



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-124

Site Plan No. 82005015B

Project Name: Clarksburg Infrastructure Site Plan for the Cabin Branch Neighborhood

Hearing Date: 12/01/2011

## RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on June 14, 2007, the Planning Board approved Site Plan No. 820050150 (MCPB Resolution 07-131) for a final water quality plan for the infrastructure components of Site Plan No. 820050150 and an Infrastructure and Roads Only Site Plan to accommodate 1,886 residential dwelling units, 500 senior units and 2,436,000 square feet of retail and employment, including 635 Transfer Development Rights (TDRs), and 236 Moderately Priced Dwelling Units (MPDUs) on 535.04 acres of RMX-1/MXPD-zoned land; and

WHEREAS, on April 3, 2008, the Planning Board approved Site Plan No. 82005015A (MCPB Resolution 08-68) for an Amendment of the Infrastructure and Roads Only Site Plan for the design and cross section of West Old Baltimore Road; and

WHEREAS, on September 7, 2011, Cabin Branch Management, LLC ("Applicant"), filed a site plan amendment application designated Site Plan No. 82005015B, Clarksburg Infrastructure Site Plan for the Cabin Branch Neighborhood (the "Amendment") for approval of the following modifications:

1. Revision of the following conditions as underlined.

### WATER QUALITY PLAN CONDITION (82005015)

1. Reforestation of the stream buffer is to begin in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (MCDPS) and pursuant to the phasing set forth in the Final Forest Conservation Plan.

Approved as to  
Legal Sufficiency:

*Christina Sonent 2/15/12*  
8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320  
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INFRASTRUCTURE SITE PLAN CONDITIONS (82005015)

14. Forest Conservation

The Applicant must comply with the following conditions of approval from M-NCPPC Staff in the memoranda dated May 22, 2007, except as amended herein, and with the conditions of approval as specified in the Final Water Quality approval:

- a. The proposed development shall comply with the conditions of the Final Forest Conservation Plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services issuance of sediment and erosion control permits. With the exception of clearing and grading activities allowed in Condition 20, no clearing or grading is permitted with the infrastructure plan.
  - b. Record plat of subdivision shall reflect a Category I conservation easement over all areas of stream buffers and forest conservation.
  - c. The implementation of the project's forest conservation mitigation requirements which includes forest retention, onsite and offsite afforestation, reforestation and landscape credit, may be phased. The phasing of the total forest conservation mitigation must be proportionate to either the area proposed for disturbance relative to the total project size or the amount of density for each stage relative to the total project density, whichever is greater. The phasing triggers, forest conservation mitigation type, amount of mitigation, and disturbance areas are to be defined on the Final Forest Conservation Plan and revised as needed with subsequent Site Plans. Conservation easements may be recorded using a metes and bounds description and sketch if preceding recordation of plats, provided the recording information for the conservation easement is referenced and the easement line is shown on subsequent record plats.
20. Clearing and Grading

The following may proceed upon approval of the Infrastructure Site Plan, Sediment and Erosion Control Plans and Final Forest Conservation Plan:

- a) clearing and mass grading for the roads being approved by this Infrastructure Plan and the local park and school site; b) installation of temporary sediment and erosion control devices; c) the installation of the trunkline sewer (DA 3326); d) the installation of the water main along

Maryland Route 121; and e) the construction associated with the existing farm pond and stream restoration project. No construction of roads, buildings or retaining walls may proceed until subsequent certified Site Plan approvals for each individual Site Plan. Notwithstanding the above, clearing and grading activities, with the exception of the water and sewer projects, may not be permitted beyond the limits of disturbance submitted as part of the current Site Plans for Nos. 820060180, 820060240, 820060290, 820060300, 820060350 and 820070140.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated November 18, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on December 1, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on December 1, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0, Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82005015B; and

BE IT FURTHER RESOLVED, that the Planning Board finds that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Clarksburg Infrastructure Site Plan for the Cabin Branch Neighborhood drawings stamped by M-NCPPC on May 11, 2009, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 7 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).

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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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor of the motion, with Commissioner Presley abstaining, and with Commissioner Dreyfuss absent, at its regular meeting held on Thursday, February 23, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board