



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 09-132

Forest Conservation Plan No. S-2710

Day Hill LLC (Kiddie Academy)

Date of Hearing: October 8, 2009

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on November 10, 2007, Day Hill LLC ("Applicant"), filed an application for approval of a Forest Conservation Plan on 3.07 acres of land located at the corner of Bonifant Road and Catoclin Drive ("Property" or "Subject Property"), in the Aspen Hill master plan area ("Master Plan"); and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. S-2710, Day Hill LLC (Kiddie Academy) ("Forest Conservation Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated September 15, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, the Planning Board held a public hearing on the Application (the "Hearing") on October 8, 2009; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
Legal Sufficiency:

  
M-NCPPC Legal Department 10/16/09

WHEREAS, on October 8, 2009, the Planning Board approved the Forest Conservation Plan, subject to certain conditions, on motion of Commissioner Joseph Alfandre; seconded by Commissioner Marye Wells-Harley; with a vote of 4-0, Commissioners Joseph Alfandre, Royce Hanson, Amy Presley, and Marye Wells-Harley voting in favor, with Commissioner Cryor being absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Forest Conservation Plan No. S-2710 on 3.07 acres of land located at the corner of Bonifant Road and Catoctin Drive ("Property" or "Subject Property"), in the Aspen Hill master plan area ("Master Plan") subject to the following conditions:

1. The applicant must meet the following conditions before MCDPS issuance of a sediment and erosion control permit, as appropriate:
  - a. Approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan prior to any clearing, grading or demolition on the site.
  - b. A Final Sediment Control Plan must be consistent with final limit of disturbance as approved by M-NCPPC staff.
  - c. A Final Forest Conservation Plan must include an invasive management plan to remove and control Siberian elms and other invasive species, including multiflora rose, oriental bittersweet, and Japanese honeysuckle.
2. Applicant must place a Category I conservation easement over all retained and planted forest.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff 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:

1. ~~The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.~~

NOV 25 2009 IT FURTHER RESOLVED, that the date of this Resolution is \_\_\_\_\_ (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 Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson, Commissioners Wells-Harley and Alfandre present and voting in favor of the motion, and Commissioners Cryor and Presley absent at its regular meeting held on Thursday, October 22, 2009, in Silver Spring, Maryland.

  
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Royce Hanson, Chairman  
Montgomery County Planning Board