

MCPB Item No.: Date: 6-05-14

Staff Report Date: 5/23/14

*A. Wayside Elementary School Revitalization and Modernization Preliminary Forest Conservation Plan MR 2014029



Katherine Nelson, Planner Coordinator, Area 3, Katherine.nelson@montgomeryplanning.org, 301-495-4622

J4C John Carter, Chief, Area 3

Description

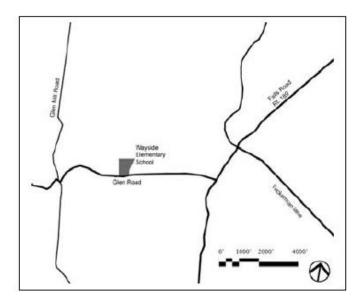
*A. Wayside Elementary School Revitalization and Modernization Preliminary Forest Conservation Plan MR 2014029

10011 Glen Road, Rockville, R-200 Zone, Potomac Subregion Master Plan

Staff Recommendations: Approval with conditions

Review Basis: Section 7.1112, Regional District Act

Applicant MCPS



Summary

The Montgomery County Public Schools applied for a Preliminary Forest Conservation Plan was submitted with the Mandatory Referral for the Wayside Elementary School modernization. Forest preservation and planting will result in the following:

- 1.3 acres of forest placed in a forest conservation easement.
- 0.63 acres of off-site forest mitigation.

Staff recommends that the variance be granted and finds that the Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code.

STAFF RECOMMENDATION

Approve the Preliminary Forest Conservation with the following conditions:

- 1. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
- 2. Category I conservation easement must be placed over all areas of forest retention and planting, as shown on the approved Final Forest Conservation Plan, prior to clearing and grading.

DISCUSSION

Montgomery County Public Schools (MCPS) will complete construction for the replacement of Wayside Elementary School. The school is located on the north side of Glen Road, at an equal distance (3/4 mile) between Falls Road to the east and Glen Mill Road to the west.

The 9.3-acre site is bounded by residential neighborhoods of single-family detached housing in the Glen Oaks, Potomac Green and Bedfordshire subdivision in the RE-1, R-200 and R-200/TDR zones. The Watts Branch Stream Valley Park forms the predominate topography that bisects this enclave between Falls Road and Glen Mill Road, lying approximately 1,800 west of the school property. The neighborhoods feature large lots with mature tree stands and attractive understory vegetation. The school property comprises frontage along Glen Road, classified as a primary residential road, with a minimum recommended right-of-way of 70 feet.

A Preliminary Forest Conservation Plan was submitted with the Mandatory Referral for the Wayside Elementary School modernization. Forest preservation and planting will result in 1.3 acres of forest placed in a forest conservation easement, and 0.63 acres of off-site forest mitigation. The County Arborist recommends that the variance be granted.

ANALYSIS AND FINDINGS

Environmental Guidelines

A stream originates at the northwest corner of the property, flows across the adjacent site where it becomes a perennial stream and continues through the neighborhood to the north. Existing impacts to this area include sewer infrastructure, unmitigated stormwater drainage, a rip-rapped channel leading to the stream, existing buildings and pavement within the stream buffer on the adjacent site and an elevated play area on the school site within the buffer that slopes steeply into the stream valley.

The stormwater management plan proposes to enhance existing structural sand filter with underground storage pipes with micro-bioretention devices. The overflow outfall may require up to 0.05 acres of forest clearing within the stream buffer. This acreage may be further reduced when stormwater design is finalized. Other than outfall construction, the existing forest in the stream valley and adjacent slope is proposed to remain in its existing condition.

Forest Conservation

As required by the County Forest Conservation Law (Section 22A of the County Code), a Forest Conservation Plan (FCP) for the project was submitted with the Mandatory Referral application. 1.04 acres of forest exist in the northwest corner of the site. Encroachments beyond the existing developed area include improvements to the stormwater management outfall and existing trail. This will result in a total of 0.36 acres of forest loss. Forest preservation and planting will result in 1.3 acres of forest will be placed in a forest conservation easement. An additional 0.63 acres of off-site forest mitigation is required. These numbers will be finalized as part of the Final Forest Conservation Plan.

Forest Conservation Plan Variance

Forest Conservation Variance, Section 22A-12(b) (3) of the County Code requires applicants to identify certain trees, shrubs, plants, and specific areas as priority for retention and protection ("Protected Trees"). This section requires those areas to be left in an undisturbed condition unless the applicant obtains a variance in accordance with Chapter 22A-21 of the County code. More specifically the vegetation to remain undisturbed includes:

- A. Trees, shrubs, or plants determined to be rare, threatened, or endangered under:
 - (1) The federal Endangered Species Act of 1973,
 - (2) The Maryland Nongame and Endangered Species Conservation Act, Natural Resources Article, §§10-2A-01—10-2A-09, Annotated Code of Maryland, and
 - (3) COMAR 08.03.08;
- B. Trees that:
 - (1) Are part of an historic site,
 - (2) Are associated with an historic structure, or
 - (3) Have been designated by the State or the Department as a national, State, or county champion tree; and
- C. Any tree having a diameter measured at 4.5 feet above the ground of:
 - (1) 30 inches or more, or
 - (2) 75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current State champion tree of that species as designated by the Department of Natural Resources.

Unwarranted Hardship Basis

There are eight (8) Protected Trees in the project area that will be impacted and one that will be removed. All of these trees are located along the perimeter of the school property. Redevelopment of the already developed school site, together with encroachment into the perimeter forest area, creates the impact to the trees. Staff has reviewed the Applicant's justification and based on the existing conditions of the property, finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings

The Planning Board must make findings that the Applicant has met all requirements of this Chapter 22A-21 before granting the variance. Staff has made the following determination on the approval of the variance:

1. Will not confer on the Applicant a special privilege that would be denied to other applicants;

Granting the variance will not confer a special privilege on the Applicant as disturbance and removal of trees are due to redevelopment of the existing school and improvements to the stormwater management system. Granting a variance to allow land disturbance within this area is not unique to this applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the Applicant;

The Applicant has prepared and submitted plans which meet all applicable master plan, and forest conservation requirements. The requested variance is based upon existing site conditions, including the number and locations of the large trees.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property;

The requested variance is a result of the proposed development and not a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

A Stormwater Management Concept Plan has been approveded by the MCDPS – Stormwater Management Section. In accordance with that approval, the concept design will improve existing conditions and maintain appropriate water quality standards.

Mitigation for Trees Subject to the Variance Provisions will take place as part of the forest planting.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist at the Montgomery County Department of Environmental Protection, whose recommendation pointed to a finding that the applicant qualified for the subject variance. (Attachment 8: Letter from Montgomery County Arborist Laura Miller, dated April 22, 2014)

Staff recommends that the variance be granted and finds that the Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code.

COMMUNITY OUTREACH

MCPS developed the plans for the modernization based on specific educations specifications and conducted four work sessions beginning in July 2006 through May 2013 with members of the Facility Advisory Committee that included parents, neighborhood residents, Wayside Elementary School officials and staff, and PTA members. Advisory committee meetings were held on the following dates:

- Work Session: March 13, 2013
- Work Session: April 4, 2013
- Work Session: April 17, 2013
- Work Session: May 1, 2013
- Community Presentation: May 7, 2013

No public comments were received at the time of the writing of this memorandum.

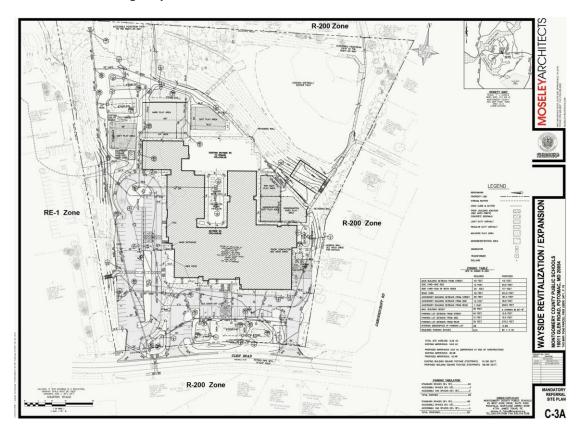
Attachments

- 1. Vicinity Map
- 2. Zoning Map
- 3. Oblique Aerial Photography
- 4. Existing Conditions Site Plans: 1973, 2013
- 5. Department of Permitting Services Stormwater Concept Approval, dated May 8, 2014
- 6. Montgomery County Public Schools: Public Notice
- 7. Forest Conservation Review Documents: Variance request, dated October 25, 2013
- 8. Montgomery County Arborists Response to Request for Variance, dated April 22, 2014
- 9. Preliminary Forest Conservation Plan

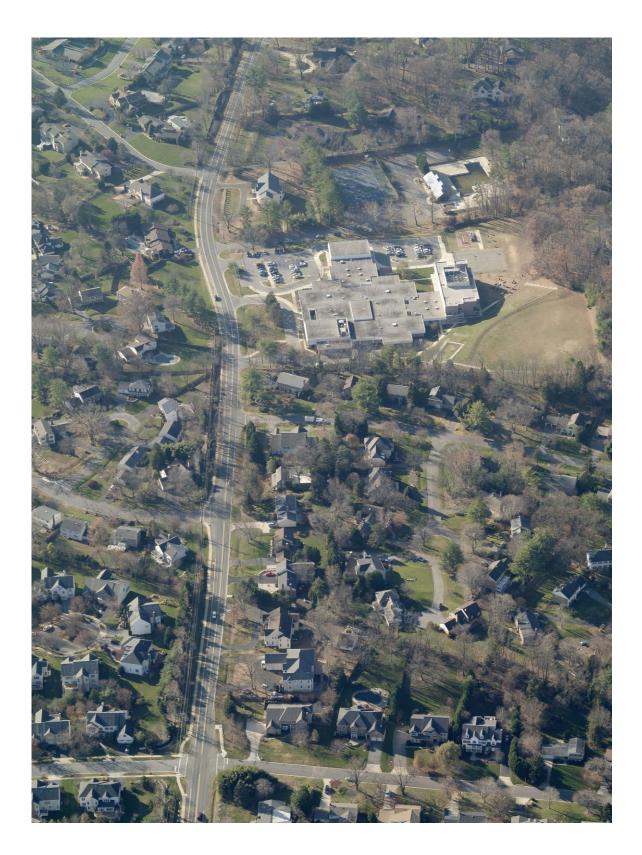
Attachment #1: Vicinity Map



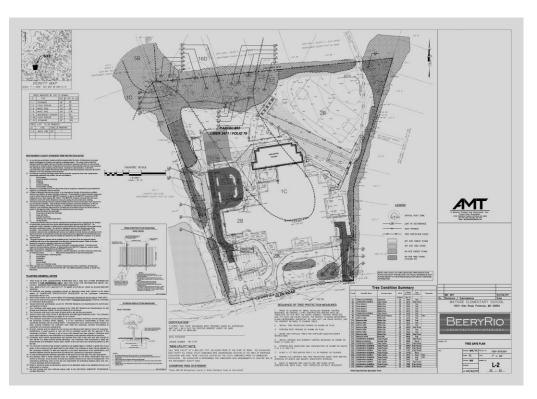
Attachment #2: Zoning Map



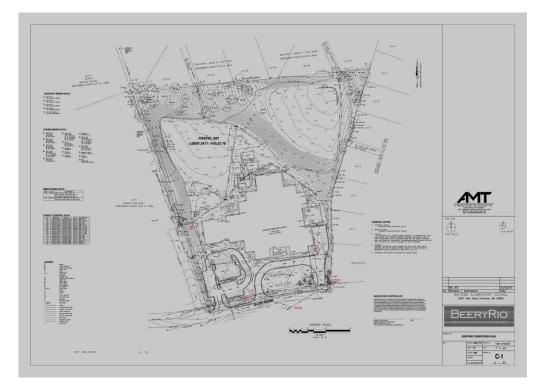
Attachment #3: Oblique Aerial Photography



Attachment #4(a): Existing Conditions Plan (2007-14)



Attachment #4(b): 1973 Site Plan





Attachment #5 Wayside Elementary School

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett County Executive Diane R. Schwartz Jones Director

May 8, 2014

Mr. Jason Fritz, PE ADTEK Engineers, Inc. 97 Monocacy Blvd, Unit H Frederick, Maryland 21701

Re: Stormwater Management *CONCEPT* Request for Wayside Elementary School Modernization SM File #: 258516 Tract Size/Zone: 9.25 acres/school Total Concept Area: 5.18 acres Lots/Block: N.A Parcel(s): P603 Watershed: Watts Branch

Dear Mr. Fritz:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via Micro-bioretention (8) and an existing structural sand filter with underground storage pipes.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

- 1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
- 2. An engineered sediment control plan must be submitted for this development.
- 3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
- 4. Maximize the drainage area from the proposed parking area to the existing structural sand filter.
- 5. Pull the outfall at end wall #1 back so as to impact the WSSC easement area as little as possible.
- Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY www.montgomerycountymd.gov



Mr. Jason Fritz, P.E. May 8, 2014 Page 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,

Mark C. Etheridge, Manager Water Resources Section Division of Land Development Services

MCE: me: Img

cc: C. Conlon SM File # 258516

ESD Acres: STRUCTURAL Acres: WAIVED Acres: 4.8 acres 0.4 acres N/A

Attachment #6



Montgomery County Public Schools (MCPS) is scheduled to begin the Schematic Design Phase for an approved capital project in your neighborhood.

The purpose of these meetings is to develop a preliminary design for the school project. This is an evolving process whereby input from the previous meeting is incorporated into the ongoing proposed design. These meetings are to determine spatial relationships within the school's interior, the pedestrian and traffic flow of the site, and how the school will fit into the community at large.

Participants will include representatives of the school, PTA, neighbors, government agencies, the design architects, and staff from MCPS Division of Construction.

This notice is to inform you of the scheduled Schematic Design Meetings for the approved capital project. MCPS extends an invitation to you to participate in this process. While all are invited, the community is encouraged to send representatives from their respective streets, areas, and associations. Everyone present will have the opportunity to hear about the study process for the proposed project.

The dates and times for the work sessions are shown on the opposite side of this mailing. The work sessions are scheduled in the afternoons and evenings to allow for maximum community and school staff involvement. Thank you.

Sign language interpreter services will be provided upon request with notice as far in advance as possible but not less than 5 business days to the event. If you need this or other services or aids to participate in this activity, please call Mr. James Tokar, project manager, Division of Construction at 240-314-1008 voice: TTY users should call Maryland Relay (711) or email James_R_Tokar@mcpstnd.org, Taking these steps will help us have sufficient time to best meet your needs. Thank you.



Schematic Design Meetings for Wayside Elementary School **Modernization Project**

Meeting Location 10011Glen Road, Potomac, MD 20854

Meeting Schedule Work Session Meeting #1 Wednesday, March 13, 2013 3:45 pm Work Session Meeting #2 Thursday, April 4, 2013 7:00 pm Work Session Meeting #3 Wednesday, April 17, 2013 3:45 pm Work Session Meeting #4 Wednesday, May 1, 2013 7:00 pm **Community Presentation Meeting** Tuesday, May 7, 2013 7:00 pm

All meetings are open to the public. If you have any questions regarding this process please contact Mr. James Tokar at 240-314-1008 or send an email to James R Tokar@mcpsmd.org

Montgomery County Public Schools **Division of Construction** 45 West Gude Drive, Suite 4300 Rockville, Maryland 20850

> Homeowner 111 Sample Way Sample, MD...zip

Attachment #7 Wayside Elementary School MR 2014029

NORTON LAND DESIGN LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING 17830 NEW HAMPSHIRE AVENUE, SUITE 101 P.240.342.2329 F.240.342.2632 WWW.NORTONLANDDESIGN.COM

October 25, 2013 REVISED March 20, 2014

Mr. Mark Pfefferle Environmental Planning Division Maryland National Capital Park and Planning Commission (M-NCPPC) 8787 Georgia Avenue Silver Spring, Maryland 20910

> Re: Wayside Elementary School Request for Specimen Tree Variance MNCPPC NRI# 420140520

Dear Mr. Pfefferle:

On behalf of the Montgomery County Public Schools and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and recent revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to or the removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation for the above-named County construction project:

Project Description:

The existing Wayside Elementary School is located at 10011 Glen Road in Rockville, Montgomery County, Maryland. The site is approximately 9.26 acres and is comprised of one parcel owned by The Board of Education. The site currently hosts the existing school, play areas and associated parking. There is approximately 1.04 acres of forest onsite, and there is a stream with a buffer that extends onto the subject property. The site is surrounded by residential properties and bordered by the Country Glen Club pool facility to the west.

Proposed construction consists of a new school, improved circulation and parking, additional play areas and updates for ADA accessibility.

Requirements for Justification of Variance:

Section 22A-21(b) Application requirements states that the applicant must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

- (3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provide any other information appropriate to support the request.

Justification of Variance:

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Response: As part of the program, the task was to provide the community with an updated elementary school facility that can accommodate a growing number of students as well as a modernized, safe and healthy environment for young students to learn. Efforts have been made to impact as little of the forest on site as possible because forest is a highly valuable resource.

This buildable site area is restricted by steep slopes and a stream buffer and leads to a tight fit for an elementary school. A previous building addition is to remain as well as the large slope and existing ball field onsite. The majority of impacts to specimen trees are relatively minor and should not prohibit survival.

This work will require disturbance of the root zones of a total of nine (9) specimen trees. One (1) of the nine (9) impacted trees will be required to be removed. The removal of specimen tree #19 is due to the proposed stormwater outfall into the forested area. Alternative options for the outfall were explored with the current layout identified as the best option. Using the existing stormwater outfall will prove to overload the existing stream channel which may cause flooding of the adjacent property. The existing outfall and subsequent stream drainage and stream channel would require re-grading and further disturbance of forest in a stream buffer. In order to prevent stormwater concerns with the adjacent property and to keep from greatly impacting additional environmental features, the ideal method is to release the outfall safely downstream. It should be noted that the tree which requires removal is part of the existing forest on site.

Three (3) of the specimen trees are showing impacts for the replacement inkind of the asphalt pathway only. These impacts have little impact on the trees, however an LOD is shown for reconstruction of the pathway only.

If MCPS is not allowed to impact the trees, the school will not be able to be updated due to the close proximity of specimen trees to the school parking, amenities and stormwater facilities. As such, this would cause an *unwarranted hardship* to the community that it serves.

(2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

Response: If the County were required to keep all improvements outside the root zones of the specimen trees, the building would fail to be rebuilt due to the close proximity of specimen trees.

(3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;

Response: Tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

(4) Provide any other information appropriate to support the request.

Response: The forest onsite is preserved to the greatest extent possible. Additional forest planting will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential).

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which states that a variance must not be granted if granting the request:

(1) Will confer on the applicant a special privilege that would be denied to other applicants;

Response: The Wayside Elementary School Modernization is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.

(2) Is based on conditions or circumstances which are the result of the actions by the applicant;

Response: Montgomery County Public Schools has taken no *actions leading to the conditions or circumstances* that are the subject of this variance request.

(3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or

Response: The surrounding land uses (residences/private club) do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.

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

Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

Specimen Impacts Summary 30" +										
Tree	Species	Species	D.B.H	Tree	Comments	% CRZ	Disposition			
#	(Scientific Name)	(Common Name)	(inches)	Condition		Impacts				
7	PLATANUS OCCIDENTALIS	SYCAMORE	32	GOOD	CO-OWNED/EXPOSED&DAMAGED ROOTS/LEAN	26%	SAVE & PROTECT			
8	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	31	GOOD	CO-OWNED/EXPOSED&DAMAGED ROOTS/DIEBACK/BROKEN LIMBS	20%	SAVE & PROTECT			
18	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	35	GOOD	OFFSITEINCLUDED BARK	8%	SAVE & PROTECT			
19	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	37	GOOD	DEAD&BROKEN LIMBS	32%	TO BE REMOVED			
23	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	31	GOOD	IRREGULAR TRUNK/DEAD AND BROKEN LIMBS	1%	SAVE & PROTECT			
26	QUERCUS FALCATA	S. RED OAK	34	GOOD	DIEBACK/BROKEN LIMBS	35%	SAVE & PROTECT			
27	QUERCUS ALBA	WHITE OAK	35	FAIR	LEAN/CAVITY/HEART ROT/DEAD&BROKEN LIMBS	33%	SAVE & PROTECT			
30	QUERCUS RUBRA	RED OAK	37	FAIR	TRUNK DAMAGE/HEARTROT/FUNGUS/DIEBACK/DEAD LIMBS	16%	SAVE & PROTECT			
56	ACER SACCHARINUM	SILVER MAPLE	34	FAIR	OFFSITE/EXPOSED ROOTS/VINES/INCLUDED BARK/DIEBACK	16%	SAVE & PROTECT			

Conclusion:

For the above reasons, the applicant respectfully requests that the Planning Board APPROVE its request for a variance from the provisions of Section 22A of the Montgomery County Forest Conservation Ordinance, and thereby, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this vital project.

The recommendations in this report are based on tree conditions noted at the time the NRI/FSD field work was conducted. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

The site plans and plotting of tree locations were furnished for the purpose of creating a detailed Tree Protection Plan. All information is true and accurate to the best of my knowledge and experience. All conclusions are based on professional opinion and were not influenced by any other party.

Sincerely,

DAL

Michael Norton

Copy to: Mr. Jim Tokar, MCPS



Attachment #8 Wayside Elementary School Mandatory Referral 2014029

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett County Executive Robert G. Hoyt Director

April 22, 2014

Françoise Carrier, Chair Montgomery County Planning Board Maryland National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910

RE: Wayside Elementary School, MR 2014029, NRI/FSD application accepted on 9/16/2013

Dear Ms. Carrier:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

- 1. Will confer on the applicant 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;
- 3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
- 4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

- 1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance <u>can be granted</u> under this criterion.
- 2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

Division of Environmental Policy & Compliance

variance <u>can be granted</u> under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

- 3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance <u>can be granted</u> under this criterion.
- 4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance <u>can be granted</u> under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

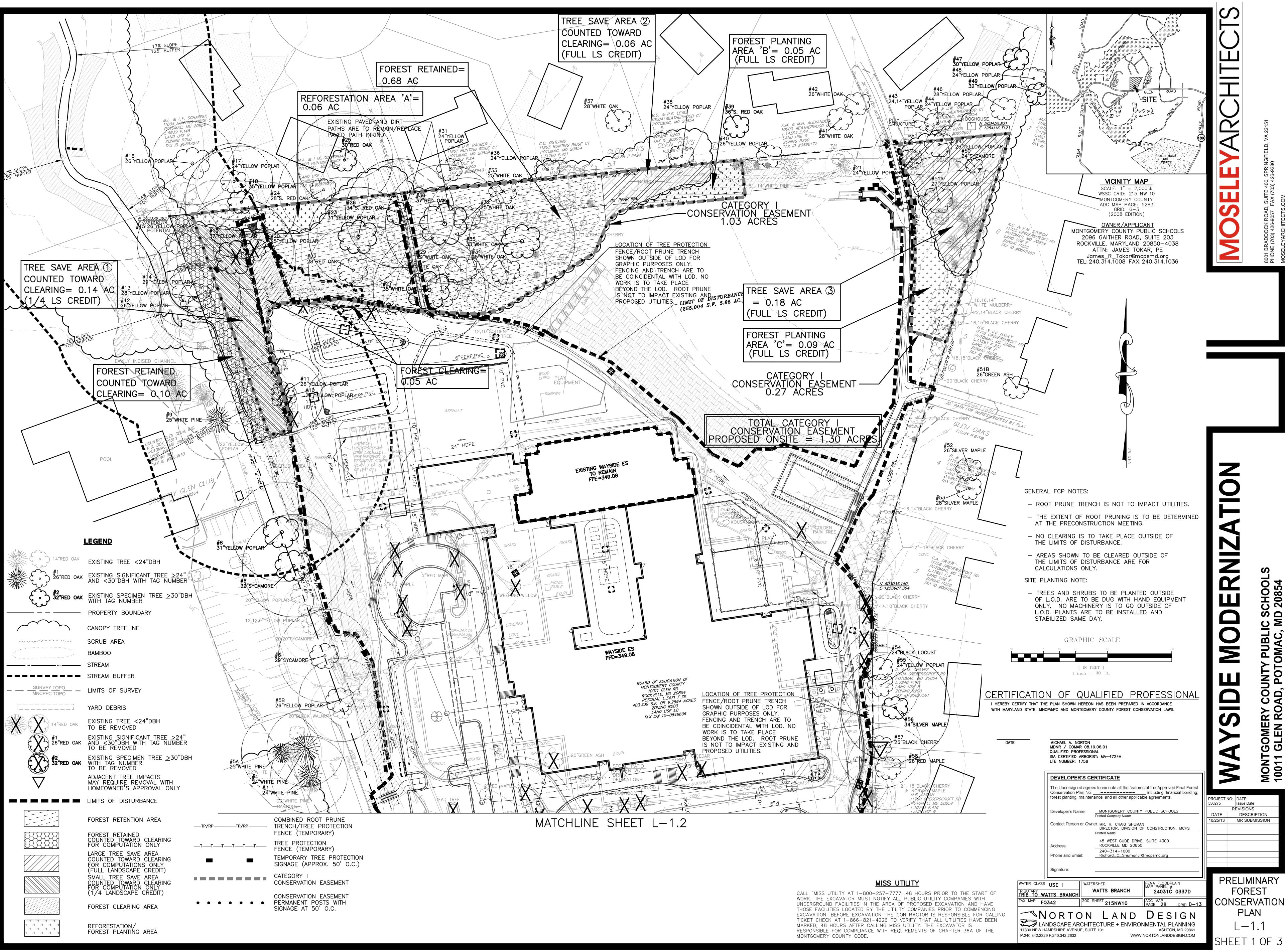
If you have any questions, please do not hesitate to contact me directly.

Sincerely,

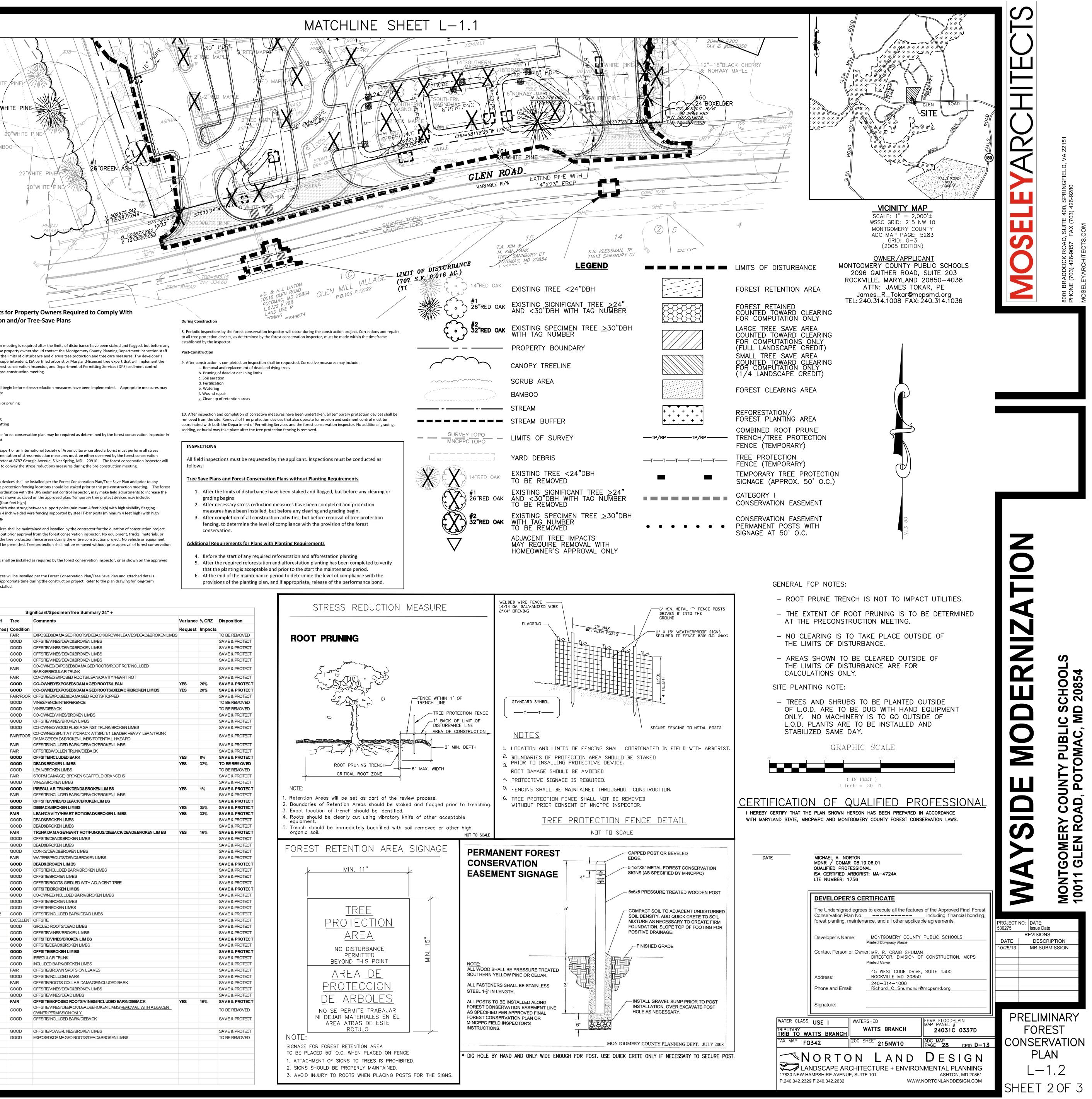
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Laura Miller County Arborist

cc: Katherine Nelson, Senior Planner



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P. Reforestation for cleaning above conservation threshold					=					0.68		inspector should atte	end this pr
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S. Iotal affected atom required S. Iotal Affected atom requir	R. Credit for re	tention abov	e conservat	tion thresho	old	=				0.00		f. Root aera	ation mat
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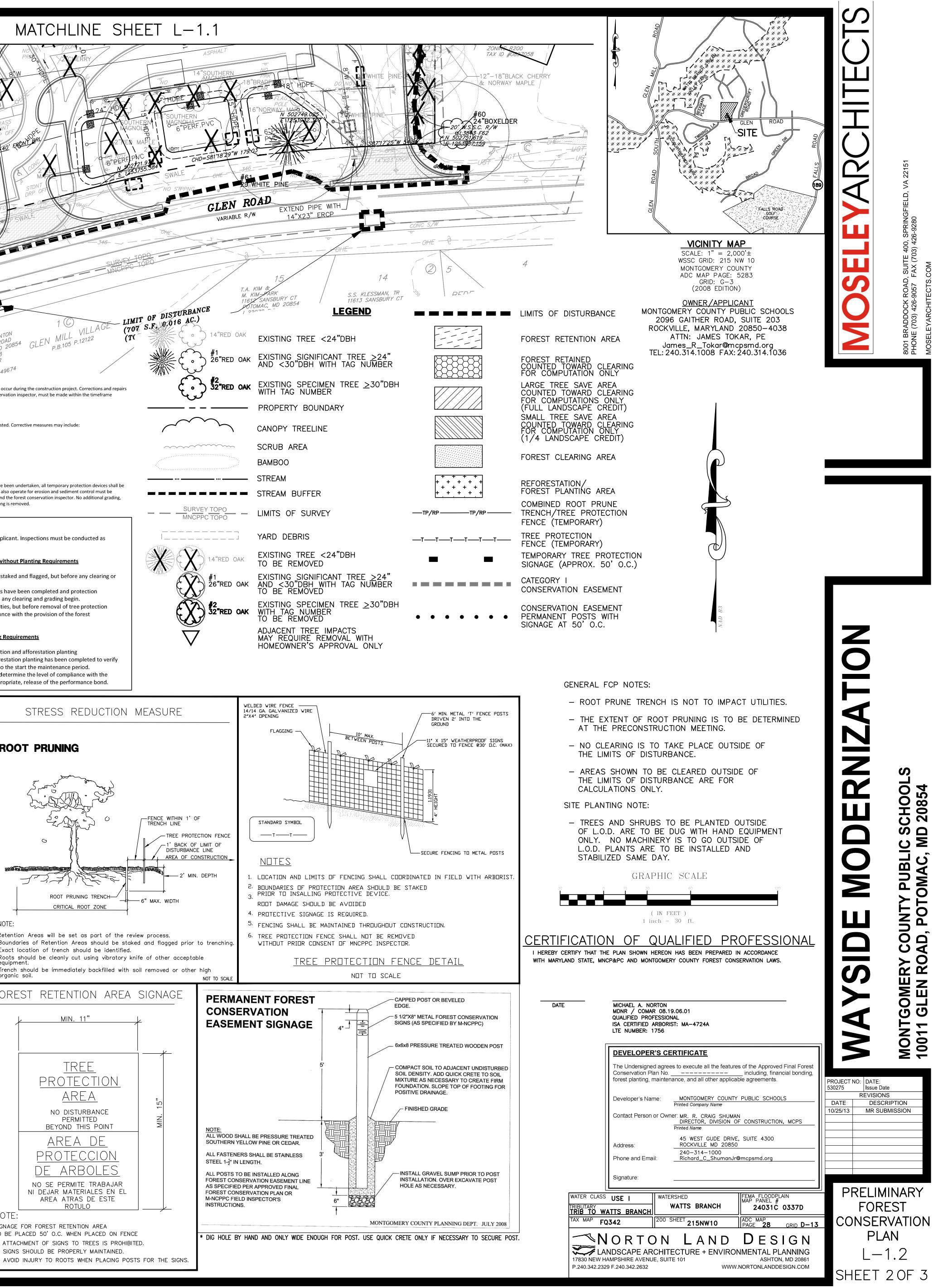


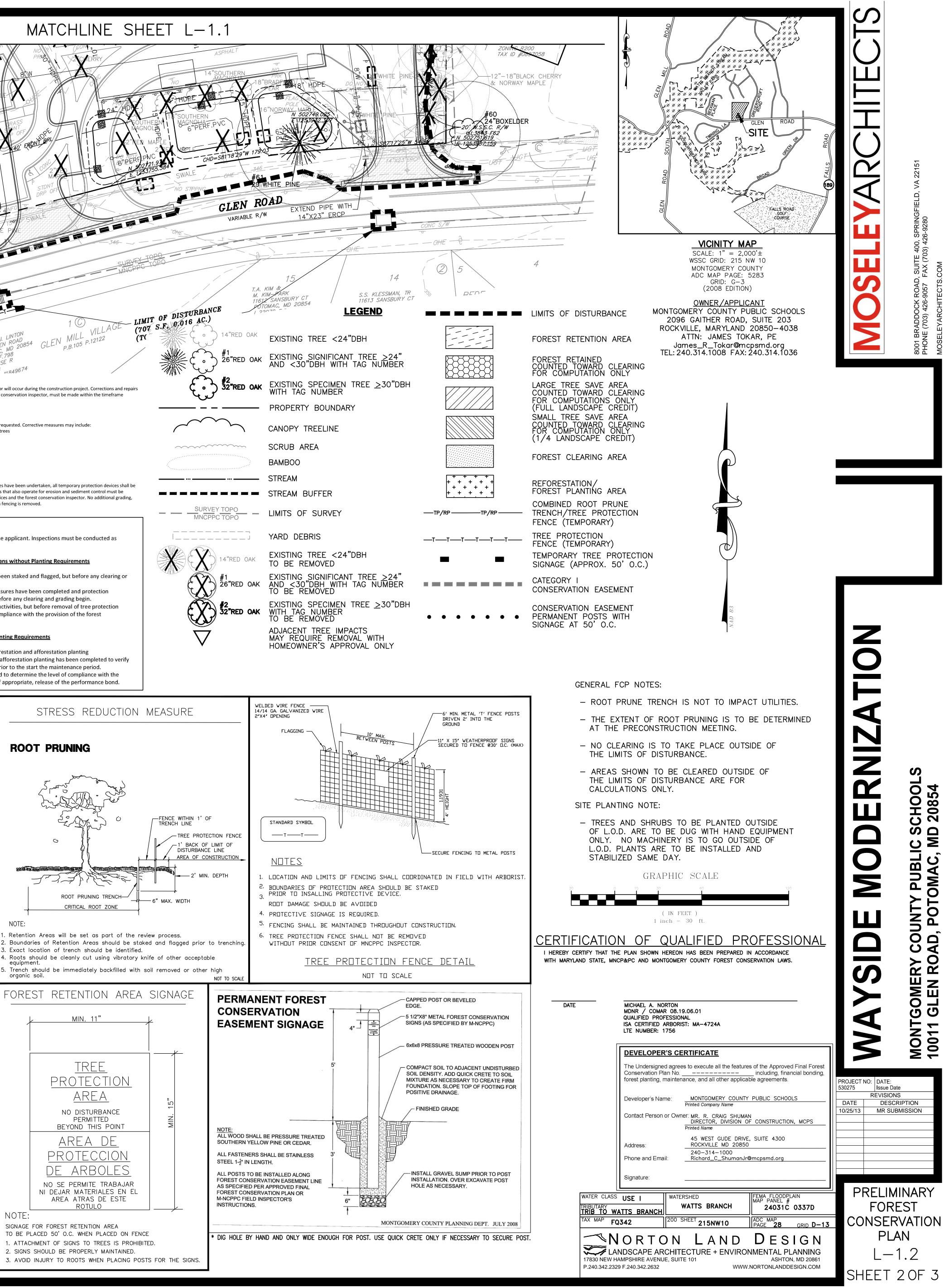
expert or an International Society of Arboriculture- certified arborist must perform all stress ntation of stress reduction measures must be either observed by the forest conservation

devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any st shown as saved on the approved plan. Temporary tree protect devices may include: (four feet high) with wire strung between support poles (minimum 4 feet high) with high visibility flagging. 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high

ces shall be maintained and installed by the contractor for the duration of construction project out prior approval from the forest conservation inspector. No equipment, trucks, materials, or ne tree protection fence areas during the entire construction project. No vehicle or equipment

ppropriate time during the construction project. Refer to the plan drawing for long-term





AREA 'A' = 0.06 ACRES	AREA ['] B' = 0.05 ACRES	AREA 'C' = 0.09 ACRES	TOTAL	BOTANICAL NAME	COMMON NAME	SIZE	UNIT/ROOT	SPACING	FORM
2	1	1	4	ACER RUBRUM	RED MAPLE	2" CALIPER	В&В	RANDOMLY 20.9'O.C.	TREE
1	1	2	4	QUERCUS RUBRA	RED OAK	2" CALIPER	В&В	RANDOMLY 20.9'O.C.	TREE
1	1	2	4	LIRIODENDRON TULIPIFERA	TULIP POPLAR	2" CALIPER	В&В	RANDOMLY 20.9'O.C.	TREE
1	1	2	4	NYSSA SYLVATICA	BLACK GUM	2" CALIPER	В&В	RANDOMLY 20.9'O.C.	TREE
1	1	2	4	QUERCUS PRINUS	CHESTNUT OAK	2" CALIPER	B&B	RANDOMLY 20.9'O.C.	TREE
1	1	1	3	HAMMAMELIS VIRGINIANA	WITCH HAZEL	3'-4' HEIGHT	CONT.	RANDOMLY 33' O.C.	SHRUB SMALL TREE
1	_	1	2	ITEA VIRGINICA	VIRGINIA SWEETSPIRE	2'-3' HEIGHT	CONT.	RANDOMLY 33' O.C.	SHRUE
_	1	1	2	AMELANCHIER CANADENSIS	SERVICEBERRY	3'-4' HEIGHT	CONT.	RANDOMLY 33' O.C.	SHRUB SMALL TREE
5 lbs.	4 lbs.	8 lbs.	17 lbs.	_	SYLVA FIELD AND FOREST MIX OR EARNST NATIVE UPLAND WILDLIFE FORAGE AND COVER MEADOW MIX: OR EQUIVALENT	_	-	80 LBS. ACRE	SEED
2 lbs.	2 lbs.	3 lbs.	7 lbs.	_	COMPANION SEED MIX OF 50% ANNUAL RYE GRASS 25% REDTOP GRASS 25% SHEEP FESCUE	_	-	8 LBS. PER 10,000 SF	SEED

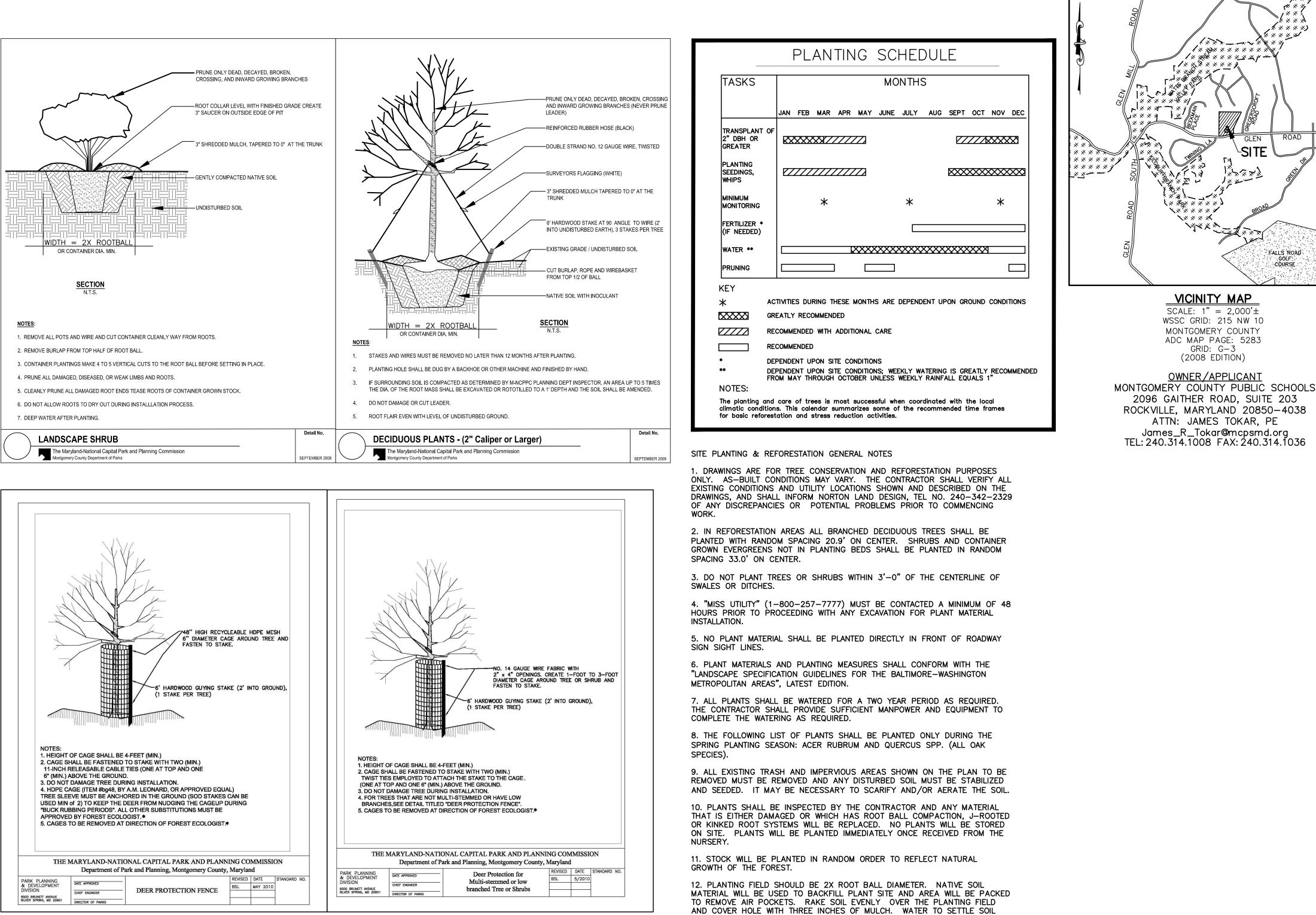
- STABILIZE DISTURBED OR BARE AREAS WITH NATIVE UPLAND MIX INDICATED AND COMPANION SEED MIX. - TREES ARE TO BE PROTECTED WITH INDIVIDUAL TREES SHELTERS PER DETAIL ON THIS SHEET OR APPROVED EQUAL.

ERADICATION AND CONTROL OF COMPETING VEGETATION IN REFORESTATION/LANDSCAPING AREA

- 1. ERADICATION EFFORTS ARE AIMED AT THE REMOVAL OF INVASIVE, EXOTIC SPECIES (TARGET SPECIES) WHICH DISPLACE OR PREVENT THE ESTABLISHMENT OF NATIVE FORESTS. ON THIS SITE, ERADICATION EFFORTS ARE FOCUSED PRIMARILY UPON BAMBOO, BUSH HONEYSUCKLE (LONICERA TARTARICA) AND WINTER CREEPER (EUONYMUS FORTUNEI). OTHER LISTED SPECIES SHALL ALSO BE CONTROLLED.
- ERADICATION EFFORTS SHALL INCLUDE THE INITIAL REMOVAL OR TREATMENT OF THE TARGET SPECIES AND THE MAINTENANCE REQUIRED TO CONTROL REGROWTH. IMPLEMENTATION AND CHOICE OF TREATMENT AND METHOD SHALL BE SUCH THAT NEITHER THE INVASIVE SPECIES NOR THE METHOD OF CONTROL ADVERSELY AFFECTS THE ESTABLISHMENT AND SURVIVAL OF NATIVE SPECIES. THE TARGET SPECIES ARE PERSISTENT AND TOTAL ERADICATION MAY NOT BE PRACTICAL OR REQUIRED. THE GOAL IS TO SUPPRESS THE TARGET SPECIES TO ALLOW THE NATIVE SPECIES TO FORM A DENSE CANOPY. THE ADDITIONAL SHADE WILL THEN MANAGE THE REGROWTH OF THE TARGET SPECIES. QUESTIONS REGARDING THE APPROPRIATENESS, OR EXTENT OF CONTROL, WILL BE AT THE DISCRETION OF THE FREDERICK COUNTY DEPARTMENT OF PUBLIC WORKS INSPECTOR; HOWEVER, A MINIMUM OF FOUR (4) APPLICATIONS OR TREATMENTS SHALL BE MADE DURING THE

2 YEAR PERIOD.

- 3. ERADICATION AND CONTROL EFFORTS WITHIN THE PROPOSED PROPERTY SHALL TAKE PLACE IN ALL FORESTATION AREAS, TREE SAVE AREAS AND ALL FOREST RETENTION AREAS (SAVED FOREST AREAS). ERADICATION AND CONTROL EFFORTS SHALL ALSO TAKE PLACE IN THE EXISTING FOREST AREAS RETAINED ON THE NEWLY CREATED PROPERTY TO SATISFY THE FRO REQUIREMENTS. AS NOTED ON THIS SHEET, ALL OF THE RETAINED EXISTING FOREST TYPE IS INCLUDED IN THE ERADICATION AREA DUE TO THE PRESENCE OF TARGET SPECIES THROUGHOUT THIS YOUNG STAND.
- ERADICATION EFFORTS SHALL BEGIN IN FOREST RETENTION AND TREE SAVE AREAS. INITIAL REMOVAL AND TREATMENT OF THE TARGET SPECIES MUST OCCUR PRIOR TO PLANTING FORESTATION AREAS.
- 5. TARGET VEGETATION WITHIN THE ERADICATION AREA SHALL BE CLEARLY FLAGGED BY THE LANDSCAPE CONTRACTOR, AND APPROVED BY MNCPPC INSPECTOR, WITH SURVEYOR'S RIBBON, OR OTHERWISE IDENTIFIED, SO AS TO PREVENT REMOVAL OF DESIRABLE SPECIES ALONG WITH THE TARGET SPECIES.
- 6. ERADICATION AND CONTROL OF THE TARGET SPECIES SHALL BE BY MECHANICAL MEANS ONLY. MECHANICAL CONTROLS INCLUDE MOWING OR CHOPPING AT OR NEAR THE GROUND LEVEL, OR THE REMOVAL OF THE PLANT BY DIGGING, OR PULLING. MOWING OR CHOPPING WILL LIKELY RESULT IN REGROWTH FROM STUMP OR ROOT SPROUTS WHICH MUST ALSO BE TREATED. REMOVAL OF THE ROOTS BY SOME MEANS OF EXCAVATION WILL DISTURB THE SOIL AND SEDIMENT CONTROL MEASURES MAY BE REQUIRED AND ARE THE RESPONSIBILITY OF THE CONTRACTOR. HOLES CREATED BY THE REMOVAL OF ROOTS ARE TO BE FILLED WITH TOPSOIL. ALL BARE GROUND AREAS RESULTING FROM MECHANICAL CONTROL METHODS ARE TO BE IMMEDIATELY STABILIZED. DISTURBED AREAS WITH SUFFICIENT LIGHT SHALL BE SEEDED PER THE IMPROVEMENT PLAN SPECIFICATIONS. DENSELY SHADED AREAS SHALL BE MULCHED WITH 2" OF SHADED HARDWOOD MULCH OR WOOD CHIPS. THE USE OF HEAVY EQUIPMENT WITHIN NON WETLAND, FLOODPLAIN AREAS IS PROHIBITED UNLESS THE SOIL IS DRY ENOUGH FOR THE EQUIPMENT TO BE SUPPORTED WITHOUT EXCESSIVE DAMAGE TO THE SOIL OR DESIRABLE GROUND COVER PLANTS. HEAVY EQUIPMENT IS NOT ALLOWED IN WETLANDS OR STREAMS.
- 7. CHEMICAL CONTROLS ARE NOT TO BE UTILIZED ANYWHERE ON SITE. ONLY MECHANICAL MEANS SHALL BE USED TO CONTROL COMPETING VEGITATION.
- BRUSH, ROOT MATS, AND DEBRIS RESULTING FROM MECHANICAL CONTROLS ARE TO BE REMOVED FROM THE SITE AND PROPERLY DISPOSED OF.
- 9. RECOMMENDED TREATMENTS ARE EXTRACTED FROM THE FOLLOWING FOREST SERVICE INFORMATION PUBLICATIONS BY PHILIP D. PANNILL. REGIONAL WATERSHED FORESTER, WESTERN REGION, MARYLAND DNR-FOREST SERVICE, 1260 MARYLAND AVENUE, HAGERSTOWN, MD 21740, PHONE (301)791-4010: "PROBLEM WEED SPECIES FOR FORESTRY IN MARYLAND" "AILANTHUS ALTISSA-CONTROLLING TREE OF HEAVEN"
- "CONTROL OF AILANTHUS IN FOREST MANAGEMENT" CONTRACTOR SHALL CONSULT THESE PUBLICATIONS FOR RECOMMENDED OPTIONS. * JAPANESE HONEYSUCKLE:MANUALLY CUT OR PULL VINES. * MULTIFLORA ROSE: REPEATED MOWING OR CUTTING.
- * TREE OF HEAVEN: INITIAL CUTTING OF TREES FOLLOWED BY FREQUENT CUTTING AND MOWING OF SPROUTS THAT CANNOT BE PULLED.
- 10. THE CONTRACTOR IS TO CHOOSE THE APPROPRIATE CONTROL MEASURES TO MATCH BOTH LOCAL CONDITIONS AND AVAILABLE SKILLED LABOR SO AS TO MINIMIZE IMPACTS TO THE ENVIRONMENT.
- 11. FOLLOWING INITIAL TREATMENT, THE ERADICATION AREAS SHALL BE MONITORED/INSPECTED AND RE-GROWTH/RE-INFESTATION SHALL BE TREATED AT LEAST TWO (2) ADDITIONAL TIMES PER YEAR DURING THE 2-YEAR MAINTENANCE PERIOD. RE-GROWTH AND RE-INFESTAION SHALL BE TREATED AS INDICATED. MONITORING AND MAINTENANCE ACTIVITIES SHALL BE DOCUMENTED BY MCPS FOR REVIEW BY MNCPPC AS REQUIRED. ANNUAL INSPECTIONS SHALL OCCUR DURING THE GROWING SEASON AFTER THE 2-YEAR MAINTENANCE PERIOD. LONG TERM CONTROL OF INVASIVE, EXOTIC SPECIES SHALL BE PER THE EXECUTED FOREST CONSERVATION MAINTENANCE AND MANAGEMENT AGREEMENT FOR PROJECT.



<u>CERTIFICATION OF QUALIFIED PROFESSIONAL</u> I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNCP&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

GENERAL FCP NOTES:

- ROOT PRUNE TRENCH IS NOT TO IMPACT UTILITIES.
- THE EXTENT OF ROOT PRUNING IS TO BE DETERMINED AT THE PRECONSTRUCTION MEETING.
- NO CLEARING IS TO TAKE PLACE OUTSIDE OF THE LIMITS OF DISTURBANCE.

AND PROVIDE MOISTURE AS NEEDED.

MEETING.

13. DEER PROTECTION MEASURES TO BE PROVIDED FOR ALL PLANTED TREES.

SPECIFIC MEASURES TO BE DETERMINED AS PART OF THE PRE-PLANTING

- AREAS SHOWN TO BE CLEARED OUTSIDE OF THE LIMITS OF DISTURBANCE ARE FOR CALCULATIONS ONLY.

SITE PLANTING NOTE:

- TREES AND SHRUBS TO BE PLANTED OUTSIDE OF L.O.D. ARE TO BE DUG WITH HAND EQUIPMENT ONLY. NO MACHINERY IS TO GO OUTSIDE OF L.O.D. PLANTS ARE TO BE INSTALLED AND STABILIZED SAME DAY.

MISS UTILITY

CALL "MISS UTILITY AT 1-800-257-7777. 48 HOURS PRIOR TO THE START OF WORK, THE EXCAVATOR MUST NOTIEY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. BEFORE EXCAVATION THE CONTRACTOR IS RESPONSIBLE FOR CALLING TICKET CHECK AT 1-866-821-4226 TO VERIFY THAT ALL UTILITIES HAVE BEEN MARKED. 48 HOURS AFTER CALLING MISS UTILITY. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

M Q IS	MICHAEL A. NO IDNR / COMAF UALIFIED PROF SA CERTIFIED A TE NUMBER: 1	r 08.19 Tession/ Arboris	AL.	24A	
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P.240.342.2329 F.240.342.2632

