



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

JAN 11 2010

MCPB No. 09-153
Forest Conservation Plan No. MR2009707
Fairland Elementary School Addition
Date of Hearing: November 12, 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 June 18, 2009, Montgomery County Public Schools (“Applicant”), filed an application for approval of a Forest Conservation Plan on 11.80 acres of land located on Fairdale Road (“Property” or “Subject Property”), in the Fairland master plan area (“Master Plan”); and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. MR2009707, Fairland Elementary School Addition (“Forest Conservation Plan” or “Application”); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated October 19, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and the staff of other governmental agencies, the Planning Board held a public hearing on the Application (the “Hearing”) on November 12, 2009; and

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

Approved as to
Legal Sufficiency: 
M-NCPPC Legal Department

WHEREAS, on November 12, 2009, the Planning Board approved the Forest Conservation Plan subject to certain conditions, on motion of Commissioner Wells-Harley; seconded by Commissioner Presley; with a vote of 4-0, Commissioners Alfandre, Hanson, Presley, and Wells-Harley voting in favor with one seat being vacant.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Forest Conservation Plan No. MR2009707 on 11.80 acres of land located on Fairdale Road ("Property" or "Subject Property"), in the Fairland master plan area ("Master Plan") subject to the following conditions:

1. Compliance with the conditions of approval of the Preliminary Forest Conservation Plan. The applicant must meet all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s).
 - a. Submission and approval of a final forest conservation plan, including permanent signs to be placed along the boundary of the forest retention/conservation area.
 - b. Prior to the start of clearing or grading, the applicant must record a Category I conservation easement over the onsite forest retention area as shown on the Forest Conservation Plan. The conservation easement agreement should be amended to allow for the existing dirt path to remain, and be enhanced through use of natural materials (e.g., mulch), as necessary, to prevent erosion and improve all-weather utility, subject to approval by a M-NCPPC Inspector.

BE IT FURTHER RESOLVED, that 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 (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 the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The project was reviewed for compliance with Chapter 22A of the Montgomery County Code, the Forest Conservation Law. There are approximately 2.05 acres of forest on the Property. The forest is located on the northern portion of the property. All of the existing forest will be protected by a Category I Conservation Easement. No forest planting is required.

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 JAN 11 2010 (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 Presley, seconded by Vice Chair Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioners Presley and Alfandre present and voting in favor of the motion at its regular meeting held on Thursday, January 7, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board