



MCPB No. 16-144  
Preliminary Plan No. 120080430  
Eco Estates  
Date of Hearing: January 12, 2017

JAN 17 2017

**RESOLUTION**

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

WHEREAS, on July 3, 2008, Nea Maloo (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create eight lots on 12.5 acres of land in the RE-1 zone, located 0.25 miles west of the Good Hope Road and Briggs Chaney Road intersection (“Property” or “Subject Property”), in the Cloverly Policy Area and 1976 Cloverly Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120080430, Eco Estates (“Preliminary Plan” 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 December 30, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 12, 2017, the Planning Board held a public hearing on the Application at which it 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 certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120080430 to create eight lots on the Subject Property, subject to the following conditions:<sup>1</sup>

<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.

Approved as to  
Legal Sufficiency: *Carol S. Parkin, PRC*

1. This Preliminary Plan is limited to eight (8) lots for eight (8) single-family detached dwelling units, one (1) outlot, and one open space parcel.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120080430, approved as part of this Preliminary Plan:
  - a. A Final Forest Conservation Plan must be approved by M-NCPPC Staff prior to recordation of the plat and address the following conditions:
    - i. The Final Forest Conservation plan must be consistent with the approved Preliminary Forest Conservation Plan.
    - ii. The Final Forest Conservation Plan must include a worksheet that includes all areas of offsite limits of disturbance in the net tract area.
    - iii. The Final Forest Conservation Plan must include a revised limits of disturbance that protect the critical root zone of Tree ST-14 in its entirety.
    - iv. The Final Forest Conservation Plan must include a revised limits of disturbance to allow for the removal of all existing impervious features on the Property.
    - v. The Final Forest Conservation Plan must include details pertaining to the removal of existing structures from the environmental buffer and restoration of these areas to a pervious, natural condition prior to planting.
    - vi. The Final Forest Conservation Plan must identify the location of the trees planted as mitigation for the tree variance.
  - b. Mitigation for the removal of six (6) trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 63 caliper inches, with a minimum size of three (3) caliper inches. The trees must be planted in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
  - c. Prior to submission of any documents related to the Category I Conservation easements to M-NCPPC, the Applicant must remove all of the existing structures, pavement, and debris located within the proposed Category I Conservation Easement. Details for restoring easement areas to a pervious condition, including deconsolidation of the soils prior to planting must be included on the approved Final Forest Conservation Plan.
  - d. The Applicant must record a Category I Conservation Easement over all areas of forest planting and environmental buffers, as specified on the approved Final Forest Conservation Plan. The Category I Conservation

Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the recordation of plats for the Property, and the Liber Folio for the easement must be referenced on the record plat.

- e. Prior to the start of any demolition, clearing, or grading on the Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for the forest planting areas.
- f. Prior to the start of any demolition, clearing, or grading on the Property, the Applicant must submit for review and approval a five-year Maintenance and Management Agreement for the forest planting areas. The Agreement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records.
- g. The Applicant must provide invasive species management control measures within the proposed Category I Conservation Easement at the direction of the M-NCPPC forest conservation inspector. All proposed measures should be chosen with consideration of the proximity to the onsite stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.
- h. Forest planting must begin within the first planting season after issuance of the first grading permit.
- i. The Applicant may establish a forest bank totaling 2.26 acres as referenced on the approved Final Forest Conservation Plan.
- j. Prior to initiating any transactions for the forest bank, the Applicant must meet with Staff to determine the administrative procedures for implementing the bank.
- k. The Applicant may only sell credits from the forest bank while they maintain ownership of the land where the bank exists.
- l. At the direction of the M-NCPPC forest conservation inspector, the Applicant must install permanent split rail fencing or equivalent acceptable to M-NCPPC Staff, along the conservation easement boundary where it abuts proposed onsite residential lots (Lots 5, 6, and 7) as shown on the approved Final Forest Conservation Plan.
- m. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement except where it abuts existing Category I conservation easement, or as determined by the M-NCPPC forest conservation inspector. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
- n. The Final Sediment Control Plan must depict the limits of disturbance (LOD) consistent with the LOD on the approved Final Forest Conservation Plan.
- o. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree

save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

3. The Applicant must comply with the conditions of approval for the Preliminary/Final Water Quality Plan including:
  - a. Prior to Certified Preliminary Plan, the Applicant must submit a revised Impervious Surface Exhibit that identifies all of the existing impervious surfaces on the Property and all of the proposed impervious surfaces, including square footage of each feature. The Impervious Surface Exhibit must demonstrate conformance with the 8.0 percent impervious surface limit of the Upper Paint Branch Environmental Overlay Zone.
  - b. Prior to submission of any documents related to the Category I Conservation easements to M-NCPPC, the Applicant must remove all existing impervious surfaces on the Property as shown on the Impervious Surface Exhibit dated October 5, 2016. The disturbed areas within the environmental buffer must be restored to a pervious, natural condition.
  - c. Prior to recordation of the plat, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 8.0 percent.
  - d. Prior to release of building permits, the Applicant must demonstrate conformance to the impervious surface limit. Any modifications for the initial construction of the eight homes which increase imperviousness beyond 8.0 percent will require Planning Board approval.
  - e. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Service ("MCDPS") Preliminary/Final Water Quality Plan approval dated November 22, 2011 and revised July 1, 2016, unless otherwise amended by MCDPS provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letters dated August 26, 2008 and April 21, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") in its stormwater management concept letters dated November 22, 2011 and July 1, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The

Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. Prior to the recording of a record plat, the existing house and accessory buildings on the Subject Project must be razed.
8. The Certified Preliminary Plan must change the name of "Arihanth Lane" to "Public Street A".
9. The Certified Preliminary Plan must show Outlot "A" to be dedicated as public right-of-way and labeled as "Public Street B". All necessary slope and drainage easements must be included on Lot 8 and Outlot "B" as shown on the Certified Preliminary Plan.
10. The Certified Preliminary Plan must show a Public Improvement Easement (PUE) on Lot 8 and Outlot "B" adjacent to the right-for-way for Public Street B.
11. The Applicant must construct a 5-foot-wide sidewalk along one side of Public Street A as shown on the Certified Preliminary Plan.
12. The Applicant must construct a 5-foot-wide sidewalk along Briggs Chaney Road across the Subject Property's frontage as shown on the Certified Preliminary Plan.
13. The Applicant must dedicate and show on the record plat the rights-of-way for the following roads as well as construct the roads to the design standards specified in a. and b. below, and dedicate but not construct the road specified in c.

**For dedication and construction of public streets:**

- a. **Briggs Chaney Road:** Dedicate a minimum of 40 feet of right-of-way from its centerline and construct to MCDOT Road Code Standard MC-2004.33: Rural Minor Arterial Road Open Section: 2 Lanes w/ bike lanes as shown on the Certified Preliminary Plan.
- b. **Public Street A:** Dedicate a minimum of 67 feet of right-of-way and must construct to MCDOT Road Code Standard MC-2001.03: Tertiary Residential Street Modified with sidewalk on one side, as shown on the Certified Preliminary Plan.

**For dedication only of public streets:**

- c. **Public Street B** Dedicate a minimum of 67 feet of right-of-way as shown on the Certified Preliminary Plan.

14. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of all required sidewalks shown on the Certified Preliminary Plan.
15. The certified Preliminary Plan must contain the following note:

*“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*
16. The record plat must show necessary easements.
17. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
18. The record plat must have the following note: “The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed.”
19. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.
20. The Applicant must make a Transportation Policy Area Review (“TPAR”) Mitigation Payment for Transit equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services (“MCPDS”). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.
21. The Subject Property is within the Paint Branch School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the single-family detached unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

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. The Preliminary Plan substantially conforms to the Master Plan.*

The Planning Board finds that the Preliminary Plan substantially conforms with the recommendations of the 1997 Cloverly Master Plan.

The Property is located in an area described in the 1997 Cloverly Master Plan as the Residential Wedge. The future land use is identified as single family residential. This area, in the Northwest Branch and Paint Branch watersheds, is made up of relatively low density residential neighborhoods, at one unit for every one or two acres. The Master Plan endorses cluster development when sufficient open space can be provided and limits access to public sewer service in other areas to maintain recommended densities.

In the Paint Branch watershed, the Master Plan endorses limits on impervious surfaces created as part of new development through a Special Protection Overlay zone. The overlay zone has an impervious ceiling of eight percent, and is applied to new development such as is approved under this Application.

The Master Plan reconfirms the RE-1 zoning for much of the headwaters of Paint Branch. Furthermore, the Master Plan recommends approval of community sewer service for properties in the RE-1 zone in the Upper Paint Branch SPA when subdivision plans address the environmental concerns associated with development in these headwaters areas as well as demonstrate an environmental benefit resulting from the use of community sewer, rather than individual septic systems.

The Application is consistent with the Cloverly Master Plan. It uses the cluster development option with community sewer to protect natural resources and provide substantial amounts of contiguous open space. It will also be subject to the requirements of the Upper Paint Branch Environmental Overlay Zone, limiting imperviousness in new projects to eight percent. The impervious level of the Application is 7.99 percent.

*2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities

Public Street A, a public street to be construction as part of this Application, will utilize an open section tertiary residential street standard which is adequate to serve seven single family lots (the eighth lot will be served by Briggs Chaney Road). Public Street B, currently shown as Outlot "A" is provided as a future street connection to the adjacent property when/if it develops in the future. This connection eliminates the need for another street intersection on Briggs Chaney Road. Public Street B will not be constructed in conjunction with this Application.

1. The Application proposes to construct Public Street A, to be built to an open section tertiary residential street standard, with a sidewalk on only one side. Under Section 49-29 of County Code, the Planning Board may waive bikeways or sidewalks on a tertiary residential street if the Planning Board finds that a sidewalk is unnecessary for pedestrian movement, or; if the site is located in an environmentally sensitive area with limits on the amount of impervious surface allowed.

The new public street will be classified as a tertiary street. In addition, the Subject Property is in the Upper Paint Branch SPA which limits imperviousness to 8 percent. The Planning Board waives the requirement for sidewalks to be constructed on both sides because it finds that i) a sidewalk on only one side of the Public Street A, connecting to the sidewalk to be constructed along Briggs Chaney Road, will be adequate to serve seven lots on a cul-de-sac and additional sidewalk is unnecessary for pedestrian movement, and ii) the site is located in an environmentally sensitive area with limits on the amount of impervious surface allowed

#### *Local Area Transportation Review*

A traffic study is not required to satisfy the APF's Local Area Transportation Review (LATR) test because the proposed eight total single-family detached units do not generate 30 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The proposed total of 8 single-family detached units generates only 14.42 peak-hour trips. Therefore, the Application satisfies the LATR test.

#### *Policy Area Review*

The original Preliminary Plan was filed on February 3, 2008 before the County Council adopted the 2012-2016 Subdivision Staging Policy adopted on November 13, 2012. The 2012-2016 Subdivision Staging Policy replaced the earlier "Policy Area Review"- Policy Area Mobility Review (PAMR) test with the TPAR test. Thus, the Applicant had the option of satisfying the "Policy Area Review" test under either the PAMR test or TPAR test in the first few months of 2013. The Applicant selected to be reviewed under the TPAR test as confirmed in the submitted traffic statement dated September 1, 2015. For the current TPAR test



for the Cloverly Policy Area, the roadway test is adequate, but the transit test is inadequate. As a new residential development located in the Cloverly Policy Area under the 2012-2016 Subdivision Staging Policy, the Applicant must make the TPAR payment equal to 25% of the transportation/development impact tax to MCDPS at the time of building permit. The TPAR payment should be based on seven additional single-family detached units (i.e., eight total units minus removal of the one existing unit) where MCDPS's development impact tax for a single-family detached unit is currently \$13,966 per unit through July 30, 2017. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code. With the required payment, the Application satisfies the Policy Area Review.

#### Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property has W-1 and S-3 (conditional) water and sewer service categories and public water and sewer. The Application was reviewed by the Montgomery County Fire Marshal's ("MCFRS") office. The Fire Access Plan was approved on April 14, 2016. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect. The Application is in the Paint Branch School cluster, which is identified as inadequate at the high school level; and is subject to a School Facilities Payment.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Planning Board finds that Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations are appropriate for single family detached units, and the location of this subdivision taking into account the relationship the cluster lot configuration of the existing neighborhood to the north of the Subject Property as well as the design recommendations and environmental features included in the Master Plan.

The lots were reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, the lots can accommodate a dwelling that meets the width at the building line, and setbacks in that zone.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

A. Forest Conservation

The Planning Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan (FCP) for the Application was submitted with the Preliminary Plan. There is no existing forest on the Property. The proposed optional method of development and the requirements for a waiver from Section 59-C-1.532 of the Montgomery County Zoning Ordinance are met through onsite forest requirements. The Application is subject to Section 22A-12(f)(2)(B), which includes an afforestation requirement equal to the conservation threshold of 3.13 acres. The minimum 3.13 acres of forest planting will be provided within the onsite environmental buffer. The Application proposes an additional 2.26 acres of afforestation within the remainder of the environmental buffer, which is consistent with the Planning Board's *Environmental Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines). The Environmental Guidelines recommend that a development site in a SPA should reforest the entire environmental buffer that occurs onsite, even if the reforestation exceeds the development's forest planting requirements under the Forest Conservation Law. Credits associated with the excess planting area may be created and sold to others to meet their offsite requirements. In accordance with this, the Planning Board approved the 2.26 acres of newly planted forest in the stream buffer for use as a forest bank, for so long as the Applicant owns that portion of the Property.

The Application includes an additional 1.98 acres of forest planting adjacent to the environmental buffer as an environmental benefit that sewer service and cluster development in this RE-1 zone provides. The Applicant obtained a sewer category change approval conditioned on Planning Board approval of a cluster plan of development. The sewer service negates the need for septic fields, resulting in a more compact layout and larger area available for forest planting. In total, the Application will plant 7.37 acres of forest onsite, including 5.39 acres within the environmental buffer, of which, 2.26 acres has been approved for use as a forest bank. All of the planted forest will be protected in a Category I Conservation Easement.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree’s critical root zone (“CRZ”), requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise such resources must be left in an undisturbed condition.

This Application will require the removal or CRZ impact to **six** Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Planning Board makes the following findings necessary to grant the Variance:

- 1. Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant because the Protected Trees are located in the limited developable area of the Property, outside of the environmental buffer, near the front along Briggs Chaney Road. Any residential development considered for this Property would be faced with the same considerations of access location along Briggs Chaney Road and environmental considerations based on the existing conditions and development standards of the SPA and Environmental Overlay Zone. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

- 2. The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing conditions, including the location of the Protected Trees within the developable area of the Property, taking into account environmental considerations for where the development should occur, and the requirements for accessing the Property along Briggs Chaney Road. The Applicant refined the limits

of disturbance for the Application, eliminating impacts to the critical root zone of an additional Protected Tree, ST-9.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer or wetland will be impacted or removed as part of this Application. The Property does not currently contain any forest; however, the Application proposes to provide approximately 7.4 acres of forest onsite, including approximately 5.4 acres within the stream buffer. This planted forest will replace many of the functions provided by the Protected Trees to be removed. These trees will help reduce the amount of runoff generated by this subdivision and provide a substantial buffer between the subdivision and the onsite stream. In addition, the MCDPS has found the stormwater management concept for the proposed Application to be acceptable as stated in a letter dated November 22, 2011, and revised in a letter dated July 1, 2016. The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for the Variance is at a rate that approximates the form and function of the Protected Trees removed. The Board approved replacement of Protected Trees at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. No mitigation is required for Protected Trees impacted but retained.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved Preliminary/Final Water Quality Plan from the MCDPS, Water Resources Section on November 22, 2011 and July

- 1, 2016. The Application will meet stormwater management goals via the use of dry wells, micro biofiltration and 10-year storm control by dry pond attenuation. The Preliminary/Final Water Quality Plan proposes to protect the areas of environmental buffer, stream buffer, and reforestation area in a Category I Conservation Easement. The Application has demonstrated efforts to minimize impervious surfaces. The Planning Board determined that the Application complies with Chapter 19 of the Montgomery County Code.
6. The Planning Board approves a waiver from Section 59-C-1.532 of the Montgomery County Zoning Ordinance which requires a minimum tract area of 50-acres in order to do cluster development. Per footnote #6 in the table for Section 59-C-1.532, the Planning Board may waive the minimum tract area requirement when it finds cluster development more desirable for environmental reasons. As a demonstration of the desirability of using cluster development, the Application will provide a 7.7-acre open space parcel which not only protects the environmental features of the Subject Property but also provides a large, usable common open space for residents which is accessible from the public right-of-way between Lots 6 and 7. Under normal circumstances, the lot lines could protrude into this all or part of these open space keeping this area under individual private ownership. This 7.7 acres also provides an area for a significant amount of new forest planting. Furthermore, 2.00 acres of additional planting outside the environmental buffer will be placed in a Category I Conservation Easement. This additional two acres is over and above the planting to be provided with the environmental buffer.
  7. The Planning Board finds that the Preliminary Plan demonstrates an environmental benefit from the use of public sewer service over the use of individual septic system.
  8. The Planning Board finds that the Preliminary Plan meets the criteria set forth in Section 49-29 to allow Public Street A to have a sidewalk on only one side of the street as shown on the Certified Preliminary Plan. The Planning Board finds that Public Street A is a tertiary residential street unnecessary for pedestrian movement to the extent that Public Street A does not need sidewalks on both sides of the street. In addition, the Planning Board finds that the Application is located in an environmentally sensitive area with limits of the amount of impervious surfaces. Therefore, the requirements of Section 49-29 have been satisfied.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

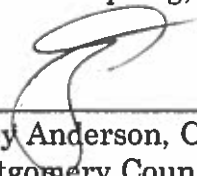
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JAN 17 2017 (which is the date that this Resolution is mailed to all parties of record); and

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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, January 12, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board