Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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DATE MAILED:

October 20, 2026

MCPB No. 26-87
Forest Conservation Plan Amendment No. F20260800
Small's Nursery Lot 1, Block C
Date of Hearing: October 8, 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 January 4, 1995, the Planning Board issued an Opinion approving Preliminary Plan No. 119940110, with an associated preliminary forest conservation plan, to create 130 lots on 180.3 acres in the RE-1 Zone, located in the Northwest quadrant of Georgia Avenue, 1,000 feet North of Norbeck Road and within the 2005 *Olney Master Plan* ("Master Plan") Area; and

WHEREAS, on November 27, 1996, the Planning Director approved Final Forest Conservation Plan No. 819950150 for the above subdivision known as Small's Nursery, which delineated conservation easements to be established within the subdivision; and

WHEREAS, on April 21, 2026, Brandon and Lindsay Guyer ("Applicant") filed an application for approval of an amendment to the previously approved forest conservation plan as it applies to Small's Nursery Lot 1, Block C, which is approximately 32,088 square feet of land and is located at 15717 Thistlebridge Drive ("Subject Property"); and

WHEREAS, Applicant's application to amend the forest conservation plan was designated Forest Conservation Plan Amendment No. F20260800, Small's Nursery Lot 1, Block C ("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 September 25, 2026, providing its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 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 4-0-1; Chair Harris, and Commissioners Hedrick, Linden and Pedoeem voting in favor, Commissioner Bartley abstaining.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan Amendment No. F20260800 on the Subject Property, subject to the following conditions, which are in addition to the conditions associated with approval of Final Forest Conservation Plan No. 819950150:[1]

1. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20260800, the Applicant must record a new Category I Conservation Easement Agreement over 0.28 acres (approximately 12,100 square feet) 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 Agreement is recorded.

2. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20260800, the Applicant must satisfy the offsite planting requirements at a 2:1 offsite mitigation rate with recordation of a M-NCPPC-approved Certificate of Compliance for the purchase of 0.14 acres (6,172 square feet) of forest planting from a M-NCPPC-approved forest planting bank. If no M-NCPPC-approved offsite forest conservation planting bank is available, the Applicant may satisfy the offsite mitigation requirement with a fee-in-lieu payment.

3. Within ninety (90) days of the date of mailing of the Planning Board Resolution approving Forest Conservation Plan Amendment No. F20260800, the Applicant must submit a Deed of Release of Conservation Easement for the entirety of the existing Category I Conservation Easement on Small's Nursery Lot 1, Block C as recorded pursuant to Category I Conservation Easement Agreement Book 13178 Page 412 and filed among the County Land Records on August 4, 2004. 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

[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.

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. Within one hundred twenty (120) days of the mailing date of the Planning Board Resolution approving the Forest Conservation Plan Amendment, the Applicant must submit a Minor Subdivision Application for a Plat that delineates the revised conservation easement and references the Book/Page of the recorded deed for the new Category I Conservation Easement. The Plat must be recorded in the Montgomery County Land Records within 180 days of the mailing date of the Planning Board Resolution approving the amendment to the Forest Conservation Plan.

5. 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.

6. Within the first planting season following Planning Board Approval, the Applicant must:

    a. 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, split rail fencing, mulching, and staking 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.

    b. 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 0.13 acres of forest planting, maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.

    c. Execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel.

    d. Install all planting, permanent wooden split rail fence and the conservation easement signs as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

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 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. The Forest Conservation Plan amendment does not alter the intent of the previous findings, which remain applicable unless modified below.

   The Application amends the approved forest conservation plan by abandoning 0.12 acres of Category I Conservation Easement on the Subject Property and mitigating the removal on-site by providing 0.05 acres of new forest conservation easement for a total of 0.28 acres of forest conservation easement and mitigating off-site at a ratio of 2:1 for the net loss of 0.07 acres of forest, which totals 0.14 acres (6,172 square feet). As conditioned, the Applicant will mitigate for the loss of protected forest by purchase of 0.14 acres (6,172 square feet) of offsite forest mitigation bank credits or, if such credits are unavailable, by paying an equivalent amount 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 Planning Board has reviewed the Application and finds that the removal of the easement is appropriate to resolve the violation, as the Property is approximately 32,000 square feet with 15,186 square feet of the area encumbered with a Category I Conservation Easement leaving little room to maintain a reasonable backyard. 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. The Board finds that the reconfigured 0.28-acre easement would provide more useable yard space on the Property. Further, the Board finds that partial release of the easement is appropriate in this case because the Property contains no sensitive environmental features.

Onsite mitigation of easement removal is generally preferable to offsite mitigation. In this case, both onsite mitigation and offsite mitigation is provided. The onsite forest conservation easement includes 0.05 acres of additional forest planting over a portion of side yard. The on-site supplemental planting will occur at the edges of the new 0.28-acre forest conservation easement and consists of fourteen (14) two-inch caliper native trees and five (5) three-gallon native shrubs. Permanent split rail fencing and conservation easement markers are to be installed along retained forest conservation easement boundary. The net 0.07-acre loss of forest from the Property will be mitigated offsite through purchase of forest bank mitigation credits or, if none are available, by payment of a fee-in-lieu to the Forest Conservation Fund.

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

October 20, 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 the motion of Commissioner Hedrick, seconded by Commissioner Pedoeem, with a vote of 4-0; Chair Harris and Commissioners Hedrick, Linden, and Pedoeem, voting in favor of the motion, Vice Chair Bartley was necessarily absent, at its regular meeting held on Thursday, October 15, 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