



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

MAR 12 2010

**MCPB No. 10-19**  
**Forest Conservation Plan No. MR 2009805**  
**Goshen Road Improvements**  
**Date of Hearing: January 14, 2010**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION<sup>1</sup>**

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 June 1, 2009, Montgomery County Department of Transportation ("Applicant"), filed an application for approval of a Forest Conservation Plan on 85 acres of land located on Goshen Road extending from 650 feet south of Girard Street to 1,000 feet north of Warfield Road (the "Property" or "Subject Property"), in the Gaithersburg Vicinity Master Plan area ("Master Plan Area"); and

WHEREAS, Applicant's forest conservation plan application was designated 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

WHEREAS, following review and analysis of the Application 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

---

<sup>1</sup> 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, 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 Forest Conservation Plan subject to certain conditions, on motion of Commissioner Joseph Alfandre; seconded by Commissioner Amy Presley; with a vote of 4-0, Commissioners , Joseph Alfandre, Royce Hanson, Amy Presley, and Mary Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, including Article II of the Forest Conservation Law, the Planning Board approved Forest Conservation Plan No. MR 2009805 on 85 acres of land located on Goshen Road extending from 650 feet south of Girard Street to 1,000 feet north of Warfield 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 FINDS, with the conditions of approval, that:

- 1- The applicant must submit a final forest conservation plan to the Environmental Planning Division, which that Division must approve, prior to the issuance of a sediment and erosion control permit by Montgomery County.

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).

\* \* \* \* \*

**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

MCPB No. 10-19  
Forest Conservation Plan No. MR 2009805  
Goshen Road Improvements  
Page 3

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.

A handwritten signature in black ink, appearing to read "Royce Hanson", written over a horizontal line.

Royce Hanson, Chairman  
Montgomery County Planning Board