



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

MCPB No. 12-134
Water Quality Plan No. S-2850
Clarksburg Childcare Center
Date of Hearing: November 29, 2012

APR 15 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("DPS") and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible to review water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS' review and approval of those elements of the water quality plan for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on June 21, 2012, Michael and Shirley Vesper ("Applicant"), filed an application for approval of a water quality plan on approximately 1.05 acres of R200 zoned property located at 22929 Frederick road ("Subject Property") in the Clarksburg Special Protection Area ("SPA") within the Clarksburg Master Plan ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. S-2850, Clarksburg Childcare Center ("Preliminary Water Quality 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, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency: 
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WHEREAS, the Staff Report included a copy of a letter dated June 4, 2012 from DPS conditionally approving the elements of the Preliminary Water Quality Plan under its purview; and

WHEREAS, on November 29, 2012, 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 approved the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES Preliminary Water Quality Plan No. S-2850, Clarksburg Childcare Center on the Property, subject to the following conditions:

1. The Applicant must conform to the conditions as stated in DPS Preliminary Water Quality Plan approval letter dated June 4, 2012.
2. The impervious surfaces on the Subject Property are limited to no more than 22.6 percent within the SPA as shown on the Impervious Surface Plan Portion of the Preliminary Water Quality Plan.

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 (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 Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

There are no streams, floodplains, wetlands, or environmental buffers on or affecting the site.

The property is zoned R-200. Impervious surface rates across the county for the R-200 zone are generally between 15.4% and 19.0%. There is no imperviousness cap within this portion of the Clarksburg SPA so we use the general county average for the zone as a goal. At 22.6% the imperviousness for this project is slightly higher than the upper goal of 19.0%. The Applicant has minimized usage of all impervious surfaces to the greatest extent possible while achieving the goals of the use and meeting all other county regulations (parking and ADA compliance).

The Subject Property was granted a forest conservation plan exemption (42011129E) on March 17, 2011, under 22A-5(s)(1)¹ the small property exemption. Therefore, a forest conservation plan for the property is not required.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review. Therefore, the Application satisfies all the elements of the Preliminary Water Quality Plan under DPS' purview.

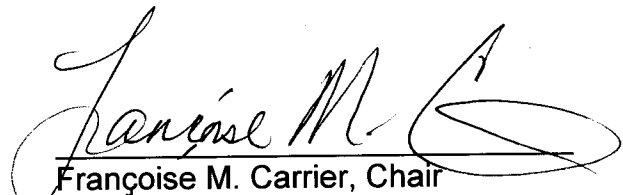
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 15 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 4, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

¹ 22A-5(s) (1) an activity occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.