



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

**OCT 15 2009**

**MCPB No. 09-106**  
**Forest Conservation Plan No. MR 2009002 MCDEP-1**  
**Upper Northwest Branch**  
**Date of Hearing: April 23, 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on December 29, 2008, The Montgomery County Department of Environmental Protection ("Applicant"), filed an application for approval of a Forest Conservation Plan within approximately 4.7 acres of M-NCPPC parkland located between the intersection of Norwood and Norbeck Roads and the Northwest Park Golf Course. ("Property" or "Subject Property"), in the Cloverly master plan area ("Master Plan"); and


WHEREAS, Applicant's forest conservation plan application was designated as Preliminary Forest Conservation Plan No. MR 2009002 MCDEP-1, Upper Northwest Branch ("Preliminary Forest Conservation Plan" or "Application"). The Application is associated with Upper Northwest Branch Stream Restoration Project- Mandatory Referral No. 2009002 MCDEP-1; and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 10, 2009 setting forth its analysis, and recommendation for approval of the Application subject to a certain condition ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on April 23, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

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Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 23, 2009, the Planning Board approved the Preliminary Forest Conservation Plan subject to a certain condition, with a vote of 4-0 on motion of Commissioner Robinson and seconded by Commissioner Cryor with Commissioners Cryor, Presley, Hanson and Robinson voting in favor, Commissioner Alfandre being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Preliminary Forest Conservation Plan No. MR 2009002 MCDEP-1 within approximately 4.7 acres of M-NCPPC parkland located between the intersection of Norwood and Norbeck Roads and the Northwest Park Golf Course ("Property" or "Subject Property"), in the Cloverly master plan area ("Master Plan"), subject to the following condition:

1. *Applicant to rectify and account for all areas of forest clearing associated with project.*

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the condition of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and Forest Conservation Regulations Section 109A.*

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in the matter, and the date of this Resolution is OCT 15 2009 (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

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Planning Commission on motion of Commissioner Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Alfandre, Presley, and Wells-Harley voting in favor of the motion, and with Commissioner Cryor absent, at its regular meeting held on Thursday, September 10, 2009, in Silver Spring, Maryland.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman  
Montgomery County Planning Board