



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

NOV 5 2013

MCPB No. 13-149
Site Plan No. 82003029E
Estates at Greenbriar Preserve
Date of Hearing: October 10, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, the Estates at Greenbriar Preserve Subdivision (approximately 71.32 acres of land zone RNC) in the Potomac Subregion Policy Area ("Master Plan") is covered by Site Plan No. 820030290, as amended; and

WHEREAS, Marlon and Sherry Maragh and Thomas and Kerri Morey (collectively, "Applicants") own Lots 4 and 5, respectively, of the Estates at Greenbriar Subdivision; and

WHEREAS, on April 2, 2013, Applicants filed an application for approval to amend the Site Plan to remove a portion of the Category I forest conservation easement and to relocate the easement on adjacent Parcel 99; and

WHEREAS, the site plan amendment application was designated Site Plan No. 82003029E, Estates at Greenbriar Preserve ("Site 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 September 27, 2013, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on October 10, 2013, the Planning Board held a public hearing on the Application and heard testimony and received evidence concerning the Application; and

WHEREAS, at the October 10, 2013 hearing, on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, by a vote of 4-0, Commissioners

Approved as to
Legal Sufficiency:

Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, and Commissioner Presley absent, the Planning Board voted to approve the Application;

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82003029E for the removal of the Category I forest conservation easement and to relocate the easement on Parcel 99, subject to the following conditions:¹

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120030450 as listed in the Planning Board Resolution dated April 10, 2003, unless amended.

2. Site Plan Conformance

The development must comply with the conditions of approval for Site Plan No. 82003029B as listed in the Planning Board Resolution dated September 30, 2010, as amended.

Environment

3. Forest Conservation and Tree Save

- a. The Applicant must submit a complete record plat application within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan that removes the Category I conservation easement on lots 4 and 5. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records.
- b. The Applicant must demarcate the northern Category I easement boundary line with landscaping timbers (minimum 8" high) and place permanent easement markers along the entire perimeter as recommended by Staff within ninety (90) days of the mailing date of the Planning Board Resolution.
- c. The Category I conservation easement document for the new easements on Parcel 99 must be submitted within ninety (90) days of the mailing date of the Planning Board Resolution and recorded in the land records prior to Planning Board approval of the Record Plat.

Site Plan

4. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and information provided subject to Staff review and approval:

¹ 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.

- a. Include the Final Forest Conservation approval, inspection schedule, and Site Plan resolution on the cover sheet.
- b. Ensure consistency of all details and layout between Site and Landscape Plans.
- c. Include a sheet index and vicinity map on the cover sheet, and an M-NCPPC Approval Stamp and Developer's Certificate near the bottom right corner of each sheet. Add the Site Plan number to the M-NCPPC Approval Stamps.
- d. Revise the Site and Landscape Plans for Lot 4 and Lot 5 to remove the Category I forest conservation easement.

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

BE IT FURTHER RESOLVED that all site development elements as shown on Estates at Greenbriar Preserve drawings stamped by the M-NCPPC on July 29, 2013 shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect; and

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 this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

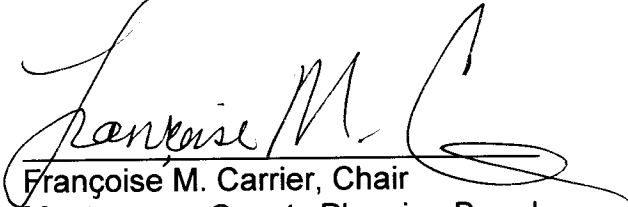
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 15 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor, and Commissioners Dreyfuss and Presley absent, at its regular meeting held on Thursday, October 24, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board