



APR 9 2012

MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 11-80
Forest Conservation Plan No. PP2011001
Kemp Mill Urban Park
Date of Hearing: September 15, 2011**

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 June 7, 2011, the Maryland-National Capital Park and Planning Commission's Department of Parks ("Applicant"), filed an application for approval of a forest conservation plan on approximately 2.22 acres of land located at the intersection of Arcola Avenue and Lambertson Drive ("Property" or "Subject Property") in the Kemp Mill Master Plan area ; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. PP2011001, Kemp Mill Urban Park ("Forest Conservation Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, the Planning Board held a public hearing on the Application (the "Hearing") on September 15, 2011; and

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

WHEREAS, on September 15, 2011, the Planning Board approved the preliminary Forest Conservation Plan subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Carrier, Wells-Harley, Anderson, and Dreyfuss voting in favor and Commissioner Presley being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant

Approved as to
Legal Sufficiency:

Christina Sonnet 3/28/12

8787 Georgia Avenue, Prince Georges Park, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVED Preliminary Forest Conservation Plan No. PP2011001 subject to the following conditions:

1. Applicant shall satisfy the following conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits and any land disturbing activities, including clearing or grading onsite:
 - a. The proposed development shall comply with the conditions of the preliminary Forest Conservation Plan.
 - b. The Applicant must obtain approval of the Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan, which must include:
 - i. Detailed and specific tree protection measure for on and off-site trees affected by development.
 - ii. Planting plan and details for off-site afforestation.
2. Required site inspections by M-NCPPC monitoring Staff must occur as specified in "Trees Technical Manual".

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, 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 and the protection of environmentally sensitive features:*

A. Forest Conservation

The Board finds that with the conditions imposed by this Resolution, the Preliminary Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

The Applicant is clearing 0.13 acres of forest in order to redevelop an existing park. The Forest Conservation Plan generates a planting requirement of 0.46 acres. The Applicant will meet this requirement with 0.46 acres of off-site planting on nearby M-NCPPC parkland.

BE IT FURTHER RESOLVED that for the purpose of this Resolution, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is APR 9 2012 (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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent at its regular meeting held on Thursday, April 5, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board