



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

MCPB No. 10-178
Water Quality Plan No. MR2010814
A-305 Snowden Farm Parkway
Date of Hearing: December 6, 2010

MAY 25 2011

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 in coordination with the Montgomery County Department of Permitting Services ("MCDPS"); and

WHEREAS, on January 3, 2008, Clarksburg Village Investments, Inc. ("Applicant"), filed an application for approval of a SPA water quality plan on 8.58 acres of land located approximately 320 feet north of Morning Star Drive one half mile south to Ridge Road (MD27), Clarksburg, Maryland ("Property" or "Subject Property"), in the Clarksburg Master Plan area ("Master Plan"); and

WHEREAS, Applicant's SPA water quality plan application was designated Water Quality Plan No. MR2010814, A-305 Snowden Farm Parkway ("Water Quality Plan" or "Application"); and

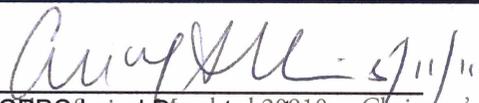
WHEREAS, MCDPS has reviewed and conditionally approved the elements of the Water Quality Plan under its purview; and

WHEREAS, the Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements have been satisfied; and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 23, 2010, setting forth its analysis, and recommendation for approval with conditions of the Application ("Staff Report"); and

WHEREAS, on December 6, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); 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: 

8787 Georgia Avenue, NCDPPC Legal Department 2010 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, on December 6, 2010, the Planning Board approved the Water Quality Plan, on motion of Commissioner Presley and seconded by Commissioner Wells-Harley; with a vote of 4-0, with Commissioners Alfandre, Carrier, Presley, and Wells-Harley voting in favor, with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, and given that the Montgomery County Department of Permitting Services ("DPS"), in coordination with the Montgomery County Department of Environmental Protection are the lead agencies for these components of the SPA Water Quality Plan, the Planning Board approved SPA Water Quality Plan No. MR2010814 on the Property subject to the following conditions:

1. The Applicant must conform to the conditions as stated in that letter dated November 10, 2010, from the Montgomery County Department of Permitting Services ("DPS") regarding Preliminary/Final Water Quality Plan and Stormwater Management Concept (SM File # 233038), which was presented as Attachment #1 in the Staff Report.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing, and 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.

DPS reviewed and conditionally approved the elements of the SPA Plan under its purview, including the stormwater management concept, sediment and erosion control, and monitoring of best management practices. The Planning Board reviewed and conditionally approved the elements of the SPA Plan under its purview; whether environmental impacts to the SPA have been minimized.

- a. **Conformance with Environmental Guidelines:** The Applicant has reduced the environmental impacts by implementing design changes for a master planned roadway with few opportunities to reduce the impacts. In the area of the stream crossings and wetlands, Applicant made a number of alterations to the typical roadway cross section to reduce environmental impacts, reducing the wetland impact by 720 square feet and the wetland buffer impact by 600 square feet. Additionally, the centerline grade of the new roadway is set to be approximately 2.5 feet above existing ground at the low point in the roadway, which reduces the grading and fill slopes

required. The plan adds a new drain in the vicinity of the existing seeps and stream channel to be filled as a means to replicate the existing groundwater condition and enhance the groundwater discharge, thereby minimizing hydrological impacts on the remaining wetlands and stream. The applicants proposal is consistent with the environmental guidelines to either avoid the environmental impacts and when that is not possible to minimize the impacts.

- b. Impervious Surfaces:** Within this section of the Clarksburg SPA there is no impervious surface cap or limit. However, a main goal of all SPA's is to reduce the overall impervious footprint of new development within SPA boundaries. Roadway projects provide very limited opportunities to reduce the impervious footprint because of set roadway standards for width of paving and other required pedestrian and cyclist connections. However, the Applicant has reduced the impervious surfaces to the greatest extent possible and the applicant is using porous pavement where feasible for both the required sidewalks and bike paths. While pervious paving is not considered pervious in terms of impervious surface caps and does not reduce the impervious footprint, it does allow for some recharge and should be used where feasible.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 25 2011 (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).

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 Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and with Commissioner Alfandre

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absent, at its regular meeting held on Thursday, May 19, 2011, in Silver Spring,
Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board