



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

MCPB No. 17-067
Preliminary Plan No. 120160330
Wright Property
Date of Hearing: July 20, 2017

SEP 13 2017

RESOLUTION

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

WHEREAS, on June 6, 2016, Warren W. Wright ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create six lots on 3.68 acres of land in the R-200 zone, located at 203 Central Avenue ("Subject Property"), in the 2010 *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, Subdivision Regulation Amendment 16-01, adopted by the Montgomery County Council on November 15, 2016 as Ordinance No. 18-19, replaced Chapter 50, Subdivision of Land in its entirety, effective February 13, 2017 ("Subdivision Regulations"); and

WHEREAS, Ordinance 18-19 provided that any preliminary plan application filed and certified as complete before the effective date of the Subdivision Regulations may, at the applicant's option, be reviewed under the Subdivision Regulations in effect when the application was submitted; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160330, Wright Property ("Preliminary Plan" or "Application"); and

WHEREAS, Applicant opted to have this Preliminary Plan reviewed under the Subdivision Regulations in effect prior to February 13, 2017; 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 July 10, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 20, 2017, 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

Approved as to
Legal Sufficiency:

WHEREAS, on July 20, 2017, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley voting in favor and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120160330 to create six lots on the Subject Property, subject to the following conditions:¹

1. This Preliminary Plan is limited to six (6) residential lots and one parcel for a private road.
2. The Applicant must comply with the Preliminary Forest Conservation Plan, including the following conditions:
 - a. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services, the Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department. The Final Forest Conservation Plan (FFCP) must be substantially consistent with the approved Preliminary Forest Conservation Plan.
 - b. Prior to demolition, clearing, or grading, the Applicant must record a Category I Conservation Easement in the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Liber Folio for the easement must be referenced on the record plat.
 - c. Prior to any land disturbing activities occurring onsite, the Applicant must obtain a financial security agreement reviewed and approved by M-NCPPC Associate General Counsel Office for the planting requirements specified on the FFCP.
 - d. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
 - e. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 - f. Prior to any clearing and grading occurring on site, the Applicant must record a certificate of compliance for the purchase of off-site mitigation credit from an approved forest mitigation bank in the land records.

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.

3. The Applicant must submit an amended variance request for approval prior to the submission of the Final Forest Conservation Plan (FFCP). The amended variance request and FFCP will address the following items:
 - a. Change the status of tree ST-13 to approve for removal, but employ tree save measures in an effort to save the tree.
 - b. Retain the approval for removal of ST-1, but reconfigure the stormwater management facility to reduce grading impacts to save the tree.
 - c. Correct the variance to remove the note regarding the prior removal of ST-5.
 - d. Provide documentation regarding the prior removal of ST-4 and ST-6.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated December 2, 2016, and except for Comments #3 and #10 which are replaced with Condition #7 of this Resolution, hereby incorporates the recommendations as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDOT may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The Applicant must provide Private Road within Parcel A, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by the Preliminary Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:
 - a. The record plat must show the Private Road in a separate parcel.
 - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads.
 - c. Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to Montgomery County Department of Permitting Services (MCDPS), certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for

- emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
- d. Private Road must be built to Road Standard MC- 2001.02 as modified by this Preliminary Plan.
 - e. Private Road must terminate in a hammer-head within the Private Road parcel.
7. Prior to issuance of any building permit, the Applicant must pay the proportionate cost of installing a sidewalk along the Subject Property's Central Avenue frontage (in order of priority below), into the CIP for the extension of a sidewalk on Central Avenue or, if that CIP is fully funded or unavailable, an equivalent CIP for sidewalk improvements in the vicinity of the Subject Property or, into the general sidewalk fund CIP. The amount of the payment must be determined by DOT and approved by Staff prior to record plat.
 8. Prior to issuance of any building permit and Sediment Control Permit, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety, with the following provisions:
 - a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - b. The cost estimate must include Private Road Parcel A.
 - c. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - d. The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement including all relevant conditions.
 9. The Planning Board has accepted the recommendations of the MCDPS - Fire Department Access and Water Supply Section in its letter dated March 20, 2017, and hereby incorporates the recommendations as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the Montgomery County Fire and Rescue Service (MCFRS) may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
 10. The Planning Board has accepted the recommendations of the MCDPS - Water Resources Section in its stormwater management concept letter dated May 25, 2017, and hereby incorporates the recommendations as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS - Water Resources Section may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.

11. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
12. The record plat must show necessary easements.
13. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
14. The Certified Preliminary Plan must contain the following note:
“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscapes will be determined at the time of issuance of the building permits. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
15. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.
16. The Applicant must dedicate and show on the record plat thirty five (35) feet from the existing pavement centerline along the Subject Property frontage for Central Avenue.

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. *The Preliminary Plan substantially conforms to the Master Plan.*

The Subject Property is located within the Oakmont district of the Master Plan. The Master Plan does not specifically address the Subject Property. It states, “these primarily residential communities have little development potential and the stable residential areas should be preserved.” It also recommended the area be zoned R-200 and to “preserve and create connections following Muddy Branch parallel to Central Avenue.” The Application preserves the residential character of the existing neighborhood by providing comparable lots to those in the area, meeting the requirement of the R-200 Zone, minimizing impacts to the Muddy Branch stream by improving the existing access point and providing a conservation easement. Additionally, a County CIP sidewalk project was recently installed on the south side of Central Avenue, which created a safe pedestrian

connection parallel to Central Avenue. Therefore, the Preliminary Plan is in conformance with the Master Plan.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

Public Transit Service

No transit service is available along Central Avenue, but nearby Frederick Avenue has Ride On routes 55 and 59, both of which operate with 20-minute headways on weekdays and weekends. Ride On route 55 operates between the Rockville Metrorail Station and the Germantown Transit Center, and Ride On route 59 operates between the Rockville Metrorail Station and the Montgomery Village Center.

Pedestrian Facilities

There is no sidewalk along the Subject Property's frontage along Central Avenue. However, a five-foot-wide sidewalk currently exists on the opposite side of Central Avenue. This existing sidewalk was built as part of MCDOT's CIP No. 0506747, Central Avenue/Oakmont Avenue Sidewalk Project that was constructed in 2010 to provide safe pedestrian access along Central Avenue and Oakmont Avenue between Frederick Avenue (MD 355) and the Washington Grove Elementary School. The sidewalk was constructed on the south side of Central Avenue because of environmental and utility constraints on the north side of Central Avenue, and it is adequate to support and service the area of the approved subdivision.

Frontage Improvements Along Central Avenue

Under Section 50-24(b), when a subdivision includes lots fronting on an existing state, county, or municipally maintained road, "the subdivider shall provide, in addition to any required dedication for widening the existing right-of-way, such reasonable improvement to the road in front of such lots necessary to serve the needs of such subdivision for access and traffic as required by the road construction code, and including the provision of sidewalks." The road construction code generally requires the installation of certain frontage improvements, including ramps, curbs, gutters, and sidewalks, along lots fronting on a public road.

In this case, the Subject Property's frontage along the publicly-maintained Central Avenue is severely constrained by environmental features, including stream buffers and floodplains. These features are priorities for protection under the Montgomery County Forest Conservation Law, and this Application includes measures to protect those elements, as discussed in more detail in the Environmental section below.

As indicated in the record, installation of the frontage improvements would compromise the environmental features along Central Avenue and potentially create an unsafe condition. Thus, requiring the installation of the improvements envisioned by the road construction code along the Subject Property's Central Avenue frontage would be unreasonable. Moreover, given that (1) these improvements would only extend the length of the Subject Property's frontage; (2) the Montgomery County Department of Transportation indicated its acceptance of a covenant for future construction, if ever needed, in lieu of actual construction of these improvements; and (3) there is an existing sidewalk network across Central Avenue from the Subject Property that has recently been expanded, the Planning Board concludes that the additional frontage improvements are not necessary to serve the needs of the subdivision.

In coming to this conclusion, the Planning Board also takes into account the Applicant's willingness to pay the proportionate cost of a sidewalk along the Subject Property's Central Avenue frontage into a CIP for the extension of the Central Avenue sidewalk network or elsewhere near the Subject Property, which will contribute to adequate public facilities for pedestrians.

Private Road

Parcel A includes a 50-foot right-of-way with 20-feet of paving. The Applicant is required to construct the private road to Montgomery County Road Code Standard MC- 2001.02, as modified. In addition to the street design, there will be a hammer-head that will terminate the private road before connecting to the private driveway. The hammer-head will allow for a clear transition regarding access, circulation, and maintenance between the private road and the private driveway.

Adequate Public Facilities Tests

The transportation APF test was reviewed under the 2012-2016 Subdivision Staging Policy, because the Preliminary Plan was filed before January 1, 2017.

Local Area Transportation Review (LATR)

The five new and six total single-family detached units generate five new/six total AM peak-hour trips and six new/seven total PM peak-hour trips within the weekday AM peak-period (6:30 to 9:30 a.m.) and PM peak-period (4:00 to 7:00 p.m.), respectively. A traffic study was not required because the total site-generated peak-hour trips are fewer than 30 vehicular trips. Thus, the LATR test is satisfied.

Transportation Policy Area Review (TPAR)

For the applicable TPAR test, the roadway test was adequate, but the transit test was inadequate for the Derwood Policy Area. Before January 1, 2017, the Applicant would have made a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax for the five new single-family

detached units. However, under the 2016-2020 Subdivision Staging Policy, as of March 1, 2017, the new development impact tax is required instead of the TPAR payment. The timing and amount of the development impact tax payment will be determined by MCDPS per Chapter 52 of the Montgomery County Code, as amended.

Schools Test / Payment

Since this Preliminary Plan was acted on by the Planning Board after July 1, 2017, the 2016-2020 Subdivision Staging Policy and FY2018 Annual School Test apply. The Subject Property is in the Gaithersburg High School Cluster and the Washington Grove Elementary School area, and both are adequate under the FY2018 Annual School Test. Therefore, the Applicant will be required to pay the current School Impact Tax on all applicable residential units. MCDPS will determine the amount and timing of the payment.

Other Public Facilities

The Preliminary Plan will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services, including police stations, firehouses, and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available and adequate.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, considering the recommendations for maintaining a stable residential area in the Master Plan and for the building type (single-family houses) contemplated for the Subject Property. The lots were reviewed for compliance with the dimensional requirements for the R-200 Zone as specified in the Zoning Ordinance. With the findings and conditions of this Resolution, the lots will meet all the dimensional requirements for area and frontage and can accommodate a building which can reasonably meet the width and setback requirements in this zone.

Lots Fronting on a Private Road

Section 50-29(a)(2) of the Subdivision Regulations requires that all lots shall abut on a road which has been dedicated to public use or which has acquired the status of a public road. The Applicant proposes two (2) lots to front on a private road (Lots 3 and 4). As reflected in other similar plans approved by the Board with lots fronting on a private road, the proposed road must be fully accessible to the public;

accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

In this case, the private road meets the minimum standards necessary to make the finding that it has attained the status of a public road, and will serve as adequate frontage for Lots 3 and 4. The private road will be constructed to the minimum public road structural standards, will have a minimum 20-foot pavement width and adequate turning radii where needed for emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The private road will be located within a separate private road parcel, with a covenant and easement that ensures it is adequately maintained and remains fully accessible to the public. Accordingly, the Board finds that the private road has acquired the status of a public road for the purpose of providing street frontage to Lots 3 and 4.

Lots Without Frontage

Section 50-29(a)(2) also allows the Planning Board to approve up to two lots on a private driveway if the driveway provides adequate access for service by emergency vehicles, the installation of public utilities, access for other public services, and the proposed lots are not detrimental to future subdivision of adjacent lands. The Applicant proposes two (2) lots without street frontage (Lots 1 and 2), that are served instead by a private driveway.

Lots 1 and 2 meet the above requirements. Lots 1 and 2 will be served by a driveway that connects to a private road (parcel A). This driveway will have a common use and access easement placed over it for the benefit of Lots 1-4, and will have a minimum of 20-foot pavement width and adequate turnaround where needed for emergency access. The layout allows adequate service by emergency vehicles, installation of public utilities, and allows access for other public services. The lots without frontage will not be detrimental to future subdivision and adjacent lands because the adjacent land to the north of the Subject Property is already developed with existing one-family detached housing and is located within the City of Gaithersburg.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for this site on June 23, 2015. The site slopes from northwest to southeast to a stream that crosses the front of the Subject Property parallel to Central Avenue. The only available access to the Subject Property is a driveway that crosses the stream. There are 371 linear feet of stream channel on the Subject Property, along with 1.02 acres of stream buffer. The stream drains to the Muddy Branch, which is a Maryland State Use Class I-P stream. There are also 0.26 acres

of 100-year floodplain and 0.08 acres of wetlands associated with the stream channel. The Subject Property contains 2.56 acres of forest, and includes many specimen-size trees.

A. Forest Conservation

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Preliminary Forest Conservation Plan shows that 2.14 acres of forest are to be cleared for construction of houses, driveways, and stormwater management facilities. Based on the forest removed, net tract area, zoning, and 0.42 acres of forest retention, the total reforestation and afforestation requirement is 1.07 acres. The Applicant will fulfill the planting requirement by planting 0.19 acres on site and 0.88 acres of off-site forest banking. The on-site planting area must be placed in a Category I Forest Conservation Easement.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the County Code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Code. The Code requires no impact to trees that measure 30 inches or greater, dbh; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

This Application will require the removal or CRZ impact to nine trees that are considered high priority for retention under Section 22A-12(b) of the County code. Eight of these trees will be removed; the ninth tree will be saved.

The shape of the parcel is long and thin. Subdividing the parcel into building lots allowed by zoning, combined with the required access road, utilities, stormwater management, and grading needed to create building sites causes substantial impacts to critical root zones of most of the specimen trees on the Subject Property. The specimen trees are all part of the forest being removed to create the building lots. Preserving the forest

outside the stream buffer would preclude development of the Subject Property. Therefore, the Planning Board finds 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.*

Impacts to specimen trees are a result of the shape of the Subject Property and the constraints that result from the requirements for infrastructure needed to support the development, and development is consistent with the zoning. The Planning Board has determined that the impacts to the trees subject to the variance requirement cannot be avoided. Therefore, the Board finds that granting this variance is not a special privilege that would be denied to other applicants.

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, but on engineering and site constraints.

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 not a result of 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.*

The specimen trees being removed are part of an on-site forest that will be replaced in part by planting new on-site forest within the newly established stream buffer, thereby enhancing the ability of the buffer to protect water quality. Therefore, the Preliminary Plan will not violate State water quality standards or cause a measurable degradation in water quality.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The MCDPS Water Resources Section issued a letter accepting the stormwater management concept for the site on March 7, 2017. The stormwater management concept proposes to meet required stormwater management goals via Environmental Site Design (ESD) to the maximum extent practicable (MEP) with the use of dry wells, landscape infiltration, and micro-bioretenion structures.

6. *The approved lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood, as delineated in the Staff Report.*

Frontage: The approved lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage. In the defined Neighborhood, lot frontage ranges from 0 feet to 213 feet. Lots 1 and 2 will have 0 feet of frontage, Lots 3 and 4 will have 25 feet of frontage, and Lots 5 and 6 will have approximately 126 feet of frontage.

Alignment: The approved lots are of the same character as existing lots in the Neighborhood with respect to the alignment criterion. The alignment of the lots is perpendicular. Lots in the Neighborhood are a mix of perpendicular, angular, and pipestem alignments. Specially, the Neighborhood contains five (5) angular and thirty (30) perpendicular alignments.

Size: The approved lot sizes are of the same character as the existing lots in the Neighborhood. The six (6) lot sizes range from 20,184 square feet to 34,363 square feet. The range of lot sizes in the Neighborhood is between 20,000 and 61,400 square feet. The approved lots are within the range of lot sizes in the Neighborhood.

Shape: The shape of the approved lots are of the same character with shapes of the existing lots in the Neighborhood. The lots consist of four (4) rectangular and two (2) pipestems. The Neighborhood contains a mix of lot shapes including pipestem, rectangular, and irregular shapes.

Width: The approved lots are of similar character as existing lots in the Neighborhood with respect to lot width. The lot widths for all six lots is 112 feet. The range of lot widths within the Neighborhood is between 100 and 254 feet. The lot width is within the range of existing lot widths in the Neighborhood.

Area: The approved lots are of the same character as the existing lots in the Neighborhood with respect to buildable area. The buildable area of lots in the

Neighborhood ranges from 3,850 square feet to 43,202 square feet. The buildable area of the six lots (including the environment buffer on Lots 5 and 6) range from 9,610 to 21,557 square-feet. The approved lots' buildable areas are within the range of existing lots' buildable areas in the Neighborhood.

Suitability for Residential Use: The existing and approved lots are zoned residential, and the land will be further developed for residential use. Therefore, the approved lots are in character with the Neighborhood.

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; 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 SEP 13 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 Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson abstaining at its regular meeting held on Thursday, September 7, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board