



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

MCPB No. 21-055
Water Quality Plan No. MR2021006
Clarksburg Elementary School #9
Date of Hearing: June 17, 2021

AUG 11 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, water quality review in Special Protection Areas must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral, or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("DPS") and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible for reviewing water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS' review and approval of those elements of the water quality plan over which DPS has authority, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on September 11, 2020, Montgomery County Public Schools ("Applicant") filed an application for approval of a water quality plan on approximately 9.87 acres of CRT zoned property located at Intersection of Clarksburg Road (State Route 121) and Dunlin Street ("Subject Property") in the Clarksburg Special Protection Area ("SPA") within the Clarksburg Policy Area and 1994 Clarksburg Area *Master Plan* ("*Master Plan*") area; and

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Approved as to
Legal Sufficiency: /s/ Delisa Coleman
M-NCPPC Legal Department

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. MR2021006, Clarksburg Elementary School #9 ("Preliminary/Final Water Quality 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 June 4, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, the Staff Report included a copy of a letter dated August 27, 2020 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; 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, 2020, the Planning Board voted to approve the Preliminary/Final Water Quality Plan, subject to certain conditions on motion of Commissioner Fani-Gonzalez, seconded by Commissioner Patterson, 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 Preliminary/Final Water Quality Plan No. MR2021006, Clarksburg Elementary School #9 on the Subject Property, subject to the following conditions:¹

1. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its Combined Preliminary/Final Water Quality Plan letter dated August 27, 2020 and hereby incorporates them as conditions of the Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Plan approval.
2. Impervious surfaces are limited to no more than 43.4% of the Application within the Clarksburg Special Protection Area as shown on the Impervious Surface Plan dated May 28, 2021.
3. Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 43.4% of the

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.

Application within the Clarksburg Special Protection Area and as shown on the Impervious Surface Plan dated May 28, 2021. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.

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 (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

There are no impervious limitations within this portion of the Clarksburg SPA; however, the Clarksburg SPA Regulations allow the M-NCPPC to review imperviousness and to work with the Applicant to reduce imperviousness. As part of the Preliminary Water Quality Plan for the Cabin Branch Development under the Cabin Branch – Infrastructure Site Plan (Plan No. 820050150), an overall goal of less than 45% imperviousness was established by the Planning Board (MCPB Resolution No. 07-131).

This Application will result in approximately 181,518 square feet, or 4.16 acres of impervious surfaces, which translates to 43.4 percent of the 9.62-acre area included in the impervious surface calculations, thereby demonstrating conformance with the Clarksburg SPA.

The Application met applicable requirements for environmental buffer protection, forest conservation, and planting requirements under an approved forest conservation plan. As conditioned by this approval, site impervious limits have been satisfied. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under the Board's purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; 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 ~~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).

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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 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