



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

MCPB No. 18-014
Preliminary Plan No. 11987272A
T.C. Thompson Property
Date of Hearing: February 22, 2018

MAR 12 2018

RESOLUTION

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

WHEREAS, on December 26, 2017, the Glenstone Foundation ("Applicant") filed an application for approval to amend a Preliminary Plan for Forest Conservation Plan purposes that would remove a Category I Conservation on the properties located at 12500 and 12504 Hunt Ridge Lane, Potomac, MD, Lots 24 and 25, Block C ("Subject Property"), in the 2002 Potomac Subregion Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 11987272A, T.C. Thompson Property ("Preliminary 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 February 8, 2018 setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 22, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 11989272A for Forest Conservation purposes to remove a Category I Conservation Easement 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(s) in interest to the terms of this approval.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
M-NCPPC Legal Department www.montgomeryplanningboard.org Mail: mcp-chair@mncppc-mc.org

- 1) All other conditions of Preliminary Plan No. 119872720 as contained in the Planning Board's Resolution mailed May 30, 2003 that were not modified herein, remain in full force and effect.
- 2) The Applicant must comply with the following conditions of approval for the Amended Final Forest Conservation Plan No. 11987272A ("FFCP"):
 - a) Within sixty (60) days of the mailing date of the Planning Board Resolution for this amendment, the Applicant must record the new Conservation Easement reflecting the easement area that is not authorized to be removed. This document must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed and reflected on the record plat.
 - b) Within ninety (90) days of the mailing date of the Planning Board Resolution and for this amendment, the Applicant must extinguish the area of Category I Conservation Easement as shown on the FFCP. The extinguishment document must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.
 - c) Within one hundred and twenty (120) days of the mailing date of the Planning Board Resolution for this amendment, the Applicant must submit a complete record plat application that delineates the revised conservation easement and references the Liber/Folio of the recorded deed. The existing easement remains in full force and effect until the Category I Conservation Easement is recorded as extinguished.
 - d) The Applicant must execute a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the Forest Conservation Plan.
 - e) The Applicant must provide financial surety to the M-NCPPC Planning Department for the mitigation planting shown on the approved FFCP.
 - f) The Applicant must install the mitigation plantings within 6 months following the pre-construction meeting unless modified by the M-NCPPC Forest Conservation Inspector.
 - g) The Applicant must have all required site inspections performed by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations
 - h) The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

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

A. Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), an amended FFCP for the project was submitted as part of the Application. The 10,050 square feet (0.17 acres) of Category I Conservation Easement removal as a result of this amendment must be satisfied by the Applicant by relocating a Category I Conservation Easement on-site at a 1:1 rate.

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

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAR 12 2018 (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 Vice Chair Dreyfuss, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Cichy and Patterson voting in favor, and Commissioner Fani-González absent at its regular meeting held on Thursday, February 22, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board