

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

October 9, 20204

MCPB No. 24-080

Forest Conservation Plan No. F20240820

Fairland Park Community - Burtonsville Elementary School

Date of Hearing: September 5, 2024

RESOLUTION

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

WHEREAS, on May 30, 2024, Montgomery County Public Schools (“Applicant”) filed an application for approval of a forest conservation plan amendment on approximately 10.95 acres of land located at 14709 Saddle Creek Drive, Burtonsville (“Subject Property”) in the Burtonsville Policy Area and 1997 Fairland Master Plan (“*Master Plan*”) area; and

WHEREAS, Applicant’s forest conservation plan amendment application was designated Forest Conservation Plan No. F20240820, Fairland Park Community - Burtonsville ES (“Forest Conservation 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 August 23, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on September 5, 2024, the Planning Board held a public hearing on the Application and approved the Application subject to certain conditions, by the vote of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0, Chair Harris, Vice Chair Pedoeem, Commissioners Hedrick and Linden voting in favor. Commissioner Bartley was absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20240820 on the Subject Property, subject to the following conditions:¹

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.

Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
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 Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

BE IT FURTHER RESOLVED that having given full consideration to 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:

- 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.

This Application is revising the previously approved Final Forest Conservation Plan No. 82005006A, which is incorporated herein by reference, with the submission of the FFCP Amendment No. F20240820. The FFCP amendment brings the plan up to date with all requirements of section 22A.00.01.09 of the Forest Conservation Regulations to show final grading and footprints.

All forest planting requirements have been met through the subdivision process and the amendment is for the subject tract only. There is no variance as part of this submittal or any additional planting requirements.

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

October 9, 20204

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions .

* * * * *

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 Hedrick, seconded by Vice Chair Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining at its regular meeting held on Thursday, September 26, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board