



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MAR 12 2010

MCPB No. 10-18
Forest Conservation Plan No. MR2009805
Goshen Road Improvements
Easement Access Request
Date of Hearing: January 14, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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

WHEREAS, on November 4, 2009, Montgomery County Department of Transportation ("Applicant"), filed a request for access and construction within a Forest Conservation Easement located in the northeast quadrant of the intersection of Goshen Road and Severn Road (the "Property" or "Subject Property"), in the Gaithersburg Vicinity Master Plan area ("Master Plan Area"); and

WHEREAS, Applicant's request accompanied Forest Conservation Plan No. MR2009805, Goshen Road improvements ("Forest Conservation Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated December 31, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department

WHEREAS, following review and analysis of the request by Planning Board staff ("Staff") and the staffs of other governmental agencies, on January 14, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on January 14, 2010, the Planning Board approved the request subject to certain conditions, on motion of Commissioner Amy Presley; seconded by Commissioner Joseph Alfendre; with a vote of 4-0, Commissioners Joseph Alfendre, Royce Hanson, Amy Presley, and Mary Wells-Harley voting in favor;

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approved the request for access and construction within a Forest Conservation Easement located in the northeast quadrant of the intersection of Goshen Road and Severn Road (the "Property" or "Subject Property"), in the Gaithersburg Vicinity Master Plan area ("Master Plan Area"); and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, 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 APPROVES the subject request, subject to the following conditions:

1. Applicant must survey the entire conservation easement area, to locate and identify all trees (species and size), prior to any clearing and grading occurring within the easement area.
2. Applicant must submit to the Environmental Planning Division the survey detailing the species and locations of all trees prior to any land-disturbing activities occurring within the easement area.
3. Applicant must request a preconstruction meeting with the Environmental Planning Division prior to any clearing and grading occurring within the easement.
4. Applicant must restore the conservation easement to a pre-disturbance state consistent with the survey, or provide a suitable equivalent as defined by Environmental Planning Staff.
5. Applicant must allow the Commission to inspect the easement area prior to any restoration activities there, and to further inspect the area after such work. The Commission will not deem any restoration work required by Condition No. 4 as complete until so recognized by signature of a forest conservation inspector.

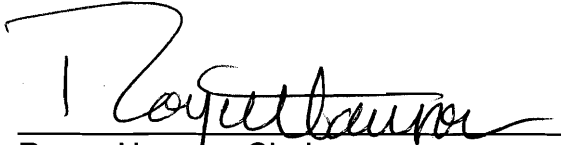
BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 12 2010 (which is the date that this Resolution is mailed to all parties of record); and

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 Alfandre, seconded by Vice Chair Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley, absent at its regular meeting held on Thursday, March 4, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board