



MAY 23 2012

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

MCPB No. 12-16
Combined Preliminary and Final Water Quality Plan No. MR2012011
Colesville Depot
Date of Hearing: January 26, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 13, Article V, Water Quality Review in Special Protection Areas, must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("DPS") and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible to review water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS' review and approval of those elements of the water quality plan for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on November 17, 2011, Montgomery County Department of General Services ("Applicant"), filed an application for approval of a water quality plan on approximately 11.73 acres of land in the Upper Paint Branch Overlay Zone, located at 14435 Cape May Road that fronts on the southeast side of Cape May Road approximately 700 feet northeast of the intersection of Cape May Road and New Hampshire Avenue, MD Route 650 ("Subject Property"), in the Upper Paint Branch Special Protection Area ("SPA") of the Cloverly master plan ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. MR2012011, Colesville Depot ("Preliminary/Final Water Quality Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Prince Georges, Maryland 20910 Chairman's Office: 301.495.4615 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncjpc.org

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Planning Board dated January 16, 2012, setting forth its analysis, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, the Staff Report included a copy of a letter dated November 18, 2011, from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on January 26, 2012, 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, on January 26, 2012, the Planning Board voted to approve the Preliminary/Final Water Quality Plan, subject to certain conditions on motion of Commissioner Anderson, seconded by Commissioner Presley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley and Wells-Harley, voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board approves Water Quality Plan No. MR2012001, Colesville Depot on the Subject Property, subject to the following condition:

Applicant must conform to the conditions as stated in DPS' Preliminary/Final Water Quality Plan letter dated November 18, 2011, that references the Colesville Maintenance Depot.

BE IT FURTHER RESOLVED, that having given full consideration to 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:

The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

The approved Application expands Colesville Depot which is currently operated by the Montgomery County Department of Transportation for the purpose of providing road maintenance for the southeastern portion of the County. There will be no impacts to any streams, wetlands, or stream valley buffers as a result of the expansion.

Section 59-C-18.152(1) limits development in the Upper Paint Branch Overlay Zone for the Upper Paint Branch SPA to no more than 8 percent impervious surface of the total area under application for development. However, Section

59-C-18.152(1)(A) provides some grandfathering in that “[a]ny impervious surface lawfully existing pursuant to a building permit issued before July 1, 2007 that exceeds the 8 percent restriction, may continue or be reconstructed under the development standards in effect when the building permit was issued.” The Subject Property is currently developed with 5.58 acres, or 47.6 percent impervious surface area. Of the current conditions, 5.26 acres, or 44.8 percent impervious surface was grandfathered under Section 59-C-18.152(1)(A), as it lawfully existed pursuant to a building permit issued before July 1, 2007. The post-development condition of the Subject Property will result in 5.12 acres, or 43.65 percent impervious surface, creating a net decrease in the impervious surfaces allowed under Section 59-C-18.152(1)(A).

The Application met applicable requirements for environmental buffer protection, forest conservation and planting requirements under an approved forest conservation plan. As conditioned by this approval, site impervious limits have been satisfied. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under the Board’s purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under DPS’ purview.

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 23 2012 (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

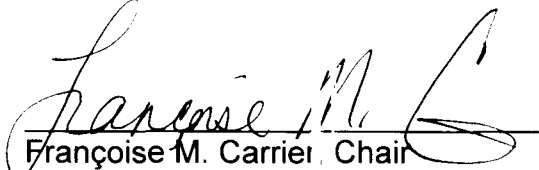
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agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, May 17, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board