

# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-76  
Water Quality Plan No. G-957  
Dowdens Station  
Date of Hearing: July 9, 2015

JUL 24 2015

## RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("DPS") and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible for reviewing water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

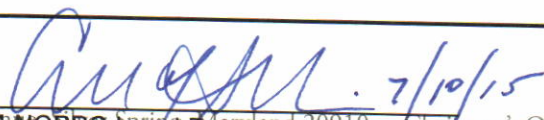
WHEREAS, in cooperation with DPS' review and approval of those elements of the water quality plan for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on July 8, 2014, Clarksburg Mews, LLC ("Applicant"), filed an application for approval of a water quality plan on approximately 24.37 acres of R-200 zoned property (requesting PD-4) located on the west side of Frederick Road (MD 355), 1,300 feet north of its intersection with Shawnee Lane ("Subject Property") in the Clarksburg Special Protection Area ("SPA") within the Clarksburg Policy Area, Clarksburg ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. G-957, Dowdens Station ("Preliminary/Final Water Quality Plan" or "Application")<sup>1</sup>; and

<sup>1</sup> For purposes of this Resolution, whether or not indicated, the Board's action is with regard to the preliminary Water Quality Plan.

Approved as to  
Legal Sufficiency:

 7/10/15

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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 26, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, the Staff Report included a copy of a letter dated June 15, 2015 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on July 9, 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 July 9, 2015, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Wells-Harley, seconded by Commissioner Fani-Gonzalez, with a vote of 3-0; Commissioners Anderson, Fani-Gonzalez, and Wells-Harley voting in favor. Commissioners Dreyfuss and Presley were absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. G-957, Dowdens Station on the Property, subject to the following conditions:<sup>2</sup>

1. Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Services ("MCDPS") Preliminary Water Quality Plan approval letter dated June 11, 2015.
2. Prior to the issuance of a building permit, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to an overall target of 30 percent on the net tract area, defined as the gross tract area including off-site areas of impervious improvements completed by the Applicant and excluding dedicated but unbuilt rights-of-way to be improved by other entities. The Applicant must limit parking to 2.25 spaces per unit as one means of achieving the impervious surface target.
3. If the stream crossing is permitted at preliminary plan, it must not disturb natural stream flow or wetlands.

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<sup>2</sup> 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.



4. Minimize height of retaining walls separating sensitive areas from developed areas.
5. To the greatest extent possible, Applicant must maintain an undisturbed 175-foot stream buffer adjacent to the townhouses on the western side of the site, but in no event can the stream buffer be less than 150-feet. If conditions require clearing within the 175-foot buffer, the Applicant must mitigate for all encroachments.

BE IT FURTHER RESOLVED, that having given full consideration to 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 Montgomery County Planning Board FINDS, with the conditions of approval, that:

*The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.*

The Special Protection Area Preliminary Water Quality Plan G-957 with conditions meets all applicable sections of Chapter 19 of the Montgomery County Code.

The Application met applicable requirements for environmental buffer protection and forest conservation under an approved forest conservation plan. As conditioned by this approval, site impervious limits have been satisfied. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under the Board's purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under DPS' purview.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; 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 JUL 24 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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-González voting in favor of the motion, and Commissioners Dreyfuss and Presley absent, at its regular meeting held on Thursday, July 16, 2015, in Silver Spring, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board