

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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MCPB No. 25-142
Forest Conservation Plan No. F20250380
24927 Burnt Hill Road
Date of Hearing: December 18, 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 May 28, 2025, Arlindo and Maria Neiva filed an application for approval of a final forest conservation plan submitted for concurrent review with Administrative Subdivision Plan No. 620250080 (“Accompanying Plan”), on approximately 10 acres of land located at 24927 Burnt Hill Road, (“Subject Property”) in the 1985 *Damascus Master Plan* area; and

WHEREAS, Applicant’s final forest conservation plan application was designated Final Forest Conservation Plan No. F20250380, 24927 Burnt Hill Road (“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 December 3, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 18, 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 Pedeem, seconded by Commissioner Hedrick, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Final Forest Conservation Plan No. F20250380 on the Subject Property, subject to the following conditions:¹

¹For 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. Before the start of any demolition, clearing, grading, or construction for the Accompanying Plan, the Applicant must:
 - a. Record a Category I Conservation Easement over all areas of forest retention, forest planting, and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement 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. The Book/Page for the easement must be referenced on the record plat.
 - b. 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.
 - c. Install permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - d. Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all understory forest planting areas. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
 - e. Submit a cost estimate for the reforestation/afforestation and other FCP requirements, which includes but is not limited to trees and shrubs, variance mitigation trees, five years of maintenance including invasive species management controls, permanent easement posts and signage, natural surface trails, split rail fencing, mulching, staking, tree protection, and tree protection removal credited toward meeting the requirements as shown on the FCP. This cost estimate must be reviewed and approved by the M-NCPPC Planning Department Inspection Staff prior to the submission of financial surety to determine the amount of the financial surety.
 - f. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department Inspection Supervisor for the 5.03 acres of understory planting and maintenance, including invasive species management controls.
2. Within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the understory forest plantings as shown on the FCP.
3. The Applicant must schedule the required site inspections by the M-NCPPC Forest Conservation Inspection Staff, per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.

4. 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.
5. 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.*

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. The Forest Conservation Plan is also consistent with the *Guidelines for Environmental Management and Development in Montgomery County* (“Environmental Guidelines”).

The Property has 5.03 acres of existing forest, and the Final Forest Conservation Plan proposes to retain all existing forest on-site. No forest will be cleared as part of the associated administrative subdivision. The Property is zoned AR, which is in the Agricultural and Resource Area category, as defined in Section 22A-3 of the Forest Conservation Law and specified in the Trees Technical Manual. Section 22A-12(f)(2)(A) of the Forest Conservation Law states that in an agricultural and resource area, on-site forest retention must equal 25% of the net tract area. The total 10-acre net tract area results in a requirement to retain 2.5 acres of forest. This Applicant will meet and exceed the minimum retention on site, as 5.03 acres of forest will be retained in a Category I Conservation Easement. All forest onsite will be protected by a Category I Conservation Easement, and understory planting is required throughout the Conservation Easement to remedy previous understory clearing. The creation of the Category I Conservation Easement will conserve and protect the existing forest on 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

January 16, 2026

(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 Commissioner Pedoeem, with a vote of 4-0; Chair Harris and Commissioners Bartley, Hedrick, and Pedoeem, voting in favor of the motion, Vice Chair Linden was necessarily absent, at its regular meeting held on Thursday, January 15, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
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As of the published date of this Staff Report, no community comments or correspondence have been received regarding this Application.

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