



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

JUN 20 2016

MCPB No. 16 - 072
Preliminary Plan No. 11996012A
Andrea S. Heid Property (a.k.a. Stoney Creek Estates) Lot 175
Date of Hearing: June 9, 2016

RESOLUTION

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

WHEREAS, on November 28, 1995, the Planning Board, approved Preliminary Plan No. 119960120, Andrea S. Heid Property (aka Stoney Creek Estates Lot 175 and Lot 176) creating 2 lots on 4.07 acres of land in the RE2 Zone, off of Stoney Creek Road, in the Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, on October 30, 2015, Gary Balsamo, ("Agent"), on behalf of Debra and James Maher ("Property Owner" or "Applicant") filed an application for approval of an amendment to the previously approved preliminary plan to remove a total of 12,834 square feet of Category I Conservation Easement from Stoney Creek Estates Lot 175 ("Subject Property") and mitigate for such removal; and

WHEREAS, The application to amend the preliminary plan was designated Preliminary Plan No. 11996012A, Stoney Creek Estates Lot 175 ("Preliminary Plan", "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated May 20, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 9, 2016, 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.

Approved as to
Legal Sufficiency:

8787 Georgia Ave

MNCPPC Legal Department

Chairman's Office: 301.495.4605 Fax: 301.495.1320

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NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11996012A to remove a total of 12,834 square feet of Category I Conservation Easement from the Subject Property and mitigate by providing 25,668 square feet of forest conservation credit at an M-NCPPC approved forest conservation bank and providing supplemental planting onsite per the approved Forest Conservation Plan, subject to the following conditions:¹

1. Within sixty (60) days of the mailing date of the Planning Board Resolution approving plan number 11996012A, the Property Owner must record in Land Records of Montgomery County, Maryland, a Certificate of Compliance, approved by the M-NCPPC Office of General Counsel, to use an offsite mitigation bank. The Certificate of Compliance must provide 25,668 square feet of mitigation credit for the removal of 12,834 square feet of Category I Conservation Easement.
2. Within sixty (60) days of the mailing date of the Planning Board Resolution, the Property Owner must submit a cost estimate for the remaining onsite forest planting, two-year maintenance and signage requirements of the Forest Conservation Plan for Staff review and approval.
3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Property Owner must submit financial security for the planting, maintenance and signage requirements of the Forest Conservation Plan in the amount and format approved by Staff.
4. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Property Owner must enter into a Maintenance and Management Agreement in a form approved by the M-NCPPC Office of the General Counsel to ensure compliance with the conditions of the Forest Conservation Plan.
5. The Property Owner must install and the M-NCPPC Inspector must inspect and approve, the plantings shown on the Forest Conservation Plan prior to November 30, 2016.
6. Within one hundred and twenty (120) days of the mailing date of the Planning Board Resolution (but not before the Certificate of Compliance is approved), the Property Owner must submit a complete Record Plat application that delineates the remaining Category I Conservation Easement and provides for the release of the 12,834 square feet Category I Conservation Easement at the rear of Lot 175. The existing Category I Conservation Easement remains in full force and effect until the Deed of Release is recorded in the Land Records of Montgomery County, Maryland.

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:

1. Except as 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.
2. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County, Chapter 22A.


BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 20 2016 (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).

* * * * *

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 Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, June 9, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

