



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

JAN 27 2016

MCPB No. 16 - 002
Preliminary Plan No. 11993043B
Piney Spring Farm (aka Piney Spring) Lot 1, Block A
Date of Hearing: January 21, 2016

RESOLUTION

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

WHEREAS, on May 12, 1994, the Planning Board, approved Preliminary Plan No. 119930430, creating 21 lots on 48.20 acres of land in the RE2 Zone, off of Glen and Piney Meetinghouse Road, in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, Preliminary Plan No. 119930430 titled Piney Spring Farm is also known as Piney Spring.

WHEREAS, on September 2, 2015, Haven and Amy Barlow ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to remove a total of 6,812 square feet of Category I Conservation Easement from Piney Spring Lot 1, Block A ("Subject Property") which is in violation of the Category I Conservation Easement Agreement and mitigate offsite by acquiring 13,624 square feet of mitigation credit at an offsite bank; and

WHEREAS, The Applicant's application to amend the Preliminary Plan was designated Preliminary Plan No. 11993043B, Piney Spring Farm (aka. Piney Spring) Lot 1, Block A ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, the Amendment is also a Final Forest Conservation Plan Amendment ("Forest Conservation Plan") for the Subject Property.

WHEREAS, following review and analysis of the Application, Planning Board staff ("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 Souza 1/13/16

Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
 M-NCPPC Legal Department
 www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on January 21, 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. 11993043B to remove a total of 6,812 square feet of Category I Conservation Easement from the Subject Property. The Applicant will provide mitigation offsite by acquiring 13,624 square feet of credit at an approved Montgomery County Forest Conservation Bank. Approval of Preliminary Plan No. 11993043B is subject to the following conditions:

1. Prior to submitting a Record Plat application for Lot 1 Block A, the Applicant must record a Category I Conservation Easement by deed in the Land Records of Montgomery County, Maryland for all retained 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 of the Planning Board Resolution approving Preliminary Plan No. 11993043B, the Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest conservation bank. The Certificate of Compliance must provide 13,624 square feet of mitigation credit for the removal of 6,812 square feet of Category I Conservation Easement.
3. Within ninety (90) days of the mailing date of the 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 Final Forest Conservation Plan Amendment.
4. Within one hundred and twenty (120) days of the mailing date of the Resolution for this Amendment, the Applicant must submit a complete Record Plat application that delineates and references the new Category I Conservation Easement.

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 Amendment resolves an existing forest conservation law violation by removing two areas of Category I Conservation Easement encroachment. The driveway area and an area of mowing between the house and the stormwater management parcel, Parcel H, are proposed to be removed with offsite mitigation. On site mitigation is not practical in this case as Parcel H is not available for conservation easement protection. The area of conservation easement to be removed is not within a recognized forest stream buffer area. At least twice the area to be removed will be preserved offsite at an approved forest conservation bank. The Amendment provides mulching for any area of grass retained in conservation easement and includes installation of permanent conservation easement markers along the conservation easement boundary. The amount of reforestation and afforestation required by the original approved Final Forest Conservation Plan is not changed by this Amendment. Therefore, 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 JAN 27 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 (30) 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).

* * * * *

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 Commissioner Presley, 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