



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

MCPB No. 13-68
Water Quality Plan No. MR20130250
Clarksburg Damascus Middle School No. 2
Date of Hearing: May 2, 2013

MAY 8 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, must be done in conjunction with the review of a mandatory referral; and

WHEREAS, on February 11, 2013, Montgomery County Public Schools ("Applicant"), filed an application for approval of a water quality plan together with a Mandatory Referral for Clarksburg-Damascus Middle School No. 2 on approximately 22.37 acres of R-200 and PD-5 zoned property located between Little Seneca Parkway, Skylark Road, Meadow Mist Drive, and Ridge Road (MD 27) ("Subject Property") in the Clarksburg Special Protection Area ("SPA") within the Clarksburg Policy Area, Clarksburg Master Plan & Hyattstown Special Study Area ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. MR2013025, Clarksburg Damascus Middle School No. 2 ("Preliminary/Final Water Quality Plan" or "Application"); 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, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated April 19, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency


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WHEREAS, the Staff Report included a copy of a letter dated February 14, 2013 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on May 2, 2013, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. MR2013025, Clarksburg-Damascus Middle School No. 2 on the Subject Property, subject to the following conditions:¹

- 1- The development is subject to Final Water Quality approval conditions dated February 14, 2013, unless amended and approved by DPS – Water Resources Section, and provided that the amendments do not conflict with other conditions of the final forest conservation plan approved as part of the Greenway Village Site Plan No. 820040220, unless amended.
- 2- If Applicant exceeds 8.95 acres of impervious surface on the Subject Property, the Applicant must demonstrate to Staff that it has made reasonable efforts to minimize the impervious surface levels. If Staff is not satisfied with the impervious surface levels, the Applicant must submit a minor modification to the Water Quality Plan, as described in Section 19-65(3)(B) of the County Code, to the Planning Director for review.

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 Montgomery County 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.

Planning Board SPA Review Elements

In acting on a final water quality plan, the Planning Board has lead agency responsibility for:

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- (i) Conformity with all policies in the Planning Board's Environmental Guidelines which apply to special protection areas;
- (ii) Conformity with any policy or requirement for special protection areas, including limits on impervious area in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and
- (iii) Any other element of the plan in which the Planning Board has primary lead agency design, review, and approval responsibility.

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD #420020760) was approved by Staff on October 8, 2001, and revised on April 11, 2002, for the 374 acre Greenway Village Development ("Greenway Village"). Greenway Village is located within the Clarksburg SPA and the Little Seneca Creek watershed, a Use Class IV-P watershed. The Countywide Stream Protection Strategy rates streams in this watershed as excellent condition.

The Subject Property is a 22.37 acre parcel within Greenway Village. There are no streams, floodplains, wetlands, or environmental buffers on or affecting the Subject Property.

Imperviousness

Although there are no impervious surface limitations within this portion of the Clarksburg SPA, a main goal for new development in all SPAs is to minimize the amount of impervious surfaces. SPA regulations allow the Planning Board to review imperviousness and to work with the Applicant to reduce imperviousness.

Development for the school as presented for mandatory referral review submitted with this Application comprises approximately 8.38 acres or 37.48% of impervious surface for this 22.37 acre site. The impervious surfaces include the building, parking lots, basketball courts, tennis courts, and ADA compliant walkways. To allow some flexibility in design as the plans for development of the school move forward, while also ensuring that impervious coverage will remain as low as practicable, the Planning Board conditions this approval on the Applicant demonstrating to Staff that it has made reasonable efforts to minimize the impervious surface levels *if* the final development will result in an increase to the impervious surfaces above 40% of the site.

Forest Conservation

The final forest conservation plan for the Subject Property was previously approved as a part of the Greenway Village Site Plan No. 820040220. The Application for development of the school site is in full compliance with the approved forest conservation plan.

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 incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

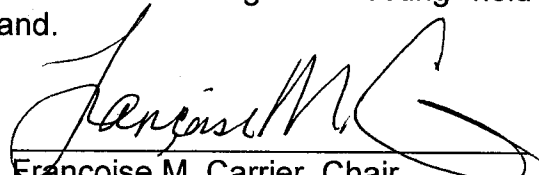
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 18 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, May 2, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board