



MCPB No. 11-104
Site Plan No. 82007024A
Project Name: Hallman Grove
Hearing Date: October 27, 2011

DEC 20 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on November 1, 2007, the Planning Board approved Site Plan 820070240 (MCPB Resolution No. 07-190) for 28 residential dwelling units (17 one-family detached and 11 one-family attached units) including 4 MPDUs; and

WHEREAS, on July 6, 2011, Winchester Homes, Inc. ("Applicant"), filed a site plan amendment application designated 82007024A, Hallman Grove (the "Amendment") for approval of the following modifications:

- 1) Replace the horseshoe pit facility with an open play area II (5,000 SF). The adjacent sitting is to remain. This modification will provide an amenity that will serve wider demographics than previously accomplished. As a result of this modification, the landscaping was adjusted and the recreation calculations updated. The development continues to meet all recreation requirements onsite.
- 2) Shift the lot lines for one-family detached lots 2 through 17 in order to accommodate the architectural house footprint selected for the project. This adjustment is mostly internal to the rows of lots, without any revisions to the adjacent proposed conservation easement boundary.
- 3) Relocate the front entrance of townhouse corner units (Lots T1, T6, T7, T11) to the side facade. This modification will enhance the appearance and activation of the side facades.
- 4) Amend the approved Final Forest Conservation Plan to adjust the locations of the proposed on site Category I conservation easements. The proposed adjustments are necessary to address new policy changes implemented by WSSC and the Montgomery County Department of Permitting Services (DPS) to no longer accept overlapping easements.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a

Approved as to
Legal Sufficiency:

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memorandum to the Planning Board dated October 13, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on October 27, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on October 27, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor and Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82007024A; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for preliminary plan 120070350 as listed in the MCPB Resolution No. 07-74 unless amended. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DPWT (now DOT) conditions, and Montgomery County Department of Permitting Services (MCDPS) stormwater conditions, as amended.

2. Site Plan Conformance

The development must comply with the conditions of approval for site plan 820070240 as listed in the MCPB Resolution No. 07-190, except as amended by this application.

3. Forest Conservation & Tree Save

The development must comply with the conditions of the approved Final Forest Conservation Plan (FFCP).

- a) The Applicant must satisfy all conditions prior to MCDPS issuance of sediment and erosion control permit(s), as appropriate.
- b) Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
- c) Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by the M-NCPPC staff.

- d) Applicant must place a Category I conservation easement over all areas of forest retention, forest planting, and environmental buffers that lie outside MDCPS or WSSC easements, as shown on the approved Final Forest Conservation Plan. Conservation easements must be shown on the record plats.
- e) The Category I conservation easements must be recorded in the land records prior to the start of clearing and grading.
- f) Compliance with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan.
- g) Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
- h) Submission of financial security for planting 1.85 acres prior to the start of clearing and grading.
- i) Reforestation must begin within the first planting season after issuance of the first building permit.
- j) A two-year maintenance and management agreement must be approved prior to M-NCPPC accepting any on-site planting.
- k) Applicant must install permanent Category I Forest Conservation Easement signage along the perimeter of the conservation easements.
- l) The Applicant shall install permanent split rail fencing or other fencing acceptable to M-NCPPC Staff along the forest conservation easement boundary at specific locations, as shown on the approved Final Forest Conservation Plan.

4. Recreation Facilities

The Applicant must provide a tot lot, an open play area II, two sitting areas and a pedestrian system.

5. Development Program

The Applicant must construct the development in accordance with the approved development program in Site Plan No. 820070240, except for condition 11.b), which shall be replaced by the following:

- a) Community-wide pedestrian pathways and recreation facilities, such as the tot lot and open play area II, shall be completed prior to issuance of the 20th building permit.

6. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b) Revise the Limits of Disturbance in the site plan to match that shown on the FFCP.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Hallman Grove drawings stamped by the M-NCPPC on June 27, 2011, and September 8, 2011, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

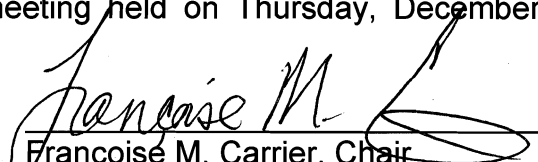
BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 20 2011 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Commissioner Presley temporarily absent, at its regular meeting held on Thursday, December 15, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board