

JUN 28 2011



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

MCPB No. 10-179
Forest Conservation Plan No. MR2010814
A-305 Snowden Farm Parkway
Date of Hearing: December 6, 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 January 3, 2008, Clarksburg Village Investments, Inc. ("Applicant"), filed an application for approval of a preliminary forest conservation plan on 8.58 acres of land located west of Ridge Road (MD 27) 800 feet south of Morning Star Drive in Clarksburg, Maryland ("Property" or "Subject Property"), in the Clarksburg Master Plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary forest conservation plan application was designated Preliminary Forest Conservation Plan No. MR2010814, A-305 Snowden Farm Parkway ("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 November 23, 2010, setting forth its analysis, and recommendation for approval with conditions of the Application ("Staff Report"); and

WHEREAS, on December 6, 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 December 6, 2010, the Planning Board approved the Preliminary Forest Conservation Plan, on motion of Commissioner Presley and seconded by Commissioner Alfandre; with a vote of 4-0, with Commissioners Alfandre, Carrier, Presley, and Wells-Harley voting in favor, with Commissioner Dreyfuss being absent.

Approved as to
Legal Sufficiency:

A handwritten signature in black ink, appearing to be "C. M. ...", with the date "5/23/11" written next to it.

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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. MR2010814 subject to the following conditions:

1. Submission and approval of a final forest conservation plan prior to any land disturbing activities.

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.

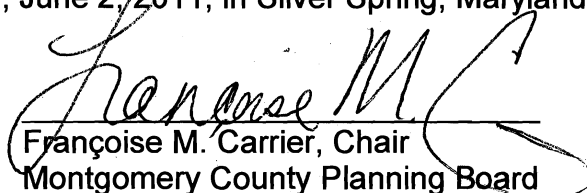
The Applicant will meet the 1.81 acre planting requirement as indicated by the forest conservation worksheet through off-site planting in areas to be determined as part of the final forest conservation plan.

BE IT FURTHER RESOLVED, that this constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is JUN 28 2011 (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).

* * * * *

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 Presley, seconded by Commissioner Dreyfuss, with Chair Carrier, Commissioners Dreyfuss and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley, and Commissioner Alfandre absent at its regular meeting held on Thursday, June 2, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board