



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-79  
Water Quality Plan No. S-2759  
Goddard School  
Date of Hearing: June 10, 2010

OCT 18 2010

## MONTGOMERY COUNTY PLANNING BOARD

### RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 19-65, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review water quality plan applications; and

WHEREAS, on October 27, 2009, Mr. Ross Flax ("Applicant"), filed an application for approval of a Preliminary Water Quality Plan (PWQP) on 4.70 acres of land located at 22010 and 22014 Frederick Road (MD 355), 1000 feet north of the intersection of MD 355 and West Old Baltimore Road in the Clarksburg master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary water quality plan application was designated Water Quality Plan No. S-2759, Goddard School ("Water Quality Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated May 18, 2010, 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, on June 10, 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 June 10, 2010, the Planning Board approved the Preliminary Water Quality Plan subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 5-0, Commissioners Hanson, Presley, Wells-Harley, Alfandre and Dreyfuss voting in favor.

Approved as to  
Legal Sufficiency:

*Christina Sorent* 8/31/10

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NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of the Montgomery County Code Chapter 19-65, the Planning Board APPROVES Preliminary Water Quality Plan No. S-2759 on 4.70 acres of land located at 22010 and 22014 Frederick Road (MD 355), 1000 feet north of the intersection of MD 355 and West Old Baltimore Road in the Clarksburg master plan area ("Master Plan") subject to the following conditions:

1. Impervious surface is limited to no more than 1.40 acres as shown on the Impervious Area Exhibit Plan dated February 16, 2010.
2. Use of alternative surfaces, including but not limited to porous pavers and turf filters as may be approved by Montgomery County, Department of Permitting Services (MCDPS), are required per Impervious Area Exhibit Plan to minimize the stormwater effects of imperviousness on receiving waters.
3. Compliance with all conditions of the MCDPS Water Quality Plan approval letter dated May 4, 2010.

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:

*The Application satisfies all the applicable requirements of the SPA Law, Montgomery County Code, Chapter 19, Article V.*

The Applicant proposes a special exception to construct a child day care center, resulting in 1.40 acres of impervious surface on the Property. This represents a proposed total impervious surface coverage of approximately 28.1 percent for the Property. There is no overlay zone or Master Plan recommendation that sets an impervious cap for developments in this portion of the Clarksburg Special Protection Area. However, Section 19-64(a)(4) requires a plan to minimize impervious area for a proposed project.

In performing reviews of imperviousness for proposed projects without an impervious cap, the Planning Board compares the proposed imperviousness of the project with the range of imperviousness that occurs for a typical development in the underlying zone. The R-200 zone has a countywide average of 22 percent to 29 percent impervious surface. The Application falls within this average. The Applicant is also proposing a waiver of 29 parking spaces to reduce imperviousness.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by the Montgomery County Department of Permitting Services, in coordination with the Montgomery County Department of Environmental Protection, who are the lead agencies for these components of the SPA Water Quality Plan.

The Planning Board finds that the Application satisfies all the applicable requirements of the SPA law that are under the Board's purview.

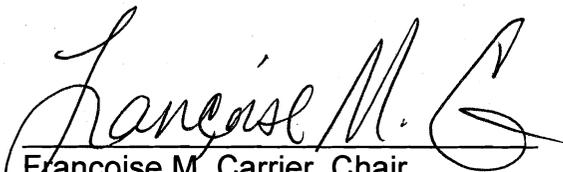
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and the date of this Resolution is OCT 18 2010 (which is the date that this Resolution is mailed to all parties of record); and

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 Chair Wells-Harley, with Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Chair Carrier abstaining, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board