

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

April 8, 2025

MCPB No. 25-030
Final Forest Conservation Plan Amendment No. F20240570
Black Hill - Townes
Date of Hearing: March 20, 2025

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on April 17, 2024, Lerner Enterprises (“Applicant”) filed an application for approval of a forest conservation plan amendment for concurrent review and approval with Site Plan No. 820240100 (“Accompanying Plan”) on approximately 107.70 acres of land located west of I-270 along Crystal Rock Drive and Century Boulevard, Germantown, MD (“Subject Property”) in the Germantown Town Center Policy Area and the 2009 *Germantown Employment Area Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan Amendment No. F20240570, Black Hill - Townes (“Forest Conservation Plan,” “Amendment,” 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 March 10, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 20, 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 4-0; Chair Harris, Vice Chair Pedoeem, Commissioners Hedrick and Linden voting in favor with Commissioner Bartley necessarily absent.

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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. F20240570 on the Subject Property, subject to the following conditions¹ which supersede all previous Final Forest Conservation Plan conditions of approval for the Black Hill Development:

1. 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.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. At time of the pre-construction meeting, the Applicant must coordinate with the M-NCPPC Forest Conservation Inspection Staff for the installation of the required variance mitigation trees as required by Condition 6.a of the approved Project Plan No. 920120040 and as shown on the Final Forest Conservation Plan or must demonstrate that this planting has been accomplished.
5. Prior to the installation of the natural surface trail shown on the Final Forest Conservation Plan through the Category I Conservation Easement, the trail is to be field located with both the M-NCPPC Forest Conservation Inspection Staff and Park Staff.

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. 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.*

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.

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan Amendment complies with the requirements of the Forest Conservation Law.

The original Final Forest Conservation Plan No. 820130250 was approved on August 1, 2013 as part of a Road and Infrastructure Site Plan for the Overall Property. This original Final Forest Conservation Plan has been amended six times with the most recent Final Forest Conservation Plan Amendment No. 82013025F approved on March 19, 2019. As required by Section 22A-4 of the Montgomery County Code, Final Forest Conservation Plan Amendment No. F20240570 (“FFCP”) was submitted for review to show the proposed revisions to the Subject Property with Project Plan Amendment No. 92012004C, Preliminary Plan Amendment No. 12012021D, and Site Plan No. 820240100 on April 3, 2024.

The Application satisfies the applicable requirements of the Forest Conservation Law, Chapter 22A of the Montgomery County Code, and complies with the Montgomery County Planning Department’s approved *Environmental Guidelines*. This FFCP was submitted to address the requirements under Sec. 22A.00.01.09.B of the Forest Conservation Regulations to show the proposed construction of the 69 townhouse residential structures, access roads, vehicle parking, sidewalks, common open space, recreational facilities, stormwater management facilities, landscaping, hardscape and the revised lotting configurations for this Application. In addition, the FFCP also shows the natural surface trail connection between the Subject Property and Black Hill Regional Park. As conditioned and noted on the FFCP, this trail is to be field located by the M-NCPPC Inspection Staff and Parks Department Staff.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law (“FCL”) and the Montgomery County Planning Department’s Environmental Guidelines. The total net tract area for forest conservation purposes is 108.08 acres. The Subject Property is in a CR Zone and is classified as Mixed-Use Development (“MPD”) as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. Under the original Final Forest Conservation Plan and subsequent amendments, the Subject Property had contained 65.10 acres of forest of which 31.07 acres were approved to be removed and 34.03 acres of forest retained. This resulted in no afforestation requirement, as calculated in the Forest Conservation Worksheet. The Applicant has placed the 34.03 acres of retained forest in Category I Conservation Easements. This FFCP does not modify any of these recorded Category I Conservation Easements.

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 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining at its regular meeting held on Thursday, April 3, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board