



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

MCPB No. 15-59  
Preliminary Plan No. 11997035A  
Little Bennett Estates, Vance Property  
Date of Hearing: June 4, 2015

SEP 14 2015

**RESOLUTION**

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

WHEREAS, on March 28, 1997 the Montgomery County Planning Board, approved Preliminary Plan No. 119970350, creating 21 lots on 70.76 acres of land in the RE-2 Zone ("Subject Property"), located on Little Bennett Court in Clarksburg, MD in the Clarksburg Vicinity Master Plan ("Master Plan") area;

WHEREAS, on January 15, 2015, Thomas and Linda Vance ("Applicants"), filed an application for approval to the amend the previously approved preliminary plan to remove and relocate off-site a total of 3,424 square feet (0.08 acres) of Category I Conservation Easement from Lot 15; and

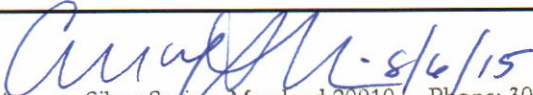
WHEREAS, Applicant's application to amend the previously approved preliminary plan and associated forest conservation plan was designated Preliminary Plan No. 11997035A ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 22, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 4, 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 June 4, 2015, the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 5-0; Commissioners Anderson, Dreyfuss, Fani-Gonzalez, Presley, and Wells-Harley all voting in favor.

Approved as to  
Legal Sufficiency:

  
8/8/15

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M-NCPPC Legal Department  
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NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11997035A to remove a total of 3,424 square feet of existing Category I Conservation Easement and relocate on-site 1,998 square feet of new easement and relocate to an off-site forest mitigation bank 1,426 square feet of easement at a 2:1 rate of Category I Conservation Easement from Lot 15 subject to the following conditions:<sup>1</sup>

1. Within ninety (90) days of the mailing date of the Planning Board Resolution, a new Category I Conservation easement over all onsite forest conservation areas must be recorded in the Montgomery County Land Records by deed. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel before recordation of the easement.
2. Within ninety (90) days of the mailing date of the Planning Board Resolution approving the limited amendment to the Preliminary Plan, Applicants must submit a complete record plat application that delineates the revised conservation easements and references the Liber/Folio of the recorded deed. The existing easements remain in full force and effect until the new conservation easements are recorded.
3. Within ninety (90) days of the mailing date of the Planning Board Resolution approving the limited amendment to the Preliminary Plan, Applicants must install the required permanent forest conservation easement signage markers along both newly created conservation easement and existing conservation easement boundaries.
4. Prior to Planning Board approval of the record plat, the Applicants must submit a certificate of compliance to use an offsite forest mitigation bank. The certificate of compliance must provide 2,852 square feet of mitigation credits for onsite conservation easement removal of 1,426 square feet.
5. All other conditions of Preliminary Plan No, 119970350 as contained in the Planning Board's Resolutions mailed March 28, 1997 that were not modified herein, remain 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

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<sup>1</sup> For the purposes of these conditions, the term "Applicants" refers to the owners of Lot 11, or any successors in interest to those owners, jointly and severally.

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

1. Except as specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the previously approved preliminary plans, and all findings not specifically addressed remain in effect.
2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County, Chapter 22A.

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 14 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).

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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 Fani-González, with Chair Anderson and Commissioners Presley and Fani-González voting in favor, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, September 3, 2015, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board