

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

August 5, 2025

MCPB No. 25-095

Forest Conservation Plan Amendment No. F20250540

Traville Gateway Parcel N

Date of Hearing: July 31, 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 2, 2025, ARE-Maryland No. 49, LLC (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Site Plan Amendment No. 82001012H (“Accompanying Plan”) on approximately 49.98 acres of land located at 9810 Darnestown Road (“Subject Property”) in the Great Seneca Communities Policy Area and 2024 *Great Seneca Plan: Connecting Life and Science* (“Sector Plan”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan Amendment No. F20250540, Traville Gateway Parcel N (“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 July 21, 2025 providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 31, 2025, the Planning Board held a public hearing on the Application and approved the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F20250540 on the Subject Property, which amends, supersedes, and replaces in its entirety Forest Conservation Plan No. 82001012E, with all conditions restated below and Condition No. 6 modified by this approval;¹

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 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. 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. Prior to approving the first above-ground building permit for Building A, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 0.05 acres of new forest planting and for the new trees required to create a fully forested stream buffer on the Subject Property, as well as maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP. If the Applicant cannot secure permission from the neighboring property to expand the Category I Easement to accommodate the additional 0.05 acres of new forest planting, the Category I Easement must be mitigated at a 2:1 ratio (0.10 acres) in an approved Forest Conservation Bank in the Watts Branch watershed. If no forest conservation credits are available for sale at a bank in the Watts Branch watershed, the mitigation may take place at any approved Forest Conservation bank in Montgomery County. If no forest conservation credits are available for sale at any bank in the County, the Applicant may pay a fee-in-lieu equal to 0.10 acres of forest planting.
4. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
5. Prior to approving the first above-ground building permit for Building A, the Applicant must submit a five-year (5) Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.

6. 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 as amended to encompass all improvements shown on the Certified Site Plan.
7. Prior to approving the first above ground building permit for Building A, the Applicant must record a new Category I Conservation Easement reflecting the new 0.05-acre easement area including the area that is not authorized to be removed. The new easement agreement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed prior to recordation of the deed of abandonment for the existing conservation easement. The entirety of the existing easement remains in full force and effect until the abandonment document and the revised easement have been approved and recorded in the Montgomery County Land Records. If the Applicant cannot secure permission from the neighboring property to expand the Category I Easement to accommodate the additional 0.05 acres of new forest planting, no easement recordation will be required. In this case, the Category I Easement encroachment must be mitigated at a 2:1 ratio (0.10 acres) in an approved Forest Conservation Bank in the Watts Branch watershed. If no forest conservation credits are available for sale at a bank in the Watts Branch watershed, the mitigation may take place at any approved Forest Conservation bank in Montgomery County. If no forest conservation credits are available for sale at any bank in the County, the Applicant may pay a fee-in-lieu equal to 0.10 acres of forest planting.
8. Prior to approving the first above-ground building permit for Building A, the Applicant must abandon the 0.05-acre area of the original Category I Conservation Easement within the stormwater outfall area recorded among the County Land Records in a form approved by M-NCPPC Office of the General Counsel. The abandonment document must be recorded in the Montgomery County Land Records by deed.

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 Amendment complies with the requirements of the Forest Conservation Law.

Forest conservation requirements for Traville Parcel N have been addressed as a part of the overall Traville Development site. All forest conservation requirements have been met through the preservation of existing forest and planting of forest within stream buffers that run through the larger Traville site, with Parcel N included on the Overall Forest Conservation Plan. The original Site Plan for this portion of Traville, No. 820010120, includes a note stating that “All reforestation requirements have been met for this site as represented on the ‘Traville Overall Final Forest Conservation Plan.’” The Applicant has included a graphic with their submission showing the areas of forest preservation that fulfill the Forest Conservation Law requirements. The Amendment updates the overall FFCP to include the extension of Great Seneca Highway and related infrastructure but does not otherwise change the FFCP.

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

August 5, 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.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution approved and 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, July 31, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board