



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

NOV 17 2015

MCPB No. 15-136
 Forest Conservation Plan No. CU2015-04
 Greenskeeper Landscaping (Mamana)
 Date of Hearing: November 12, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on September 25, 2015, David Mamana ("Applicant") filed an application for approval of a forest conservation plan on approximately 31.58 acres of land identified as Parcel P150, Tax Map HV 53 and located at 3309 Damascus Road (MD 650), on the north side of Damascus Road, approximately 700 feet east of its intersection with Sundown Road ("Subject Property") in the Patuxent Policy Area, Olney Master Plan ("Master Plan") area, and Patuxent River Watershed Primary Management Area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. CU2015-04, Greenskeeper Landscaping (Mamana) ("Forest Conservation Plan" 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 October 30, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 12, 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, at the hearing, the Planning Board approved the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Forest Conservation Plan No. CU2015-04 on the Subject Property, subject to the following conditions:¹

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.

Approved as to

Legal Sufficiency:  11/5/15

1. Within ninety days of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must:
 - a. Submit a revised Final Forest Conservation Plan CU2015-04 to M-NCPPC Staff for review and approval. The revised Final FCP (FFCP) must correct the Afforestation Plant List to specify a minimum size class of $\frac{3}{4}$ - 1" caliper trees with a minimum planting rate of 200 trees per acre.
 - b. Record a Category I conservation easement over all areas of forest retention, forest planting, and stream valley buffer as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
 - c. Install permanent forest conservation easement signage along the perimeter of the conservation easement, as determined by the M-NCPPC forest conservation inspector.
2. Within seven months of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must:
 - a. Plant 3.51 acres of forest as specified on the approved Final Forest Conservation Plan.
 - b. Submit financial surety for planting 3.51 acres of forest.
 - c. Obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting areas.

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 Planning Board FINDS, with the conditions of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and the protection of environmentally sensitive features.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law, which is Chapter 22A of the Montgomery County Code.

There are approximately 2.81 acres of existing forest on the Subject Property. This Application proposes to retain all of the existing forest and specimen trees. Based on the land use category and Forest Conservation Plan Worksheet, there is a 3.51 acre forest planting requirement that will be met onsite within the stream buffer and adjacent to existing forest. This

Application does not propose any new construction; however, it does retain approximately 350 square feet of existing asphalt path within the stream buffer. The existing and planted forest, and the existing pond, wetlands, stream and stream buffer will be protected under a Category I conservation easement.

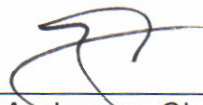
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is NOV 17 2015 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, November 12, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board