

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**DATE MAILED:**

**February 2, 2026**

MCPB No. 25-138  
Preliminary Plan No. 120050540  
National Park Seminary  
Date of Hearing: December 18, 2025

## **RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, the Planning Board, by Opinion dated August 10, 2005, approved Preliminary Plan No. 120050540 (“Preliminary Plan”), for a phased development consisting of 280 dwelling units on 116 lots within 32.18 acres of land in the PD-15 zone, located at the northeast quadrant of the intersection of Linden Lane and Woodstock Avenue (“Subject Property”), in the 2002 *North and West Silver Spring Master Plan* area (“Master Plan”); and

WHEREAS, the validity period of the Preliminary Plan expired on September 10, 2019, as no application for record plat had been filed for the Subject Property in accordance with the approval; and

WHEREAS, on October 2, 2025, at the instruction of the Planning Board during its first public hearing, Manova Corporation (“Applicant”) requested approval to reinstate Preliminary Plan No. 120050540 and establish a new validity period for the approval; and

WHEREAS, Applicant’s request to reinstate and extend the preliminary plan will remain Preliminary Plan No. 120050540<sup>1</sup>, National Park Seminary (“Preliminary Plan,” “Reinstatement,” 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 8, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

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<sup>1</sup> The reinstated Preliminary Plan application will retain the initial Preliminary Plan number, because an amendment was filed and in process as Preliminary Plan Amendment No. 12005054A, prior to the lapse in validity of the original Preliminary Plan No. 120050540, and has not yet been approved.

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 Pedoeem, seconded by Commissioner Hedrick, 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 Plan No. 120050540 to reinstate and establish a new validity period for the Preliminary Plan by deleting original Conditions No. 25 and 26 and adding new Conditions No. 26 and 27 to establish a new plan validity period and construction phasing schedule. The conditions, as modified and restated below, supersede and replace in their entirety the originally approved Preliminary Plan conditions:<sup>2</sup>

1. Approval under this preliminary plan is limited to 280 residential dwelling units, including a minimum of 56 Moderately Priced Dwelling Units (MPDUs), and consisting of: thirteen (13) one-family detached dwelling units; ninety-eight (98) one-family attached dwelling units; and 169 multi-family dwelling units.
2. Compliance with the specifications and requirements of the approved development plan for Zoning Application No. G-828, County Resolution No. 15-923.
3. No clearing, grading or recording of plats prior to signature set approval, except as may be permitted by conditions of the Site Plan.
4. Final approval of the number and location of dwelling units and sidewalks will be determined at site plan.
5. Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
6. Compensation for environmental buffer impacts shall be implemented in the form of several enhancements to the remaining buffer areas. These enhancements shall include, but are not limited to, the following measures:
  - a. Enhancements to the forest structure, and a plan for invasives control management and supplemental plantings as necessary for the Glen.
  - b. Remedial measures for buffer and stream stabilization, including sensitive removal of man-made debris, stabilization of eroded slopes, and stream channel stabilization in selected location(s) as approved by M-NCPPC technical staff.
  - c. Afforestation to the area within the buffer currently in lawn at the southeast corner of the site adjoining the phase II entrance drive.
7. Applicant to dedicate to M-NCPPC the land identified as Parcel B to be added to current adjacent parkland. Land to be conveyed at time of record plat, to be free of trash and

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<sup>2</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.

unnatural debris and not to include any stormwater management facilities. Boundaries to be adequately staked and signed as acceptable to M-NCPPC staff to delineate parkland from private property.

8. Applicant to construct an 8' wide, paved trail through Parcel B to connect with the existing hard surface trail that accesses the Rock Creek Stream Valley Park trail system. Trail to be field located as acceptable to M-NCPPC staff and to be constructed to park standards and specifications, except that M-NCPPC staff shall have the flexibility to reduce the width of the trail at certain locations in order to address environmental concerns.
9. Applicant to establish a public use loop trail system within the property and provide for public access and use of the trails during daylight hours by establishing Public Use Trail Easements throughout the applicable areas of open space (particularly within "The Glen"). Include adequate public access between Parcel B and the on site trail system, including public access from Parcel B to Linden Lane. Areas and trails available for public use to be adequately signed as acceptable to M-NCPPC staff.
10. The term "denied access" is to be placed on the final record plat along the property that abuts 1-495.
11. Record right of way abandonment simultaneously with the recordation of plat for this preliminary plan, if it is approved by the County Council.
12. Provide the following improvements and/or dedication for Linden Lane:
  - a. Dedicate a 35-foot right-of-way from the centerline of Linden Lane, on the east side between Newcastle Avenue and the existing private bridge. Widen the existing pavement to 26 feet, install curb and gutter, and build a five-foot sidewalk (at face of curb) on the east side of the street. Preserve existing guardrail along east side only.
  - b. Repair existing private bridge and execute a related Maintenance and Liability Covenant, as required by Montgomery County Department of Public Works and Transportation ("DPWT").
  - c. Dedicate a 20-foot wide right-of-way from the centerline of Linden Lane, between the existing private bridge and the proposed lot line between Lots 59 (new lot) and lot 58 (Swiss Chalet); widen existing pavement to a 26-foot total width and install curb and gutter on the east side only.
  - d. Widen existing pavement to a 20-foot total width; install curb and gutter, and dedicate additional right-of-way, where possible, as necessary to have a two-foot width behind the curb, along frontage of Lots 58 (Swiss Chalet), and 57 (Japanese Pagoda), on east side only.
  - e. Mill and overlay Linden Lane between Capital Beltway and Woodstock Avenue, and reconstruct existing speed hump, as required by Montgomery County Department of Permitting Services ("DPS").

- f. Dedicate 52 feet of full width right-of-way (26-foot wide from the centerline) on Linden Lane between the Japanese Pagoda (Lot 57) and Woodstock Avenue. In this section, provide pavement widening on the east side of Linden Lane only given historic constraints, 14 feet from centerline and a minimum of 22 feet from the historic retaining wall on the west side of Linden Lane. Curb, gutter and sidewalk to be constructed on the east side only.
  - g. Dedicate 52 feet of full width right-of-way (26-feet wide from the centerline) on Linden Lane between Woodstock Avenue and Stephen Sitter Lane. In this section, provide 28 feet of pavement that includes two ten-foot travel lanes and eight-foot parallel parking along one side of the street. The remaining right-of-way will provide for five-foot planting strips, five-foot wide concrete sidewalks, and two-foot wide strips behind the sidewalks, on both sides of the street.
  - h. Subject to DPWT approval, provide a raised crosswalk along Linden Lane at Street B, and execute a Maintenance and Liability Covenant, as required by DPS. If DPWT will not approve a raised crosswalk, at a minimum provide a crosswalk consisting of a special synthetic asphalt paving (stamped and colored).
  - i. Dedicate a 35-foot right-of-way from the centerline of the road, on north side of Linden Lane between Stephen Sitter Lane and the eastern property line near Smith Drive. In this section, provide a standard, 70-foot right-of-way, primary residential roadway, final paving as determined by DPS and DPWT with curb and gutter. Final paving width as determined by DPS and DPWT shall be, at a minimum, as shown on the preliminary plan. The remaining right-of-way will provide for five-foot wide planting strips, five-foot wide concrete sidewalks, and two-foot wide strips behind the sidewalks on the north side only.
13. Dedicate additional right-of-way as necessary to provide for a two-foot wide maintenance strip behind the curb or sidewalk on Woodstock Avenue and Woodstock Court, along Lots 40, 41, 42, and 43. Install curb and gutter and sidewalks along Woodstock Avenue and Woodstock Court as required by DPWT. Truncate right-of-way line at Lot 41 to provide a two-foot wide strip behind sidewalk.
  14. Provide a five-foot sidewalk for public use, generally parallel to Linden Lane between the existing private bridge and private driveway, near the Japanese Pagoda (Lot 57).
  15. Design private streets to the tertiary residential street standards, where possible.
  16. Compliance with the conditions in DPWT's letter dated March 18, 2005, and DPS's letter dated March 25, 2005, unless otherwise amended.
  17. Record plat to reflect a Category I conservation easement over all remaining areas of environmental buffer and forest conservation, and a blanket Category II conservation easement tied to the approved tree protection plan for specific trees being preserved outside the buffers (e.g., the Three Sisters Oaks). Amendment to allow preservation of historic elements of the site may be proposed, and must be resolved prior to record plat approval.

18. Record plat to reflect common ingress/egress and utility easements over all shared driveways.
19. Record Plat shall reflect all areas under Homeowners Association ownership and all stormwater management parcels.
20. Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
21. Compliance with the conditions of the MCDPS stormwater management approval dated January 24, 2005.
22. Certification from an acoustical engineer that the building shell for residential dwelling units to be constructed within the unmitigated 65 dBA Ldn noise contour, is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn, with a goal of 40 dBA Ldn for all bedrooms, if possible.
23. Subject to the requirements of the Maryland Historic Trust and the National Park Service, Applicant shall comply with all recommendations from the acoustical engineer to ensure that constructed units achieve acceptable interior noise level as specified in Condition 22, above. Any changes in materials and construction that may affect acoustical performance of the structures shall be approved by an acoustical engineer prior to their implementation.
24. Prior to recordation of the property, the Applicant and Staff shall make a final determination of the location and configuration of lots on the property. Pursuant to the waiver of Section 50-20(b) of the Subdivision Regulations hereby granted by the Board, certain structures located on the historic property north of Linden Lane shall be permitted to cross lot lines and be located on more than one lot. These lots shall be reflected on the Record Plat.
25. Other necessary easements
26. The Preliminary Plan will remain valid until March 31, 2027, and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan, as amended, must be recorded in the Montgomery County Land Records or a request for an extension filed.
27. Subject to approval of a future Preliminary Plan amendment to extend the APF validity period, the Applicant must obtain building permits as provided in the following construction phasing schedule:
  - a. Townhouse Section Construction - 3.5 Years (June 2029)
  - b. Villa Building Addition (proposed condominium units) - 4 Years (December 2029)
  - c. Castle rehabilitation (Proposed single family unit) - 5 Years (December 2030)
  - d. Existing Villa Building rehabilitation (proposed condominium units) (December 2031) - 6 Years

BE IT FURTHER RESOLVED that having considered 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:

Unless specifically set forth herein, this reinstated Preliminary Plan does not alter the intent, objectives, or requirements in the originally approved preliminary, and all findings not specifically addressed remain in effect.

**Section 50.4.2.H.2.b, Reinstatement of Preliminary Plan**

- b. Where a preliminary plan has been allowed to expire due to the applicant's failure to file a timely request for extension, the Board may reinstate the preliminary plan and establish a new validity period if practical difficulty or undue hardship is demonstrated by the applicant. The Board may require the applicant to get a new APF review and approval by the Board as a prerequisite or condition of its action to extend an expired plan.*

As the Applicant's Preliminary Plan validity period expired on September 10, 2019 and no timely extension request was filed, the Preliminary Plan must be reinstated by the Planning Board. The Board finds that the Applicant has demonstrated practical difficulties sufficient to justify the reinstatement of the Preliminary Plan for the reasons further discussed below. The Board finds that a condition regarding the Adequate Public Facilities (APF) review and approval for this Preliminary Plan is not required as part of the reinstatement, as the Applicant will need to update the APF requirements as part of a pending Preliminary Plan amendment

As supporting factors related to practical difficulty and undue hardship leading to the expiration of the Preliminary Plan, the Applicant states that the complexities of the project and site had to be studied prior to moving forward. These complexities include the historic nature of the site, which requires coordination with the Maryland Historic Trust, and the unique existing architectural character environmental setting of the site, which requires detailed planning and review in order to satisfy the various requirements including Forest Conservation Law and environmental guidelines, site access, and stormwater management within the historic property.

Since the request for reinstatement, the Applicant has coordinated with Planning Staff to make efforts to resolve plan comments and demonstrate progress towards eventual plan approval. In support of the request for reinstatement, the Applicant has updated their Forest Conservation Plan, completed traffic counts and Site Distance Analysis, and updated their Statement of Justification. While further revisions remain necessary for approval, the Board recognizes the Applicant's progress and approves the request for plan reinstatement.

Section 50.4.2.H.3, Extension of Plan Validity Period

- a. *The Board may only grant a request to extend the validity period of a preliminary plan if the Board finds that:*
- ii. *the occurrence of significant, unusual and unanticipated events, beyond the applicant's control and not caused by the applicant, have substantially impaired the applicant's ability to validate the plan, and exceptional or undue hardship (as evidenced, in part, by the efforts undertaken by the applicant to implement the terms and conditions of the plan approval in order to validate the plan) would result to the applicant if the plan were not extended.*

The Board finds that significant events impaired the ability of the Applicant to validate the plan and hampered the progress of the project. As described above, the significant financial investment required for developing the required plans and documents needed to validate the plans and for advancing the project would require a stable economy and environment, which seemed improbable at the time as it relates to the required timing of the Application.

Further, the complex elements of this project require significant effort, plan preparation, and coordination with Planning Staff to resolve. These elements include significant environmental features, such as stream buffers, existing forest areas, and steep slopes. Additionally, the historic easement and structures that are situated on this site require a significant amount of plan and document preparation, as well as review by state and county agencies.

If the plan were not to be reinstated and extended the Applicant would lose the financial investment already made in preparing plans and documents for the work completed thus far. This includes significant application fees, as well as time invested.

Section 50.4.1.C.9.b, Phasing Schedule

- b. *Where the subdivider proposes a phased project that will cumulatively exceed the minimum validity periods under Sections 4.2.G.2.a and 4.3.J.5.a, the applicant must submit a recording and construction phasing schedule as part of the preliminary plan for approval by the Board. The schedule must indicate the portions of the preliminary plan for which record plats and building permits will be obtained during each of the proposed phases, up to the expiration of the maximum adequate public facilities validity period under Section 4.3.J.5.a.*

As the Board has approved the reinstatement and extended the validity of the plan beyond the minimum validity period, the Applicant proposed and the Board approves the following phasing schedule:

1. Townhouse Section Construction - 3.5 Years (June 2029)
2. Villa Building Addition (proposed condominium units) - 4 Years (December 2029)
3. Castle rehabilitation (Proposed single family unit) - 5 Years (December 2030)
4. Existing Villa Building rehabilitation (proposed condominium units) (December 2031) - 6 Years

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

**February 2, 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.

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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 Pedeem, with a vote of 5-0; Chair Harris, Vice Chair Linden, and Commissioners Bartley, Hedrick and Pedeem voting in favor of the motion, at its regular meeting held on Thursday, January 29, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board