

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

January 22, 2026

MCPB No. 26-02
Forest Conservation Plan Amendment No. F20250780
Good Hope Estates Lot 38, Block “BB”
Date of Hearing: January 8, 2026

RESOLUTION

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

WHEREAS, on September 10, 1997, the Planning Board issued an Opinion approving Preliminary Plan No. 119930270 to create 3 lots for 3 single family detached dwelling units, with an associated forest conservation plan, Forest Conservation Plan No. 119930270, on 3.86 acres in the RE-1 Zone, located on McNeil Lane approximately 2000 feet east of New Hampshire Avenue, in the Upper Paint Branch Special Protection Area and the *Cloverly Master Plan* (“Master Plan”) Area; and

WHEREAS, on May 29, 2025, Nancy Valentine Harper (“Applicant”) filed an application for approval of an amendment to the previously approved forest conservation plan for the purpose of amending the forest conservation plan as it applies to Good Hope Estates Lot 38, Block “BB”, which is approximately 40,001 square feet of land and is located at 1112 McNeil Lane in Silver Spring (“Subject Property”); and

WHEREAS, Applicant’s application to amend the forest conservation plan was designated Forest Conservation Plan Amendment No. F20250780, Good Hope Estates Lot 38, Block “BB” (“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 December 22, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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Approved as to
Legal Sufficiency: /s/ Allison Myers
M-NCPPC Legal Department

WHEREAS, on January 8, 2026, 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 Linden, with a vote of 5-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F20250780 on the Subject Property, subject to the following conditions, which are in addition to the forest conservation conditions associated with approval of Preliminary Plan No. 119930270:¹

1. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20250780, the Applicant must record a new Category I Conservation Easement Agreement reflecting all easement areas as specified on the approved Final Forest Conservation Plan. The new Category I Conservation Easement must be in a form approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Office of the General Counsel and must be recorded in the Montgomery County Land Records prior to recordation of the Deed of Release of Conservation Easement for the existing conservation easement. The existing Category I Conservation Easement remains in full force and effect until the new Conservation Easement Agreement is recorded.
2. Within ninety (90) days of the mailing of the Planning Board resolution approving Forest Conservation Plan Amendment No. F20250780, the Applicant must satisfy the offsite planting requirements at a 2:1 offsite mitigation rate with recordation of a M-NCPPC-approved Certificate of Compliance for the purchase of 0.18 acres (7,840 square feet) of forest planting from an M-NCPPC-approved forest planting bank. Only if no M-NCPPC-approved offsite forest conservation planting bank is available can the offsite mitigation be satisfied with a fee-in-lieu payment.
3. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20250780, the Applicant must remove all stored material and impervious surfaces from the retained Category I Conservation Easement.
4. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20250780, the Applicant must submit a Deed of Release of Conservation Easement for the existing Category I Conservation Easement on Lot 38, Block BB, as recorded on Record Plat No. 20568 pursuant to Category I Conservation Easement Agreement Book 13178, page 412 and filed among the County Land Records on December 18, 1997. The Deed of Release must be in a form approved by the M-NCPPC Office of General Counsel and recorded in the Montgomery County Land Records. The entirety of the existing easement remains in full force and effect until the Deed of Release has been approved and recorded in the Montgomery County Land Records. The Deed of Release cannot be approved by M-NCPPC until the new easements are recorded, the

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.

financial security and maintenance and management agreement for the onsite supplemental planting is posted, and the offsite forest planting mitigation is satisfied.

5. Onsite Supplemental Planting

- a. Within ninety (90) days of the mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20250780, the Applicant must submit a cost estimate for the onsite planting and signage and 5-year maintenance requirements of the forest conservation plan amendment requirements, which includes but is not limited to trees and shrubs, five years of maintenance including invasive species management controls, permanent easement posts and signage. 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.
 - b. Within one hundred twenty days (120) days of the mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F2025078, 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 Inspection Supervisor for the planting and 5-year maintenance requirements including invasive species management controls in the planting area as specified on the approved Forest Conservation Plan.
 - c. Within one hundred twenty days (120) days of the mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20250780, the Applicant must 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 planting required by the approved Forest Conservation Plan. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
6. Within one hundred twenty (120) days of the mailing date of the Planning Board Resolution approving the Forest Conservation Plan Amendment, the Applicant must submit a Minor Subdivision Application for a Plat that delineates the revised conservation easement and references the Book/Page of the recorded deed for the new Category I Conservation Easement. The Plat must be recorded in the Montgomery County Land Records within 180 days of the mailing date of the Planning Board Resolution approving the amendment to the Forest Conservation Plan.
 7. Within one hundred twenty (120) days of the mailing date of the Planning Board Resolution approving the Forest Conservation Plan Amendment, the Applicant must install the permanent conservation easement signage at the conservation easement boundary signage as shown on the FCP, or as approved by the M-NCPPC Forest Conservation Inspector.
 8. The Applicant must schedule the required site inspections with the M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 9. Before certification of Forest Conservation Plan Amendment No. F20250780, the Applicant must make the following revision:

- a. Provide an onsite, supplemental planting plan for the nine (9) 1.5-inch caliper trees and three (3) 3-gallon shrubs.

BE IT FURTHER RESOLVED that all other forest conservation plan conditions of approval for this subdivision remain valid, unchanged, and in full force and effect; and

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 Amendment complies with the requirements of the Forest Conservation Law.

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Article III, as it is the result of an enforcement action. The Applicant seeks to resolve the violation by amendment of the Forest Conservation Plan, as it applies to Lot 38 within the subdivision approved by the Preliminary Plan.

The Application amends the approved Forest Conservation Plan by abandoning a 0.09-acre portion of the existing Category I Conservation Easement on the Subject Property and by providing 2:1 offsite mitigation for loss of forest, which totals 0.18 acres (7,840 square feet). The Applicant will mitigate for the loss of protected forest by purchase of 0.18 acres (7,840 square feet) of offsite forest mitigation bank credits or, if credits are unavailable, by paying an equivalent amount to the Forest Conservation Fund in fee-in-lieu.

Section 22A.00.01.13 of the Montgomery County Forest Conservation Regulations states that "removal of any conservation easement must be reviewed by the Planning Board." On-site mitigation of easement removal is generally preferable to off-site mitigation; however, the Board finds that the combination of off-site mitigation and on-site supplemental planting is appropriate in this case. The Property is 40,001 square feet and, as originally approved, approximately 27,240 square feet of the Property was encumbered with a Category I Conservation Easement leaving little room to maintain a reasonable backyard area. In recent years, the Board has sought to avoid encumbering properties where the easement would significantly restrict reasonable use of the yard. Development plans are now designed to conserve natural

resources where they will be less prone to encroachment and are thereby more sustainable long-term.

Over half of the property is encumbered by and will remain encumbered by Category I conservation easement, which protects forested wetlands and stream buffer of the left fork of the Upper Paint Branch stream. The Amendment approves release of a 0.09-acre area, which will be mitigated on-site through supplemental planting and off-site through the purchase for forest mitigation bank credits at a ratio of 2:1 for a total of 0.18 acres.

The on-site supplement planting will occur within the retained conservation easement and consists of nine (9) 1.5-inch caliper native trees and three (3) 3-gallon native shrubs. In addition, the Amendment requires that permanent conservation easement markers be installed along the forest conservation easement boundary in order to provide clearer demarcation of the easement to deter future violations.

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 22, 2026

(which is the date that this Resolution is mailed to all parties of record);

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
Montgomery County Planning Board