



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

MCPB No. 13-30
Forest Conservation Plan Amendment No. 820020220
Highlands at Clarksburg
Date of Hearing: February 28, 2013

APR 22 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and


WHEREAS, the Planning Board, by transmittal letter dated August 2, 2002 approved Forest Conservation Plan No. 820020220, with the site plan review for development of the Clarksburg Highlands, located in the south east quadrant of Stringtown Road and Saint Clair Road ("Subject Property"), in the Clarksburg master plan ("Master Plan") area; and

WHEREAS, on December 28, 2012, the Montgomery County Department of Transportation ("Applicant") filed an application for approval of a forest conservation plan on approximately 4.6 acres of land located along Stringtown Road between Overlook Park Drive and Gate Rail Road ("Subject Property"); and

WHEREAS, the construction and widening of Stringtown Road will require removal of 0.14 acres of forest in an area designated on Forest Conservation Plan No. 820020220 for permanent protection; and

WHEREAS, on December 28, 2013, in anticipation of the mandatory referral submission, The Department of Transportation ("Applicant") filed an application for approval of an amendment to Forest Conservation Plan No. No. 820020220 to provide mitigation for such removal; and

WHEREAS, Applicant's forest conservation plan amendment application was designated Forest Conservation Plan No. 820020220, Clarksburg Highlands ("Forest Conservation Plan" or "Application");¹ and

¹ Unless specifically indicated otherwise, the Board has reviewed the preliminary Forest Conservation Plan and set forth conditions under which the Staff can approve the final Forest Conservation Plan without further Board action.
Approved as to
Legal Sufficiency: 

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated February 14, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 28, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board, on motion of Commissioner Wells-Harley, seconded by Commissioner Anderson, with Commissioners Carrier, and Dreyfuss, voted 4-0 to approve the Application subject to certain conditions. Commissioner Presley was absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVED Forest Conservation Plan No. 820020220 on the Subject Property, subject to the following condition:²

1. Execute an abandonment of easement in the area of stormwater management encroachment to be shown on the right-of-way plat.
2. Mitigate easement loss at a 2:1 basis within the Seneca Creek watershed.

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 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 as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

Therefore, for purposes of this Resolution, whether or not indicated, the Board's action is with regard to the preliminary Forest Conservation Plan.

² 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.

The applicant has met their mitigation requirement through replacement offsite of forested areas removed from the previously approved forest conservation plan.

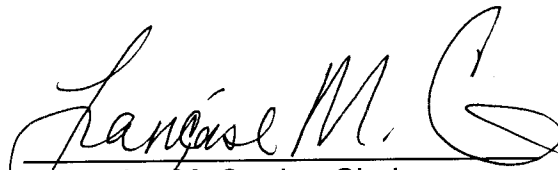
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is APR 22 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley, voting in favor at its regular meeting held on Thursday, April 11, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board