



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

MCPB No. 10-103
Preliminary Plan No. 11992012A
Piney Glen Farms (Lot 20)
Date of Hearing: July 1, 2010

SEP 27 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 24, 2009, Mr. Abbott Huang, ("Applicant"), filed a limited amendment application to amend the conditions of approval of a preliminary plan designated as Preliminary Plan No. 11992012A, Piney Glen Farms Lot 20, ("Preliminary Plan" or "Application"); consisting of a 2.16 acre lot, (Lot 20, Piney Glen Farms), located on Albermyrtle Road, approximately 500 feet west of Piney Meetinghouse Road ("Property" or "Subject Property"), in the Potomac Subregion master plan area ("Master Plan"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 13, 2010, setting forth its analysis and recommendation for approval of the Application subject to certain conditions; and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on May 20, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, immediately following the Hearing, Staff became aware of a noticing defect that prevented the Applicant from receiving notice of the Hearing; and

WHEREAS, Staff requested that the Planning Board reconsider the Application prior to the mailing of a Resolution due to the noticing error; and

WHEREAS, on May 27, 2010, the Planning Board voted to reconsider the Application on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with a vote of 3-0, Commissioners Hanson, Dreyfuss, and Wells-Harley voting in favor, with Commissioners Presley and Alfandre being absent; and

Approved as to
Legal Sufficiency:

Christina Sorrento 8/31/10

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WHEREAS, Staff issued a memorandum to the Planning Board, dated June 21, 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 Staff and the staff of other governmental agencies, on July 1, 2010, the Planning Board held a public hearing on the Application (the "Reconsideration Hearing"); and

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

WHEREAS, on July 1, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Alfandre; seconded by Commissioner Presley, with a vote of 4-0, Commissioners Alfandre, Carrier, Presley and Wells-Harley voting in favor, with Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of the Montgomery County Code Chapter 50, the Planning Board approved a limited amendment to Preliminary Plan No. 11992012A, to revise the conditions of the approved preliminary forest conservation plan on the Subject Property, subject to the following conditions:

1. Applicant must record a new record plat within nine (9) months of the mailing of the Planning Board Resolution that reflects the new Category I conservation easement boundary and references the standard easement description as recorded at Liber 13178/Folio 412 in the Montgomery County Land Records.
2. Applicant must receive Staff approval of the certificate of compliance for an offsite forest conservation mitigation bank within 90 days of the date of mailing of the Planning Board's Resolution of this action. The Applicant must obtain 0.42 acres of credits (0.84 acres of off-site retained forest) in the closest available mitigation bank to the Watts Branch Watershed.
3. All other conditions of Preliminary Plan and Forest Conservation Plan No. 119920120 that were not modified herein, as contained in the Planning Board's Resolution dated January 11, 1994, remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference except as amended by the conditions referenced above, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

All previous findings by the Planning Board remain in full force and effect including substantial conformance with the Master Plan.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

All previous findings by the Planning Board remain in full force and effect including adequacy of public facilities.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

All previous findings by the Planning Board remain in full force and effect including those related to lot configuration.

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

The changes to the Category I conservation easement and the required mitigation satisfy the requirements of the Forest Conservation Law. The Applicant is removing 0.21 acres of unforested Category I conservation easement and mitigating that removal at a 2:1 ratio (0.42 acres of planted forest or 0.84 acres of retained forest) in an offsite forest mitigation bank. Further, the Applicant is required to perform this mitigation in a mitigation bank within the Watts Branch Watershed. With the conditions of approval referenced above as approved by the Planning Board the Preliminary Plan satisfies the applicable requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

This limited amendment approval makes no changes to the stormwater management concept originally approved for the Piney Glen Subdivision. The Application meets all applicable stormwater management requirements.

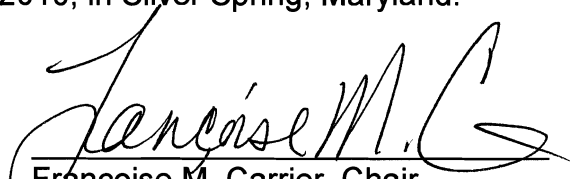
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and the date of this Resolution is SEP 27 2010 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, September 23, 2010, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board