



MAR 29 2010

MCPB No. 10-30
Forest Conservation Plan No. MR2009802
Frederick Road (MD355)/Brink Road Intersection Improvements
Date of Hearing: January 28, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

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 January 21, 2009, Artery-Clarksburg Skylark, LLC and Elm Street Development-Clarksburg Village, LLC (“Applicant”), filed an application for approval of a Forest Conservation Plan on 2.31 acres of land located at the intersection of MD355 (Frederick Road) and Brink Road (“Property” or “Subject Property”), in the Clarksburg Master Plan & Hyattstown Special Study Area master plan area (“Master Plan”); and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. MR2009802, **Frederick Road (MD355)/Brink Road Intersection Improvements** (“Forest Conservation Plan” or “Application”); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated January 15, 2010, 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 Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on **January 28, 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 28, 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 **3-0**, Commissioners Joseph Alfandre, Royce Hanson, and Amy Presley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVES Forest Conservation Plan No. **MR2009802** on 2.31 acres at the intersection of MD355 (Frederick Road) and Brink Road ("Property" or "Subject Property"), in the Clarksburg Master Plan & Hyattstown Special Study Area master plan area ("Master Plan").

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

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 29 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


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Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Alfandre present and voting in favor of the motion, and Commissioners Presley and Dreyfuss absent at its regular meeting held on Thursday, March 25, 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