

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-145
SPA Water Quality Plan No. 220090500
Granby Woods Outlot D, Block F
Date of Hearing: October 21, 2010

NOV 24 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Special Protection Area (SPA) water quality plan applications; and

WHEREAS, on July 22, 2009, Melvin and Megan Coursey ("Applicant"), filed an application for approval of a SPA Water Quality Plan on approximately 3.59 acres of land located on Shremor Drive ("Property" or "Subject Property"), in the Upper Rock Creek master plan area ("Master Plan"); and

WHEREAS, Applicant's SPA water quality plan application was designated Water Quality Plan No.220090500, Granby Woods Outlot D, Block F ("Water Quality Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated October 7, 2010, 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 October 21, 2010; and

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

WHEREAS, on October 21, 2010, the Planning Board approved the Water Quality Plan subject to certain conditions on motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley, with a vote of 3-0; Commissioners Alfandre, Carrier, and Wells-Harley voting in favor. Commissioners Dreyfuss and Presley were absent.

Approved as to
Legal Sufficiency:

Christina Sout 11/9/10
MNCPPC Legal Department

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, the Planning Board approved SPA Water Quality Plan No. 220090500 on approximately 3.59 acres of land located on Shremor Drive ("Property" or "Subject Property"), in the Upper Rock Creek master plan area ("Master Plan") subject to the following conditions:

Approval of the SPA combined preliminary and final water quality plan subject to the following condition:

- 1) The Preliminary/Final Water Quality Plan must be revised to show a limit of disturbance that is consistent with that shown on the approved Preliminary Forest Conservation Plan.
- 2) The Applicant must conform to the conditions as stated in the Department of Permitting Services (DPS) letter dated November 18, 2009.

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 (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 SPA Law, Montgomery County Code, Chapter 19, Article V.

The Applicant proposes to convert an existing outlot into a lot and construct a single-family dwelling. The Property is subject to the Environmental Overlay Zone for the Upper Rock Creek SPA. The overlay zone does not require a specific limit on impervious surface cover for this project because the Property will not be served by community sewer. The Applicant will minimize impervious surfaces by locating the house near the public road (Shremor Drive) that provides access to the Property.

The Preliminary Forest Conservation Plan (FCP) was conditionally approved by the Director's designee (Environmental Planning staff) on June 3, 2010. The approved Preliminary FCP shows the location of the primary well to serve the subject site and the limits of disturbance for the well installation to be within the Subject Property. The location of these elements avoids disturbance to a tree that is larger than 30 inches in diameter at breast height. Therefore, no variance request under the Forest Conservation Law is required for the project. The Applicant will revise the limits of disturbance on the water quality plan so that it is consistent with that shown on the conditionally approved Preliminary FCP.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by the

Montgomery County Department of Permitting Services, in coordination with the Montgomery County Department of Environmental Protection, who are the lead agencies for these components of the SPA Water Quality Plan.

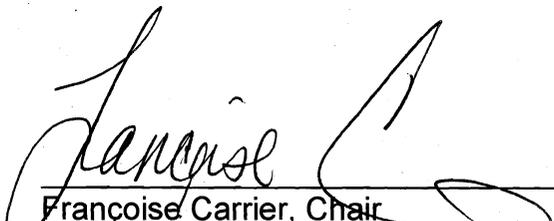
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~NOV 24~~ NOV 24 2010 (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Alfandre, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, November 18, 2010, in Silver Spring, Maryland.



Françoise Carrier, Chair
Montgomery County Planning Board