




## Luxmanor Elementary School, Amended Final Forest Conservation Plan No. MR2007203

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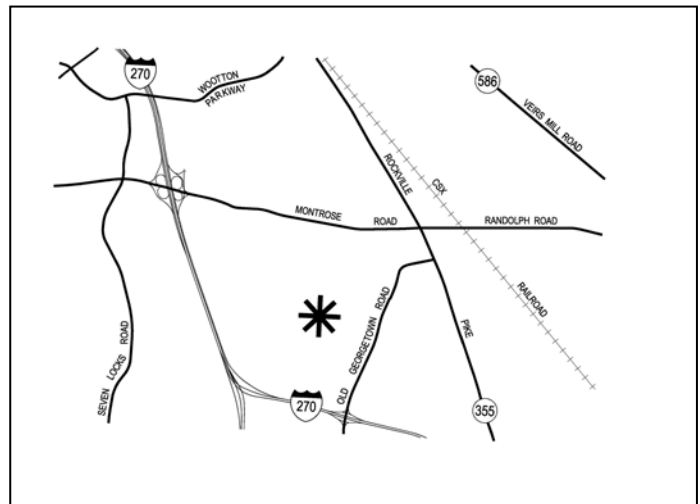
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### Description

Request to amend the Final Forest Conservation Plan (which includes Luxmanor Elementary School and Luxmanor Local Park) with the associated Mandatory Referral Luxmanor Elementary School, MR2018022, which will allow for increased capacity and modernization by constructing a new school building, bus loop, staff/student drop off loop, loading dock, three asphalt play areas, two mulch play areas, concrete sidewalks, and a concrete extension for fire access.

Location: 6201 Tilden Lane, Rockville, Maryland;  
Master Plan: 1992 *North Bethesda/Garret Park Master Plan*;  
Zone: R-200;  
Size: 12.99 acres;  
Acceptance Date: April 18, 2018;  
Applicant: Montgomery County Public Schools (MCPS);  
Review Basis: Chapter 22A, Forest Conservation Law.



### Summary

- Staff recommends approval with conditions.
- The Applicant proposes to:
  - Remove 0.08 acres of existing Category I Forest Conservation Easement;
  - Create 0.16 acres of new Category I Forest Conservation Easement off-site; and
  - Remove nine trees and impact 15 trees that require a variance, per Section 22A-12(b)(3).
- The Planning Board action on a Mandatory Referral is advisory, but the Board decision on the related Forest Conservation Plan is regulatory and binding.

## **RECOMMENDATION AND CONDITIONS**

Pursuant to Chapter 22A of the County Code, the Board's actions on Forest Conservation Plans are regulatory and binding. Staff recommends approval of the Final Forest Conservation Plan, subject to the following conditions:

1. Limits of disturbance on the Sediment Control Plan must match the limits of disturbance shown on the Amended Final Forest Conservation Plan.
2. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record a deed of release to remove the 4,293 square feet of Category I Conservation Easement on the Subject Property as shown on the Amended FFCP. The deed of release must be in a form approved by the Maryland-National Capital Park & Planning Commission Office of the General Counsel.
3. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record in Land Records of Montgomery County, Maryland a Certificate of Compliance, approved by the M-NCPPC Office of General Counsel, to use an offsite forest mitigation bank. The Certificate of Compliance must certify the purchase of 8,586 square feet of mitigation credit equivalent to either 8,586 square feet of forest planting or 17,172 square feet of existing forest retention for the partial removal of Category I Forest Conservation Easement on the Subject Property.
4. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must submit a forest conservation maintenance and management agreement and have it approved by the Planning Department.
5. A copy of the maintenance and management agreement must be kept at Luxmanor Elementary School and given to the Montgomery County Public Schools (MCPS) maintenance staff to ensure compliance with conditions of the Forest Conservation Plan.
6. The Applicant must coordinate with M-NCPPC Department of Parks Urban Forester on tree protection measures for the playground demolition to ensure adequate protection for Park trees.

## **PROJECT DESCRIPTION AND BACKGROUND**

### **Project Description**

Montgomery County Public Schools (MCPS) proposes to demolish the two oldest wings of the existing building and build a new three-story wing by Mandatory Referral MR2018022, Luxmanor Elementary School. The two-story building wing, constructed in 2008, will remain and be connected to the new addition. The student drop-off and bus-loops have been reconfigured to separate traffic and increase queuing lanes while using the existing curb-cuts on Tilden Lane.

### **Site Description**

The 12.99-acre property (Subject Property or Property – outlined in red in Figure 1) is located at 6201 Tilden Road, west of Old Georgetown Road and includes Luxmanor Elementary School and Luxmanor Local Park. The Property fronts on Tilden Lane to the south and single-family residential properties confront the site on all sides. The Property is located in the Cabin John Creek watershed and not within any Special Protection Areas.

The Subject Property has a stream on M-NCPPC park property, with an associated stream valley buffer and floodplain. A stream valley buffer from an off-site stream also extends onto the Subject Property from the adjacent property to the west. The stream valley buffers are forested and in Category I Conservation Easements on MCPS property. The stream valley buffers are partially forested on M-NCPPC property. No new development or disturbance is proposed in the stream valley buffers. There is 3.57 acres of forest on the Subject Property.

## ANALYSIS

### Forest Conservation

The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted an Amended Final Forest Conservation Plan (FFCP) in conjunction with the Mandatory Referral (Attachment 1). A Preliminary Forest Conservation Plan was approved by the Planning Board with Mandatory Referral MR2007203 on October 11, 2007, to allow the construction of an addition to the existing school. An FFCP was approved by Staff on November 6, 2007. The first Amended FFCP was approved by Staff on June 24, 2008 to allow for minor changes to the limits of disturbance. The second Amended FFCP was approved by Staff on November 5, 2012 to allow for the construction of a sewer extension.

The proposed amendment to the FFCP will allow for the construction of a new school building (connected to the previously approved addition), bus loop, staff/student drop off loop, loading dock, three asphalt play areas, two mulch play areas, concrete sidewalks, and a concrete extension for fire access. MCPS is proposing to remove 0.1 acres of Category I Forest Conservation Easement and compensate for the removal off-site at a ratio of 2:1. Staff agrees with this proposal, because the MCPS property is constrained and the M-NCPPC property is heavily used for active recreation and does not have extra space on it for planting.

### Forest Conservation Variance

Section 22A-12(b) (3) of Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires a variance to



Figure 1: Vicinity Map

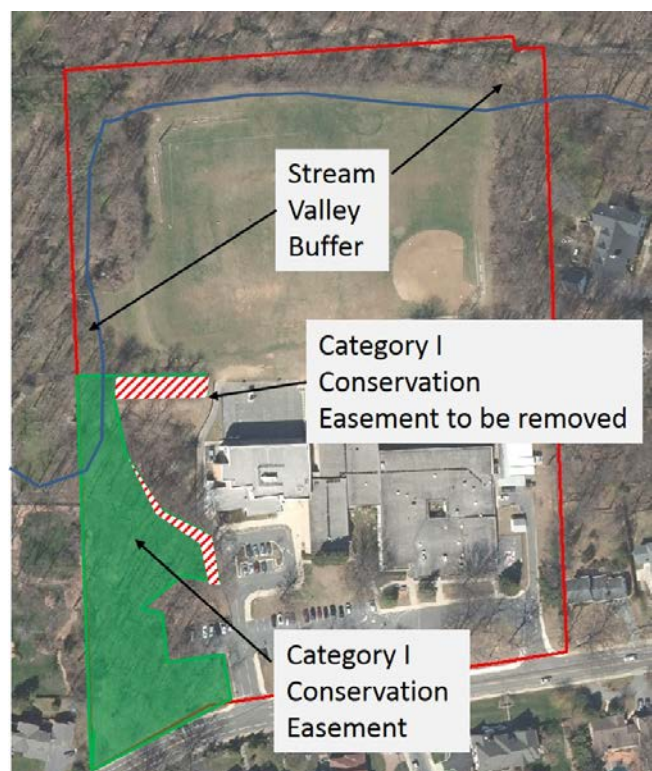


Figure 2: Subject Property

impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to these trees, including removal or disturbance within the 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 County Forest Conservation Law.

The Applicant submitted a variance request to remove nine trees and to impact, but not remove, 15 trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law (Attachment 2). The Applicant will plant 27 3" caliper native shade trees to replace the form and function of the variance trees proposed for removal.

### **Unwarranted Hardship for Variance Tree Impacts**

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the location of the existing trees on and around the site, the need to demolish most of the existing school building and parking area prior to constructing the new school building and associated circulation.

Leaving the requested trees in an undisturbed state would result in an unwarranted hardship because the Applicant would not be able to remove part of the existing building or build a new building and circulation systems.

### **Variance Tree Tables**

#### Removals

ID	Species	Size	Condition	Notes
T19	Yellow poplar	32"	Fair	Playground development and associated grading
T21	Yellow poplar	35"	Fair	Emergency access and associated grading
T23	Yellow poplar	33"	Fair	Emergency access and associated grading
T25	Southern red oak	32"	Fair	Emergency access and associated grading
T26	Yellow poplar	36"	Fair	Emergency access and service area
T27	Yellow poplar	36"	Fair	Emergency access and associated grading
T31	Pin oak	42"	Good	Internal to bus loop
T32	Pin oak	41"	Good	Internal to parent drop-off loop
T33	Pin oak	32"	Good	Pedestrian improvements at entrance

#### Impacts

ID	Species	Size	Condition	Notes
T13	Southern red oak	50"	Good	Impacts due to stormwater management
T14	White oak	30"	Fair	Impacts due to stormwater management
T22	Yellow poplar	36"	Fair	Impacts due to emergency access and service area
T28	Red oak	34"	Good	Impacts due to bus drop-off loop expansion
T30	Red oak	37"	Good	Impacts due to bus loop expansion
T40	Yellow poplar	30"	Good	Impacts due to parking expansion

ID	Species	Size	Condition	Notes
T42	Yellow poplar	36"	Good	Impacts due to parking expansion and stormwater management
T104	Yellow poplar	30"	Good	Impacts due to parking expansion
T120	Yellow poplar	50"	Good	Impacts due to stormwater management
T130	Yellow poplar	31"	Good	Impacts due to emergency access to and service area
T133	Yellow poplar	31"	Good	Impacts due to emergency access and service area
T139	Red oak	32"	Good	Impacts due to emergency access and service area
T142	White oak	32"	Good	Impacts due to emergency access and associated grading
T143	White oak	30"	Good	Impacts due to emergency access and associated grading
T146	Red oak	30"	Good	Impacts due to pedestrian improvements

**Variance Findings** - Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to demolish existing school buildings and build new expanded buildings and associated circulation and parking facilities. The proposed development is the continuation of an existing, reasonable use of the site and disturbance has been minimized to retain trees where possible. The size and configuration of the site preclude alternative site designs that would allow the variance trees to remain undisturbed.

2. *The need for the variance is not 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 that are the result of actions by the Applicant. The variance is necessary due to the constraints of size, the requirements to demolish existing facilities, and the location of the existing trees on and around the site. The Applicant has designed the proposed school to minimize forest removal, which adds an additional constraint. The Applicant has redesigned the service area to minimize impacts to trees on adjacent property and has worked with Montgomery County Parks Department Staff to protect trees on Luxmanor Local Park.

3. *The need for the variance 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 location of trees and the impacts by the proposed layout of the new school facility, which must meet the grades of the retained school facility, and

not a result of land or building use on a neighboring property. The impact to the trees is the minimum disturbance necessary to demolish a portion of the existing school building and build the new facility and associated upgrades to the site.

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

The Applicant will plant 27 3" caliper native shade trees to replace the form and function of the variance trees proposed for removal. In addition, the site will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management, including the provision of Environmental Site Design to protect natural resources to the maximum extent practicable. Water quality will improve with the proposed development and State water quality standards will not be violated.

#### Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove nine trees. The nine trees (listed in the removal table above) are outside of a forest and will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant 27, 3" caliper trees, as shown on the Amended FFCP.

#### 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 County Arborist has reviewed the variance request and recommended approval with mitigation (Attachment 3).

Variance Recommendation - Staff recommends that the variance be granted.

### **CONCLUSION**

Staff concludes that the proposed Preliminary Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Staff therefore recommends that the Planning Board approve the Preliminary Forest Conservation Plan and associated variance, with the above conditions.

#### **Attachments:**

1. Amended Final Forest Conservation Plan
2. Variance request
3. Letter from County Arborist





NOTES:  
- TREES ARE TO BE GUARANTEED FOR TWO YEARS.  
- ALL PLANTS SHALL BE WATERED FOR A TWO YEAR PERIOD AS REQUIRED.



10/18/87

## E-1.2

[illegible]







February 14, 2018

Maryland National Capital Park and Planning Commission (M-NCPPC)  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Luxmanor Elementary School  
Request for Specimen Tree Variance  
MNCPPC NRI# 420072760  
FCP# MR-07203-MCPS-1  
NORTON #13-028

Dear Amy Lindsey,

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 Luxmanor Elementary School is located at 6201 Tilden Lane in Rockville, Montgomery County, Maryland. This is a 6.46-acre site owned by the Montgomery County Board of Education. The previous approved Forest Conservation Plan includes the Luxmanor Park owned by MNCPPC. The school property has been developed with the Luxmanor Elementary School, portable classroom buildings, parking areas and play areas and the MNCPPC property has been developed with ball fields utilized by both schools and parks. Forested areas are present along the western, northern and eastern property lines. The site is surrounded by residential properties on the eastern, western, and southern sides and borders commercial office buildings on the northern side.

Proposed construction consists of a building addition, improved circulation and parking, sidewalks, additional hard play surfaces 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 is to provide the community with an updated school facility that can accommodate a growing number of students as well as a modernized, safe and healthy environment for young students to learn.

The property is extremely small for an elementary school with an existing forest conservation easement. Specimen trees are present throughout the property and on adjacent properties.

This work will require disturbance of the root zones of a total of twenty-four (24) specimen trees. Nine (9) of the impacted trees will be required to be removed. The removal of specimen trees are due to the proposed building and parking in relationship to the tight property. The impacted trees are for those areas around the edge of forest that are associated with grading for the addition and site circulation.

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, safe access drive aisles, parking and ballfield 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 has been approved by the Montgomery County

Department of Permitting Services to ensure that this criterion is enforced. Specimen trees within the open space (outside of forest) will be mitigated onsite. 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:** Presently there is forest along the edges of the property that will be retained to the greatest extent possible. Additional reforestation is proposed along with an expansive landscape planting plan. Additional canopy 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 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) 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.



			SpecimenTree Summary 30" +								
Tree #	Species	Species	D.B.H	Critical Root	Critical Root Zone	Percent of CRZ	Tree	Comments	Status	Variance	
	Scientific Name	Common Name	(inches)	Zone (Sq. Ft.)	Impacts	Impacted (SF)	Condition				
T13	QUERCUS FALCATA	SOUTHERN RED OAK	50	17671	3082	17%	GOOD		IMPACTS ONLY	YES	
T14	QUERCUS ALBA	WHITE OAK	30	6362	6362	100%	FAIR		IMPACTS ONLY	YES	
T19	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	32	7238	7238	100%	FAIR		REMOVAL	YES	
T21	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	35	8659	3674	42%	FAIR		REMOVAL	YES	
T22	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	36	7698	2636	34%	FAIR		IMPACTS ONLY	YES	
T23	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	33	7698	1648	21%	FAIR		REMOVAL	YES	
T25	QUERCUS FALCATA	SOUTHERN RED OAK	32	7238	2518	35%	FAIR		REMOVAL	YES	
T26	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	36	9161	9161	100%	FAIR		REMOVAL	YES	
T27	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	36	9161	9161	100%	FAIR		REMOVAL	YES	
T28	QUERCUS RUBRA	RED OAK	34	8171	3928	48%	GOOD		IMPACTS ONLY	YES	
T30	QUERCUS RUBRA	RED OAK	37	9677	3476	36%	GOOD	SOME FUNGUS AT THE BASE	IMPACTS ONLY	YES	
T31	QUERCUS PALUSTRIS	PIN OAK	42	12469	12469	100%	GOOD		REMOVAL	YES	
T32	QUERCUS PALUSTRIS	PIN OAK	41	11882	11882	100%	GOOD		REMOVAL	YES	
T33	QUERCUS PALUSTRIS	PIN OAK	32	7238	7238	100%	FAIR	WIRES	REMOVAL	YES	
T40	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	30	6362	800	13%	GOOD	TW (22.21), VINES	IMPACTS ONLY	YES	
T42	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	36	9161	3721	41%	GOOD	SPLITS @ 3(9.16,26)	IMPACTS ONLY	YES	
T104	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	30	6362	5	0%	GOOD	SPLITS @ 6.5(14,18)	IMPACTS ONLY	YES	
T120	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	50	17671	1189	7%	GOOD		IMPACTS ONLY	YES	
T130	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	31	6793	16	0%	GOOD		IMPACTS ONLY	YES	
T133	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	31	6793	29	0%	GOOD		IMPACTS ONLY	YES	
T139	QUERCUS RUBRA	RED OAK	32	7238	1122	16%	GOOD		IMPACTS ONLY	YES	
T142	QUERCUS ALBA	WHITE OAK	32	7238	2307	32%	GOOD		IMPACTS ONLY	YES	
T143	QUERCUS ALBA	WHITE OAK	30	6362	2216	35%	GOOD		IMPACTS ONLY	YES	
T146	QUERCUS RUBRA	RED OAK	30	6362	618	10%	GOOD	WIRES	IMPACTS ONLY	YES	

### **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,



Michael Norton



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Patty Bubar  
Acting Director

June 1, 2018

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

RE: Luxmanor Elementary School, ePlan MR2018022, application for mandatory referral accepted on 4/18/2018

Dear Mr. Anderson:

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

Mr. Anderson

June 1, 2018

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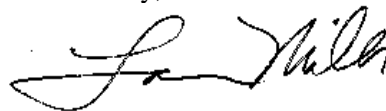
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting all 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as 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,

A handwritten signature in black ink, appearing to read 'Laura Miller', written in a cursive style.

Laura Miller  
County Arborist

cc: Amy Lindsey, Planner Coordinator