



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

MCPB No. 15-007
Preliminary Plan No. 12010027A
7206 Meadow Lane
Date of Hearing: January 8, 2015

JAN 23 2015

RESOLUTION

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

WHEREAS, on June 19, 2012, the Planning Board, by Resolution MCPB No. 12-39, approved Preliminary Plan No. 120100270, creating two lots and one outlot on 1.33 acres of land in the R-60 zone, located in the northwest quadrant of the intersection of Meadow Lane and Oak Lane ("Subject Property"), in the Bethesda/Chevy Chase Master Plan ("Master Plan") area; and

WHEREAS, on October 2, 2014, CC Green Vision, LLC ("Applicant"), filed an application for approval of a limited amendment to the previously approved preliminary plan to retain an existing paved pathway previously conditioned for removal; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12010027A, 7206 Meadow Lane ("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 December 26, 2014, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 8, 2015, 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 January 8, 2015, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley voting in favor.

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

Approved as to
Legal Sufficiency

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M-NICPPC Legal Department
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Preliminary Plan No. 12010027A to retain an existing paved pathway previously conditioned for removal with the following conditions:¹

- 1) The Applicant must revise and submit the Preliminary Plan and Final Forest Conservation Plan (FFCP) to formally delete the proposed, but unbuilt, southern pathway connection within existing Lot 37 and revise associated notes accordingly.
- 2) The Applicant must comply with the following timeline for the Plan approvals, and implementation of the Plans shall be performed as follows:
 - a. A revised Preliminary Plan and FFCP must be submitted by the Applicant and approved by Staff within 30 days of adoption of this Resolution;
 - b. The re-grading and stabilization of existing fill associated with the demolished retaining walls within the Easement area must begin no later than April 1, 2015, and must be completed to the satisfaction of the M-NCPPC inspector by April 30, 2015.
 - i. The work shall be performed with hand tools and supervised/directed by an ISA Certified arborist;
 - ii. Existing rubble (such as but not limited to bricks) associated with the work shall be properly disposed outside of the Easement area; and
 - iii. The affected Easement area shall be stabilized with mulch and planted with least six native shrubs.

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, and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

This Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings remain in effect. The retention of the existing concrete path will not cause new disturbance to the easement area. Furthermore, the deletion of the unbuilt southern pathway and re-grading and stabilization of the existing fill associated with the demolished retaining walls will enhance the easement area.

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.


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 23 2015 (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 Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, January 22, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board