



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

**OCT 14 2021**

MCPB No. 21-098  
Forest Conservation Plan No. H-141  
**White Oak Apartments**  
Date of Hearing: September 9, 2021

**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 18, 2021, White Oak Apartments, LLC ("Applicant") filed an application for approval of a forest conservation plan on approximately 7.83 acres of land located at 2220 Broadbirch Drive, Silver Spring ("Subject Property") in the 2014 *White Oak Science Gateway Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's forest conservation plan application was designated Forest Conservation Plan No. H-141 ("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 27, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 9, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 9, 2021, the Planning Board approved the Forest Conservation Plan on motion of Commissioner Cichy; seconded by Commissioner Patterson; with a vote of 4-0, Chair Anderson, Commissioners Cichy, Patterson, and Verma voting in favor.

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Approved as to  
Legal Sufficiency: /s/ Emily Vaias  
M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. H-141 on the Subject Property, subject to the following conditions:<sup>1</sup>

1. The Applicant must submit a Final Forest Conservation Plan to be reviewed and approved in conjunction with Site Plan approval.
2. The Final Forest Conservation Plan must include:
  - a. Additional planting areas between the existing forest and proposed pedestrian connection.
  - b. An invasive management plan for the existing forest.
  - c. Detailed and specific tree protection measures.
  - d. Limits of Disturbance (LOD) consistent with the LOD on the Sediment and Erosion Control Plan.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations 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, 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.

The Applicant is proposing to clear 0.02 acres of forest and protect 0.24 acres of forest in a Category I Conservation Easement. The remaining 0.09 acres of forest are numerically shown as cleared due to existing and proposed utility easements. Through the regulatory process, the Applicant will explore additional tree plantings onsite and will meet any remaining forest conservation requirements off-site.

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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<sup>1</sup> 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.

~~\_\_\_\_\_~~ OCT 14 2021 (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).

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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 Cichy, seconded by Commissioner Verma, with Chair Anderson and Commissioners Cichy and Verma voting in favor of the motion, and Commissioner Patterson absent at its regular meeting held on Thursday, September 23, 2021, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board