



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

May 18, 2011

Larry Diamond
ARE-Maryland No. 24, LLC
946 Clopper Road
Gaithersburg, MD 20878

RE: Forest Conservation Plan Exemption
Plan number 42011103E
9800 Medical Center Drive

Dear Mr. Diamond:

A request to be exempt from submitting a forest conservation plan was submitted to the Planning Department for the above mentioned plan. The request covers an application to develop 230,929 square feet on the 9800 Medical Center Drive property in the Life Sciences Center in Gaithersburg, Maryland. Based on the information submitted on April 27, 2011, the exemption request is confirmed.

Preliminary Plan of Subdivision #119882330 approved a maximum of 313,650 square feet of office/commercial development on this property. To date, 281,379 square feet of the 313,650 square feet has already been approved for exemption and constructed. Therefore 32,271 square feet of previously approved development capacity remains unbuilt and qualifies for forest conservation exemption under Section 22A-5(k) of the Forest Conservation Law. Forest conservation plan exemption Section 22A-5(k) applies to:

“Any lot covered by a preliminary plan of subdivision or site plan that did not receive a sediment control permit before July 1, 1991, and for which the preliminary plan of subdivision or site plan:

- (1) was approved before July 1, 1984, and has less than 40,000 square feet of forest cover; or
- (2) was approved or extended between July 1, 1984 and July 1, 1991, and
- (3) the construction will not result in the cutting, clearing or grading of:
 - (A) any forest in a stream buffer, or
 - (B) any forest on property located in a special protection area which must submit a water quality plan.”

The first 32,271 square feet of the proposed development qualifies for an exemption from submitting a forest conservation plan because it meets the requirements of 22A-5(k) 1 through 3.

After subtracting the 32,271 square feet of development granted exemption under Section 22A5(k) from the 230,929 square feet of development covered by this exemption request, there remains 198,658 square feet that is considered new development. Based on our review, the request to exempt the additional 198,658 square feet of new development is confirmed under Section 22A-5(t) of the Forest Conservation Law. Exemption under Section 22A-5(t) applies to:

“A modification to existing developed property if:

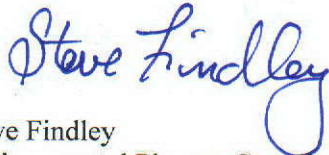
- (1) no more than 5000 square feet of forest will be cleared;
- (2) the modification does not affect any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan; and
- (3) the modification does not require approval of a new subdivision plan.”

The proposed development application meets the requirements of 22A-5(t) 1 through 3 including the requirement that a new subdivision is not required.

In summary, this letter confirms exemptions for 32,271 square feet of development under Section 22A-5(k) and 198,658 square feet of development under Section 22A-5(t) of the Forest Conservation Law, for a total of 230,929 square feet of development that is exempt from the requirement to submit a Forest Conservation Plan.

Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring. If you have any questions regarding these actions, please feel free to contact me at 301-495-4727 or steve.findley@montgomeryplanning.org.

Sincerely,



Steve Findley
Environmental Planner Coordinator, Area 2

CC: NRI/FSD #42011103E
Theresa Polizzi, Loiederman Soltesz Associates, Inc.