



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

MCPB No. 11-45

Forest Conservation Plan No. MR2011205

Kensington Fire Station#25 Renovation and Addition

Date of Hearing: May 19, 2011

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, on March 17, 2011, Montgomery County Department of General Services ("Applicant"), filed an application for approval of a preliminary forest conservation plan on approximately 4.99 acres of land located at 3227 Bel Pre Road known as the Kensington Fire Station #25 ("Property" or "Subject Property"), in the Aspen Hill Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary forest conservation plan application was designated Forest Conservation Plan No. MR201120, Kensington Fire Station #25 Renovation and Addition ("Forest Conservation Plan" 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 to the Planning Board, dated May 3, 2011, setting forth its analysis, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, the Planning Board held a public hearing on the Application (the "Hearing") on May 19, 2011; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 19, 2011, the Planning Board approved the Forest Conservation Plan subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Carrier, Wells-Harley, Alfandre, Presley, and Dreyfuss voting in favor.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

M-NCPPC Legal Department
www.MCParkandPlanning.org

[Handwritten Signature] 1/6/12

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Preliminary Forest Conservation Plan No. MR2011205 subject to the following conditions:

1. The proposed development shall comply with the conditions of the Preliminary Forest Conservation Plan. The Applicant shall satisfy the following conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits and any land disturbing activities, including clearing or grading onsite:
 - a. The Applicant must obtain approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
2. Applicant must record a Category I Conservation Easement over all onsite areas of forest retention and planting.
3. Required site inspections by M-NCPPC monitoring staff must occur as specified in "Trees Technical Manual".

BE IT FURTHER RESOLVED, that, having given full consideration to 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, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and Forest Conservation Regulations Section 1.09(B) (COMCOR 22a.00.01.09B).*

The Applicant is retaining 0.65 acres of forest and planting 0.58 acres of forest to meet Forest Conservation Law requirements. The Planning Board finds that the Application satisfies the applicable requirements of the Forest Conservation Law.

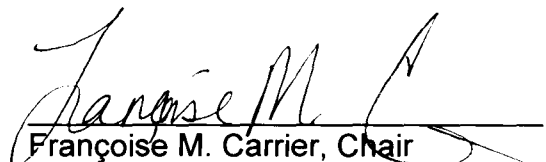
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is JAN 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion at its regular meeting held on Thursday, January 19, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board