



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-127
 Forest Conservation Plan No. MR2010721
 Travilah Fire Station #32
 Date of Hearing: July 29, 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 May 28, 2010, Montgomery County Department of General Services ("Applicant"), filed an application for approval of a preliminary forest conservation plan on 5.63 acres of land known as Street Dedication Plat #19653 located on the northwest corner of Shady Grove Road and Darnestown Road, Rockville, Maryland; bounded by Darnestown Road on the south and west, Shady Grove Life Sciences center on the north, and Shady Grove Road on the east ("Property" or "Subject Property"), in the Great Seneca Science Corridor master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary forest conservation plan application was designated Preliminary Forest Conservation Plan No. MR2010721, Travilah Fire Station #32 ("Preliminary Forest Conservation Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 16, 2010, setting forth its analysis, and recommendation for approval with conditions of the Application ("Staff Report"); and

WHEREAS, on July 29, 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 29, 2010, the Planning Board approved the Preliminary Forest Conservation Plan, on motion of Commissioner Alfandre and seconded by

Approved as to
 Legal Sufficiency:

Alfandre 8/30/10

8787 Georgia Avenue, N.C. Dept. of General Services, Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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Commissioner Presley; with a vote of 5-0, with Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVES Preliminary Forest Conservation Plan No. MR2010721 on 5.63 acres of land known Street Dedication Plat #19653 located on the northwest corner of Shady Grove Road and Darnestown Road, Rockville, Maryland; bounded by Darnestown Road on the south and west, Shady Grove Life Sciences center on the north, and Shady Grove Road on the east, in the Great Seneca Science Corridor Master Plan area, subject to the following conditions:

1. Applicant must submit, and Staff must approve a final forest conservation plan prior to any land disturbing activities.
2. Applicant must record a category I conservation easement over all forest plantings and stream environmental buffers prior to any land disturbing activities.
3. All reforestation plantings must be completed within the first planting season after issuance of the first sediment and erosion control permit.
4. Approval of the final forest conservation plan is contingent upon the successful abandonment of the Right-of-Way.

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 Forest Conservation Law, Montgomery County Code, Chapter 22A.

BE IT FURTHER RESOLVED, that this constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is OCT 17 2010 (which is the date that this Resolution is mailed to all parties of record); and

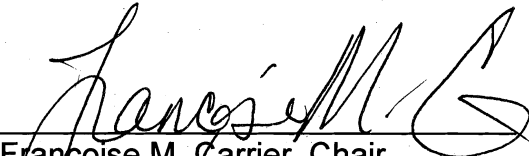
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 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