



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

MCPB No. 13-148  
Preliminary Plan No. 11999034B  
Alvermar Woods, Lot 17  
Date of Hearing: October 3, 2013

**OCT 16 2013**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, the Planning Board, by Opinion dated February 4, 1999, approved Preliminary Plan No. 119990340, creating two lots on 4.17 acres of land in the RE-2 zone, located at the southwest corner of the intersection of River Road and Riverwood Drive, in the Potomac Policy Area, Potomac Subregion Master Plan ("Master Plan") area; and


WHEREAS, on December 16, 2008, Kambiz Kazemi ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to remove onsite Category I conservation easement from Lot 17, Alvermar Woods known as 10410 Riverwood Drive ("Subject Property"), one of the lots created by Preliminary Plan No. 119990340 and mitigate offsite outside the watershed, which was designated Preliminary Plan No. 11999034A; and

WHEREAS, on July 28, 2011, the Planning Board denied Preliminary Plan No. 11999034A (MCPB No. 10-148); and

WHEREAS, on July 31, 2011, the Applicant filed another application for approval of an amendment to the previously approved preliminary plan to remove onsite Category I conservation easement from the Subject Property, and mitigate some onsite and some offsite within the same watershed, which was designated Preliminary Plan No. 11999034B, Alvermar Woods, Lot 17 ("Preliminary Plan", "Amendment" 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 Planning Board, dated September 20, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to  
Legal Sufficiency

 9/25/13

WHEREAS, on October 3, 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 Plan No. 11999034B to remove onsite Category I conservation easement, and mitigate some onsite and some offsite within the same watershed, subject to the following conditions:<sup>1</sup>

1. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving Preliminary Plan No. 11999034B that delineates the revised Category I conservation easement. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland over the new onsite areas and the areas identified to remain, all as shown on the amended final forest conservation plan.
3. Within ninety (90) days of the mailing of the Planning Board Resolution approving 11999034B, the Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within the same watershed as the Subject Property. The Certificate of Compliance must provide 0.72 acres (31,363.2 square feet) of mitigation credit for the removal of 0.36 acres (15,681.6 square feet) of Category I conservation easement taken offsite.
4. No later than ninety (90) days from the recordation of the record plat and the new conservation easement, the Applicant must delineate the revised Category I conservation easement boundary on the Subject Property with permanent easement markers and appropriate signage as required by the forest conservation plan.

BE IT FURTHER RESOLVED, that all other conditions of Preliminary Plan No. 119990340 and Forest Conservation Plan No. 119990340 that were not modified herein, remain valid, unchanged and in full force and effect.

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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.

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 having considered 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:

*Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.*

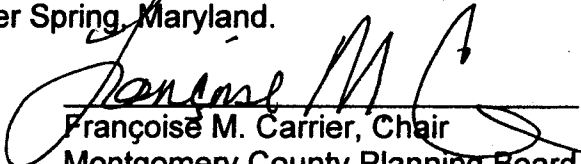
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 16 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor, and Commissioner Anderson absent, at its regular meeting held on Thursday, October 3, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

