



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

November 3, 2015

4931 Fairmont LLC
c/o Edward Lenkin
4922-A St. Elmo Ave.
Bethesda, MD 20814

Re: Forest Conservation Exemption Request and Simplified NRI/FSD No. 42016068E
Property Name: St. Elmo Apartments
Action Taken: Confirmed and Approved on 11/3/2015

Dear Edward Lenkin:

On October 29, 2015, Development Applications and Regulatory Coordination Staff of the Montgomery County Planning Department received a forest conservation exemption request for the St. Elmo Apartments development. The Exemption being applied for is a Chapter 22A-5(s)(2) exemption for an activity on a small lot. Included with the application is a Simplified Natural Resource / Forest Stand Delineation titled "FCP Exemption Plan" which shows the existing conditions and the proposed limits of disturbance. The Simplified NRI/FSD and Exemption Request plan number is 42016068E.

A Chapter 22A-5(s)(2) Exemption Request, is for an activity on a tract of land less than 1 acre that will not result in afforestation requirements in excess of 10,000 square feet and will not result in the clearing of 20,000 square feet of forest or existing specimen or champion tree. Forest in any priority area is to be preserved.

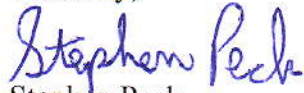
The proposed activity is on a tract of land approximately 0.81 acres in size. The proposed activity does not trigger afforestation requirements. No forest or champion tree exists on the property or within 100 feet of the property. A specimen tree, a 38 inch dbh (diameter at 4 feet above ground) willow oak tree, exists with the project's tract area. This specimen tree is within the proposed construction disturbance.

Since a specimen tree exists on the property and is within the proposed disturbed area, this exemption request cannot be confirmed without the tree save plan provision. The tree save plan provision (Chapter 22A-6(b)) applies to this project since the project would be exempt under Section 22A-5(s)(2), except that the proposed activity involves the clearing of a specimen willow oak tree. As a result, a tree save plan must be submitted and approved. This plan must mitigate for the loss of the specimen willow oak tree and the mitigation must be based on the size and character of the tree to be cleared.

Forest Conservation Exemption Request No. 42016068E for St. Elmo Apartments is confirmed with the tree save plan provision. The Simplified NRI/FSD for the project is approved. A tree save plan must be submitted for approval at the time of preliminary plan.

Any changes from the confirmed Forest Conservation Exemption Request and approved Simplified NRI/FSD may constitute grounds to rescind or amend any approval actions taken.

Sincerely,



Stephen Peck

Senior Planner

Development Applications and Regulatory Coordination
M-NCPPC - Montgomery County Planning Department

CC: Stephen Cook, VIKA Maryland LLC.