



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

JUL 11 2012

MCPB No. 11-87
SPA Final Water Quality Plan No. MR2012001
Clarksburg Fire Station #35
Date of Hearing: September 22, 2011

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review Special Protection Area (SPA) water quality plan applications; and

WHEREAS, on July 27, 2011, Montgomery County Department of General Services ("Applicant"), filed an application for approval of a SPA Water Quality Plan on approximately 4.04 acres of land located at 23420 Frederick Road (MD 355) just north of the intersection of Frederick Road (MD 355) and Clarksburg Road (MD 121) ("Property" or "Subject Property"), in the Clarksburg master plan ("Master Plan") area; and

WHEREAS, Applicant's SPA water quality plan application was designated Water Quality Plan No. MR2012001, Clarksburg Fire Station #35 ("Preliminary/Final Water Quality Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board dated September 5, 2011, 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, the Planning Board held a public hearing on the Application (the "Hearing") on September 22, 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 22, 2011, the Planning Board approved the Water Quality Plan subject to certain conditions on motion of Commissioner Presley; seconded by Commissioner Dreyfuss, with a vote of 4-1; Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss, and Presley, voting in favor, and, Commissioner Anderson opposed.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 19, Article V, the Planning Board approves SPA Water Quality Plan No. MR2012001 subject to the following conditions:

1. Conformance to the conditions as stated in Montgomery County Department of Permitting Services (DPS) Preliminary/Final water quality plan approval letter dated July 29, 2011.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, 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 to construct a new, single story fire station to safely and responsively meet the demands within the Clarksburg vicinity. The project has no impacts on any streams, wetlands, or stream valley buffers. The station will result in 1.47 acres of impervious surface on the 4.04 acre Property. This represents a total impervious surface coverage of approximately 37.0 percent for the Property. There is no overlay zone or Master Plan recommendation that sets a numeric impervious limit for this Property. However, Chapter 19, Article V, Section 19-64 requires a plan to minimize impervious area. The Board was satisfied that the Applicant had adequately minimized impervious surfaces on the Property and that the impervious surface that was shown on the plan was necessary for the fire station's operation. The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by Montgomery County Department of Permitting Services, in coordination with the Montgomery County Department of Environmental Protection as the lead agencies for these components of the SPA Water Quality Plan.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 11 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

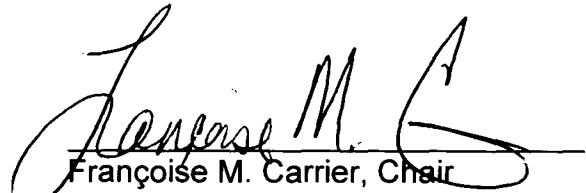
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Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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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 Presley, seconded by Commissioner Anderson, with Chair Carrier, and Commissioners Anderson and Presley present and voting in favor of the motion, and Vice Chair Wells-Harley temporarily absent, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, June 28, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board