

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

May 9, 2025

MCPB No. 25- 048

Forest Conservation Plan No. F20250410

Tevis Place

Date of Hearing: April 17, 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 October 8, 2024, TM Associates Development (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Administrative Subdivision Plan No. 620250090 and Mixed-Income Housing Community Plan No. E20250010 (“Accompanying Plans”) on approximately 1.56 acres of land located at 11800 Nebel Street (“Subject Property”) in the North Bethesda Metro Station Policy Area and *2010 White Flint Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. F20250410, Tevis Place (“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 April 7, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on April 17, 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 Commissioner Linden, with a vote of 3-0; Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor, with Chair Harris and Commissioner Bartley necessarily absent.

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Approved as to  
Legal Sufficiency:

/s/ Matthew Mills

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20250410 on the Subject Property, subject to the following conditions:<sup>1</sup>

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. Before the start of any demolition, clearing, grading or construction for this development, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Lower Rock Creek watershed or Priority Area to satisfy the reforestation requirement of 0.20 acres of mitigation credit. If no off-site forest banks exist within the Lower Rock Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 0.20 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Lower Rock Creek watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.
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.

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.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan (FCP) complies with the requirements of the Forest Conservation Law. FCP No. F20250410 meets the Environmental Guidelines. The Property contains no floodplains, wetlands, streams, forest, specimen trees, or other environmental features. For FCP purposes, the Project has a tract area of 1.32 acres and is classified as mixed-use development (MPD). The Project has a 0.20-acre afforestation requirement which will be met offsite. The Applicant proposes to fulfill the afforestation

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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.

requirement via forest banking if available. Otherwise, the requirement will be met via a fee-in-lieu.

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

May 9, 2025

(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 **3-0-2**; Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Chair Harris and Commissioner Bartley abstaining, at its regular meeting held on Thursday, May 1, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board