



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

MCPB No. 13-152
Preliminary Plan No 11991094A
Bradley Farms, Lot 26
Date of Hearing: 10/24/2013

OCT 30 2013

RESOLUTION

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

WHEREAS, on April 16, 1992, the Planning Board, by MCPB Opinion approved Preliminary Plan No. 119910940, creating 3 lots on 6.81 acres of land in the RE-2 zone, located at 9224 Inglewood Drive ("Subject Property"), in the Potomac Policy Area, Potomac master plan ("Master Plan") area; and

WHEREAS, on May 19, 2011, David and Jessica Kramer ("Applicant"), filed an application for approval of an amendment to the previously approved preliminary plan to remove 18,713.5 square feet (0.43 Ac.) of Category I conservation easement on the Property; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11991094A, Bradley Farms, Lot 26 ("Preliminary Plan," "Amendment" or "Application"); and

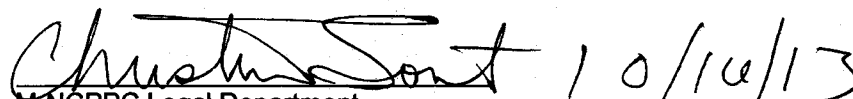
WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 11, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 24, 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 Preliminary Plan No. 11991094A to remove 18,713.5 square feet (0.43 Ac.) of Category

Approved as to
Legal Sufficiency:

 10/16/13

I conservation easement on the Property, subject to the following conditions:¹

1. The Applicant must submit a complete record plat application that delineates the revised Category I conservation easement within ninety (90) days of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan. The existing conservation easement remains in full force and effect until the record plat is recorded in the Montgomery County Land Records by the Applicant.
2. The record plat must reference the standard Category I conservation easement, as recorded at liber 13178, folio 412 in the Land Records for Montgomery County, Maryland, over the areas identified to remain under easement as shown on the amended final forest conservation plan.
3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within ninety (90) days of the mailing of the Planning Board Resolution. The Certificate of Compliance must provide 0.72 acres of mitigation credit for the removal of 0.36 acres of Category I conservation easement.
4. The Applicant must delineate the revised Category I conservation easement boundary on the Subject Property with permanent easement markers and appropriate signage no later than ninety (90) days from the recordation of the record plat and the new conservation easement.
5. All other conditions of Preliminary Plan No. 119910940 and Forest Conservation Plan No. 119910940 that were not modified herein, as contained in the Planning Board's Opinion dated April 16, 1992, remain in full force and effect.

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 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.

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan, and all findings not specifically addressed remain in effect.

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

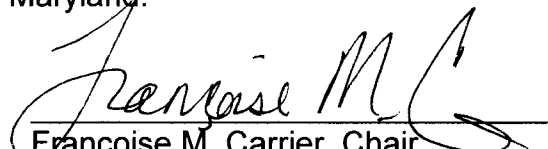
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 30 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, October 24, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board