



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

MCPB No. 21-056

Forest Conservation Plan No. 82005015H

Cabin Branch Infrastructure: Clarksburg Elementary School #9

Date of Hearing: June 17, 2021

AUG 11 2021

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 21, 2021, Montgomery County Public Schools (“Applicant”) filed an application for approval of a forest conservation plan amendment on approximately 9.87 acres of land located at the Intersection of Clarksburg Road (State Route 121) and Dunlin Street (“Subject Property”) in the Clarksburg Policy Area and 1994 Clarksburg Area Master Plan (“*Master Plan*”) area; and

WHEREAS, Applicant’s forest conservation plan amendment application was designated Forest Conservation Plan No. 82005015H (“Forest Conservation Plan Amendment” 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 June 4, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 17, 2021, 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, on June 17, 2021, the Planning Board approved the Forest Conservation Plan Amendment on motion of Commissioner Fani-Gonzalez; seconded by

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Approved as to

Legal Sufficiency: /s/ Delisa Coleman

M-NCPPC Legal Department

Commissioner Verma; with a vote of 5-0, Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. 82005015H on the Subject Property, subject to the following conditions:¹

1. The Final Sediment Control Plan must depict the limits of disturbance (LOD) consistent with the LOD on the approved Final Forest Conservation Plan.
2. The Applicant must schedule the required site inspections with M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

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, 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.

A Final Forest Conservation Plan (FFCP) for the Property was approved on May 2, 2013 as part of Site Plan Application 820050150 Cabin Branch. An Application to amend the FFCP was submitted as part of the Mandatory Referral. The proposed amendment addresses the new Limits of Disturbance (LOD) and proposed construction in accordance with 22A.00.01.09 of the Forest Conservation Regulations.

There are no additional requirements that are generated by this amendment. The amended FFCP varies from the approved FFCP in that the new plan proposes the construction of an elementary school and the previous approval was for mass grading only.

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.

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 AUG 11 2021 (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 Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, July 29, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board