

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**DATE MAILED:**

**February 13, 2026**

MCPB No. 26-01  
Water Quality Plan No. PP2025001  
Cloverly Local Park - ADA Access Improvements  
Date of Hearing: January 8, 2026

## **RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 19, Article V, water quality review in Special Protection Areas must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral, or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services (“DPS”) and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible for reviewing water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS’s review and approval of those elements of the water quality plan over which DPS has authority, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on April 24, 2025, Montgomery County Parks Department (“Applicant”) filed an application for approval of a water quality plan on approximately 15 acres of parkland zoned property located at 900 Briggs Chaney Road, (“Subject Property”) in the Upper Paint Branch Special Protection Area (“SPA”) within the 1997 *Cloverly Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s water quality plan application was designated Water Quality Plan No. PP2025001, Cloverly Local Park – ADA Access Improvements (“Preliminary/Final Water Quality Plan” or “Application”); and

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

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 29, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, the Staff Report included a copy of a letter dated September 24, 2025 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

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 Commissioner Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Linden, Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. PP2025001, Cloverly Local Park – ADA Access Improvements on the Subject Property, subject to the following conditions:<sup>1</sup>

1. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its Combined Preliminary/Final Water Quality Plan letter dated September 24, 2025, and incorporates them as conditions of the Water Quality Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS - Water Resources Section provided that the amendments do not conflict with other conditions of the Water Quality Plan approval.
2. Impervious surfaces are limited to no more than 8.1 percent of the Subject Property within the Upper Paint Branch Special Protection Area as shown on the Impervious Surface Plan Portion of the Preliminary/Final Water Quality Plan.
3. At final inspection with M-NCPPC Forest Conservation Inspection Staff, the Applicant will demonstrate to Inspection Staff the net reduction of approximately 2,000 square feet of impervious surfaces, as shown on the Impervious Surface Plan, and restore these areas to a fully pervious condition. The removal and restoration of pervious surfaces must be in compliance with the M-NCPPC Department of Parks, “Guidelines for Converting Paved Areas into Pervious Greenspace.”
4. 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.

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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(s) in interest to the terms of this approval.

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 Montgomery County Planning Board FINDS, with the conditions of approval, that:

The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

There are 4.5 acres of existing forest and 1.6 acres of existing stream valley buffer (“SVB”) area on the Subject Property that will remain. There will be no encroachment or impacts to the environmental buffer area. The Property is subject to Montgomery County Forest Conservation Law, Chapter 22A of the Montgomery County Code, but is exempt from the requirements to submit a Forest Conservation Plan, as confirmed through Forest Conservation Exemption No. 42025110E dated April 25, 2025.

The existing impervious area for the Subject Property is 1.218 acres, or 8.40%. Impervious surface restrictions for development projects in this portion of the Upper Paint Branch (“UPB”) Special Protection Area (“SPA”) are set forth in the UPB Overlay Zone. Per Chapter 59, Section 4.9.20.D of the Montgomery County Zoning Ordinance, the maximum total impervious surface area for any development in the UPB SPA is 8% percent. As stated in Section 4.9.20.B of the Zoning Ordinance, “Any impervious surface lawfully existing allowed by a building permit issued before July 1, 2007, may continue or be reconstructed under the development standards in effect when the building permit was issued.” This development lawfully existed prior to July 1, 2007, and the imperviousness was originally constructed based on the building standards at the time. The earliest detailed site plan was signed in March 1974, which contained a parking lot, a shelter, the tennis courts and one baseball field. Under this section of the Zoning Ordinance, Montgomery Parks is permitted to retain its current level of imperviousness.

This Application will decrease the imperviousness to 1.175 acres, or 8.10%, with the proposed improvements. The Applicant is reducing overall impervious surface area as much as possible, while maintaining and improving accessibility. The net decrease of impervious area within the park will be accomplished by reducing the existing parking lot pavement width and eliminating some parking spaces. ADA-compliant access improvements will be added to the site where none currently exist.

The Application met applicable requirements for environmental buffer protection, as there will be no impacts to the SVB, and for forest conservation, through the confirmed exemption from the requirement to submit a forest conservation plan. As conditioned by this approval, site impervious limits have been satisfied, as they are being reduced by this Application. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under the Board’s purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under DPS's purview.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the 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.

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**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 5-0; Chair Harris, Vice Chair Linden and Commissioners Bartley, Hedrick, and Pedoeem, voting in favor of the motion, in Wheaton, Maryland and via video conference.



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Artie L. Harris, Chair  
Montgomery County Planning Board