



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

JAN 28 2016

MCPB No. 16-003

SPA Combined Preliminary and Final Water Quality Plan No. MR2016012

Muncaster Mill Road Sidewalk

Date of Hearing: January 21, 2016

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 Transportation ("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 to review 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 November 23, 2015, Montgomery County Department of Transportation ("Applicant") filed an application for approval of a water quality plan on approximately 0.45 acres of RE-1 zoned property located on the north side of Muncaster Mill Road from Needwood Road to Colonel Zadok Magruder High School in Derwood ("Subject Property") in the Upper Rock Creek Special Protection Area ("SPA") within the Upper Rock Creek Master Plan ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. MR2016012, Muncaster Mill Road Sidewalk ("Preliminary/Final Water Quality 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 January 8, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

Christina Sargent 1/13/16

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WHEREAS, the Staff Report included a copy of a letter dated November 2, 2015 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on January 21, 2016, the Planning Board held a public hearing on the Application at which it 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 certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. MR2016012, Muncaster Mill Road Sidewalk on the Subject Property, subject to the following conditions:¹

1. The impervious surfaces are limited to the area as shown on the Impervious Surface Plan Portion of the Preliminary/Final Water Quality Plan. Impervious surfaces should be limited to no more than 29%.

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.

Conformance with Environmental Guidelines: The project proposes no forest removal, no impacts to the Stream Valley Buffer (SVB), and no impacts to the 100-Year-Floodplain. There are no direct environmental impacts associated with the Muncaster Mill Road Sidewalk project.

Impervious Surfaces: Within the Upper Rock Creek SPA there is no impervious surface cap or limit for public projects, and they are not subject to the 8% imperviousness cap, but the project must minimize impervious surfaces to the amount needed to achieve the public purpose intended.

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.

The area of the project within the SPA is approximately 0.45 acres and currently has .03 acres of imperviousness, or 7%. The proposed sidewalk and roadway improvements will add an additional .10 acres of imperviousness for a total of 0.13 acres of the 0.45 acres area, or 29%. The imperviousness percentage is inflated based upon using only the project area as the total area. The sidewalk is being built to current standards and no unnecessary impervious surfaces have been used.

The Application met applicable requirements for environmental buffer protection and forest conservation. 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 JAN 28 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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, 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 21, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board