

JUN 30 2011



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

MCPB No. 11-82

SPA Combined Preliminary and Final Water Quality Plan No. S-2818

Twin Farms Club, Inc./T-Mobile Northeast LLC & Twin Farms Club

Date of Hearing: September 15, 2011

RESOLUTION

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

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("DPS") and the Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible to review water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS' review and approval of those elements of the water quality plan for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on June 24, 2011 Twin Farms Club Inc./T-Mobile Northeast LLC ("Applicant"), filed an application for approval of a SPA Water Quality Plan on approximately 3.72 acres of land located on Parcel N806 at 1200 Fairland Road ("Subject Property"), in the White Oak master plan ("Master Plan") area; and

WHEREAS, Applicant's SPA water quality plan application was designated Water Quality Plan No. S-2818, Twin Farms Club, Inc/ T-Mobile Northeast LLC & Twin Farms Club ("Preliminary/Final Water Quality Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated September 1, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, the Staff Report included a copy of a letter dated April 12, 2011, from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

Approved as to

Legal Sufficiency

Ana M. [Signature] 6/4/14

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WHEREAS, on September 15, 2011, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 15, 2011, the Planning Board voted to approve the Preliminary/Final Water Quality Plan, subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES SPA Water Quality Plan No. S-2818, subject to the following conditions¹:

1. Total impervious surfaces within the SPA will be no more than 33.8%, as shown on the *Impervious Surface Plan Portion of the SPA Water Quality Plan* submitted on August 24, 2011. Any modifications to these plans which increase site imperviousness may require a revision to the SPA Water Quality Plan and a Planning Board approval.
2. Applicant will conform to the conditions as stated in the DPS Preliminary/Final Water Quality Plan approval letter dated April 12, 2011.

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 Upper Paint Branch Special Protection Area Environmental Overlay Zone under Section 59-C-18.152 establishes a numeric impervious surface limit of 8.0 percent for properties located within the zone. While the Subject Property has an imperviousness level that exceeds the 8 percent limit, Section 59-C-18.152(a)(1) allows for impervious surfaces that lawfully existed prior to July 31, 2007, to remain or be reconstructed. The Subject Property is currently developed with a special exception use as a community swimming pool with 34.1 percent imperviousness that lawfully existed prior to July 31, 2007. The Applicant is

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval.

adding a supplementary special exception use for a wireless telecommunications tower. Although it will add an additional 135 square feet of impervious surface, as a condition of this Application, the Applicant will eliminate 706 square feet of imperviousness by removing an existing concrete picnic area, which is part of the community swimming pool complex, and restoring the soil subsurface, resulting in a net reduction of 571 square feet of imperviousness. The impervious area on the Subject Property will be reduced from 34.1 percent to 33.8 percent. The Planning Board found that such reduction is consistent with the intent of Section 59-C-18.152(a)(1) that allows lawfully existing impervious surfaces to remain so long as the primary use as a community swimming pool is also continuing.

Those requirements outside of the Planning Board's direct responsibility for review, the stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, who are the lead agencies responsible for review of these components of the SPA Water Quality Plan.

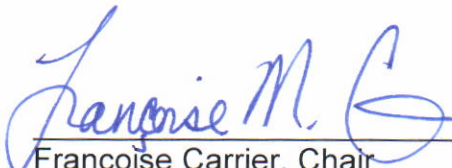
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 30 2014 (which is the date that this Resolution is mailed to all parties of record); and

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 Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, June 12, 2014, in Silver Spring, Maryland.



Françoise Carrier, Chair
Montgomery County Planning Board