



MCPB No.16-131
Forest Conservation Plan No. CBA-1855
Sandy Spring Friends House
Date of Hearing: December 8, 2016

JAN 19 2017

RESOLUTION

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

WHEREAS, on January 6, 2016, Friends house, Inc. (“Applicant”) filed an application for approval of a forest conservation plan on approximately 62.18 acres of land located at 17340 Quaker Lane (“Subject Property”) in the Sandy Spring Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. CBA-1855, Sandy Spring Friends House (“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 November 23, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 8, 2016, the Planning Board held a public hearing on the Application at which it 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, on motion of on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González and Cichy voting in favor of the motion.

Approved as to
Legal Sufficiency: 
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. CBA-1855 on the Subject Property, subject to the following conditions:¹

1. The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property.
2. The Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved forest bank for the 1.15 acres of offsite planting prior to any clearing, grading or demolition on the project site.
3. The Applicant must provide financial surety to the M-NCPPC Planning Department for the 3.36 acres of new forest planting prior to the start of any demolition, clearing, or grading on the Property.
4. The Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel prior to the start of any demolition, clearing or grading on the Property. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the Forest Conservation Plan, including the reforestation of environmental buffers.
5. The Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements.
6. Afforestation plantings that are located outside the limits of disturbance must occur within the first planting season following release of the first building permit after approval of the conditional use application. Plantings within areas of future disturbance must occur in the first planting season following the stabilization of the applicable disturbed area.
7. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.

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.

8. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

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 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 ensures the protection of environmentally sensitive features.*

A. Forest Conservation

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

The FFCP amendment shows a net tract area of 58.70 with 16.59 acres of Forest. The FFCP includes the removal of 3.93 acres of forest and the retention of 12.66 acres of forest, resulting in a total afforestation/reforestation requirement of 4.51 acres.

The Applicant will meet the 4.51 acres planting requirement through 3.36 acres of onsite planting and 1.15 acres of mitigation credit in an offsite forest conservation bank.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application includes the removal or CRZ impact to forty Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Board agrees with Staff that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board makes the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the impacts to or removals of the Protected Trees are due to the location of the trees and necessary site design requirements. Through the planning process the impacts have been minimized as much as possible.

2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions on the Subject Property and not land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

Under this approval, 3.36 acres of forest will be planted onsite within the stream valley buffer.

The Subject Property will also be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to protect natural resources to the maximum extent practical by, among other things, limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept has been approved by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced.

In addition to these requirements, new trees will be planted to mitigate for the Variance Trees to be removed. At a rate of ¼":1" removed, the Applicant will be providing a minimum of 53 three-inch trees, which will help to offset the loss of the variance trees being removed as part of this development. Therefore, granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.

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 19 2017 (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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, January 12, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board