

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

June 28, 2024

MCPB No. 24-055
Forest Conservation Plan No. F20240450
Glenmont Forest
Date of Hearing: May 30, 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 February 7, 2024 Glenmont Forest Investors, LP c/o Grady Management, Inc. (“Applicant”) filed an application for approval of a forest conservation plan on approximately 34.87 acres of land located at 2300 Glenmont Circle, Silver Spring (“Subject Property”) in the Kensington/Wheaton Policy Area and 2013 *Glenmont Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. F20240450, Glenmont Forest (“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 May 20, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on May 30, 2024, 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 Commissioner Linden, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, Commissioners Hedrick and Linden voting in favor, with Commissioner Bartley abstaining.

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20240450 on the Subject Property, subject to the following conditions:¹

1. The Applicant must submit an amended Forest Conservation Plan with each future development plan application.
2. The first amendment to FCP No. F20240450 must include a phasing plan showing the sequence of demolition and development and the fulfillment of forest conservation planting requirements, including the mitigation for the potential removal of Protected Trees.
3. Before any demolition, clearing, grading or construction, each phase of development must include:
 - a. A variance for impacts to Protected Trees with impacts avoided and minimized as much as possible through the site design process.
 - b. Mitigation plantings for the impacts to Protected Trees, as shown on the phasing plan. All mitigation trees will be a minimum size of 3 caliper inches and located outside of utility and stormwater management easements and rights-of-way.
 - c. The Applicant must submit a five-year Maintenance and Management Agreement (MMA) approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas and landscape plantings credited toward meeting the requirements of the FCP.
4. Before any demolition, clearing, grading, or development occurs, the Applicant must record a Category I Conservation Easement over all areas of forest retention. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed and the Book and Page for the easement must be referenced on the record plat.
5. Before any demolition, clearing, grading or construction on the Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for 3.33 acres of forest planting and 0.54 acres of landscape planting.
6. The Applicant must schedule the required site inspections by M-NCPPC staff per Section 22A.00.01.10 of the 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 Planning Board FINDS, with the conditions of approval, that:

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.

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.

The FCP shows 1.32 acres of forest retention, with an additional 0.46 acres of forest that is located within existing utility easements and rights-of-way that are not being disturbed by this development. 0.01 acres of forest will be cleared for a stormwater management outfall. The FCP includes 3.33 acres of forest planting, which includes the entire stream valley buffer (except within existing utility easements and rights-of-ways). All existing and planted areas of forest will be protected by Category I Conservation Easements. Natural surface paths may be allowed within the Category I Conservation Easements, but locations and alignments will be determined through future amendments.

The FCP also includes 0.54 acres of landscape planting. The landscape planting areas are either adjacent to forest planting areas, but do not meet the depth requirements for forest, or serve as buffers between developments. The landscape planting areas will contribute to meeting the Property's afforestation requirement as the proposed FCP meets the requirements of Section 22A12(d)(2). Per Section 22A-12(d)(2), "Afforestation must be accomplished by the planting of forest cover, unless if the applicant demonstrates to the satisfaction of the Planning Board or Planning Director, as the case may be, that afforestation using forest cover is inappropriate for a site because of its location in an urban setting, redevelopment context, high-density residential, commercial, industrial, planned unit development, or institutional area (as defined in Section 22A-3), or similar reason, in which case afforestation requirements may be satisfied by tree cover." The proposed development satisfies this requirement by being located in an urban setting, with high-density residential development proposed, and by being a redevelopment project.

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

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(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**; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley necessarily absent, at its regular meeting held on Thursday, June 27, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
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Local Map Amendment No. H-149
Preliminary Forest Conservation Plan
No. F20240450

Glenmont Forest