



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

**MCPB No. 19-138**  
**Abandonment of Category I Conservation Easement**  
**15325 Masonwood Drive**  
**Restoration Plan Amendment No. 420190190**  
**Date of Hearing: December 19, 2019**

**DEC 23 2019**

**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 1, 2019, the Property Owner, Allen A. Izadpanah and Hajar "Roshan" Izadpanah, ("Property Owner", "Applicant") and Montgomery County Planning Staff ("Staff"), entered into a Settlement Agreement regarding all forest conservation law violations at the property located at 15325 Masonwood Drive, Gaithersburg, Maryland ("Seneca Highlands, Lot 27, Block B", "Izadpanah Property", "Property")

WHEREAS, on April 12, 2019, Montgomery County Planning Staff, approved a Restoration Plan for the property including removal of dumped wood and stabilization of existing stream, planting of native trees and protection of restored forest stream buffers and existing forest stands.

Whereas on May 21, 2019 the Category I Conservation Easement Agreement for the conservation and restoration areas of the Property was filed among land records at Book 57557 Page 181; and

WHEREAS, on November 15, 2019, the Property Owner submitted an Amendment to the approved Restoration Plan proposing that an 8,994 square foot area of trees and lawn placed into conservation be released from protection and that an area of 1,487 square feet of unprotected restoration planting be added to Category I Conservation Easement; and

WHEREAS, The Property Owner's request to amend the Restoration Plan was designated Restoration Plan No. 420190190 (a.k.a. Izadpanah Property) 15325 Masonwood Drive ("Restoration Plan Amendment", "Amendment") for the purposes of revising the area included within the conservation easement; and

Approved as to  
Legal Sufficiency

*Christina [Signature]* 12/19/19

WHEREAS, following review and analysis of the Application, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated December 6, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 19, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment by the vote certified below; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Restoration Plan Amendment No. 420190190 to remove 8,994 square feet of Category I Conservation Easement and add 1,487 square feet of Conservation Easement to Part 2 of the Conservation Easement described in Book 57557 Page 181; subject to the following conditions:

1. Within sixty (60) days of the mailing date of the Planning Board Resolution, the Applicant must record a Category I Conservation Easement by deed, in a form approved by the M-NCPPC Office of the General Counsel, in the Land Records of Montgomery County, Maryland for the new Category I Conservation Easement area on the Subject Property.
2. Within ninety (90) days after the mailing date of the Planning Board Resolution, the Property Owners must submit a Deed of Release of the existing Part 2 section of Category I Conservation Easement, in a form approved by the M-NCPPC Office of the General Counsel, in the Land Records of Montgomery County, Maryland. (The Part 2 Section of Category I Conservation Easement Agreement is noted as Area 3 on the approved Restoration Plan.) The Part 1 and Part 3 areas of the conservation easement as described in Book 57557 Page 181 remain in full force and effect. Until recordation of the Partial Deed of Release, the Part 2 conservation easement area of Book 57557 Page 181 remains in full force and effect.
3. By April 15, 2020, the Property Owner must install the fencing noted on the Amendment and have this fencing accepted by the M-NCPPC Inspector.

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 the Restoration Plan Amendment is in accordance with the Forest Conservation Law, Montgomery County, Chapter 22A.

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BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~DEC 23 2019~~ (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 (30) 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 Patterson, seconded by Vice Chair Fani-González, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, December 19, 2019, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board