

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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DATE MAILED:

April 9, 2026

MCPB No. 26-12
Final Forest Conservation Plan No. F20260200
19101 Darnestown Road
Date of Hearing: February 19, 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 October 23, 2025, Andrea Burton (“Applicant”) filed an application for approval of a forest conservation plan for concurrent review and approval with Administrative Subdivision Plan No. 620260020 (“Accompanying Plan”) on approximately 16.38 acres of land located at the southwest intersection of Darnestown and Jerusalem Road (“Subject Property”) in the Rural West Policy Area and 1980 *Preservation of Agriculture & Rural Open Space Functional Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s final forest conservation plan application was designated Final Forest Conservation Plan No. F20260200, 19101 Darnestown 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 February 9, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on February 19, 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 Bartley, with a vote of 3-0; Vice Chair Linden and Commissioners Bartley and Hedrick voting in favor, Chair Harris and Commissioner Pedeem being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20260200 on the Subject Property, subject to the following conditions:¹

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for the accompanying Administrative Subdivision, the Applicant must:
 - a) Record a Category I Conservation Easement over all forest planting and retention areas 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 FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - c) Install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FFCP, 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 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 FFCP 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, split rail fencing, staking and tree protection toward meeting the requirements as shown on the FFCP. 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 1.66 acres of forest planting and maintenance, including invasive species management controls, credited toward meeting the requirements of the FFCP.
2. The Applicant must schedule the required site inspections with the M-NCPPC Forest Conservation Inspection Staff, per Section 22A.00.01.10 of the Code of Montgomery County Regulations (“COMCOR”), Forest Conservation Regulations.

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.

3. 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.
4. 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.
5. Within the first planting season following the release of the first 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 afforestation/reforestation plantings as shown on the approved FFCP.

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 4.16 acres of existing forest onsite. A 0.02-acre portion of forest will be within the Public Utility Easement and is excluded from the total net tract area for forest conservation calculation purposes. The FFCP will retain 4.14 acres of the forest onsite and place the retained forest in a Category I Conservation Easement. The total stream valley buffer (SVB) onsite is 6.07 acres. Due to existing infrastructure, 0.32 acres of SVB will be excluded from the Conservation Easement for maintenance purposes. The remaining SVB area will be protected by a Category I Conservation Easement. The FFCP will provide 1.66 acres of forest planting within the currently unforested areas of the SVB. In total, 5.86 acres will be protected in the conservation easement. The afforestation will help connect the fragmented forest areas within the SVB and, overall, strengthen the ecological function of the forest and the SVB. The creation of the conservation easement on the property is an effective long-term conservation

method to protect the existing forest, conserve environmental resources, and maintain water quality.

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 15.28-acre net tract area is in an agricultural and resource area, requiring the retention of at least 3.82 acres of forest. The FFCP will meet and exceed the minimum retention requirements, as 4.14 acres of existing forest will be retained in a Category I Forest Conservation Easement.

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

April 9, 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 the motion of Commissioner Hedrick, seconded by Vice Chair Linden, with a vote of 3-0-2; Vice Chair Linden, and Commissioners Bartley and Hedrick, voting in favor of the motion, Chair Harris and Commissioner Pedoeem abstaining, at its regular meeting held on Thursday, April 9, 2026, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board

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