

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reedie Drive, Floor 14, Wheaton, MD 20902 | Phone: 301-495-4605  
[www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) | [mcp-chair@mncppc.org](mailto:mcp-chair@mncppc.org)

**DATE MAILED:**

**April 28, 2026**

MCPB No. 26-27  
Forest Conservation Plan Amendment No. F20241060  
Flintridge Lot 14, Block "A"  
Date of Hearing: April 16, 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 November 20, 2002, the Planning Department approved Forest Conservation Plan No. SC2003001 for the subdivision subject to Preliminary Plan No. 119780600 to create 14 lots for 14 single family detached dwelling units on 43 acres in the AR Zone, located on Flintridge Court and within the *2005 Olney Master Plan* ("Master Plan") Area; and

WHEREAS, on August 26, 2024, Joseph and Cindy Cacace ("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 Flintridge Lot 14, Block "A", which is approximately 110,903 square feet of land and is located at 3721 Flintridge Court ("Subject Property"); and

WHEREAS, Applicant's application to amend the forest conservation plan was designated Forest Conservation Plan Amendment No. F20241060, Flintridge Lot 14, Block "A" ("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 March 13, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 16, 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, and Commissioners Bartley, Hedrick and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F20241060 on the Subject Property, subject to the following conditions, which are in addition to the conditions associated with approval of Forest Conservation Plan No. SC2003001:<sup>1</sup>

1. Within sixty (60) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20241060 (the "Amendment"), 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 the Amendment, the Applicant must record a new Category I Conservation Easement 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 the Amendment, 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 in Book 24973, page 501 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 mitigation requirement is satisfied.

---

<sup>1</sup> 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.

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 of the Amendment, the Applicant must:
  - a. Install the ten (10) permanent conservation easement signs along the perimeter of the conservation easement 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 new forest planting, 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.

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 Lot 14 is within the subdivision that is subject to Forest Conservation Plan No. SC2003001.

The Application amends the approved Forest Conservation Plan by abandoning a 0.21-acre portion of the existing Category I Conservation Easement on the Subject Property and by providing 3:1 offsite mitigation for loss of forest, which totals 0.63 acres (27,510 square feet). As conditioned, the Applicant will mitigate for the loss of protected forest by obtaining 0.63 acres 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." The Board has reviewed the Application and finds that the removal of the easement is necessary to resolve the violation, as the Subject Property is 110,903 square feet and, as originally approved, approximately 74,487 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. Further, the Board finds that releasing .21 acres of the existing easement is appropriate in this case, as over half of the Subject Property will remain encumbered by Category I Conservation Easement and as the Subject Property contains no sensitive environmental features.

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 Amendment approves release of a 0.21-acre area, which will be mitigated on-site through supplemental planting and protecting an additional 0.025 acres of

existing onsite forest, as well as off-site through the purchase for forest mitigation bank credits at a ratio of 3:1 for a total of 0.63 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 seven (7) three-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

**April 28, 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 Pedoeem, 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 of the motion, at its regular meeting held on Thursday, April 23, 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