



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

JUL 11 2012

**MCPB No. 11-89**  
**Preliminary Plan and Forest Conservation Plan No. 11998004B**  
**Seneca Meadows Corporate Center**  
**Date of Hearing: September 22, 2011**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan and forest conservation plan applications; and

WHEREAS, on December 16, 2008, Minkoff Development Corporation ("Applicant"), filed an application to amend a previously approved preliminary plan of subdivision and forest conservation plan for land located east of Interstate 270 and bounded by Father Hurley Boulevard (MD 27) to the north, Germantown Road (MD 118) to the south and Seneca Meadows Parkway/Observation Drive to the east ("Property" or "Subject Property") in the Germantown Employment Area Sector Plan area ("Sector Plan") to release those portions of the conservation easements in conflict with existing site conditions and to provide appropriate mitigation; and

WHEREAS, Applicant's limited preliminary plan amendment and forest conservation plan applications were designated Preliminary Plan and Forest Conservation Plan No. 11998004B ("Application"); and

WHEREAS, the Area #3 Planning staff issued a memorandum to the Planning Board, dated September 22, 2011, setting forth a review and analysis by Planning Board staff ("Staff") and recommended approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on September 22, 2011, 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 September 22, 2011, the Planning Board adopted the Staff Report and approved the Application subject to certain conditions, on motion of

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Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

**MNCPPC Legal Department**  
**www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org**

Commissioner Wells-Harley, 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 Limited Preliminary Plan Amendment and Final Forest Conservation Plan Amendment No. 11998004B to amend a previously approved plan of subdivision and forest conservation plan for land located east of Interstate 270 and bounded by Father Hurley Boulevard (MD 27) to the north, Germantown Road (MD 118) to the south and Seneca Meadows Parkway/Observation Drive to the east ("Property" or "Subject Property"), in the Germantown Employment Area Sector Plan ("Master Plan"), subject to the following conditions:

- 1) Applicant must submit a new record plat within 90 days of the mailing date of the Planning Board's resolution approving the limited amendment to the Preliminary Plan. The record plat must reference the standard Category I (liber 13178, folio 412) conservation easement as recorded in the land records for Montgomery County, Maryland.
- 2) All required plantings must occur within the first planting season after Planning Board approval of the amended Forest Conservation and associated preliminary plan.
- 3) Applicant must enter into a two-year Maintenance and Management Agreement with a surety for any planting required by the revised Forest Conservation Plan. The maintenance and management agreement must be submitted and approved by M-NCPPC prior to any planting occurring.
- 4) All other conditions of Preliminary Plan and Forest Conservation Plan No. 11998004B that were not modified herein, as contained in the Planning Board's Resolution dated January 13, 2011, remain in full force and effect.
- 5) Applicant must submit a final forest conservation plan that includes in the planting area the north side of the berm located on the north side of Seneca Meadows Parkway separating the subject property from Meadowbrook Estates.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, 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. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and Forest Conservation Regulations COMCOR 18-01AM.*

As conditioned, the amendment ensures continued conformance with the Forest Conservation law.

BE IT FURTHER RESOLVED, that all other conditions contained in the adopted opinion approving Preliminary Plan 11998004B remain in full force and effect.

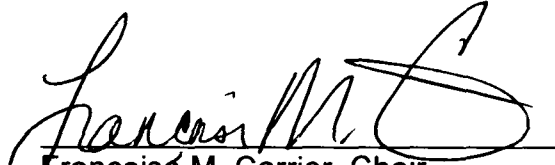
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is JUL 11 2012 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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 Presley, seconded by Commissioner Anderson, with Chair Carrier, and Commissioners Anderson and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley temporarily absent, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, June 28, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board