

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

February 5, 2024

MCPB No. 24-006

Forest Conservation Plan No. F20230060

Brookstone Senior Living

Date of Hearing: January 25, 2024

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 22A, the Montgomery County Planning Board is authorized to review forest conservation plan applications; and

WHEREAS, on March 2, 2023, ElderHome Land, LLC (“Applicant”) filed an application for approval of a forest conservation plan on approximately 5.91 acres of land located at the intersection of Dino Drive and Valley Stream Avenue in Burtonsville (“Subject Property”) in the Burtonsville Policy Area and 1997 Fairland Master Plan (“*Master Plan*”) area; and

WHEREAS, Applicant’s forest conservation plan application was designated Forest Conservation Plan No. 420230060, Brookstone Senior Living (“Forest Conservation Plan” or “Application”), and was submitted simultaneously with Conditional Use Application No. CU202312; 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 January 9, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on January 25, 2024, 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 Vice Chair Pedoeem, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley and Hedrick voting in favor with Commissioner Linden being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Forest Conservation Plan No. F20230060 on the Subject Property, subject to the following conditions:¹

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.

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Approved as to

Legal Sufficiency: Emily Vaias

M-NCPPC Legal Department

Exhibit 41

OZAH Case No: CU 23-12

1. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting, and environmental buffers 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.
2. Applicant must submit a Final Forest Conservation Plan ("FFCP") for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Subject Property.
3. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.

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 and the Montgomery County Environmental Guidelines.

Natura Resources Inventory/Forest Stand Delineation ("NRI/FSD") 420221860 was approved on August 1, 2022. The Property is located within the Little Paint Branch watershed, classified as a Use Class I by the State of Maryland.

The Subject Property is zoned R-200 and is assigned a Land Use Category of High Density Residential ("HDR") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is 5.91 acres. There is a total of 4.18 acres of existing forest on the Subject Property with the Applicant proposing to remove 3.44 acres of forest, with .74 acres of forest remaining onsite. This results in a total afforestation/reforestation requirement of 1.63 acres.

The Applicant proposes to meet the requirement with 0.52 acres of onsite reforestation and 1.11 acres offsite.

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

February 5, 2024

(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 Vice Chair Pedoeem, seconded by Commissioner Hedrick, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Bartley, and Hedrick, voting in favor of the motion, Commissioner Linden abstaining at its regular meeting held on Thursday, February 1, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board