



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

SEP 19 2013

MCPB No. 13-143  
Water Quality Plan No. MR2014001  
15210 Peach Orchard Road  
Date of Hearing: September 12, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, a water quality plan application must be submitted 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 ("MCDPS") 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

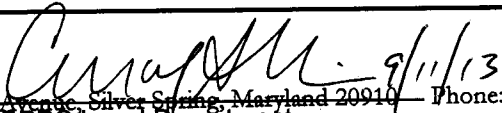
WHEREAS, in cooperation with MCDPS' review and approval of those elements of the water quality plan for which they have authority, the Planning Board must take final action for elements of the water quality plan under its authority; and

WHEREAS, on April 10, 2013, the Montgomery County Department of Parks of The Maryland-National Capital Park and Planning Commission ("Applicant"), filed an application for approval of a water quality plan on approximately 2.40 acres of RE-1 zoned land located on Parcel P385 on Tax Map KS31 at 15210 Peach Orchard Road ("Subject Property") in the Upper Paint Branch Special Protection Area ("SPA") within the Cloverly Master Plan ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. MR2014001, 15210 Peach Orchard Road Demolition ("Preliminary/Final Water Quality Plan" or "Application"); and

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Approved as to  
Legal Sufficiency:

 9/11/13  
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
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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 August 30, 2013, 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 April 10, 2013 bearing conditional approval from MCDPS dated April 30, 2013 for the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on September 12, 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. MR2014001, 15210 Peach Orchard Road on the Property, subject to the following conditions:<sup>1</sup>

1. All land disturbing activity is subject to the MCDPS Preliminary/Final Water Quality Plan conditions of approval for SLDA Permit #250632 as set forth in the letter from Norton Land Design dated April 10, 2013 and approved by MCDPS on April 30, 2013, unless amended and approved by MCDPS - Water Resources Section.
2. The Applicant must remove all impervious surfaces as shown on Preliminary/Final Water Quality Plan dated August 20, 2013, except that any existing pavement within the Subject Property boundaries that is maintained as part of Peach Orchard Road must remain.
3. Prior to the pre-work meeting, Staff must approve a reclamation plan to be submitted by the Applicant that provides specifications for reclamation to stable, pervious surfaces of areas where impervious surfaces had existed. The reclamation plan must reference a scaled plan that shows the proposed limits of disturbance, features to be demolished or removed, and existing stream, trees, and forest cover that is within 50 feet of the proposed limits of disturbance.
4. The Applicant must include a Planning Department Staff inspector at the pre-work meeting.

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<sup>1</sup> 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.

5. The Applicant must contact a Planning Department Staff inspector to conduct a post-work inspection to verify the removal of all impervious surfaces and completion of reclamation in accordance with the approved reclamation plan.

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.*

Together with the Application, the Planning Board approved Mandatory Referral No. MR2014001 for the Applicant to demolish and remove all of the structures, the driveway and other impervious surfaces from the Subject Property, except for any existing pavement within the Subject Property that is maintained as part of Peach Orchard Road. The disturbed area will be stabilized by establishing vegetative cover in areas where impervious surfaces are removed. No new structures or new impervious surfaces will be added to the Subject Property and it will be managed as a natural area as part of the Upper Paint Branch Stream Valley Park system. Field surveys to document the amount of existing impervious surfaces that will be removed from the Subject Property were not required because no credit for their removal has been requested. Therefore, this project will result in an overall reduction in impervious surfaces in the Upper Paint Branch SPA that cannot be used as credit to replace imperviousness in other areas of the SPA. There will be temporary disturbance within the environmental buffer in order to demolish and remove existing structures and impervious surfaces currently within the buffer. All disturbed areas will be reclaimed and vegetated to create a natural condition. There will be no disturbance to the forest on the Property.

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

The sediment and erosion control measures have been reviewed and approved by MCDPS. MCDPS, in coordination with the Montgomery County Department of Environmental Protection ("MCDEP"), have determined that no stormwater management plan or water quality monitoring component is required for this project since impervious surfaces will be removed and no new development or impervious

surfaces are proposed. MCDPS and MCDEP are 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 MCDPS' purview.

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

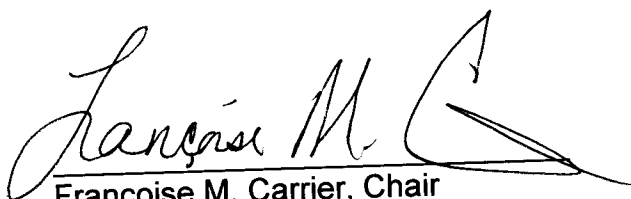
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 19 2013 (which is the date that this Resolution is mailed to all parties of record); and

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).

\* \* \* \* \*

**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 Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, September 12, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board