



**MCPB 11-94**  
**Forest Conservation Plan No. PP2012003**  
**Woodside Urban Park**  
**Date of Hearing: October 6, 2011**

DEC 12 2011

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on September 8, 2011, the Montgomery County Department of Parks ("Applicant"), filed an application for approval of a Forest Conservation Plan on approximately 5.02 acres of land located at Woodside Urban Park, 8800 Georgia Avenue, Silver Spring ("Property" or "Subject Property"), in the 2000 North and West Silver Spring Central Business District Master Plan area; and

WHEREAS, Applicant's Forest Conservation Plan application was designated Forest Conservation Plan No. PP2012003, Woodside Urban Park Facility Plan ("Forest Conservation Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board dated September 22, 2011, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, the Planning Board held a public hearing on the Application (the "Hearing") on October 6, 2011; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 6, 2011, the Planning Board approved the Preliminary Forest Conservation Plan on a motion of Commissioner Anderson; seconded by Commissioner Presley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley all voting in favor.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board APPROVED Preliminary Forest Conservation Plan No. PP2012003 on the Property, subject to the following conditions:

Approved as to  
 Legal Sufficiency:

*[Signature]* 11/4/11

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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- 1) The Applicant must submit a revised preliminary forest conservation plan to:
  - a. Show the exact percentage of critical root disturbance to the specimen trees; and
  - b. Correct the land use category on the forest conservation worksheet from high density residential to institutional development area.
  
- 2) The Applicant must submit a final forest conservation plan consistent with the revised preliminary forest conservation plan and Section 109.B of the forest conservation regulations.
  - a. The final forest conservation plan must provide further descriptive details for the protection of all trees.
  - b. Show the locations and dimensions of proposed stock pile areas
  - c. Provide MNCPPC Standard Notes (typical sequence of events and inspection).
  - d. Provide confirmation that the Montgomery County Department of Permitting Services ("DPS") will accept the proposed trenchless sediment control devices.
  - e. Show that afforestation requirements will be met (location, species, size, tree protection measures, and acreage of trees to be planted); and
  - f. The final forest conservation plan must be approved prior to any land disturbing activities occurring on site.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County 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 the protection of environmentally sensitive features:*

**A. Forest Conservation**

The Board finds that with the conditions imposed by this Resolution, the Preliminary Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

**B. Forest Conservation Variance**

Section 5-1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and

protection (Protected Trees). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone (CRZ), requires a variance under Section 22A-12(b)(3) of the County Code. Otherwise such resources must be left in an undisturbed condition.

As more specifically identified in the Staff Report, this project will require CRZ impact to 17 Protected Trees as identified by Table 1 in the Staff Report. Therefore, a variance is required. Although the Applicant proposed tree preservation measures to help ensure tree survival of the Protected Trees, and it anticipates with the proposed protective measures that all the Protected Trees will survive construction, the variance is required simply due to the impact.

The Board made the following findings necessary to grant the Tree Variance:

1. Granting the Tree Variance will not confer on the Applicant a special privilege that would be denied to other applicants.

The granting of a variance in this case does not confer a special privilege on this Applicant. Woodside Urban Park is an underutilized, outdated park in poor condition. The project proposes to renew all aspects of the park and promote sustainability for both the user and the existing environment. Although the impacts to the CRZs of the trees will be extensive, the Applicant proposes measures and intentional outcomes to improve tree health and survivability. These measures would be imposed on any other applicant.

The proposed work includes:

- Comprehensive Individual tree protection measures (see #2, below)
- Protection and restoration of natural hydrology (groundwater recharge and water availability to trees)
- Removal of impervious surfaces
- Installation of porous pavements where needed supporting soil hydration and groundwater recharge.
- Improve soil porosity and nutrient content

2. The need for the Tree Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.

The disturbance to the CRZs of the Protected Trees are unavoidable due to the number and distribution of the trees throughout the site. Therefore any

proposed modification and upgrade to Woodside Park would result in disturbance to the CRZs of the trees. The Department of Parks hired arborists, tree care specialists, and soil experts to develop methods of protecting and treating the sites tree roots in order to maximize survival. The methods proposed include but are not limited to:

- Micro-Grading by Hand
- Supersonic Air Tools (SSAT)
- Vacuum Excavation
- Soil Amendments: Fungal tea, humate, kelp,
- Redirecting Roots
- Aeration Matting
- Non-Invasive Root Protection Measures

3. The need for the Tree Variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

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.

4. Granting the Tree Variance will not violate State water quality standards or cause measurable degradation in water quality.

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. All state and local stormwater requirements will be met to reduce stormwater runoff. In addition, the proposed elements of this plan include the installation of multiple bioretention and raingardents that will not only treat stormwater before it is discharged to streams, but the treatments will provide groundwater recharge as well as educational opportunities.

Therefore, the Planning Board finds that the Application, as conditioned, satisfies all applicable requirements of the Forest Conservation Law.

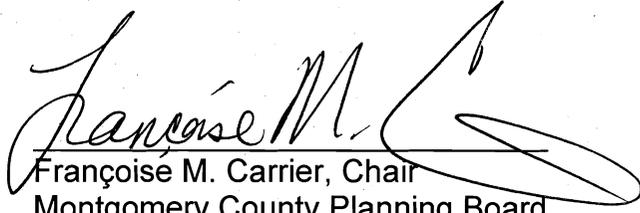
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is DEC 11 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

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 motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, October 27, 2011, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board