

JUN 28 2011



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-38

SPA Water Quality Plan No. MR2011307

M-NCPPC Department of Parks project at Parcel N817, Grauel's Addition to Spencerville (2831 Spencerville Road, Burtonsville)

Date of Hearing: May 5, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Special Protection Area ("SPA") water quality plan applications; and

WHEREAS, in November 2010, M-NCPPC purchased approximately 0.46 acre of land located on the south side of Spencerville Road (Rte. 198), east of Allnutt Lane ("Property" or "Subject Property"), in the Cloverly master plan ("Master Plan") area, which was added to the Upper Paint Branch Stream Valley Park; and

WHEREAS, the Montgomery County Department of Parks intends to remove the impervious surfaces on the Property to reduce overall imperviousness in the Upper Paint Branch SPA to protect and improve water quality and aquatic habitat in the SPA; and

WHEREAS, on March 28, 2011, M-NCPPC through the Montgomery County Department of Parks ("Applicant"), filed an application for approval of a SPA Water Quality Plan on the Property; and

WHEREAS, Applicant's SPA water quality plan application was designated Water Quality Plan No. MR2011307, M-NCPPC Department of Parks project at Parcel N817, Grauel's Addition to Spencerville (2831 Spencerville Road, Burtonsville ("Water Quality Plan" or "Application")); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 15, 2011, 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, May 5, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
Legal Sufficiency:

A handwritten signature in black ink, followed by the date "5/26/11".

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

WHEREAS, on May 5, 2011, the Planning Board approved the Water Quality Plan subject to certain conditions on motion of Commissioner Wells-Harley, seconded by Commissioner Dreyfuss, with a vote of 3-0; Commissioners Carrier, Dreyfuss, and Wells-Harley voting in favor and Commissioners Alfandre and Presley being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, the Planning Board approved SPA Water Quality Plan No. MR2011307 on the Property, subject to the following conditions:

1. The Applicant must remove all impervious surfaces on Parcel N817 -- the Property, Parcel N818, and impervious surfaces associated with the entrance driveway within the Spencerville Road right-of-way.
2. By July 1, 2011, the Applicant must submit a plan that provides specifications for restoration of these areas to pervious surfaces for review and approval by the Planning Department.
3. A Planning Department inspector must be included at the pre-work meeting.
4. A Planning Department inspector must conduct a post-work inspection to verify the removal of all impervious surfaces and completion of restoration work.
5. All impervious surfaces removed from Parcel N817, N818, and the road right-of-way may be used as impervious surface removal credits for one project only. Credits will be assigned to a project after the Planning Department inspector has verified removal of impervious surfaces and the completion of restoration work.

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 SPA Law, Montgomery County Code, Chapter 19, Article V.

The Applicant proposes to permanently remove all of the impervious surfaces on the Property, which include the house and driveway. The entire driveway,

including the portion within the road right-of-way and the entire circular piece, is proposed to be removed. The Applicant will provide the Maryland State Highway Administration (SHA) with impervious surface removal credits on the Property to apply to the SHA intersection improvement project on Rte. 198 at Good Hope Road. SHA needs 4,922 square feet of impervious surface removal credit, and the Applicant will be removing roughly 6,750 square feet of impervious surfaces from the Property.

Since the project is for the permanent removal of impervious surfaces and no new development is proposed, stormwater management and monitoring are not required for the project. The sediment and erosion control plan has been reviewed and conditionally approved by the Montgomery County Department of Permitting Services who is the lead agency for this component of the SPA Water Quality Plan. In addition, the project is not subject to the Forest Conservation Law since the property is subject to a sediment control permit on a tract of land less than 40,000 square feet. (Section 22A-4 of the County Forest Conservation Law).

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the 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).

* * * * *

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 Presley, seconded by Commissioner Dreyfuss, with Chair Carrier and Commissioners Dreyfuss and Presley voting in favor of

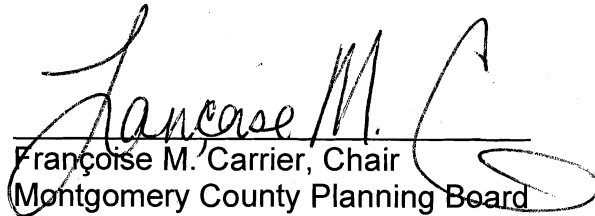
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the motion, and with Vice Chair Wells-Harley and Commissioner Alfandre absent, at its regular meeting held on Thursday, June 2, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board