary Forest Conservation Plan subject to one condition, on motion of Commissioner Alfandre; seconded by Commissioner Dreyfuss; with a vote of 4-0, Commissioners Joseph Alfandre, Norman Dreyfuss, Amy Presley and Marye Wells-Harley voting in favor of the motion with one position being vacant.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Preliminary Forest Conservation Plan No. MR2010719-DGS-1 on 1.45 acres of land located at the west side of Fenton Street between Wayne Avenue and Bonifant Street, in the Fenton Village neighborhood of Silver Spring, Maryland, in the Silver Spring master plan area ("Master Plan"); subject to the following condition:

- 1. Compliance with the conditions of approval for the Preliminary Forest Conservation Plan per the letter to the Applicant dated June 11, 2010. The applicant must meet all conditions and requirements prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate.*

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 condition of approval, that:

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT - 5 2010 (which is the date that this Resolution is mailed to all parties of record); and

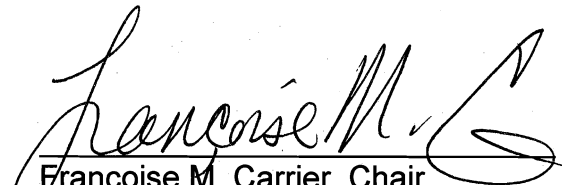
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 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