

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

May 16, 2025

MCPB No. 25-037

Water Quality Plan No. MR2025010

Good Hope Road Shared Use Path Extension Between
Rainbow Drive and Spencerville Local Park

Date of Hearing: April 24, 2025

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 27, 2024, the Montgomery County Department of Transportation (“Applicant”) filed an application for approval of a water quality plan for concurrent review and approval with Mandatory Referral No. MR2025010 on approximately 0.18 acres of RE-1 zoned property located south of MD 198 along Good Hope Road (“Subject Property”) in the Upper Paint Branch Special Protection Area (“SPA”) within the Cloverly Policy Area and 1997 *Cloverly Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s water quality plan application was designated Water Quality Plan Good Hope Road Shared Use Path Extension Between Rainbow Drive and Spencerville Local Park (“Preliminary/Final Water Quality Plan” or “Application”); and

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Approved as to

Legal Sufficiency: /s/ Allison Myers
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 14, 2025, providing 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 March 29, 2024, from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on April 24, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Barley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. MR2025010 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 March 29, 2024, 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 6,619 square feet within the Upper Paint Branch Special Overlay Zone as shown on the Impervious Surface Plan uploaded December 10, 2024.
3. Before the start of any clearing, grading or construction, the Applicant must remove all 6,750 square feet of impervious surfaces and restore these areas to a fully pervious condition. The removal and restoration of pervious surfaces must be in compliance with the M-NCPPC Department of Parks, “*Guidelines for Converting Paved Areas into Pervious Greenspace*.” M-NCPPC Forest Conservation Inspection Staff must be present at a pre-work meeting before the removal of the impervious surfaces.

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.

4. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.

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 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.

The Application includes the proposed construction of a new Shared Use Path and associated improvements. The resulting development within the SPA proposes approximately 6,619 square feet or a net increase of 6,337 square feet of impervious surface, with 282 square feet of existing impervious surface to be removed.

As conditioned, the Applicant will offset the new imperviousness with the removal of 6,750 square feet of existing imperviousness within the Upper Paint Branch Watershed/SPA. This results in less imperviousness than the existing conditions.

The Application met applicable requirements for environmental buffer protection, forest conservation, and planting requirements under a confirmed forest conservation plan exemption. 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

May 16, 2025

(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 5-0; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, at its regular meeting held on Thursday, May 8, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board