



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

MCPB No. 13-48  
Preliminary Plan No. 12000094A  
Tomahawk Estates, Lot 109  
Date of Hearing: April 11, 2013

MAY 1 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on August 9, 2001, the Planning Board, approved Preliminary Plan No. 120000940, creating 9 lots on 126.3 acres of land in the RDT zone including 4 lots pursuant to Section 59C-9.74(b)(4) of the Montgomery County Zoning Ordinance, located at 24310 Burnt Hill Road, Lot 109, Clarksburg, MD; 3750 feet northeast of the intersection of Snowden Farm Parkway and Burnt Hill Road ("Subject Property"), in the Rural East Policy Area, Damascus master plan 1985 ("Master Plan") area; and

WHEREAS, on October 22, 2012, John and Christine Peeler ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan(s) to remove a total of 1.44 acres of forest conservation easement, to include removing 0.34 acres of conservation easement with no compensation and to relocate 1.10 acres of forest conservation easement on the Property; and

WHEREAS, the application to amend the preliminary plan was designated Preliminary Plan No. 12000094A, Tomahawk Estates, Lot 109 ("Preliminary Plan," "Amendment," or "Application"); and

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 March 25, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 11, 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 voted to approve the Application subject to certain conditions, by the vote as certified below;

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Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12000094A to remove a total of 1.44 acres of forest conservation easement, to include removing 0.34 acres of conservation easement with no compensation and to relocate 1.10 acres of forest conservation easement on the Property subject to the following conditions:<sup>1</sup>

1. Applicant must submit a complete record plat application no later than ninety (90) days from the mailing date of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that delineates the revised conservation easement. The existing easements remain in full force and effect until the revised record plat is recorded.
2. Applicant must delineate the Category I conservation easement boundary with permanent easement markers and appropriate signage no later than ninety (90) days from the recordation of the revised plat and the new conservation easements.
3. All required afforestation plantings must be installed and accepted by MNCPPC during the first planting season following the recordation of the revised plat and the new conservation easements.
4. Applicant must submit financial security as specified in Forest Conservation Law 22A-12(i) prior to the acceptance of the required afforestation plantings.
5. Applicant must submit Maintenance and Management Agreement as specified in 22A-12(h) prior to the acceptance of the required afforestation plantings.
6. All other conditions of Preliminary Plan Number 120000940 that were not modified herein, as contained in the Planning Board's Resolution mailed August 9, 2001, remain in full force and effect.

BE IT FURTHER RESOLVED, that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that having considered 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 (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that except as specified herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

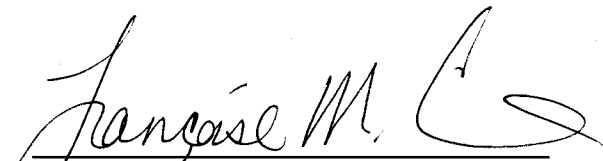
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is     MAY 1    2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 25, 2013, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board