

APR 19 2012



## MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-17  
Site Plan No. 820110140  
Project Name: Anselmo Property  
Date of Hearing: January 26, 2012

### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on August 8, 2011 R.A.M. Investing, Ltd ("Applicant"), filed an application for approval of a site plan, and associated final water quality plan, for 38 residential units, including 33 one-family detached, and 5 one-family attached Moderately Priced Dwelling Units ("MPDU's"), on 42.28 acres of land in the RE-1 zone and Environmental Overlay for the Upper Paint Branch Special Protection Area zone, using the cluster method of development, on land located at the southern terminus of Rainbow Drive and on the north side of Briggs Chaney Road ("Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820110140, Anselmo Property ("Site Plan" or "Application"); 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 January 13, 2012 ("Staff Report"), setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions; and

WHEREAS, on January 26, 2012, the Planning Board held a public hearing on the Application (the "Hearing") and at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

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Approved as to  
Legal Sufficiency:

*Carol Rubin / CR*  
MNCPPC Legal Department

8787 Georgia Ave. Spring, Maryland 20910

Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org

E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

WHEREAS, on January 26, 2012, the Planning Board approved the Application, subject to conditions<sup>1</sup>, on the motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor, with Commissioner Anderson absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code, Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820110140, Anselmo Property, for 38 residential units including 33 one-family detached, and 5 one-family attached MPDU's on the Subject Property, subject to the following conditions:

Conformance with Previous Approvals

1. The development must comply with the conditions of approval for Preliminary Plan No. 120100160.

Environment

2. Forest Conservation & Tree Save

- a) The development must comply with the conditions of approval of the Final Forest Conservation Plan dated, January 11, 2012, as may be amended and approved by Staff ("FCP"). The Applicant must satisfy all conditions prior to recordation of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s), as appropriate.
- b) Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Law.
- c) The Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by Staff.
- d) Applicant must place a Category I conservation easement over all areas of forest retention, forest planting, and environmental buffers, including proposed and future forest banking areas, as shown on the approved FCP. Conservation easements must be recorded in the Montgomery County land records prior to any clearing or grading on the Property. Conservation easements must be shown on the record plats.

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<sup>1</sup> Some of the conditions set forth in this Resolution were inadvertently omitted from both the Staff Report and discussion at the Hearing ("Omitted Conditions"). However, the Applicant is already subject to compliance with each of the Omitted Conditions, either as part of the approved forest conservation plan, or as required by law under either Chapter 22A of the Montgomery County Code (the Forest Conservation Law) or the Guidelines for Environmental Management of Development in Montgomery County adopted January 2000. The Applicant has consented to having the Omitted Conditions included in this Resolution for ease of reference.

- e) Forest plantings must be provided over all unforested stream buffers as shown on the FCP.
- f) Reforestation must begin within the first planting season after issuance of the first grading permit, with appropriate phasing to allow for construction of sediment and erosion control measures.
- g) Compliance with all tree protection measures shown on the approved FCP.
- h) Tree save measures not specified on the FCP may be required by the M-NCPPC forest conservation inspector.
- i) Applicant must submit financial security for planting 5.86 acres prior to any clearing or grading on the Property.
- j) Prior to acceptance by Staff of any on-site planting, Applicant must enter into a five-year maintenance and management agreement in a form approved by Staff.
- k) Applicant must install permanent Category I Forest Conservation Easement signage as shown on the FCP along the perimeter of the conservation easements.
- l) Applicant must install permanent split rail fencing or other fencing proposed by the Applicant and acceptable to Staff, along the forest conservation easement boundary along the pedestrian path, as shown on the approved FCP.
- m) Prior to the post planting inspection for the reforestation areas on the site (which triggers the start of the maintenance and management agreement), Applicant must restore the area identified on the FCP as "Forest Save A," including the removal of the existing ATV trails and debris.

### 3. Final Water Quality Plan

- a) Prior to recording of plat, Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 8.0 percent, which shall include the impervious surfaces in the entire gross tract area, including the Property and the land area between the right-of-way/Property line and the edge of the pavement of Briggs Chaney Road along the Property frontage.
- b) Prior to release of building permit, Applicant must demonstrate conformance to the impervious surface limit. Any modifications which increase imperviousness beyond 8.0 percent will require Planning Board approval.
- c) Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Service ("MCDPS") Final Water Quality Plan approval letter dated November 18, 2011, unless otherwise amended and approved by MCDPS.
- d) The development must comply with the impervious area exhibit as submitted by Applicant on October 21, 2011

### Parks, Open Space, & Recreation

#### 4. Common Open Space Covenant

- a) Record plats shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Staff prior to issuance of the 29th building permit that Applicant's recorded Homeowners Association Documents incorporate the Covenant by reference.

#### 5. Recreation Facilities

- a) The Applicant shall meet the square footage requirements for all of the applicable approved recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b) The Applicant shall provide the following recreation facilities as shown on the Site Plan: an open play area, a pedestrian system, and a 5 foot asphalt path through the Stream Valley Buffer to connect the internal street system to Briggs Chaney Road, public transit, the Cloverly Park, Cloverly Elementary and local shopping.

### Transportation & Circulation

#### 6. Transportation

- a) The development is limited to 38 one family units (comprised of 33 detached residential units, 2 semi-detached residential units, and 3 townhouses).

#### 7. Pedestrian Circulation

- a) Applicant must provide i) a 5-foot wide asphalt path through the Stream Valley Buffer connecting proposed street "A" with the bikeway along Briggs Chaney Road, and ii) a sidewalk on the north side only of the new internal street and on both sides of the Rainbow Drive extension into the Property, per the Development Program.

### Density & Housing

#### 8. Moderately Priced Dwelling Units (MPDUs)

- a) The development must provide a minimum of 12.5 percent of the total number of units as MPDUs on-site, consistent with the requirements of Chapter 25A of the Montgomery County Code.
- b) The MPDU agreement to build must be executed with the Montgomery County Department of Housing and Community Development prior to the release of any building permits.
- c) All of the required MPDUs must be provided on-site and in the location shown on the Site Plan.
- d) All of the required MPDUs must be fully constructed prior to issuance of the 29<sup>th</sup> overall building permit.

### Site Plan

#### 9. Site Design

- a) Provide space for 12 visitor parking spaces within the street right-of-way.

#### 10. Compatibility/Architecture

- a) All units including MPDUs must have masonry elements on the front facades. The front of the MPDUs must be designed and finished with architectural elements comparable to those found on other market rate units within the local neighborhood.

#### 11. Lighting

- a) The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b) All onsite down-light fixtures must be full cut-off fixtures.
- c) Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d) Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e) The height of the light poles shall not exceed 12 feet including the mounting base.

#### 12. Surety

Prior to issuance of the first building permit within each relevant phase of development, Applicant must provide a performance bond(s) or other form of

surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b) The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c) Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d) Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

### 13. Development Program

The Applicant must construct the development in accordance with a development program that must be approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the FCP, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- b) Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season after construction is completed.
- c) Community-wide pedestrian pathways, including the five foot asphalt path through the Stream Valley Buffer, must be completed prior to issuance of the 29th building permit, which represents 75% of the 38 dwelling units on this project.
- d) Provide each section of the development with necessary roads.
- e) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, the installation of on-site landscaping and lighting, and other features.

### 14. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the FCP approval, final water quality plan approval, stormwater management concept approval, development program, inspection schedule, and Site Plan resolution on the approval or cover sheet.
- b) Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Modify data table to reflect development standards enumerated in the Resolution.
- d) Ensure consistency off all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on Anselmo Property drawings stamped by the M-NCPPC on December 16, 2011, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and set forth in the Staff Report, which the Planning 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:

1. *Neither a development plan, diagrammatic plan nor a schematic development plan was required for the Subject Property.*
2. *The Site Plan meets all of the requirements of the RE-1/Cluster zone.*

As demonstrated in the Data Table below, which sets forth the development standards approved by the Planning Board and binding on the Applicant, the Site Plan meets all of the requirements of the RE-1 zone under the optional method of development using cluster development with MPDUs. The approved unit types and densities are allowed in the RE-1 Zone. The Site Plan meets the purpose of the zone by providing single family housing with MPDUs integrated within the community, offering housing to various income groups.

The reduced density of 0.9 units per acre for the 42.17-acre site was recommended in Preliminary Plan 120100160 for this Property in order to comply with the Upper Paint Branch Special Protection Area, which limits impervious surfaces to 8% of the gross tract area.

*Data Table for Zone RE-1, Development with MPDUs*

	<b>Zoning Ordinance Permitted/Required</b>	<b>Approved</b>
<b>Site Area (Acres)</b>		
Gross Tract Area	n/a	42.17
<b>Density [59-C-1.622]</b>		
Maximum Residential Density (du/acre) [59-C-1.622]	1.22	0.9
MPDUs [Chapter 25A]	12.50%	13.20%
<b>Minimum Lot Size [59-C-1.625]</b>		
One Family Detached	10,000	10,000
One Family Semidetached	5,000	5,000
Townhouse	n/a	1,295
<b>Unit Mix [59-C-1.62.1]</b>		
One Family Detached	>70%	86.80%
One Family semi-detached/townhouse	<30%	13.20%
<b>Unit Type</b>		
One Family Detached	n/a	33
One Family semi-detached	n/a	2
Townhome	n/a	3
<b>Minimum Green or Amenity Area [59-C-1.627]</b>		
Community Wide (% of Gross Tract Area)	n/a	86.20%
<b>Minimum Building Setbacks (ft.) [59-C-1.62]</b>		
From any street	35	35
Rear yard	35	35
<b>Accessory Structure Setbacks (ft.)</b>		
Rear yard	10	
Side Yard	15	
<b>Minimum Lot Width at Street</b>		
Single Family Detached	25	
<b>Maximum Building Height (ft.)</b>		
Overall	40	40



<b>Maximum Impervious Coverage</b>		
Upper Paint Branch S.P.A.	8%	8%

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The Site Plan is approved for 38 residential dwelling units, 33 as one family detached, and 5 MPDUs (13.2%) - two as semi-detached units and three as townhouses. The units are located in two clusters separated by a forested stream valley. The location of the units adequately avoids environmentally sensitive areas and existing utility easements on the property, and efficiently follows the street layout approved by the Planning. Rainbow Drive is extended south into the property, where it intersects with proposed Road "A". The street and lot configuration create an efficient community where most of the homes face each other on the street, and the location of the MPDU's in two separate groups helps fully integrate these units into the community. Three of the one family detached units will be built fronting Briggs Chaney Road. The location of these three units continues the pattern of other detached homes already located along Briggs Chaney Road.

b. Open Spaces

The RE-1 Zone does not have an open space or green area requirement, however; the Property is located within the Upper Paint Branch Special Protection Area, which restricts impervious surfaces to 8% of total gross tract area. To meet this goal, the Site Plan has a total green area of 86.2% (approximately 36 acres), including open meadow and protected, forested environmental areas. In addition to the environmental benefits to the Upper Paint Branch Watershed, this green area will provide future residents space to enjoy a range of passive recreational activities.

c. Landscaping and Lighting

The landscape plan i) provides an adequate buffer and screening from the adjacent one-family detached community to the north of the proposed development, ii) helps enhance the area around the MPDU's, the open play area and the 5 foot wide asphalt path, and iii) includes a mix of deciduous and evergreen trees and shrubs.

Additionally, the landscaping provides canopy coverage and shade for roads, sidewalks and open spaces. Trees line all the streets and smaller plant material such as herbaceous plants, shrubs, and ornamental trees, help define the provided amenities. The open play area is surrounded by a variety of plant material that adds interest and delineates the space but does not limit views into the area.

The lighting consists of pole mounted light fixtures with a maximum height of 12 feet located along all public roads. Lights of this scale are residential in character and reduce visibility from adjacent properties, thus maintaining compatibility with the neighborhood. The proposed lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties.

d. Recreation Facilities

The Site Plan includes an internal pedestrian system including sidewalks and a 5 foot wide asphalt path traversing the stream valley buffer in the location where a driveway currently exists. A 10,000 square foot open play area will also be constructed near the center of the community, with access to the roads, sidewalks and the asphalt path. The Property is located adjacent to Cloverly Park and near Cloverly Elementary School. Cloverly Park has available active recreational amenities including two baseball fields, two tennis courts and a playground for children. The Site Plan has adequate on-site recreational amenities to support the number and type of units, which satisfy the 1992 M-NCPPC Recreation Guidelines.

Demand						
Housing Type	Number of Units	D1	D2	D3	D4	D5
		Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
SFD I (20,000+)	2	0.20	0.40	0.44	1.70	0.16
SFD II (7,000-19,999)	31	4.03	7.44	7.75	32.86	3.41
SFD III (<7,000)	0	0.00	0.00	0.00	0.00	0.00
TH	5	0.85	1.10	0.90	6.45	0.35
Garden (4 or less)	0	0.00	0.00	0.00	0.00	0.00
Hi-Rise (5 or more)	0	0.00	0.00	0.00	0.00	0.00
		5.08	8.94	9.09	41.01	3.92

On-Site Supply						
Recreation Facility	Quantity Provided	D1	D2	D3	D4	D5
		Tots 0 to 4	Children 5 to 11	Teens 12 to 17	Adults 18 to 64	Seniors 65+
Open Play Area I	1	6.00	9.00	12.00	30.00	2.00
Pedestrian System	1	0.51	1.79	1.82	18.45	1.76
total:		6.51	10.79	13.82	48.45	3.76

Adequacy of Recreation Facilities						
		D1	D2	D3	D4	D5
a.	Gross Total Supply	6.51	10.79	13.82	48.45	3.76
b.	35% of Total Supply	2.27	3.77	4.83	16.95	1.31
c.	Max Off-Site Supply	0	0	0	0	0
d.	Total Supply	6.51	10.79	13.82	48.45	3.76
e.	90% Demand	4.58	8.05	8.19	36.91	3.53
f.	Adequate?	yes	yes	yes	yes	yes
g.	Less Than 50 Units	68.04	total demand		61.24	90% demand
h.	Adequate Total?	yes				
i.	80% Demand	4.07	7.16	7.28	32.81	3.14
j.	Adequate Individual	yes	yes	yes	yes	yes

e. Vehicular and Pedestrian Circulation

Access to the Property will be provided through an extension of Rainbow Drive into the community. A new, public east-west Road "A" will also be constructed, with two cul-de-sacs giving the community a barbell shape. The roadways and rights-of-way are adequate to handle the volume of traffic anticipated to be generated by the new dwelling units.

Pedestrian circulation within the community is provided by sidewalks that will line both sides of Rainbow Drive, and a sidewalk that will line the north side of Road "A". An existing bicycle trail extends across the southern border of the site along Briggs Chaney Road. A new 5 foot wide asphalt path will connect the bicycle trail along Briggs Chaney Road with Rainbow Drive, Road "A", and the open play area. The sidewalks, paved path and bicycle trail will connect the main portion of the community to the adjacent Cloverly Park and nearby Cloverly Elementary School.

4. *Each structure and use is compatible with other uses, other site plans, and with existing and proposed adjacent development.*

The 38 lots on 42.28 acres of land provide an average density of 0.9 dwellings per acre, which is less than the 1.22 units per acre allowed under the current zoning. 36.35 acres of open space provide a buffer between the new development and Cloverly Park, as well as existing homes along Valencia Street, Colesberg Street, Snider Lane and Olive Drive.

The project proposes three single family detached units be placed directly on Briggs Chaney Road, which is consistent in orientation with other single family detached units which front along that section of Briggs Chaney Road. The remaining 35 dwelling units, including all 5 MPDUs, will be placed in a barbell shaped street pattern that connects to the existing Rainbow Drive and adjacent subdivisions.

The MPDU's are being provided in two groups, one with 2 semi-detached units, and one with 3 townhouse units. Both of these structures will be of a similar scale and orientation as the other single family detached units proposed to front along street "A".

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, Chapter 59 regarding the environmental overlay zone and impervious limitations, and any other applicable law.*

DPS has reviewed and conditionally approved the elements of the Final Water Quality Plan under its purview. Under the Special Protection Area Law, the Planning Board must determine if the Final Water Quality Plan i) adequately protects sensitive environmental features as determined by application of the Guidelines for Environmental Management of Development in Montgomery County adopted January 2000 ("Environmental Guidelines"), ii) complies with the forest conservation law, and iii) meets the site imperviousness limitations. The following discussion provides the basis for the Planning Board's findings regarding the Final Water Quality Plan.

#### Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") #420100250) approved on November 3, 2009 for this Property identifies the environmental constraints and forest resources. A stream, three wetland areas, and the associated environmental buffer lie in the south-central portion of the site. The 10.26-acre environmental buffer includes some field cover, tree cover, and 3.45 acres of forest cover.

There are 43 trees on the site which are 24 inches or greater DBH and located outside the environmental buffer. The site's topography is gently sloping, with minimal steep slopes along the stream banks and in the eastern part of the site adjacent to an offsite driveway near Colesberg Street. There is an existing gravel driveway that crosses the stream and the environmental buffer. A pedestrian path is proposed in the general location of the existing driveway.

#### Environmental Buffers

The path through the Property that will provide a pedestrian connection between the existing residential areas to the north of the site and Briggs Chaney Road, as well as connect the two separate residential portions of this community, will generally follow the course of the existing gravel driveway, as it traverses the environmental buffer and crosses the onsite stream. The entire environmental buffer will be protected with a Category I conservation easement. The Planning Board finds that the Site Plan will adequately protect sensitive environmental features on the Property.

#### Final Forest Conservation Plan

As required by the County Forest Conservation Law (Chapter 22A of the Montgomery County Code), the final FCP was submitted with the Site Plan. The Final FCP is consistent with the approved Preliminary FCP to clear

approximately 0.46 acres of existing low priority forest without any environmentally sensitive features. The remaining 8.66 acres of forest will be retained. The 0.92-acre reforestation requirement will be met by forest planting in the environmental buffer. The remaining area of the environmental buffer that is currently unforested will also be planted in forest. This is consistent with the Environmental Guidelines.

A Variance for the removal of seven trees 30-inches DBH and greater was granted as part of the approval of the Preliminary Plan and Preliminary Forest Conservation Plan.

The Planning Board finds that the Final Forest Conservation Plan and the Final Water Quality Plan comply with Chapter 22A and Chapter 19 of the Montgomery County Code.

Site Imperviousness

Impervious surface restrictions for development projects in the Upper Paint Branch SPA are set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA (Montgomery County Code, Section 59-C-18.152). The Environmental Overlay Zone has an 8 percent imperviousness limit for new projects, and this development will result in an imperviousness of 8.0 percent as conditioned. The Planning Board finds that the Site Plan complies with the imperviousness limitations established within the Upper Paint Branch Special Protection Area.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is APR 19 2021 (which is the date that this Resolution is mailed to all parties of record); and

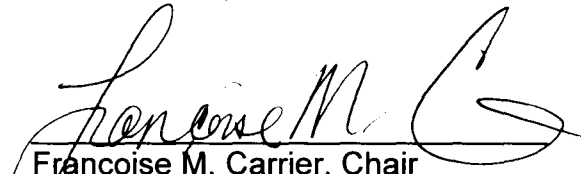
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

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 Anderson, seconded by Vice Chair Wells-Harley, 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, April 12, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

MCPB No. 12-17  
 Consent Agenda  
 April 12, 2012

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** John Carter, Chief *JAC*  
 Planning Department, Area 3

Richard Weaver, Acting Supervisor *RAW*  
 Planning Department, Area 3

**FROM:** Mary Jo Kishter, Senior Planner *MJK*  
 Planning Department, Area 3

**SUBJECT:** Site Plan 820110140  
 Anselmo Property  
 1010 Briggs Chaney Road; Silver Spring

**DATE:** March 22, 2012

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**STAFF RECOMMENDATION: Adoption of the attached Resolution, with conditions revised since the Planning Board Hearing on January 26, 2012.**

The Planning Board heard the presentation and discussion for the Site Plan, including the associated Final Forest Conservation Plan and Final Water Quality Plan for the Anselmo Property at a public hearing on January 26, 2012 ("Hearing"). The Planning Board voted to approve the Site Plan, with conditions. Some of the conditions set forth in the Resolution were inadvertently omitted from both the Staff Report and discussion at the Hearing. The omitted conditions relate only to the approved Final Forest Conservation Plan. All of the conditions related to the Final Forest Conservation Plan are listed below, with the omitted conditions highlighted in red.

The Applicant is already subject to compliance with each of the omitted conditions, either as part of the approved forest conservation plan, or as required by law under either Chapter 22A of the Montgomery County Code (the Forest Conservation Law) or the Guidelines for Environmental Management of Development in Montgomery County adopted January 2000. The Applicant has consented to having the omitted conditions included in this Resolution for ease of reference.



## Environment

### 1. Forest Conservation & Tree Save

- a) The development must comply with the conditions of approval of the Final Forest Conservation Plan dated, January 11, 2012, as may be amended and approved by Staff ("FCP"). The Applicant must satisfy all conditions prior to recordation of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s), as appropriate.
- b) Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Law.
- c) The Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by Staff.
- d) Applicant must place a Category I conservation easement over all areas of forest retention, forest planting, and environmental buffers, including proposed and future forest banking areas, as shown on the approved FCP. Conservation easements must be recorded in the Montgomery County land records prior to any clearing or grading on the Property. Conservation easements must be shown on the record plats.
- e) Forest plantings must be provided over all unforested stream buffers as shown on the FCP.
- f) Reforestation must begin within the first planting season after issuance of the first grading permit, with appropriate phasing to allow for construction of sediment and erosion control measures.
- g) Compliance with all tree protection measures shown on the approved FCP.
- h) Tree save measures not specified on the FCP may be required by the M-NCPPC forest conservation inspector.
- i) Applicant must submit financial security for planting 5.86 acres prior any clearing or grading on the Property.
- j) Prior to acceptance by Staff of any on-site planting, Applicant must enter into five-year maintenance and management agreement in a form approved by Staff.
- k) Applicant must install permanent Category I Forest Conservation Easement signage as shown on the FCP along the perimeter of the conservation easements.
- l) Applicant must install permanent split rail fencing or other fencing proposed by the Applicant and acceptable to Staff, along the forest conservation easement boundary along the pedestrian path, as shown on the approved FCP.
- m) Prior to the post planting inspection for the reforestation areas on the site (which triggers the start of the maintenance and management agreement), Applicant must restore of area identified on the FCP as "Forest Save A," including the removal of the existing ATV trails and debris.