

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-041  
Site Plan No. 82017013D  
BLOOM MV I-IV  
Date of Hearing: April 7, 2022

**APR 26 2022**

## **RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on December 26, 2017<sup>1</sup>, the Planning Board, by Resolution MCPB No. 17-111, approved Site Plan No. 820170130, for 494 dwelling units including 68 MPDUs on 147 acres of CRN-0.5 C-0.0 R-0.5 H-65 and Townhouse Low Density (TLD) zoned-land, located at the intersection of Montgomery Village Avenue and Stewartown Road ("Subject Property"), in the 2016 *Montgomery Village Master Plan* area; and

WHEREAS, on November 8, 2019, the Planning Board approved an amendment to Site Plan No. 82017013A (MCPB No. 19-122) to make changes to the previously approved site plan to make infrastructure and stormwater management modifications, identify the conservation easement areas to meet Phase 1 afforestation requirements, make minor architecture and landscape revisions, and increase the percentage of MPDUs provided to 25% on the Subject Property; and

WHEREAS, on October 8, 2020, the Planning Board approved an amendment to Site Plan No. 82017013B (MCPB No. 20-091) to make minor revisions to the Montgomery Village Foundation Park; reallocate units and MPDUs throughout the project; remove a duplex and replace with standard units; remove units within dam breach limits; and provide Forest Conservation Plan revisions, update of utilities, stormwater and grading on the Subject Property; and

WHEREAS, on June 24, 2021, the Planning Board approved an amendment to Site Plan No. 82017013C (MCPB No. 21-045) to adjust the percentage of MPDUs within Areas

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<sup>1</sup> This date was incorrect in Resolutions MCPB No. 19-122 and MCPB No. 20-091.

I and II to provide a minimum of 12.5% MPDUs in Area I and 25% MPDUs in Areas II-VI on the Subject Property; and

WHEREAS, on August 26, 2021, Green Bloom MV Development, LLC ("Applicant") filed an application for approval of an amendment to increase the residential dwelling units from 494 to a maximum of 514 units; modify the Stewarttown Road alignment through the PEPCO easement and modify the cul-de-sac in Area 6A; change site plan conditions 2e. and 7d; reallocate units and utilities in Area 6A; make minor revisions to landscape, lighting and site details; and finalize planting and conservation easement in the Park conveyance areas on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82017013D, BLOOM MV I-IV ("Site 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 March 28, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 07, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to certain conditions, by motion of Commissioner Rubin, seconded by Vice Chair Verma, with a vote of 5-0; Chair Anderson, Commissioners Cichy, Patterson, Rubin, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82017013D to increase the residential dwelling units from 494 to a maximum of 514 units; modify the Stewarttown Road alignment through the PEPCO easement and modify the cul-de-sac in Area 6A; change site plan conditions 2e. and 7d; reallocate units and utilities in Area 6A; make minor revisions to landscape, lighting and site details; and finalize planting and conservation easement in the Park conveyance areas by adding and modifying the following condition:<sup>2</sup>

Modified Conditions

~~2e. Prior to the issuance of the building permit for 150<sup>th</sup> residential unit, the Applicant must complete the removal of the following above grade items: all cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system; drinking fountains; debris; sign bollards; and sand traps~~

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<sup>2</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.

2e. In connection with each phase of development for which a sediment control permit is granted and prior to issuance of any use and occupancy permit for the subject phase, the Applicant must prepare and M-NCPPC Staff must approve a Development Phasing Schedule indicating the timing for the removal of the following above grade items, as applicable: cart paths, bridges, and any other impervious surface not otherwise incorporated into the trail system, drinking fountains, debris, signs, bollards; and buildings.

#### 7. RECREATION FACILITIES

~~d. Prior to issuance of the building permit for the 150th residential unit, all amenities for the Montgomery Village Foundation Park must be completed. This includes, but is not limited to, the dog park, tot lots, play area, and trail system.~~

d. All Montgomery Village Foundation Park facilities, including but not limited to the dog park, tot lots, play area and trail system, except for the community garden and associated trail access, must be completed in coordination with Montgomery Village Foundation by December 1, 2022; except that plantings must be installed by the end of the next growing season.

18. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Right of Way in its letter dated ~~August 11, 2020~~, February 2, 2022 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

#### New Conditions

#### 16. CERTIFIED SITE PLAN

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

t. Correct the Recreational Table and Legend to reflect the original approval

u. Prior to Certified Site Plan approval, changes must be made to the Final Forest Conservation Plan to correct tree variance information and the forest conservation worksheet to be consistent with the information in the staff report.

v. Prior to Certified Site Plan approval, the afforestation planting schedule must be changed to replace sweet gum (*Liquidambar styraciflua*) with boxelder (*Acer negundo*), replace sweetbay (*Magnolia virginiana*) with gray dogwood (*Cornus racemosa*), and summersweet (*Clethra alnifolia*) with New Jersey tea (*Ceanothus americanus*).

19. The Site Plan is limited to 514 residential units (27 detached houses and 487 townhouses) with a minimum of 25% moderately priced dwelling units in areas zoned TLD and minimum of 12.5% moderately priced dwelling units in areas zoned CRN.

20. A Park Permit is required for any work being done on parkland or future land to be conveyed to the Parks Department.

23. The required afforestation planting must be completed within one year or two growing seasons after the issuance of the final residential building permit for each Area.

24. Prior to the issuance of the first Sediment Control Permit for each of the six Areas shown on the Site Plan, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the new forest planting specified in the approved Final Forest Conservation Plan, as well as maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.

25. Prior to the issuance of the first Sediment Control Permit for each of the six Areas shown on the Site Plan, the Applicant must execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of BLOOM MV I-IV, Site Plan Amendment 82017013D, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

***2.d) satisfies applicable use standards, development standards, and general requirements under this Chapter;***



i. **Division 4.5.3. & 4.4.11 Zone**

Table 4: Bloom MV I-VI Site Plan Amendment Data Table for CRN (Standard Method) & TLD (Optional Method) Zone,  
Section 59.4.5. & 59.4.4.

**DEVELOPMENT STANDARDS FOR TLD & CRN ZONES**

	Zoning Ordinance Development Standards			Overall Site Plan			
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Total
<b>Development Standards:</b>							
<b>TLD Zone (Areas II-VI) Optional Method</b>							
Density (units per acre)	9.78			3.31			
Units	1163			27	0	369	
MPDUs min	> 12.5%			25.0%			
Units, Total:				27	0	369	396
Lot area min.	3,000 SF	1,500 SF	800 SF	3,000 SF	1,700 SF	1,000 SF	
Lot width (at front building line) min.	Determined at site plan			40'	22'	16'	
Lot width (at front lot line) min.	15'	15'	14'	15'	15'	16'	
Lot coverage max	60%	60%	n/a	60%	60%	90%	
<b>CRN 0.5 Zone (Area I) Standard Method</b>							
Units				n/a	n/a	118	
MPDUs min	12.50%			12.5%			
Units, Total:				n/a	n/a	118	118
Density (FAR) max	C-0.0, R-0.5 FAR			0.23			
Lot area min.	1,000 SF	500 SF	800 SF	1,000 SF	500 SF	800 SF	
Lot width (at front building line) min.	25'	12.5'	12'	25'	12.5'	12'	
Lot width (at front lot line) min.	10'	10'	n/a	10'	10'	10'	
Lot coverage max	90%	90%	n/a	90%	90%	n/a	
Total Units Approved:				27	0	487	514
<b>Building Height:</b>	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	
TLD Zone max.	40'			35'	40'	40'	
CRN 0.5 Zone max.	65'			45'			
<b>Building Setbacks (FT):</b>	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	
<b>TLD Zone - Optional Method</b>							
Front from public street min.	10'			15'			
Front from private street min.	4'			4'			
Side street min.	10'	10'	5'	n/a	10'	5'	
Side or rear min.	Determined at site plan			4'	4'	4'	
Side or rear abutting property not included in application min.	Equal to detached building type setback in abutting zone under standard method			10' side / 20' rear			
Rear alley min.	4'			15'			
<b>CRN 0.5 Zone - Standard Method</b>							
Front min.	5'			5'			
Side street min.	5'			5'			
Side abutting residential zones min.	6'	6'	4'	10'			
Side and unit min.	n/a	n/a	2'	4'			
Side between lot and site boundary min.	n/a	n/a	4'	4'			
Rear min.	15'	15'	10'	15'			
Rear alley min.	4'			15'			
Rear between lot and site boundary min	n/a	n/a	5'	n/a			
<b>Build-to Area (max setback &amp; min % of building facade):</b>	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	
<b>CRN 0.5 Zone</b>							
Front setback	n/a	n/a	15'	n/a	n/a	15'	
Building in front street BTA	n/a	n/a	70%	n/a	n/a	70%	
<b>Parking:</b>	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse	Total
<b>TLD &amp; CRN 0.5 Zone</b>	Baseline Min. 2.00 per unit			54	0	746	800
MPDU	0.5 times baseline / 1.00 per unit						
Total:				54	0	860	914
<b>Open Space:</b>							
TLD Zone min.	20% / 950,315 sf			48.50%	or	2,207,370 sf	
TLD Zone Site Coverage (townhouse only) max.	n/a	n/a	40%	23.05%	or	1,200,000 sf	
CRN 0.5 Zone, as common open space min. (%)	n/a	n/a	10%	n/a	n/a	45%	
CRN 0.5 Zone, as common open space min. (sf)	n/a	n/a	118,003 sf	n/a	n/a	527,647 sf	

**2.e Satisfies the applicable requirements of:**

*Environmental Guidelines*

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this property on December 27, 2016. The NRI/FSD documented 6704 linear feet of stream and 70.38 acres of stream buffer on the property. The stream buffer included 56.17 acres of 100-year floodplain and 0.29 acres of wetlands. There were no documented occurrences of Rare, Threatened, or Endangered species on the site. A portion of this site (development Area 4) is covered by NRI/FSD No. 420151680, which was approved on April 3, 2015.

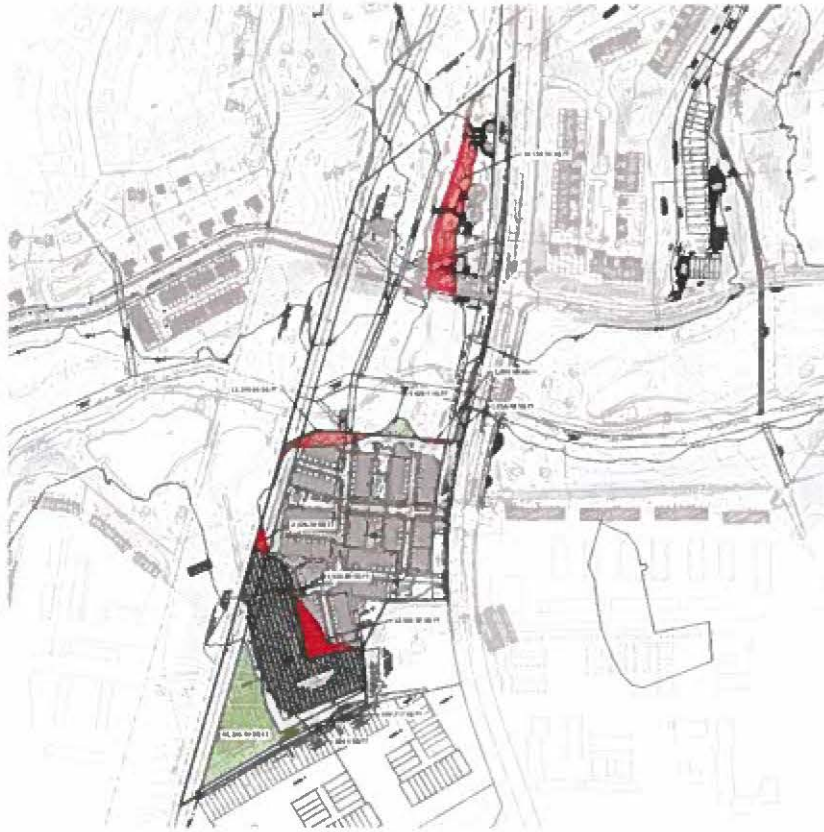
The proposed Bloom MV development occupies the site of the former Montgomery Village Golf Course near Gaithersburg, Maryland. A substantial portion of the site lies within the Cabin Branch stream valley, including large expanses of floodplain, with steep slopes coming down to meet the stream valley. The proposed development areas are primarily in the upland areas in the old fairways and greens. An extension of Stewartown Road, required by the Master Plan to improve circulation, crosses the site from Watkins Mill Road on the west to Montgomery Village Avenue on the east. Site Plan 820170130 approved the encroachment of several road sections into the edges of environmental buffers on the property after determining that these encroachments were necessary and unavoidable, per Section V.A.1.(f) of the

*Environmental Guidelines.*

The original Site Plan also approved the encroachment of all or part of seven townhouse units in Area 1 into a delineated stream buffer, though not into 100-year floodplain. Compensation for the loss of buffer function in this area was provided through enhanced forestation totaling approximately 14,629 square feet.

Final site design and grading have created additional encroachments into the environmental buffers in Area 1, bringing the total area of encroachment to 66,831.02 square feet. This is being offset through buffer averaging, which entails expanding the size of the buffer in other areas (see *Environmental Guidelines* Section V.A.1.(e)). The expanded area of environmental buffers totals 70,744.65 square feet, resulting in a net gain of 3,913.63 square feet. (Figure 6)

With the enhanced forestation previously approved, and the buffer averaging applied in this application, the Site Plan Amendment is in conformance with the *Environmental Guidelines*.



*Figure 7. Environmental Buffer Encroachments and Expanded Buffer Areas*

*Chapter 22A, Forest Conservation.*

This application includes amendments to FFCP 820170130, which established forest conservation mitigation requirements for the entire Bloom MV development. This includes specific planting requirements associated with development of each of the six phases of the Site Plan.

Amendment 82017013A made minor adjustments to the planting areas, and specifically identifies the planting areas used to meet the planting requirements for Areas 4 and 5 of the development. Amendment 82017013B made additional adjustments to planting areas and identified the planting areas to satisfy the forest conservation mitigation requirements for development of Area 1, Area 3, and a portion of Area 6.

The forest conservation mitigation requirements for the Bloom MV development totaled 26.12 acres in the original Final Forest Conservation Plan (No. 820170130).

Implementation of the afforestation requirements has been phased according to a schedule created to provide planting roughly proportionate to each phase of development approved. The planting requirements for Site Plan Amendment 82017013A previously provided 10.521 acres of the total mitigation requirement of 26.12 acres. Site Plan Amendment 82017013B provided an additional 11.11 acres of afforestation, bringing the total provided to 21.631 acres. This left a forest conservation mitigation requirement of 4.489 acres to be fulfilled by subsequent phases of the overall development as shown on the final forest conservation plan. This Site Plan Amendment responds to several changes in the layout of the site, including required road realignments, utilities, and an increase in units. Another change is the identification of an existing utility easement covering 0.43 acres of forest previously included in the worksheet, but now subtracted from the net tract area. This change decreases the Net Tract Area in Area I from 27.98 to 27.55 acres. The 0.43 acres of forest in the easement is likewise deducted from the worksheet, although there is no plan to remove the forest. This results in a decrease in mitigation required in Area I from 4.20 acres to 4.13 acres, and a decrease in the overall mitigation total from 26.69 acres to 26.62 acres. The total on-site planting being provided is 26.69 acres.

The staff report reflects work done to identify minor corrections to the submitted variance request and FFCP. The conditions of approval include a requirement to correct the FFCP to agree with the information in the staff report prior to Certified Site Plan approval.

#### **Forest Conservation Variance**

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

The original variance request submitted with preliminary forest conservation plan 120170150 approved impacts to 98 trees that are considered high priority for retention under section 22a-12(b) (3) of the county forest conservation law (Attachment C ). Of the 98 trees impacted, 82 were approved for removal, and 16 were to be saved. The variance was amended with the approval of the final forest



conservation plan amendment 82017013b to allow slight increases in the critical root zone impacts to trees 979, 980, and 981, but to continue to save the trees. This site plan amendment application includes an amended variance request to increase Critical Root Zone (CRZ) impacts to ten trees previously approved for impact in previous variance requests. Eight of these trees are to be preserved; the status of the other two is being changed from “preserve” to “remove.” One additional tree has been newly identified as a variance tree. Permission is sought for its removal. Five trees are newly impacted by changes to the plans. These three trees are to be preserved.

*Table 5– Previously Approved Variance Trees – Increased Critical Root Zone impacts*

Tree Number	Species	DBH (Inches)	Previous CRZ Impacts (%)	New CRZ Impacts (%)	Status
710	Eastern white pine ( <i>Pinus strobus</i> )	31.4"	6.17%	21.84%	Preserve
711	Eastern white pine ( <i>Pinus strobus</i> )	32"	3.22%	24.91%	Preserve
928	Eastern white pine ( <i>Pinus strobus</i> )	32"	28.38%	28.49%	Preserve
635	Eastern cottonwood ( <i>Populus deltoides</i> )	39"	2.03%	3.90%	Preserve
973	Red maple ( <i>Acer rubrum</i> )	30"	2.44%	20.32%	Preserve
979	White oak ( <i>Quercus alba</i> )	33"	6.94%	20.45%	Preserve
981	White oak ( <i>Quercus alba</i> )	33"	22.44%	27.38%	Preserve
734	Eastern white pine ( <i>Pinus strobus</i> )	31"	18.09%	37.18%	Change from preserve to remove
980	White oak ( <i>Quercus alba</i> )	33"	17.82%	25.77%	Change from preserve to remove
692	Eastern white pine ( <i>Pinus strobus</i> )	33.4"	100%	100%	Remove – Not previously identified as variance tree

*Table 6 – Newly Impacted Variance Trees*

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
607	White ash ( <i>Fraxinus americana</i> )	48"	13.75%	Preserve
608	Silver maple ( <i>Acer saccharinum</i> )	43"	0.07%	Preserve
649	Eastern white pine ( <i>Pinus strobus</i> )	30"	5.61%	Preserve
648	Silver maple ( <i>Acer saccharinum</i> )	33"	0.1%	Preserve
975	Red maple ( <i>Acer rubrum</i> )	30"	11.32%	Preserve

*Table 7 – Justification for Variance Tree Disturbance*

Trees already granted variance approval, but impacts are increasing requiring a new variance approval. Impacts increased but continue to preserve the tree.	
Tree Number	Justification
710	Increased impacts from grading to tie in path, respond to realignment of Stewartown Road
711	Increased impacts from grading to tie in path, respond to realignment of Stewartown Road
928	Impacts from connection to the existing sewer line
635	Increased impact from stormwater management connection
973	Increased impact from stormwater management facility
979	More accurate surveying places tree CRZ within the Limits of Disturbance
981	More accurate surveying places tree CRZ within the Limits of Disturbance
Trees already granted variance approval, but impacts are increasing requiring a new variance approval. Status of tree changing from preserve to remove.	
Tree Number	Justification
734	Impacts from grading required for necessary drainage improvements
980	More accurate surveying places tree CRZ within the Limits of Disturbance
692	This tree was listed as 29" on initial PFCP but is 31". Now included on variance for removal
Trees newly impacted, not on previous variance request. Tree to be preserved.	
Tree Number	Justification
607	New impact from stormwater management connection
608	New impact from stormwater management connection
649	New impact from stormwater management connection

648	New impact from water line connection
975	New impact from stormwater management facility

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. The disturbances to the trees are caused by requirements to provide stormwater management and safe and efficient circulation, as well as grading required to provide positive drainage. Justification for disturbing each tree is detailed in Table 7. Denying the variance would prohibit the Applicant from providing required infrastructure and grading necessary for the development.

Therefore, the Planning Board finds that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Planning Board has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings – the Planning Board has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant. The disturbances are due to requirements to provide adequate stormwater management and safe and efficient circulation, as well as necessary grading for drainage. Therefore, Planning Board believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the existing conditions and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The variance trees being removed will be mitigated by an additional 0.08 acres of afforestation within the stream buffer (see explanation of the mitigation formula, below). As these trees grow, they will replace the lost water quality function of the trees that were removed. Therefore, the Planning Board finds that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

Removal of the additional variance trees will result in the loss of 64 diameter inches of mature trees. Planning Department policy requires replacement of variance trees at a rate of 1" replaced for every 4" removed to replace lost environmental functions performed by the trees removed. Based on this formula, the applicant is required to plant 16 caliper inches of variance mitigation trees. Ordinarily, the requirement is for variance tree loss is to replant with trees of a minimum 3" caliper. In this case, however, the priority is to restore a forested stream buffer to protect water quality. Therefore, the Planning Board finds that 1.5 to 2-inch caliper trees may be planted, along with the requisite number of shrubs, following the requirements for planting in Forest Conservation Regulation 22A.00.01.08(E)(3)(c). When planting trees of this size, the stocking rate is 100 trees and 33 shrubs per acre. The replacement of 16 caliper-inches of variance trees, divided by 2" per tree yields an additional .08 acres of planting. This acreage has been added to the previous forest conservation mitigation requirements, increasing the additional area for variance tree mitigation from 3.77 acres to 3.85 acres. These trees and shrubs will be planted within the approved forest planting areas in the stream buffer.

The Planning Board approves the variance request.

The Planning Board concludes that Site Plan Amendment 82017013D continues to be in compliance with Chapter 22A, Forest Conservation, and in conformance with the *Environmental Guidelines*.



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 Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 ~~APR 26 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).

\* \* \* \* \*

**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 Rubin, seconded by Vice Chair Verma, with Commissioners Patterson, Rubin, Cichy, and Chair Anderson voting in favor at its regular meeting held on Thursday, April 21, 2022, in Wheaton, Maryland.



\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board

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