



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

MCPB No. 13-78
Forest Conservation Plan No. CBA 1389C
St. Andrews Episcopal School
Date of Hearing: May 16, 2013

JAN 17 2014

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review forest conservation plans; and

WHEREAS, on October 9, 2012, St. Andrews Episcopal School, ("Applicant"), filed a limited amendment application to revise the forest conservation easements previously established by deed on 18.99 acres (Lot 45 and Parcel "D", block "C", in the Highland Stone subdivision, located at 8804 Post Oak Road ("Property" or "Subject Property"), in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan amendment application was designated No. CBA1389C, ("Forest Conservation Plan" or "Application"); and

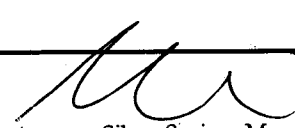
WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff"), Staff issued a memorandum to the Planning Board, dated May 2, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 16, 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, on motion of Commissioner Dreyfuss, Seconded by Commissioner Presley, by a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss, and Presley voting in favor, and Commissioner Wells-Harley absent;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves a limited amendment to the Forest Conservation Plan CBA-1389C,

Approved as to
Legal Sufficiency


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subject to the following conditions:

1. The Applicant must submit for staff certification a revised final forest conservation plan within thirty days of the mailing date of this resolution. The revised plan must show a portion of Easement Area 5, along the full length of the lot boundary and a minimum of 20 feet deep, as being retained and protected by a Category II conservation easement.
2. The Applicant must submit revised Category I and Category II conservation easement documents within ninety (90) days of the mailing date of the Planning Board Resolution approving Forest Conservation Plan amendment CBA-1389C. These agreements must be approved by the Planning Department Office of General Counsel and then recorded in the Montgomery County Land Records by the Applicant within nine (9) months of the mailing date. The existing conservation easements shown on Liber 21147 Folio 242 and Liber 21147, Folio 252 remain in full force and effect until the new easements are recorded in the Montgomery County Land Records.
3. The Applicant must submit a certificate of compliance to use an M-NCPPC approved offsite forest mitigation bank within ninety (90) days of the mailing date of the Planning Board Resolution approving Forest Conservation Plan amendment CBA-1389C. The certificate of compliance must provide mitigation credits for 6.96 acres of onsite conservation easement removal. The certificate of compliance must be approved by the Planning Department Office of General Counsel and then be recorded in the Montgomery County Land Records by the Applicant.
4. The Applicant must delineate the revised Category I easement boundaries with permanent easement markers and appropriate signage within ninety (90) days of the mailing date of the Planning Board Resolution.

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 the forest conservation plan continues to satisfy all of the applicable requirements of the forest conservation law.

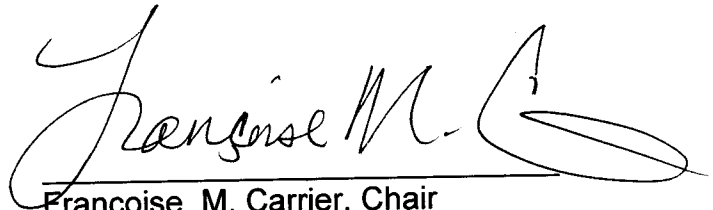
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is JAN 17 2014 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, June 20, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board