MCPB No. 13-39
Preliminary Plan No. 11991045A
Peterson Property, Lot 5
Date of Hearing: July 11, 2013

SEP 13 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, by Opinion dated April 22, 1992, the Planning Board approved Preliminary Plan No. 19910450, creating five lots on 11.70 acres of land in the RE-2 zone, located on the northeast side of Norwood Road, approximately 2,100 feet north of Norbeck Road ("Subject Property") in the Cloverly Policy Area, Cloverly Master Plan ("Master Plan") area; and

WHEREAS, on January 10, 2013, Mitchell and Best Group, L.L.C. ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan(s) to remove 0.96 acres of Category I conservation easement on the Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11991045A, Peterson Property, Lot 5 ("Preliminary Plan," "Amendment," 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 June 28, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions; and

WHEREAS, on July 11, 2013, the Planning Board held a public hearing on the Application, at which it heard testimony and received evidence concerning the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves

Approved as to
Legal Sufficiency:
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department
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Preliminary Plan No. 11991045A to remove 0.96 acres of Category I conservation easement subject to the following conditions:[1]

1. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of this Resolution that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the areas identified to remain, as shown on the amended final forest conservation plan.
3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC-approved offsite forest mitigation bank within 90 days of the mailing of this Resolution. The Certificate of Compliance must provide 1.92 acres of mitigation credit for the removal of 0.96 acres of Category I conservation easement. The Applicant must delineate the revised Category I conservation easement boundary on the property with permanent easement markers and appropriate signage as required by 11991045A within 90 days from the recordation of the record plat and the new conservation easement.
4. All other conditions of Preliminary Plan No. 119910450 and Forest Conservation Plan No. 119910450, as contained in the Planning Board's Opinion dated April 22, 1992, that were not modified herein remain in full force and effect.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and 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 Planning Board FINDS, with the conditions of approval, that except as specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect. By compensating for the removal of onsite forest with offsite credits at a two-to-one ratio, the Applicant is preserving the conservation value of the existing easement.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 39 months from its initiation date (as defined in Montgomery County Code Section 50-35(h), and that prior to the expiration of this validity period, a final record plat for all

[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.

property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 13 2013 (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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Presley voting in favor and Commissioners Anderson and Dreyfuss absent at its regular meeting held on Wednesday, September 4, 2013, in Silver Spring, Maryland.

Françoise M. Carrier, Chair
Montgomery County Planning Board