

OCT 11 2010



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-106

Amendment to Final Forest Conservation Plan 119980150 for Special Exception Modification No. S-285-E

Norwood School

Date of Hearing: July 8, 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 February 9, 2010, The Norwood School ("Applicant"), filed an application for approval of an amendment to final Forest Conservation Plan 119980150 on 38.76-acre property known as the Norwood School located at 8821 River Road, at the northeast corner of the intersection with Bradley Boulevard in Potomac. The site (the "Property" or "Subject Property"), is in the Potomac Subregion Master Plan; and

WHEREAS, The Property is operating under special exception S-285-E—and is subject to Montgomery County Code Chapter 22A. An amendment to the final Forest Conservation Plan ("Forest Conservation Plan" or "Application") has been submitted for regulatory review by the Planning Board in association with the Planning Board's review of an application to amend special exception S-285-E—Norwood School; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 23, 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, on July 8, 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

WHEREAS, on July 8, 2010, the Planning Board approved an Amendment to the final Forest Conservation Plan for Special Exception No. S-285-E Norwood School

Approved as to
Legal Sufficiency:

A handwritten signature in black ink, appearing to read "Annette S.", followed by the date "8/17/10".

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

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MCPB No. 10-106

Amendment to Final Forest Conservation Plan for Special Exception

Modification No. S-285-E

Norwood School

Date of Hearing: July 8, 2010

Page 2 of 4

subject to certain conditions, on motion of Commissioner Wells-Harley; seconded by Commissioner Alfandre; with a vote of 3-0, Commissioners Joseph Alfandre, Marye Wells-Harley, and Françoise Carrier voting in favor of the motion. Commissioner Amy Presley and Commissioner Dreyfuss were absent.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved the Amendment to the final Forest Conservation Plan in Special Exception No. S-285-E–Norwood School on 38.76-acre property is located at 8821 River Road, at the northeast corner of the intersection with Bradley Boulevard in Potomac. The site (the “Property” or “Subject Property”), is in the Potomac Subregion Master Plan (“Master Plan”), subject to the following conditions:

1. Applicant must record a new record plat that reflects revised conservation easement boundaries and references the standard easement terms and conditions as recorded at Liber13178 Folio 412 (Category I) and Liber13178 Folio 421(Category II) in the Montgomery County Land Records within nine (9) months of the mailing of this Resolution.

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 and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *Applicant has met all criteria required to grant a variance to Section 1607(c) of the Natural Resources Article, MD Ann. Code in accordance with Section 22A-21 of the Montgomery County Code.*

Section 1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or any disturbance within a tree’s critical root zone (CRZ), requires a variance. In accordance with Section 22A-21(e), the Applicant has met all of the following criteria required for the Board to grant the variance.

- a. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The requested variance will not confer on the applicant any special privileges that would be denied to other applicants. The development site is not only small for the use but also irregularly shaped and constrained by

MCPB No. 10-106

Amendment to Final Forest Conservation Plan for Special Exception

Modification No. S-285-E

Norwood School

Date of Hearing: July 8, 2010

Page 3 of 4

the existing historic childcare building and the Garrett Park Nursery School. Therefore, a variance is not a special privilege that would be denied to other applicants.

b Is not based on conditions or circumstances which are the result of the actions by the applicant.

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based on the proposed site layout and design to separate access to the property for bus and parent drop-off traffic. The disturbance has been minimized as much as possible through compact, efficient site design. This includes minimizing parking, building a two-story school, and locating the geothermal field under excising ball fields.

c Does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The requested variance is a result of the proposed site design and layout on the subject property and not a result of land or building use on a neighboring property.

d. Will not violate Site water quality standards or cause measurable degradation in water quality.

The requested variance will not violate State water quality standards or cause measurable degradation in water quality.

2. The Application satisfies all the applicable requirements of the Forest Conservation Regulations Section 109B, and the requirements of Chapter 22A Montgomery County Forest Conservation Law.

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 OCT 11 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

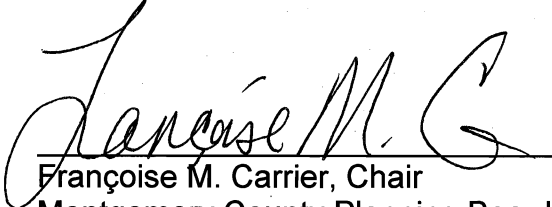
MCPB No. 10-106
Amendment to Final Forest Conservation Plan for Special Exception
Modification No. S-285-E
Norwood School
Date of Hearing: July 8, 2010
Page 4 of 4

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 Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, 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