



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

MCPB No. 12-124
Water Quality Plan No. MR2012026
Clarksburg Cluster Elementary School
Date of Hearing: September 27, 2012

NOV 1 2012

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 ("Planning Board" or "Board") each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible to review 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 for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on September 27, 2012, Montgomery County Public Schools ("Applicant"), filed an application for approval of a water quality plan on approximately 9.29 acres of R-200/TDR-3 zoned property located at 12520 Blue Sky Drive ("Property" or "Subject Property") as part of the mandatory referral review for development of a new elementary school and park in the Clarksburg Special Protection Area ("SPA") within the Clarksburg ("Master Plan") area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. MR2012026, Clarksburg Cluster Elementary School, Site No.1 ("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 an undated memorandum

Approved as to
Legal Sufficiency:

MNCPPC Legal Department

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to the Planning Board, which erroneously indicated a date of the hearing as September 27, 2011, 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 June 25, 2012 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on September 27, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 27, 2012, the Planning Board voted to approve the Preliminary/Final Water Quality Plan, subject to certain conditions on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with a vote of 4-0; Commissioners Anderson, Dreyfuss, Presley and Wells-Harley voting in favor, and Chair Carrier absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. MR2012026, Clarksburg Cluster Elementary School, Site No.1, subject to the following conditions:

1. Limit the impervious surfaces on the Property, within the SPA to no more than 39 percent as shown on the *Impervious Surface Plan Portion of the Preliminary/Final Water Quality Plan*.
2. Prior to the issuance of building permit, Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 39 percent and demonstrate conformance to impervious surface limits.
3. Applicant must conform to the conditions as stated in DPS Preliminary/Final Water Quality Plan Approval/Reconfirmation letter dated June 25, 2012.

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 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 meets 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.

Environmental Buffers

There are neither streams nor buffers of streams located on or adjacent to the Property.

Forest Conservation

The Clarksburg Cluster Elementary School, Site No.1 project was approved as part of the much larger Clarksburg Village forest conservation plan (FCP 120010300), which has been subsequently amended with more detail as various site plans have been approved. No forest or individual specimen trees will be disturbed with the construction of the school.

Site Imperviousness

The Applicant has minimized the amount of new impervious surfaces for the project by using a number of strategies. First, the school building itself is two stories over most of the building area, reducing the footprint required. Second, the Applicant will be limiting the parking spaces (including standard and ADA accessible spaces) to 75, as opposed to the approximately 90 parking spaces typically provided for elementary schools in Montgomery County, by coordinating with the adjacent park property. Finally, an initially proposed convenience exit from the parent drop-off loop onto Blue Sky Drive has been removed, further reducing the amount of paved area.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 1 2012 (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).

* * * * *

RESOLUTION

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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion, and Chair Carrier abstaining, at its regular meeting held on Thursday, October 25, 2012, in Silver Spring, Maryland.



Chair Françoise M. Carrier
Montgomery County Planning Board