



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

APR 28 2010

MCPB No. 10-43
Amendment to Forest Conservation Plan No. MR1994002
Glenmont Station Parking Structure (MR2009737)
Date of Hearing: April 8, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, Forest Conservation Plan No. MR1994002 ("FCP") was approved on July 16, 1993, which covered six sites used by Washington Metropolitan Transit Authority ("Applicant" or "WMATA"), including the Property (hereinafter defined), for the construction of the tunnel section of the Glenmont Metro line; and

WHEREAS, the portion of the FCP covering this Property, referred to as the ***Glenmont (METRO) Route – Phase 2 FCP Triangle Site*** required that 4.62 acres of forest cover existed on the Property (hereinafter defined), of which 2.14 acres of forest was required to be retained and 0.49 acres of on-site reforestation was required, thereby resulting in 2.63 acres of retained and planted forest protected on the Property; and

WHEREAS, on September 10, 2009, WMATA, filed an application for approval of an amendment to the approved FCP for the ***Glenmont (METRO) Route – Phase 2 FCP Triangle Site*** to construct the proposed Glenmont Parking Structure project on 10.27 acres of land owned by WMATA on the west side of Georgia Avenue, north of Urbana Drive ("Property" or "Subject Property"), in the Glenmont Transit Impact Area and Vicinity sector plan area ("Sector Plan"); and

WHEREAS, Applicant's forest conservation plan amendment application was designated **Amendment to Forest Conservation Plan No. MR1994002, Glenmont Station Parking Structure** ("Forest Conservation Plan Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum

Approved as to
 Legal Sufficiency:

Carroll 4/14/10

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

to the Planning Board, dated **March 23, 2010**, setting forth its analysis, and recommendation for approval of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, on **April 8, 2010**, the Planning Board held a public hearing on the Application (the “Hearing”) during which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on **April 8, 2010**, the Planning Board approved the Forest Conservation Plan Amendment subject to certain conditions, on motion of Commissioner Norman Dreyfuss; seconded by Commissioner Marye Wells-Harley ; with a vote of **3-1**, Commissioners Norman Dreyfuss, Royce Hanson, and Marye Wells-Harley voting in favor, with Commissioner Joseph Alfandre opposed. Commissioner Amy Presley was absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Amendment to Forest Conservation Plan No. **MR1994002** as to that portion of the FCP applicable to the Property, subject to the following conditions, which applicant must meet prior to issuance of sediment and erosion control permit(s):

1. Category I conservation easements must be placed over all areas of forest retention, tree save or tree planting areas, and wetlands and wetland buffers.
2. Conservation easements must be recorded in the land records prior to the start of clearing and grading.
3. Preliminary Forest Conservation Plan Amendment must be revised as follows:
 - a. Offsite mitigation shall include 2 acres of planted forest offsite for every acre of on-site forest loss.
 - b. Provide notes that the Final Forest Conservation Plan will include measures to enhance existing forest through removal of invasive species and plant supplemental native trees and shrubs within the forest to create a dense visual screen.
 - c. Remove the forest conservation worksheet.
 - d. Provide a note in the Forest Conservation Table that identifies that the approved forest conservation plan MR1994002 shows 4.62 acres of existing forest and that the current NRI/FSD (# 420092340) shows 2.3 acres of existing forest.
4. Final Forest Conservation Plan must include the following elements:
 - a. Supplemental planting within and around the forest must be determined in the field and must include native trees and shrubs.
 - b. Permanent signs to be placed along the boundary of the conservation easement.

- c. Five-year maintenance program for management of non-native invasive species and required supplemental forest plantings.
- d. Proposed location of forest bank to be submitted for review and approval by M-NCPPC Environmental Planning staff prior to start of clearing and grading.
- e. Specific tree protection measures to be shown.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff 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 Montgomery County Planning Board FINDS, with the conditions of approval, that:

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

Preliminary Forest Conservation Plan MR1994002 required 2.63 acres of onsite forest retention and planting. The Amendment to Preliminary Forest Conservation Plan MR1994002 proposes to retain 1.54 acres of forest onsite. This is a reduction of 1.09 acres of protected onsite forest that was originally approved on the Property. With this Amendment to the Preliminary Forest Conservation Plan, given the access onto the Property and its alignment with Glenallen Road and the County's need to relocate fire station #18 located at Randolph Road and Georgia Avenue due to intersection improvements, the Planning Board found that the Applicant made reasonable efforts to minimize impact and protect the onsite forest through alternative design considerations and providing features that are compatible with forest conservation objectives.

The Applicant must enhance the preserved forest through the removal of invasive species and supplemental planting with native trees and shrubs to create a dense buffer from the adjoining single family home. A Category I conservation easement will be placed over the forest, including planted areas. Applicant must enter into a maintenance and management agreement to adequately maintain, manage and monitor the easement for five years to ensure forest establishment and protection.

The Amendment to Preliminary Forest Conservation Plan MR1994002 requires mitigation for the loss of onsite forest at the rate of 2 acres of planted forest for every acre of onsite forest that is cleared. The mitigation rate is consistent with what the Planning Board has approved for other cases where protected, onsite forests are proposed to be removed. The Planning Board recognizes that the offsite mitigation site may not be located in the same watershed as the Property.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 28 2010 (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 Wells-Harley, seconded by Commissioner Dreyfuss, with Commissioners Hanson, Wells-Harley, Alfandre, and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, April 22, 2010, in Silver Spring, Maryland.


Royce Hanson, Chairman
Montgomery County Planning Board