

FLINTRIDGE LOT 14

FINAL FOREST CONSERVATION PLAN F20241060



Description

In response to a violation, a request for approval of Forest Conservation Plan Amendment No. F20241060 to remove 0.21 acres of existing Category I Conservation Easement, provide 0.025 acres mitigation onsite, and to meet the remaining 0.21-acre mitigation requirement offsite at a 3:1 ratio, or 0.63 acres total. Located at 3721 Flintridge Ct, Brookeville, MD 20833; Olney Master Plan; 2.54 acres of land zoned AR.

COMPLETED: 3/13/2026

PLANNING BOARD HEARING DATE: 4/16/2026

MCPB ITEM NO. 6

Planning Staff



Kara Farthing, Forest Conservation Inspector, Environment and Climate Division,
kara.farthing@montgomeryplanning.org, 240-772-6453



Josh Kaye, Supervisor, Environment and Climate Division, josh.Kaye@montgomeryplanning.org,
301-495-4722



Christina Sorrento, Chief, Environment and Climate Division,
christina.Sorrento@montgomeryplanning.org, 301-495-4649

LOCATION/ADDRESS

3721 Flintridge Ct
Brookeville, MD 20833
Flintridge, Lot 14, Block A

MASTER PLAN

2005 Olney Master Plan

ZONE

AR

PROPERTY SIZE

2.54 acres

APPLICANT

Joseph and Cindy Cacace

ACCEPTANCE DATE

August 26, 2024

REVIEW BASIS

Chapter 22A

Summary:

- Staff recommends approval of Forest Conservation Plan Amendment No. F20241060. This Amendment will resolve the pending violation.
- The Subject Property is a 2.54-acre lot that includes a 1.71-acre onsite Category I Conservation Easement. The easement was created as part of the original Final Forest Conservation Plan No. SC2003001 that was approved on December 3, 2002.
- The Amendment proposes to:
 - Remove 0.21 acres of onsite Category I Conservation Easement to allow for lawn space
 - Mitigate offsite at a 3:1 ratio, or 0.63 acres, by acquiring credits from a Forest Mitigation Bank or by paying a fee-in-lieu.
 - Add 0.025-acres of existing onsite forest into a Category I Conservation Easement and install 0.09 acres of supplemental plantings within the easement.
- As of the date of the Staff Report, Staff has not received any community correspondence related to this Application.

TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	3
FOREST CONSERVATION PLAN F20241060	3
SECTION 2: SITE DESCRIPTION	4
VICINITY.....	4
PROPERTY DESCRIPTION.....	6
SECTION 3: PROJECT DESCRIPTION.....	8
PREVIOUS APPROVALS.....	8
VIOLATION HISTORY	9
PROPOSAL	10
SECTION 4: COMMUNITY OUTREACH	11
SECTION 5: FOREST CONSERVATION PLAN F20241060 FINDINGS AND ANALYSIS.....	12
SECTION 6: CONCLUSION	13
ATTACHMENTS	13

SECTION 1: RECOMMENDATIONS AND CONDITIONS

FOREST CONSERVATION PLAN F20241060

Staff recommends approval of Flintridge Lot 14, Forest Conservation Plan Amendment No. F20241060 (“FCP Amendment”, “Amendment”, or “FCP”). The previously approved conditions for SC2003001 remain in effect, except as modified by the following new conditions for the Subject Property:

1. Within sixty (60) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20241060, the Applicant must record an M-NCPPC-approved Certificate of Compliance in an M-NCPPC-approved off-site forest bank within the Hawlings River watershed or Priority Area to satisfy the mitigation requirement for a total of 0.63 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Hawlings River watershed or Priority Area, or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
2. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20241060, the Applicant must record a new Category I Conservation Easement Agreement over 1.5 acres of existing and planted forest, reflecting all easement areas as specified on the approved Final Forest Conservation Plan. The new Category I 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 Agreements are recorded.
3. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20241060, the Applicant must submit a Deed of Release of Conservation Easement for the entirety of the existing Category I Conservation Easement on Flintridge Lot 14 as recorded pursuant to Category I Conservation Easement Agreement Book 24973 Page 501 and filed among the County Land Records on August 22, 2003. 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 offsite forest planting mitigation is satisfied.

4. The Applicant must schedule the required site inspections by the M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
5. 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.
6. 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.
7. Within the first planting season following Planning Board Approval, the Applicant must:
 - a. Install the ten permanent conservation easement signs along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - b. 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 the forest planting area.
 - c. Submit a cost estimate for the reforestation/afforestation and other FCP 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, 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.
 - d. 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 0.09 acres of new forest planting, maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.

SECTION 2: SITE DESCRIPTION

VICINITY

The vicinity is comprised of Agricultural Reserve-zoned land with forested areas and low-density residential development. The Property is known as Flintridge, Lot 14, and is located at 3721 Flintridge Ct, Brookeville, Maryland (Figure 1) (“Property” or “Subject Property”). The Subject Property is within

the northeast portion of the AR Zone and the 2005 *Olny Master Plan* (“Master Plan”). The Property is within the Hawlings River Watershed and the Middle Hawlings Subwatershed. The lot is within the S-6 Sewer Category and W-6 Water Category, having no public water and sewer but instead serviced by well and septic. The Property abuts Rachel Carson Conservation Park and is approximately five miles from Brookville’s historic downtown.

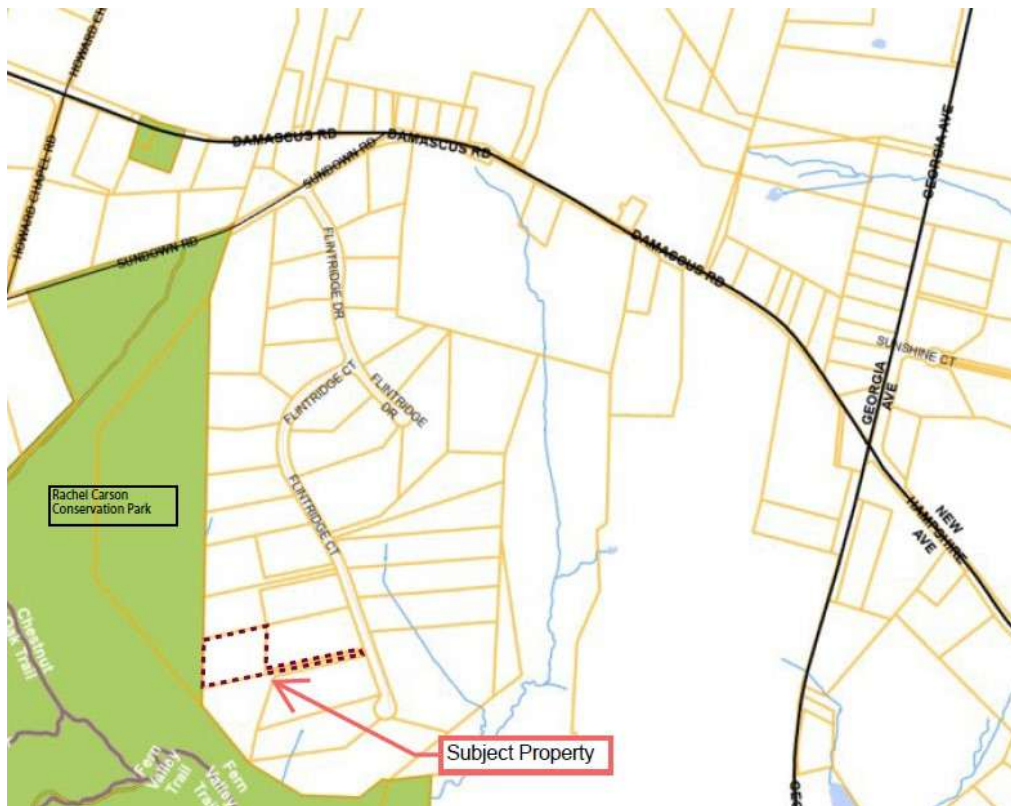


Figure 1 - Vicinity Map



Figure 2 – Aerial Vicinity

On the aerial image in Figure 2, the entire Flintridge Property is outlined by a dashed light-blue polygon, and the finer dark-red lines show Lot 14. Yellow lines depict existing conservation easements.

PROPERTY DESCRIPTION

The 2.54-acre Subject Property was created on December 13, 1979, with the filing of Record Plat No. 12842 among the Land Records of Montgomery County, Maryland (Attachment 1). The Subject Property, as delineated by a dashed blue polygon in Figure 3, is a flag lot with a single-family home, sharing a driveway with three other lots off the cul-de-sac of Flintridge Ct. The soil consists of Glenelg Silt Loam, which is classified as well-drained. There are no steep slopes on the property, nor are there stream buffers. The northwestern property line shares a boundary with forested property owned by Montgomery Parks, which is part of Rachel Carson Conservation Park. The location of the house was

moved during the planning process to be on the frontmost building setback line to protect priority forest at the time, per the request of Environmental Reviewers.

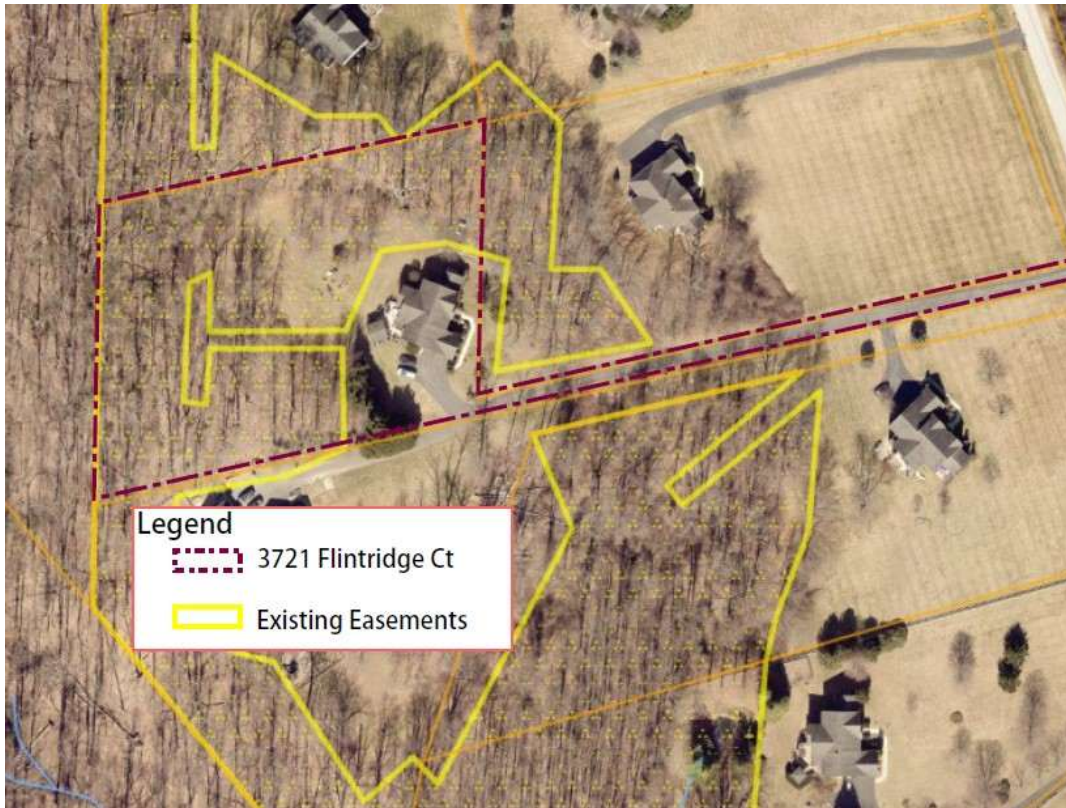


Figure 3 – Aerial Image Subject Property

Approximately 1.71 acres of the 2.54 acres Subject Property is encumbered by a Category I Conservation Easement that originally protected a mixed hardwood forest that is contiguous with off-site forest, some of which is protected by easement and some by parkland. The conservation easement on the property excluded the well and access path for maintenance. Figure 4 illustrates the extent of the forested portion of the Subject Property in 2012.



Figure 4 – 2012 Forest Extent

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

The Subject Property is part of the Flintridge Subdivision, a 43-acre tract of land. The property was originally subdivided by approved Preliminary Plan No. 119780600 on October 11, 1979. The lots did not come in for development until several decades later. Between the time of plan approval and development, the Maryland Forest Conservation Act and the Montgomery County Forest Conservation Law were passed, requiring the development to go through the forest conservation review process. Although the Preliminary Plan was approved prior to the Forest Conservation Law, the application for sediment control permits in 2002 triggered the need for forest conservation review. On November 20, 2002, the Montgomery County Planning Board issued an Opinion (Attachment 2) approving the development of the Flintridge Property via Forest Conservation Plan No. SC2003001 (Attachment 3), for 14 lots within the larger tract area.

The Final Forest Conservation Plan approved with Sediment Control No. SC2003001 (Attachment 4) shows forest conservation easements over existing forest cover. There are no streams, wetlands, or floodplains on or near the Subject Property; however Environmental Reviewers at the time requested for the Category I Conservation Easement to be expanded on this lot to protect high priority Hickory and Chestnut Oak forest. To do this, the house location was pushed forward to the building setback

line and the entirety of the remaining forested area was placed in Category I Conservation Easement, exceeding the legal requirement.

Record Plat No. 12842 established the Subject Property, and the easement agreement recorded under Liber 24973 Folio 501 put in place the Category I Conservation Easement area of the Property (Attachment 5). The Applicant purchased the Property with the finished home in October of 2003.

VIOLATION HISTORY

In November of 2013, the Applicant had cleared approximately 26,250 square feet of forest within the conservation easement boundary. Part of this was to remove dead and dying Chestnut Oaks suffering from the Two-lined Chestnut Borer, a non-native invasive beetle that has been destroying Chestnut Oaks throughout the East Coast. These decaying trees became a hazard to the Property as several were within striking distance of their home. As a result of clearing forest within a Category I Conservation Easement without M-NCPPC approval, a civil citation was issued by a Forest Conservation Inspector. In the spring of 2014, as remedial actions to the violation, 30 trees were planted back in the vicinity of the cleared forested areas. The inspector at the time directed the Applicant to maintain the trees and abide by the terms of the Category I Conservation Easement and reiterated that no clearing, grading, or mowing was allowed within the easement boundaries. The remedial actions of the citation were completed, and the violation was subsequently closed.

Around 2020, maintenance work was needed on the existing well. The access path outside of the recorded easement boundary was not used by the builders for the initial well installation, so plant material was now well established within the legal access to the well. When contractors went to fix the well, they followed the original route used, and again, more trees were removed without permission from the Forest Conservation Inspector within the Category I Conservation Easement to access the well to complete the repairs needed. The Applicant kept the area as lawn after this work was done since there were no longer trees in this area.

In early 2023, Forest Conservation Inspector Kara Farthing noticed on satellite imagery mapping that between aerial imagery layers from 2019 and 2020, a large section of conservation easement on Lot 14 was no longer forested and looked to be maintained as lawn. This was confirmed to be true during a site inspection on January 18, 2023. Figure 5 illustrates the current condition of the existing easement.

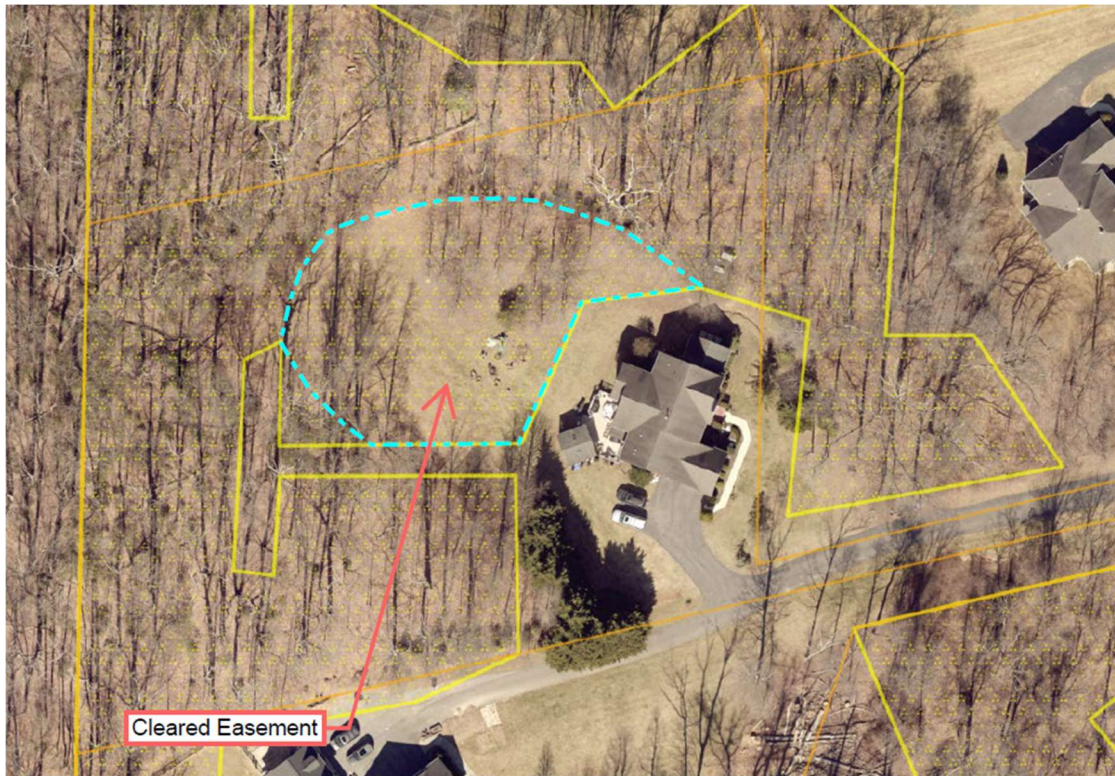


Figure 5 – 2025 Cleared Easement

A Notice of Violation (Attachment 6) was issued to the Property Owner on March 29, 2023, for failing to comply with the terms of Forest Conservation Plan No. SC2003001 and the recorded Category I Conservation Easement. The Notice of Violation directed the owner to choose to either restore the cleared forest by planting 45 1.5-inch caliper native trees, or to obtain an amendment to the approved Forest Conservation Plan. The owner chose to pursue a plan amendment with the intention to maintain the area as lawn, as noted in the Statement of Justification (Attachment 7) included with the Application.

PROPOSAL

The Applicant proposes to resolve the violation case with Forest Conservation Plan Amendment No. F20241060. The Amendment proposes to abandon 0.21 acres of onsite Category I Conservation Easement (Figure 6) and mitigate off-site at a 3:1 ratio by purchase of forest mitigation bank credits at an approved forest bank in the amount of 0.63 acres. The proposal also includes adding 0.025 acres of existing unencumbered forest into the remaining onsite Category I Conservation Easement at a 1:1 ratio (the area of the unused well maintenance access) and plant 0.09 acres of currently mowed easement with nine 2-inch caliper trees and seven 18-inch shrubs. To help prevent future encroachments, ten permanent 6x6 pressurized wood permanent easement posts are required along the Conservation Easement boundary perimeter. The Applicant's July 26, 2024, statement of

Flintridge Lot 14,
Forest Conservation Plan No. F20241060 10

justification letter clarifies that the Applicant is looking to reduce the overall forest easement to provide more of a useable backyard and create direct access to their well while achieving the objectives of Montgomery County's Forest Conservation Law.



Figure 6 – Proposed Easement Abandonment and On-site Mitigation

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittals and noticing requirements for this Application.

As of the date of this Staff Report, no correspondence has been received.

SECTION 5: FOREST CONSERVATION PLAN F20241060 FINDINGS AND ANALYSIS

All Forest Conservation Law, Chapter 22A requirements are satisfied.

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 amending the Forest Conservation Plan.

FCP Amendment No. F20241060 (the “Amendment”) proposes to amend Forest Conservation Plan No. SC2003001. As conditioned, the Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law (“FCL”). To permit the Applicant’s request to maintain a larger portion of their property as lawn, the long-term protective agreement encumbering portions of the Property would need to be abandoned. Therefore, the Amendment proposes to abandon 0.21 acres of Category I Conservation Easement from the rear yard of Flintridge Lot 14, to allow for lawn and maintenance of the same. The property would still be encumbered by 1.5 acres of Category I Conservation Easement.

EASEMENT REMOVAL

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”. The subject easement was created to protect forest adjacent to existing Parkland forest. The easement was larger than what was required by Chapter 22A Forest Conservation Law; an additional 2.13 acres was placed in conservation easement in the subdivision beyond what was required per the Forest Conservation worksheet, the majority of this being on the Subject Property, Lot 14. No sensitive environmental buffers, such as streams or wetlands, are found within the subject easement on the Subject Property.

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. Staff considered that reforestation of the cleared land, while providing some ecological benefits, would continue to restrict use in the manner no longer favored in development plans. The abandonment of this section of easement is consistent with current staff policies when recommending new onsite conservation easements which allow for usable and reasonable backyard space for enjoying, maintaining, and recreating.

By mitigating the loss offsite, the conservation efforts can be directed towards high priority afforestation projects in sensitive environments. This is especially beneficial as the forest on the subject property has lost its high-quality status due to the unfortunate loss of the Chestnut Oaks due to disease spread by a non-native invasive beetle.

MITIGATION

Onsite mitigation of easement removal is generally preferable to offsite mitigation. 0.025 acres of unencumbered forest onsite will be moved into the existing Category I Conservation Easement that will remain, and 0.09 acres of the existing easement that is currently being maintained as lawn will be planted back with native trees and shrubs. The Subject Property will still have 1.5 acres of Category I Conservation Easement onsite.

However, certain site factors favor support of the rest of the mitigation to be offsite. Nearly two-thirds of the 2.54-acre lot is currently encumbered by a Category I Conservation Easement. The portions of the property that are not within the easement consist of the house, driveway, and well. There is less than 0.1 acre of usable backyard space. The house sits about fifteen feet back from their eastern property line leaving about a quarter of an acre of open space. The conservation easement begins around thirty feet from the rear of the house. There are several standing dead Chestnut Oak trees that have not yet fallen or been removed, showing the declining health of the forest in the area.

Therefore, the Applicant proposes to abandon 0.21-acres of the easement and provide 3:1 offsite mitigation for loss of forest. This exceeds the Planning Board's standard policy of requiring 2:1 offsite mitigation or 1:1 onsite mitigation. A 3:1 ratio was used, as this amendment is in response to a violation, but was not required at a higher rate as the removed section of easement does not involve sensitive environmental features. The Applicant is proposing to mitigate for the loss of protected forest by purchasing 0.63 acres of offsite Forest Bank credits or, if credits are unavailable, by paying an equivalent amount into the fee-in-lieu forest conservation fund.

SECTION 6: CONCLUSION

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. Therefore, Staff recommends approval of the Forest Conservation Plan Amendment No. F20241060 (Attachment 8) with the conditions specified herein.

ATTACHMENTS

Attachment 1: Record Plat No. 12842

Attachment 2: SC2003001 Planning Board Comments

Attachment 3: Preliminary Plan 119780600

Attachment 4: Forest Conservation Plan SC2003001

Attachment 5: Category I Conservation Easement Agreement – Book 24973 Page 501

Attachment 6: Notice of Violation

Attachment 7: July 26, 2024 – Statement of Justification

Attachment 8: Forest Conservation Plan Amendment F20241060