



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # **3**  
MCPB 7-20-09

**MEMORANDUM**

**DATE:** July 8, 2009  
**TO:** Montgomery County Planning Board  
**VIA:** Catherine Conlon, Supervisor *CC*  
Development Review Division  
Mark Pfefferle, Acting Chief, Environmental Planning *MP*  
**FROM:** Richard A. Weaver, Planner Coordinator,  
Development Review Division  
Josh Penn, Senior Planner, Environmental Planning *J.P.*  
**REVIEW TYPE:** Limited Amendment to the Preliminary Plan, including associated Final Forest Conservation Plan (FCP)  
**APPLYING FOR:** Amendment to a Preliminary Plan and Final Forest Conservation Plan (FCP)  
**PLAN NAME:** Connelly School of The Holy Child  
**PLAN NUMBER:** 11997101A  
**PLAN TYPE:** Preliminary Plan and Final Forest Conservation Plan  
**REVIEW BASIS:** Forest Conservation Regulations, Section 113.A.(2), Regulation No. 1-01AM (COMCOR) 18-01AM  
**ZONE:** RE-2  
**LOCATION:** Located on Bradley Boulevard south of the intersection with River Road in Potomac.  
**APPLICANT:** Connelly School of the Holy Child  
**ATTORNEY:** Barbara Sears, Linowes and Blocher, LLC  
**HEARING DATE:** July 20, 2009

**STAFF RECOMMENDATION:** Staff recommends approval of the Limited Amendment to the Preliminary Plan and associated Final Forest Conservation Plan with the following conditions:

1. Within nine (9) months of the mailing of the Planning Board Resolution approving the limited amendment to the Preliminary Plan the applicant must record a new record plat. The record plat must reference the standard Category I (liber 13178 folio 412) and Category II (liber 13178 folio 421) conservation easements as recorded in the Land records for Montgomery County, Maryland
2. Prior to Planning Board approval of the record plat applicant must receive staff approval of the certificate of compliance for an offsite forest conservation mitigation bank.
3. Financial security to cover the cost of the on-site plantings, site preparation, and control of non-native and invasive vegetation must be submitted and accepted prior to the pre-planting meeting.
4. A Maintenance and Management agreement for the on-site planting must be submitted and accepted prior to the pre-planting meeting.

5. All on-site planting must be completed and accepted by the M-NCPPC forest conservation inspector by December 15, 2009.
6. The northeast and southeast sides of Conservation Easement #2 must be fenced with split rail/wire mesh combination, as per the final forest conservation plan, or other M-NCPPC approved fencing style. Fencing must be installed and accepted by the M-NCPPC forest conservation inspector by December 15, 2009.
7. Applicant may obtain permits and begin construction of the proposed athletic field prior to the recordation of the record plat.
8. All other conditions of Preliminary Plan and Forest Conservation Plan No. 19971010 that were not modified herein, as contained in the Planning Board's Resolution dated August 6, 1997, as revised, remain in full force and effect.

## **BACKGROUND**

### SUBJECT SITE

The property at 9209 Bradley Boulevard, Potomac, MD covers 12.0 acres all of which is covered by Preliminary Plan No. 119971010 and the associated Final Forest Conservation Plan (FFCP).

The property is in the Cabin John Creek Watershed (Class I/IP) of the Potomac River. There is one stream which runs along the western property boundary just off-site.

The site is currently home to the Connelly School of the Holy Child which consists of three (3) main buildings, two (2) mobile trailers, associated parking and drives, and an athletic field. The forest conservation plan also includes Lot 18, Block A, which is an adjoining single family lot to the east of the school.

The FFCP for the property was approved on April 23, 1999 and showed 1.3 acres of forest retention and 0.2 acres of forest clearing with a 0.7 acre planting requirement. The approved FFCP created four (4) Category I conservation easements and one (1) Category II easement on-site.

### LIMITED AMENDMENT TO THE PRELIMINARY PLAN

On January 26, 2009, the Connelly School of the Holy Child submitted a Limited Amendment to the Preliminary Plan for the purpose of modifying the approved forest conservation plan. It is the applicant's desire to revise their FFCP and the on-site easements to allow them more functionality, space, and the ability to install a new full-size synthetic turf soccer field. Part of the proposed synthetic field overlaps with an existing conservation easement. Before the field can be installed, the forest conservation plan needs to be amended to remove the overlapping areas.





## Exhibit 2: 2008 Aerial Photograph



Red Line = Property Line   Green Line = Category I   Orange Line = Category II

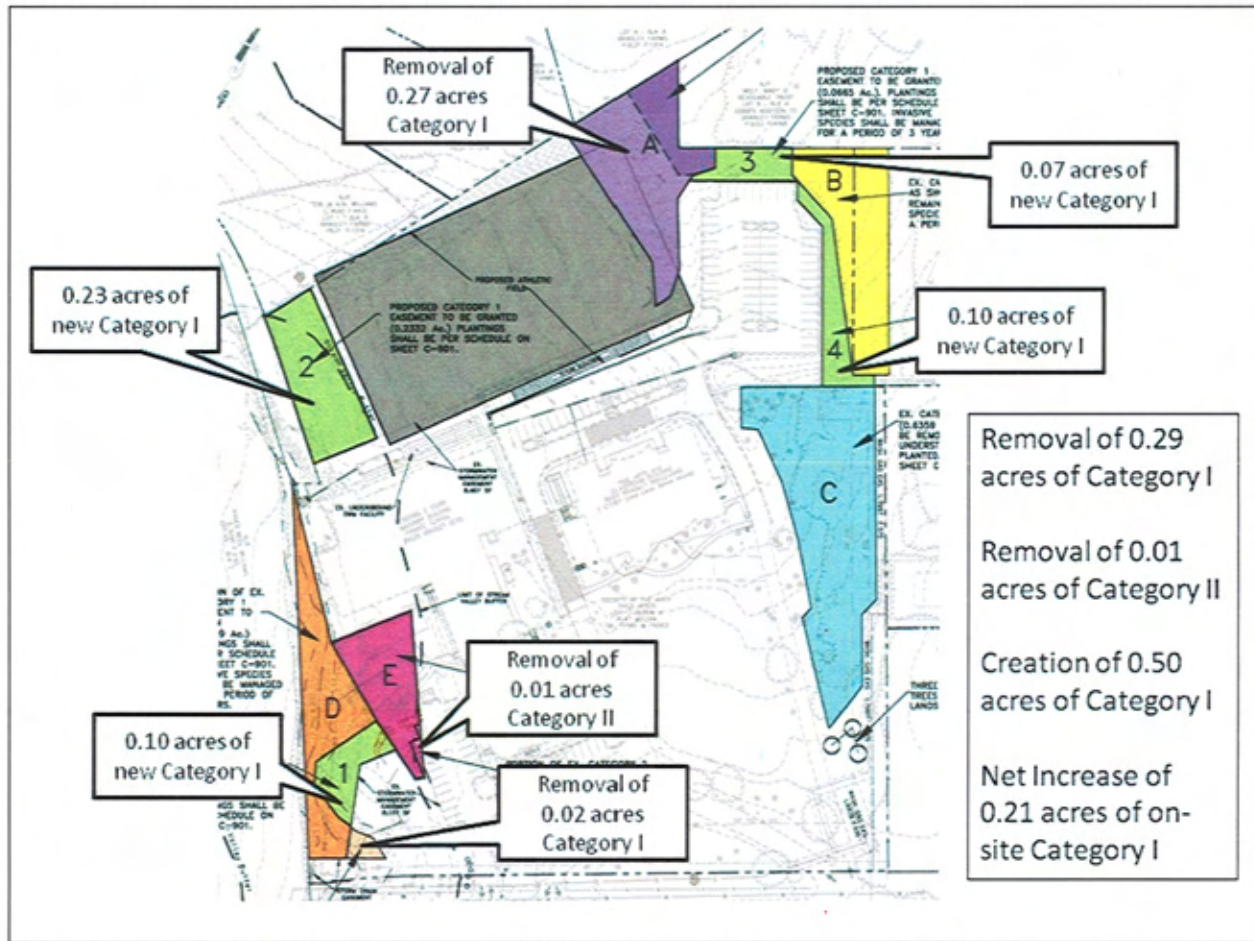
### PROPOSAL

#### Applicant's Position

On January 26, 2009 the applicant submitted a Limited Amendment to the Preliminary Plan and a Forest Conservation Plan Amendment. The submission lays out their position in terms of how the easements will be reconfigured and how the portions of easement removed are to be mitigated.

The revised Forest Conservation Plan proposal shows the removal of 0.29 acres of existing Category I conservation easement and 0.01 acres of Category II conservation easement to offset this forest removal the applicant will create 0.5 acres of new easement on-site. This is in addition to the already existing, 1.49 acres of easement and 1.02 acres of planting. The applicant does not believe the replacement conservation easements will interfere with the future school operation. The forest conservation plan worksheet for the entire subdivision has a planting requirement of 1.24 acres. This will be met by planting 1.03 acres on-site and the remaining 0.21 acres will be met off-site in a forest mitigation bank.

### Exhibit 3: Proposed Easement Reconfiguration



### Notification and Community Comment

Signs were posted on the subject property to give notification of the upcoming preliminary plan amendment prior to the January 26, 2009 submission. All adjoining and confronting property owners, local civic and homeowners associations, and others who have notified us of their interest will receive additional written notice of the public hearing on the proposed amendment in accordance with Planning Board policy. Any comments received will be forwarded to the Board. As of the date of this report, staff has received one letter. The letter was received on February 25, 2009 from an adjoining homeowner.

The adjacent homeowner expressed concern with easement removal (Attachment A) as stated below and further discussed in the staff analysis.

“I am writing to object strongly to that aspect of the above-referenced proposal that would remove a Category I forest easement on the School property from protection. According to the plan provided me, the proposal is for the construction of a synthetic turf playing field and the removal of this forest easement, which directly abuts my property at



9000 Congressional Court, Potomac. No explanation has been provided as to the reason for or any need for removing this easement.”

## **REVIEW**

### Staff Analysis/Position

Staff supports the proposed Limited Amendment to the Preliminary Plan and the Revised Final Forest Conservation Plan. The Connelly School of the Holy Child has continually worked with staff over the course of many months and adjusted their plans significantly to help address both staff and community concerns.

The forest conservation worksheet was revised as a result of the proposed changes. The revised worksheet shows 0.47 acres of forest clearing and 1.03 acres of forest retention, with a 1.24 acre planting requirement. 1.03 acres of the requirement will be met by onsite planting and 0.21 acres will be met off-site, which fulfills the worksheet requirements for the plan.

The Revised Final Forest Conservation Plan before the Board retains 1.49 acres of the 1.79 acres easement (both Category I and Category II) on-site (approximately 83%) and creates an additional 0.49 acres of new Category I conservation easement. This is an approximately 11% increase of on-site easements above the previously approved Final Forest Conservation Plan. The 11% increase in easement area will also increase on-site canopy area.

This plan removes the minimum amount of forest necessary to achieve the Schools’ goal of installing a new synthetic turf athletic field. The loss of the easement will remove existing buffer area for properties to the north, but staff has determined that this is unavoidable because there is no other location that will work for a field of the desired size. The Category I easement adjacent to 9000 Congressional Court, which is labeled in Exhibit 3 as easement “C”, is being completely retained and will be supplementally planted, which addresses the primary concerns of the homeowner mentioned above.

Staff feels that based on the increase of on-site category I easements, the off-site mitigation, and the legal requirements of the worksheet being met, that the limited preliminary plan of subdivision to revise the forest conservation plan should be approved.

## **RECOMMENDATION**

Staff recommends that the Planning Board approve this limited preliminary plan of subdivision to revise the forest conservation plan with the conditions specified above.

## Attachment A: Community Correspondence

Timothy A. Vanderver, Jr.  
9000 Congressional Court  
Potomac, Maryland 20854

February 24, 2009

Development Review Division  
Maryland-National Capital Park and  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Name of Plan: Connelly School of the Holy Child  
Plan Number: 119971010  
Current Zoning: RE-2, Residential  
Number of Proposed Lots/ Area Included: 1 Lot; 430,378 sf (9.88011 ac.)  
Geographical Location: 9025 Bradley Boulevard

Dear Sir/Madam:

I am writing to object strongly to that aspect of the above-referenced proposal that would remove a Category I forest easement on the School property from protection. According to the plan provided me, the proposal is for the construction of a synthetic turf playing field and the removal of this forest easement, which directly abuts my property at 9000 Congressional Court, Potomac. No explanation has been provided as to the reason for or any need for removing this easement.

While I express no opinion concerning the playing field, I believe that removal of the forest easement would be unwarranted. Holy Child is located in a residential area, presumably operating under some sort of zoning exception. As such, it is an intrusion upon the pre-existing residences in the neighborhood and should strive to minimize its impact on its neighbors. One of the best ways of doing this is to maintain an adequate tree cover, and the removal of the forest easement would undoubtedly result in the removal of some or all of the existing trees within the easement.

Trees provide significant environmental and aesthetic benefits. Indeed, I believe that preservation of tree cover, to the extent possible, is one of the objectives of the Potomac master plan. Accordingly, trees should be preserved where possible, and a forest easement is perhaps the best way of assuring their preservation. Without a compelling reason to the contrary, the easement should remain in place and the trees should remain standing. So far as I have been informed, no reason -- let alone a compelling reason -- has been advanced as justification for removing the forest easement. Accordingly, the inevitable adverse environmental impacts of further tree cutting should be prevented by keeping the easement.

Holy Child's proposal to remove this easement is of particular concern since the School engaged in a frenzy of tree cutting last summer. It cut down a significant number of mature, seemingly healthy trees with no explanation being given to the neighbors. The apparent purpose was to create a display area for automobiles during the AT&T National Golf Tournament in July. Obviously, this is



a commercial purpose in no way related to the School's educational mission and raises significant questions as to the School's objective in seeking to have the easement removed.

Please do not hesitate to contact me if you wish to discuss my views. I can be reached at (202) 457-6074 or [tvanderver@pattonboggs.com](mailto:tvanderver@pattonboggs.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy A. Vanderver, Jr.", written in a cursive style.

Timothy A. Vanderver, Jr.

cc: West Montgomery County Citizens Association