

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

APR 03 2020

MCPB No. 20-015
Forest Conservation Plan No. MR2020017
Montgomery Blair High School (For Fire Station 16 PSSM Tower)
Date of Hearing: March 5, 2020

RESOLUTION

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

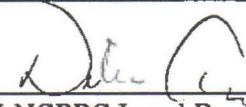
WHEREAS, on January 31, 2020, Montgomery County Department of Technology Services (DTS) ("Applicant") filed an application for approval of a forest conservation plan amendment on approximately 42.6 acres of land located at 111 University Blvd E, Silver Spring, MD ("Subject Property") in the Kemp Mill/Four Corners Policy Area and 1996 Four Corners Master Plan.

WHEREAS, Applicant's forest conservation plan amendment application was designated Forest Conservation Plan No. MR2020017, *Montgomery Blair High School (For Fire Station 16 PSSM Tower)* ("Forest Conservation Plan" or "Application") amending the original Montgomery Blair High School forest conservation plan No. MR1995007; 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 14, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 5, 2020, 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 approved the Application subject to certain conditions, by the motion of Commissioner Cichy, seconded by Commissioner Fani-Gonzalez, with a vote of 3-0; Chair Anderson, Commissioners Cichy and Fani-Gonzalez voting in favor, with Commissioners Patterson and Verma abstaining.

Approved as to
Legal Sufficiency: 

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. MR2020017 on the Subject Property, subject to the following conditions:¹

1. The Final Sediment Control Plan must depict the limits of disturbance (LOD) identical to the LOD on the approved Final Forest Conservation Plan.
2. 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 approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations 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 FCP proposes no forest clearing or impact to trees. The Amendment is solely for updating the existing Forest Conservation Plan to include the construction activities associated with the installation of the new PSSM tower. All new construction activities are being conducted on an area that is already developed as the Fire Station 16 parking lot.

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 APR 03 2020 (which is the date that this Resolution is mailed to all parties of record); and

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.

MCPB No. 20-015

Forest Conservation Plan No. MR2020017

Montgomery Blair High School (For Fire Station 16 PSSM Tower)

Page 3

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 Fani-González seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor at its regular meeting held on Thursday, March 26, 2020, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board