



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

APR 21 2016

MCPB No. 16 - 042  
Preliminary Plan No. 12005050A  
15215 Seneca Road (aka Martinis Property) Lot 1  
Date of Hearing: April 14, 2016

**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 March 15, 2005, the Planning Board approved Preliminary Plan No. 120050500, creating 1 lot on 5 acres of land in the RC Zone on the north side of Seneca Road approximately 700 feet east of the intersection with Oxmoor Place ("Subject Property") in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on January 11, 2016, Eric and Anjanette Martinis ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to remove a total of 13,867 square feet of Category I Conservation Easement from the Subject Property and add 13,884 square feet of Category I Conservation Easement to the Subject Property as mitigation for the easement removal; the Applicant also proposed to relocate area designated as rural open space; and

WHEREAS, the Applicant's application to amend the Preliminary Plan and the associated Final Forest Conservation Plan was designated Preliminary Plan No. 12005050A, Martinis Property Lot 1 ("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 April 1, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 14, 2016, 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, 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 Preliminary Plan No. 12005050A to reconfigure the Category I Conservation Easement and rural open space on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Prior to submitting a Record Plat application for Lot 1, the Applicant must record a Category I Conservation Easement by deed in the Land Records of Montgomery County, Maryland for all retained and new conservation easement areas on the Subject Property. The new Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel before recordation. The existing Category I Conservation Easement remains in full force and effect until the new Category I Conservation Easement is recorded in the Land Records of Montgomery County, Maryland.
  2. Within thirty (30) days of the mailing date of the Planning Board Resolution, the Applicant must submit a cost estimate for the reforestation and afforestation plantings, two-year maintenance and signage requirements of the Forest Conservation Plan for Staff review and approval.
  3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must submit a financial security for the planting, maintenance and signage requirements of the Forest Conservation Plan in the amount and format approved by Staff.
  4. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must enter into a Maintenance and Management Agreement in a form approved by the M-NCPPC Office of the General Counsel to ensure compliance with the conditions of the Forest Conservation Plan.
  5. Within ninety (90) days of the mailing date of the Planning Board Resolution for this amendment, the Applicant must install permanent conservation easement markers at the perimeter of the new Category I Conservation Easement as shown on the Forest Conservation Plan Amendment.
  6. Within ninety (90) days of the mailing date of the Planning Board Resolution for this amendment, any areas of dumped leaves, grass or wood in the conservation easement must be scattered within the forest plant areas.
  7. Within one hundred and twenty (120) days of the mailing date of the Planning Board Resolution for this amendment, the Applicant must submit a complete Record Plat application that delineates and references the new Category I Conservation
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Easement and references the rural open space as on shown the Amended Preliminary Plan.

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:

1. 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.
2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County, Chapter 22A.
3. The Application satisfies all the applicable requirements of the Zoning Ordinance, Montgomery County, Chapter 59.


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 21 2016 (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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, April 14, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board