

MAR 14 2012



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

**MCPB No. 12-03**  
**Preliminary Plan No. 11991089A**  
**Shrivastav Property**  
**Date of Hearing: January 12, 2012**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

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

WHEREAS, on October 13, 2011, Ms. Simleen Kaur, ("Applicant"), filed a limited amendment application to amend the conditions of approval of Preliminary Plan No. 119910890 on a 0.46 acre Lot 4, Block 6, in the Shrivastav Property Subdivision, located at 10705 Hunting Lane ("Property" or "Subject Property"), in the Potomac Subregion master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan limited amendment application was designated Preliminary Plan No. 11991089A, Shrivastav Property ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated December 16, 2011 setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on January 12, 2012, 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 January 12, 2012, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

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Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley, all voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved the Preliminary Plan, subject to the following conditions:

1. Applicant must submit a complete record plat application within three (3) months of the mailing of the Planning Board Resolution approving the Preliminary Plan. The existing easement remains in full force and effect until the new record plat is recorded.
2. Prior to Planning Board approval of the record plat, the Applicant must receive Staff approval of the certificate of compliance for an offsite forest conservation mitigation bank certifying replacement of the area removed from the existing easement at a ratio of 2:1 for planted forest, or 4:1 for existing forest protection.
3. All other conditions of Preliminary Plan and Forest Conservation Plan 119910890 that were not modified herein, as contained in the Planning Board's Resolution dated January 24, 1994, remain in full force and effect.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and set forth in the Staff Report (as revised at the Hearing), 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 Preliminary Plan substantially conforms to the Master Plan.*

All previous findings by the Planning Board to Preliminary Plan 119910890, including the forest conservation plan remain in full force and effect including substantial conformance to the Master Plan

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

All previous findings by the Planning Board to Preliminary Plan 119910890, including the forest conservation plan remain in full force and effect including adequacy of public facilities.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

All previous findings by the Planning Board to Preliminary Plan 119910890, including the Forest Conservation Plan remain in full force and effect including those related to lot configuration.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Applicant is mitigating the removal of 6,310 square feet of Category I conservation easement at a 2:1 ratio generating a planting requirement of 12,620 square feet (or 4:1 for existing forest protection). The Applicant will purchase credits in an off-site forest conservation bank to satisfy the mitigation planting requirement. Therefore the Planning Board finds that the Application satisfies the applicable requirements of the Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

This Preliminary Plan does not change the existing stormwater management facilities within the Shrivastav Property Subdivision. The Application meets all applicable stormwater management requirements.

BE IT FURTHER RESOLVED, that 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.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and the date of this Resolution is MAR 14 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).

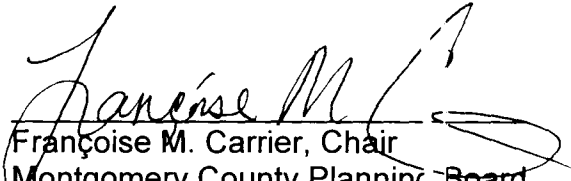
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#### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution

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adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, March 8, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board