



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

MCPB No. 21-032  
Water Quality Plan No. CU202105  
23126 Frederick Road (Lovedale Montessori)  
Date of Hearing: April 8, 2021

**FEB 08 2022**

**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 December 18, 2020, Jayanthi Babu ("Applicant") filed an application for approval of a water quality plan on approximately 0.60 acres of R-200 zoned property located at 23126 Frederick Road ("Subject Property") in the Clarksburg Special Protection Area ("SPA") within the Clarksburg Policy Area and 1994 Clarksburg Master Plan ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. CU202105, 23126 Frederick Road (Lovedale Montessori) ("Preliminary/Final Water Quality Plan" or "Application"); and

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Approved as to  
Legal Sufficiency: /s/ Matthew T. Mills  
M-NCPPC Legal Department

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 April 8, 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 January 15, 2021 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on April 8, 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 April 8, 2021, the Planning Board voted to approve the Preliminary/Final Water Quality Plan, subject to certain conditions on motion of Vice Chair Fani-González, seconded by Commissioner Verma, with a vote of 5-0; Chair Anderson, Commissioners 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. CU202105, 23126 Frederick Road (Lovedale Montessori) on the Subject Property, subject to the following conditions:<sup>1</sup>

1. The Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan Approval letter dated January 15, 2021.

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.*

Environmental Guidelines

The site is located within the Clarksburg Special Protection Area (SPA) and the Little Seneca Creek watershed, a Use Class IV-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this

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<sup>1</sup> 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.

watershed as good. There are no streams, floodplains, wetlands, or environmental buffers on or affecting the site. The Application meets all applicable requirements of the Environmental Guidelines.

#### Forest Conservation

A Forest Conservation Exemption (#42021042E) for the Property was approved by Staff on November 10, 2020. The forest conservation inspector in the review of the exemption application wanted to provide additional protection for tree #3 a 55" DBH Norway Maple, a possible County Champion size tree. The inspector requested the Applicant provide a detailed Tree Save Plan which showed tree protection measures to minimize construction impacts.

The Tree Save Plan submitted in support of the application identifies stress reduction measures designed to minimize construction related impacts to specimen trees on site. These measures will be further refined at the pre-construction meeting, in coordination with the owner's Licensed Tree Expert. The Application meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

#### Impervious Surfaces

Within the 1994 Clarksburg Master plan area, typical impervious levels for development vary with the zone and the availability of sewer service. The subject property is located within the R-200 zone. The R-200 zone has a typical impervious level of 19 percent.

This Application is within the Clarksburg Special Protection Area (SPA) and while no impervious surface cap was set for this SPA, the amount of impervious surface is always looked at to see if it is the minimum necessary to achieve the goals of the project.

The Application proposes an impervious level of 17.1 percent. The Application has a net increase of 561 square feet of imperviousness from the existing conditions and is consistent with the average impervious levels in the R-200 zone.

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. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under DPS' purview.

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 FEB 08 2022 (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 and Commissioners Cichy, Patterson, and Verma voting in favor of the motion, and Commissioner Rubin abstaining at its regular meeting held on Thursday, February 3, 2022, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board