



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

MCPB No. 13-181  
Preliminary Plan No. 12011021A  
Barton Property  
Date of Hearing: December 19, 2013

**JAN 2 2014**

**RESOLUTION**

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

WHEREAS, on July 25, 2013, the Planning Board, by MCPB Resolution No. 13-116, approved Preliminary Plan No. 120110210, creating one lot on 2.84 acres of land in the R-200 zone, located on the south side of Brooke Knolls Road opposite the intersection with Barton Manor Lane ("Subject Property"), in the Rural East Policy Area, Upper Rock Creek Area Master Plan ("Master Plan") area; and

WHEREAS, on October 22, 2013, Teresa & Mitra Ramson ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to amend condition of approval No. 2b of the approved Preliminary Plan to allow Applicant to meet the off-site planting requirement, as provided in the Montgomery County Forest Conservation Law, Section 22A-12(e)(4), anywhere in Montgomery County; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 12011021A, Barton Property ("Preliminary Plan," "Amendment," 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 December 5, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 19, 2013, the Planning Board considered the Application on its consent agenda and voted to approve the Application by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 12011021A to modify the specified location of the off-site planting requirement from within the Upper Rock Creek Special Protection Area or within the Upper Rock Creek watershed to anywhere within Montgomery County by amending

Approved as to  
Legal Sufficiency

  
12/19/13  
M. N. C. P. P. C. Legal Department  
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condition of approval 2b of Preliminary Plan No. 120110210 to:<sup>1</sup>

2b. Prior to land disturbing activities, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement for the off-site forest planting requirement. The off-site forest planting requirement must be met within Montgomery County or the Upper Rock Creek watershed.

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:

*Unless specifically set forth 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.*

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 Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 2 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

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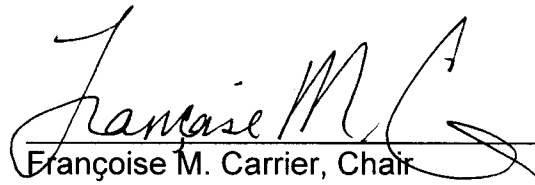
<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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 Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, December 19, 2013, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board