



MCPB
ITEM #
May 27, 2010

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Acting Chief *MP*
Environmental Planning Division

FROM: Amy Lindsey, Senior Planner *ALL*
Environmental Planning Division

DATE: May 13, 2010

SUBJECT: Preliminary Forest Conservation Plan No. MR2010701
Garrett Park Elementary School Mandatory Referral

LOCATION: 4810 Oxford Street
Garrett Park, MD

APPLICANT: Montgomery County Public Schools

ENGINEER: Century Engineering

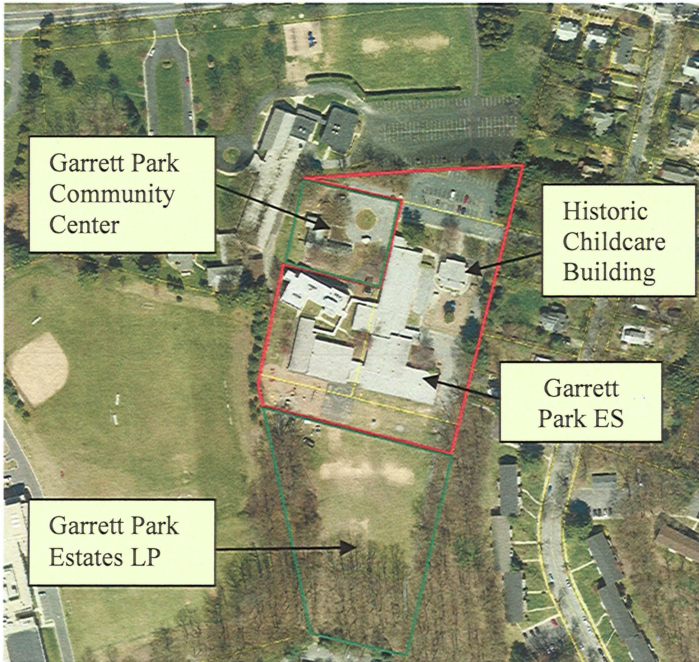
The subject plan has been reviewed by Environmental Planning staff to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law) and Forest Conservation Regulations (COMCOR 18-01 AM). The following determination has been made:

RECOMMENDATION: Approval subject to the following conditions:

1. The proposed development shall comply with the staff recommended conditions of approval for the preliminary forest conservation plan, as per the letter dated May 13, 2010. Conditions include, but are not limited to:
 - a. Mitigation for tree loss of all on-site trees marked as either "To be saved" or "Candidate to be removed" will be at a rate of 1" DBH replaced for every 4" lost. Replacement trees must be 4" DBH or greater.

DISCUSSION

Garrett Park Elementary School is an existing school on 4.39-acres located in the North Bethesda-Garrett Park planning area on Oxford Street. The school is part of a complex



with Garrett Park Estates Local Park (2.86 ac) and Garrett Park Community Center (0.75 ac), also currently owned by MNCPPC and occupied by Garrett Park Nursery School. A historic childcare building is also present, interior to the school site and operated by Montgomery Child Care Association. The four facilities share infrastructure – the park provides recreational fields for the school and the school provides automobile access and parking for the park and nursery school. A single point of access exists at the terminus of Oxford Street. The school site is bordered to the

north and west by Holy Cross Catholic Church, School and Academy and on the east by single-family residential dwellings.

The proposed plan is to replace the majority of the existing one-storey school with a new two-storey building, including parking lots, drop-off loops, playgrounds and stormwater management facilities and to provide for re-graded ball fields on Garrett Park Estates Local Park. A two-storey addition, completed in 2006, will be re-used and integrated into the proposed design. While the proposed school building is fully on MCPS property, the playgrounds associated with the school and the proposed geothermal wells extend onto Garrett Park Estates Local Park. The mandatory referral and forest conservation plan covers the park and school properties, but not the community center.

The Board's action on the Preliminary Forest Conservation Plan is regulatory and binding. The Planning Board must act on the Forest Conservation Plan before it finalizes its recommendations on the mandatory referral.

Environmental Inventory

The applicant submitted and received approval of a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) number 420090690 on February 27, 2009. There are 1.20 acres of forest, in a single stand and numerous large and specimen trees. Most of the forest is on Garrett Park Estates LP, with only ~1600 square feet of forest on MCPS property. There are small pockets of steep slopes on both properties.

The property is within the Lower Main/Ken-Gar subwatershed of the Rock Creek watershed: a Use Class I/I-P watershed. The *Countywide Stream Protection Strategy* (CSPS) identifies this subwatershed as having fair water quality.

Forest Conservation

This property is subject to the Chapter 22A Montgomery County Forest Conservation Law and a Forest Conservation Plan has been submitted for approval. There are 1.20 acres of forest in a single stand on the subject property. The forest is considered high priority for retention, due to steep slopes and specimen trees.

Through the redevelopment of this school, 0.26 acres of forest will be cleared and 0.94 acres of forest will be retained. An additional 0.23 acres of forest will be retained but credited as landscape due to the width of the area. The remaining 0.46 acres of reforestation will be met off-site.

Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, MD Ann. Code, identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or any disturbance within a tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the Montgomery County Code. The law requires no impact the retention and protection to the greatest extent possible of all trees that measure 30" diameter at breast height (DBH) or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; and rare, threatened and endangered species,. Since this project did not obtain approval of a Preliminary Forest Conservation Plan prior to October 1, 2009 and the applicant is proposing to impact 36 trees greater than 30 inches DBH, a variance is required. The applicant has requested a variance to impact the following trees:

**SPECIMEN TREE VARIANCE SUMMARY
TABULATION OF SPECIMEN TREES TO BE IMPACTED**

Tree #	Species	D.B.H	Critical Root	Tree	Comments	
		(inches)	Zone (Sq. Ft.)	Condition		
1A	WILLOW OAK	34	8171	GOOD	OFFSITE	TO BE REMOVED**
1B	WILLOW OAK	34	8171	GOOD	OFFSITE	TO BE REMOVED**
1C	WILLOW OAK	35	8659	GOOD	OFFSITE	TO BE REMOVED**
1	WILLOW OAK	40	11310	GOOD	OFFSITE	TO BE SAVED
2	WILLOW OAK	36	9161	GOOD	OFFSITE	POTENTIAL REMOVAL**
3	WILLOW OAK	33	7698	GOOD	OFFSITE	POTENTIAL REMOVAL**
4	WILLOW OAK	39	10751	GOOD	OFFSITE	POTENTIAL REMOVAL**
7	RED MAPLE	31	6793	GOOD		TO BE REMOVED
8	SAWTOOTH OAK	28	5542	GOOD		TO BE SAVED
13	RED MAPLE	31	6793	FAIR/POOR		TO BE REMOVED
15	YELLOW POPLAR	41	11882	GOOD		POTENTIAL REMOVAL
17	YELLOW POPLAR	38	10207	GOOD		TO BE SAVED
20	YELLOW POPLAR	34	8171	GOOD		TO BE SAVED
21	YELLOW POPLAR	31	6793	GOOD		TO BE SAVED

23	YELLOW POPLAR	32	7238	FAIR		TO BE SAVED
24	YELLOW POPLAR	41	11882	GOOD		TO BE SAVED
25	YELLOW POPLAR	49	16972	GOOD		TO BE SAVED
27	YELLOW POPLAR	46	14957	GOOD		POTENTIAL REMOVAL
29	YELLOW POPLAR	32	7238	GOOD		TO BE SAVED
36	YELLOW POPLAR	46	14957	GOOD		TO BE SAVED
38A	YELLOW POPLAR	30	6362	GOOD		TO BE SAVED
39	YELLOW POPLAR	32	7238	GOOD		TO BE SAVED
42	YELLOW POPLAR	32	7238	GOOD		POTENTIAL REMOVAL
47	YELLOW POPLAR	31	6793	GOOD		TO BE SAVED
50	YELLOW POPLAR	32	7238	GOOD		POTENTIAL REMOVAL
51	YELLOW POPLAR	51	18385	GOOD		POTENTIAL REMOVAL
52A	BLACK CHERRY	37	9677	GOOD		POTENTIAL REMOVAL
53B	BLACK WALNUT	36	9161	GOOD		POTENTIAL REMOVAL
55B	YELLOW POPLAR	26, 30, 33	41910	GOOD	OFFSITE	CANDIDATE TO BE REMOVED**
57A	RED MAPLE	37	9677	GOOD		TO BE REMOVED
57B	WHITE PINE	32	7238	GOOD	OFFSITE	CANDIDATE TO BE REMOVED**
58A	WILLOW OAK	32	7238	GOOD	OFFSITE	CANDIDATE TO BE REMOVED**
59A	WHITE PINE	30	6362	GOOD	OFFSITE	CANDIDATE TO BE REMOVED**
60	YELLOW POPLAR	53	19856	GOOD	OFFSITE	TO BE SAVED
61	YELLOW POPLAR	46	14957	GOOD	OFFSITE	TO BE SAVED
62	YELLOW POPLAR	30	6362	GOOD	OFFSITE	TO BE SAVED

* BOLD TYPE DENOTES SPECIMEN TREE

**LAND OWNERS MUST BE NOTIFIED OF IMPACTS TO THEIR TREES

The following table summarizes the information above by location and type of impact:

	On-site	Off-site
Removal	3	3
Potential removal	7	7
Retention with CRZ impact	12	4

In accordance with Montgomery County Code, Section 22A-21(c) the Planning Board referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a written recommendation prior to acting on the request. The variance request was referred to the Montgomery County Arborist initially on December 9, 2009 and revised on April 19, 2010. The County Arborist has

and has elected not to review the variance request (see Attachment A).

In accordance with Section 22A-21(e), Planning staff recommends a finding by the Planning Board that the Applicant has met all criteria required to grant the variance.

1. *Will confer on the applicant a special privilege that would be denied to other applicants.*

The requested variance will not confer on the applicant any special privileges that would be denied to other applicants. The development site is not only small for the use but also irregularly shaped and constrained by the existing historic childcare building and the Garrett Park Nursery School. Therefore, staff believes that is not a special privilege that would be denied to other applicants.

2. *Is based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The requested variance is based on the proposed site layout and design to separate access to the property for bus and parent drop-off traffic. The disturbance has been minimized as much as possible through compact, efficient site design. This includes minimizing parking, building a two-story school, and locating the geothermal field under existing ball fields.

The three trees proposed for removal on-site are located within the footprint of the school building and parking. An additional seven trees are located within close proximity to the limits of disturbance (LOD) and may need to be removed depending on field conditions. There will also be some disturbance within the CRZ of another 12 trees on-site but they are excellent candidates for safe retention. While every effort will be made to retain these 19 trees, some loss may occur. As these trees are located either in the retained forest or adjacent to the neighboring residences, staff is recommending mitigation for any of the on-site trees labeled as "candidate for removal" or "to be saved" are removed. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore staff is recommending that replacement occur at a ratio of 1" DBH for every 4" DBH removed, using trees that are a minimum of 4" DBH, rounded up. This will mean that if tree 50, a 32" yellow poplar is removed, MCPS will replace this tree with two 4" DBH native trees in the area of the tree loss. While these trees will not be as large as the tree loss, they will grow into the space while providing some screening at present.

Off-site tree impacts are due to the constrained nature of the site within an established neighborhood. Every effort has been made to minimize effects to the trees on neighboring properties but some tree loss may be unavoidable. Final determinations will be made based on field conditions and take place at the preconstruction meeting. MCPS has contacted neighboring property owners and

proffered tree protection and/or impact mitigation. No trees on neighboring properties will be removed without property owner permission. Arborists from MCPS, Town of Garrett Park, and MNCPPC believe that seven trees will be impacted enough that removal may be potentially recommended based on field conditions and the desire not leave a hazardous condition. However the final decision will rest with the individual property owners. Mitigation for off-site tree loss is a private matter between property owners and MCPS.

The three off-site trees recommended for removal are within the Oxford Street right-of-way (ROW), owned by the Town of Garrett Park. This is due to necessary utility construction for all three facilities – Garrett Park ES, Garrett Park Community Center, and the historic childcare building. MCPS has worked with WSSC to minimize disturbance to the existing trees. The majority of the utility work will be under existing pavement but a short segment will need to be installed under trees 1A and 1B. These are both 34” willow oaks in good condition. Additionally, tree 1C, a 35” willow oak may need to be removed due to the possible need for a sanitary manhole.

3. *Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. *Will violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality.

As a result of the above findings Environmental Planning staff recommends the approval of the applicant’s request for a variance from individual tree retention requirements of the Forest Conservation Law to impact the 36 trees. The variance approval is assumed into the Planning Board’s approval of the forest conservation plan. As a condition of approval of the forest conservation plan, staff recommends compensating

RECOMMENDATION

Environmental Planning recommends approval of the Preliminary Forest Conservation Plan with the conditions above.

Attachments:

- A. Letter from County Arborist
- B. Copy of forest conservation plan submitted for PB approval

Attachment A



DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED
1027
DEC 16 2009

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

December 14, 2009

Royce Hanson, Chairman
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Garrett Park Elementary School, no Mandatory Referral #, NRI/FSD applied for on 10/13/2008
Seven Locks Elementary School, MR2009736, NRI/FSD applied for on 11/21/2008
Montgomery Knolls Elementary School, Revision, MR2009743, NRI/FSD applied for on 10/23/2008
First Baptist Church of Damascus, DAIC 420090050 (NRI/FSD applied for on 5/7/2008)

Dear Dr. Hanson:

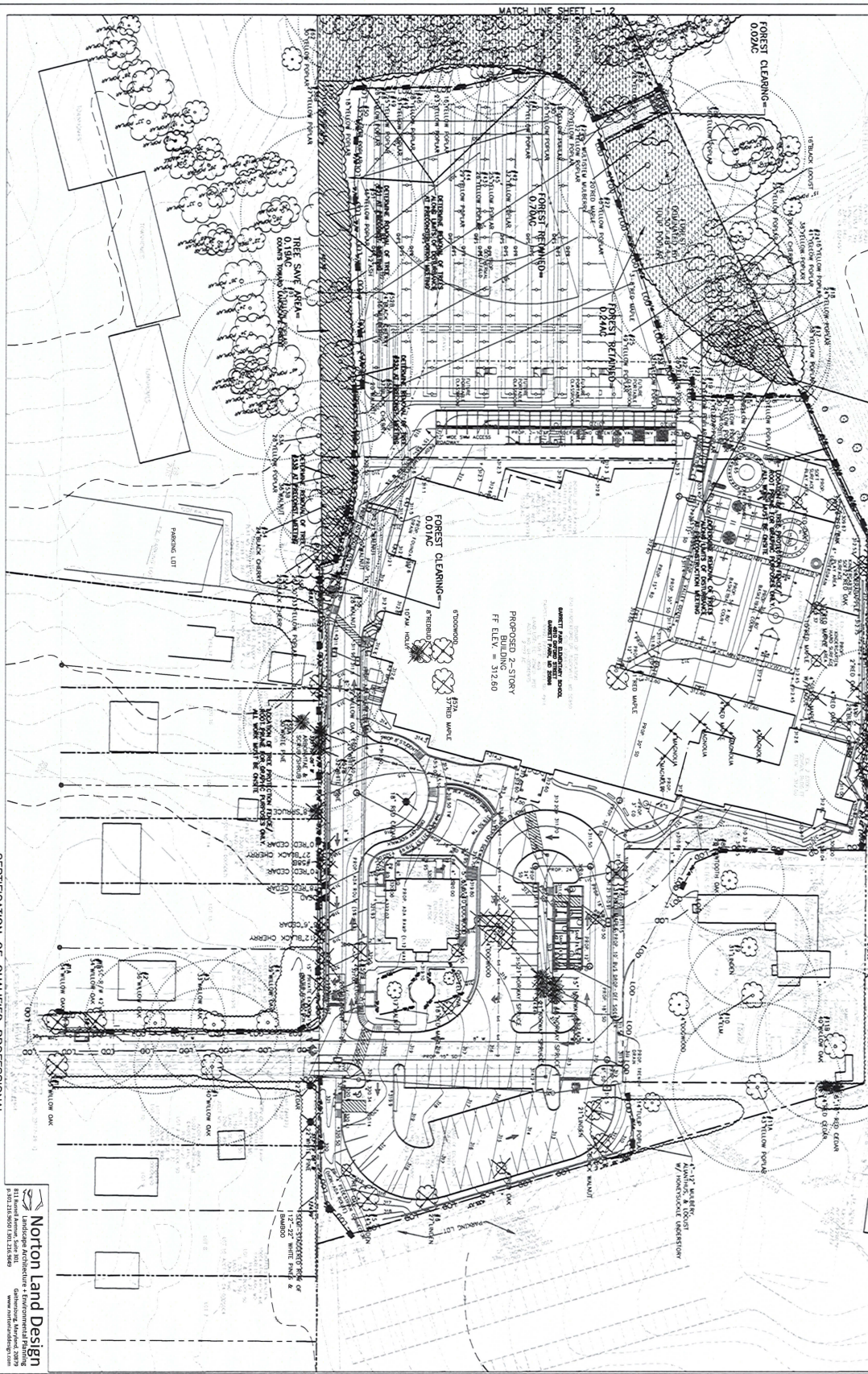
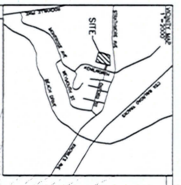
As stated in a letter to you from Bob Hoyt, dated October 27, 2009, the County Attorney's Office has advised me that the new provisions of the Forest Conservation Act do not apply to any application required by Chapter 22A of the Montgomery County Code submitted before October 1, 2009. Since the applications for the above referenced requests were submitted before this date, I will not provide a recommendation pertaining to these requests for variances.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief



LEGEND

- EXISTING TREE TO BE REMOVED
- EXISTING TREE W/CRZ
- EXISTING TREE
- EXISTING HEDGE/SCRUB AREA
- COMBINED ROOT FRAME
- FENCE
- LIMITS OF DISURBANCE
- TREE PROTECTION FENCE
- SHADE APPROX 50' O.C.
- FOREST CLEARING AREA
- FOREST SAVE AREA
- TREE SAVE AREA COUNTED TOWARD LANDSCAPE CREDIT

GRAPHIC SCALE



CERTIFICATION OF QUALIFIED PROFESSIONAL

DATE	ISSUED	REVISION
12/15/10	12/15/10	12/15/10
12/15/10	12/15/10	12/15/10
12/15/10	12/15/10	12/15/10

Norton Land Design
 Landscape Architecture + Environmental Planning
 112-22 WHITE PINE & JAMBO
 HOUSTON, TEXAS 77036

CONSTRUCTION DOCUMENTS

TTT CENTURY

GW W/O

GARRETT PARK ELEMENTARY SCHOOL MODERNIZATION

MONTEGOMERY COUNTY PUBLIC SCHOOLS & COMMUNITY DEVELOPMENT DEPARTMENT

PROJECT NO. 2010-001

DATE: MARCH 17, 2010

SCALE: AS SHOWN

PROJECT NUMBER: L-1.1

REVISIONS LISTED ON THIS SHEET ARE FOR CORRECTION OF D.M.'S MISTAKE TO SHEET C52 FOR CONSTRUCTION.



