



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

DEC 10 2012

MCPB No. 12-08
Preliminary Plan No. 12008009A
National Labor College (Chevy Chase Bank – Hillandale)
Date of Hearing: January 19, 2012

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board (“Planning Board” or “Board”) is vested with the authority to review preliminary plan applications; and

WHEREAS, on September 15, 2011, Washington Suburban Sanitary Commission (WSSC) (“Applicant”), filed an application for approval of a preliminary plan amendment designated Preliminary Plan No. 12008009A (“Preliminary Plan” or “Amendment”) for approval of the following modifications:

1. Revise location of 0.14 acres of currently recorded of Category I Forest Conservation Easement to allow for installation of a pressure reducing valve.

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, dated January 6, 2012, 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 January 19, 2012; and

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

WHEREAS, on January 19, 2012, the Planning Board approved the Preliminary Plan subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Anderson; with a vote of 5-0, Commissioners Carrier, Wells-Harley, Anderson, Presley, and Dreyfuss voting in favor.

Approved as to
Legal Sufficiency:

Christina Sonnet 11/29/12

8787 Georgia Avenue, Suite 200, Spring, Maryland 20781 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 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Preliminary Plan No. 12008009A, subject to the following conditions:

- 1) Applicant must record a new record plat within 90 days of the mailing date of the Planning Board's Resolution approving the limited amendment to the Preliminary Plan. The record plat must reference the standard Category I Forest Conservation Easement (liber 13178 folio 412) as recorded in the Land Records of Montgomery County, Maryland.
- 2) Required site inspections by M-NCPPC monitoring staff must occur as specified in COMCOR 22A.00.01.10.
- 3) All other applicable terms, conditions, and findings of the previous preliminary plan approval, as contained in the Planning Board Opinion dated September 29, 2008, remain in full force and effect.

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 Forest Conservation Regulations Section 1.09(B) (COMCOR 22A.00.01.09B).*

The Applicant is retaining 4.85 acres of forest on-site and planting 1.18 acres of forest off-site to meet Forest Conservation Law requirements. The Planning Board finds that the Application satisfies the applicable requirements of the Forest Conservation Law.

2. *All previous findings remain in full force and effect.*

The Planning Board further finds that the Preliminary Plan Amendment does not affect the previous findings of the Board regarding the Preliminary Plan, and all other previous conditions of approval remain in full force and effect unless modified herein.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information: and

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

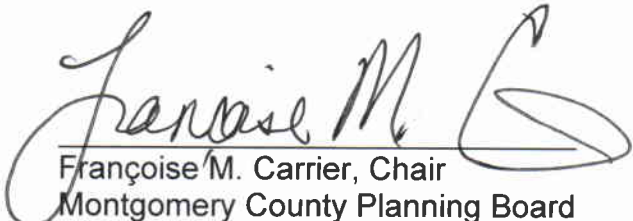
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is DEC 10 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor of the motion, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, December 6, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board