



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

MAY 18 2013

MCPB No. 13-19
Forest Conservation Plan No. CBA-1174C
Holton-Arms School
Date of Hearing: May 2, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on April 23, 2012, the Holton-Arms School ("Applicant") filed an application for approval of an amendment to a forest conservation plan on approximately 58.5 acres of land located at 7303 River Road in Bethesda MD ("Subject Property") in the Bethesda- Chevy Chase master plan ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan amendment application was designated Forest Conservation Plan No. CBA-1174C, Holton-Arms ("Forest Conservation 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 April 19, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

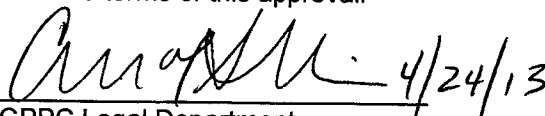
WHEREAS, on May 2, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. CBA-1174C on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor in interest to the terms of this approval.

Approved as to
Legal Sufficiency:

 4/24/13

1. Provide invasive control, supplemental plantings and/or removal of encroaching features that may be needed to restore the new 1,770 sf conservation easement area near the School entrance.
2. Adjust the locations and increase quantities of the easement boundary posts on the Final Forest Conservation Plans to adequately delineate the Conservation easement areas, subject to Staff approval.
3. Reduce the limits of disturbance for the swale installation and adjust the associated tree protection and plantings accordingly, subject to Staff approval.
4. The existing retaining wall and associated fill behind 8023 Summer Mill Court must be removed from the School property to the extent possible without compromising the stability of the adjacent property. If any part of the existing wall remains, it cannot later be repaired, and no part of the wall can be replaced.
5. All references to the split-rail fence installation on the Final Forest Conservation Plan shall be specified for installation by the School rather than by adjoining owners.
6. Timing of the Final Forest Conservation Plan approval and implementation of the plan shall be performed as follows:
 - a. A revised Final Forest Conservation Plan, consistent with this approval and showing the revised Category I conservation easement ("Easement") areas must be submitted by the Applicant and approved by Staff prior to recordation of the Easement.
 - b. The Easement must be recorded in the Montgomery County Land Records no later than November 2, 2013.
 - c. Applicant must commence removal of all encroachments within the Easement areas no later than August 2, 2013, and must complete such removal by November 2, 2013.
 - d. Applicant must commence installation of the fence and signage required in the Final Forest Conservation Plan no later than August 2, 2013, and must complete such installation by November 2, 2013.
 - e. Applicant must commence invasive control work as soon as possible, but in no event later than August 2, 2013.
 - f. Applicant must schedule a pre-planting meeting with Staff and complete swale installation prior to the pre-planting meeting.

- g. Applicant must complete installation of the tree and shrub plantings by December 1, 2013.
7. Applicant must submit financial security for the plantings, fence and signage specified on the Final Forest Conservation Plan to Staff, and the security must be approved by the M-NCPPC Associate General Counsel Office prior to any land disturbing activities occurring onsite with regard to the swale.
8. Applicant must submit the Certificate of Compliance for the off-site forest mitigation bank which satisfies the offsite mitigation requirements to Staff; and the Certificate must be approved prior to any land disturbing activities occurring onsite with regard to the swale.
9. The revised Easement boundaries must be recorded prior to land disturbing activities occurring onsite with regard to the swale.
10. The applicant must submit a Maintenance and Management Agreement and have it approved by Staff prior to the forest conservation inspector accepting any planting.

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 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 and the protection of environmentally sensitive features.

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

Implementation of the Forest Conservation Plan will address the existing violations associated with the Subject Property. The Planning Board supports abandoning and replacing portions of the Easement because the areas to be abandoned are either associated with relatively small isolated forest area or the areas are being replaced onsite with areas of equal or greater size and quality. The net Easement footprint will increase the size of protected area identified within the Master Plans and prioritized by the forest conservation regulation and environmental guidelines. Additionally the Applicant is required to provide a number of enhancements that will improve the quality of the existing forest.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

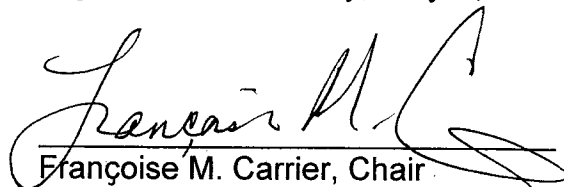
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is MAY 8 2013 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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 Chair Carrier, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, May 2, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board