






**John F. Kennedy High School**  
**B. Preliminary Forest Conservation Plan, MR2020010**

---

-  Tamika Graham, Senior Planner, Area 2 Division, [tamika.graham@montgomeryplanning.org](mailto:tamika.graham@montgomeryplanning.org), 301.495.4551
-  Patrick Butler, Regulatory Supervisor, Area 2 Division, [patrick.butler@montgomeryplanning.org](mailto:patrick.butler@montgomeryplanning.org), 301.495.4561
-  Carrie Sanders, Chief, Area 2 Division, [carrie.sanders@montgomeryplanning.org](mailto:carrie.sanders@montgomeryplanning.org), 301.495.4653
- 

**Description**

Completed: 1/17/20

Preliminary Forest Conservation Plan (PFCP) associated with the three-story building addition on the southwest corner of the existing John F. Kennedy (JFK) High School building to allow for an increased enrollment capacity of 2,221 students and associated site improvements.

Location: 1901 Randolph Road, Silver Spring.

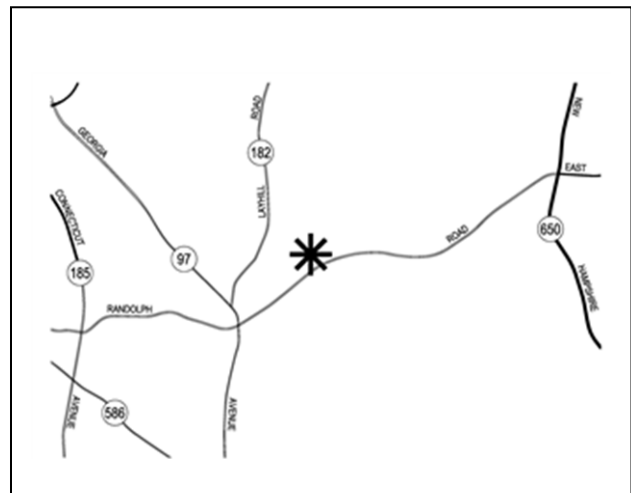
Zone: R-90.

Master Plan: 1989 *Communities of Kensington-Wheaton Master Plan* area.

Size: 29.09 acres

Application Accepted: December 5, 2019.

Applicant: Montgomery County Public Schools (MCPS).



**Summary**

- Staff recommends approval with conditions.
- The Applicant proposes to:
  - Clear a total of 1.36 acres of forest, retain 2.17 acres of forest, and purchase 3.57 acres using credits in an off-site forest bank.
  - Remove 1 tree and impact but not remove 1 tree that requires a variance, per Section 22A 12(b)(3).
- No correspondence has been received on this application.
- Pursuant to Chapter 22A, the Forest Conservation Law, the Planning Board's actions on Forest Conservation Plans are regulatory and binding.

## RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Preliminary Forest Conservation Plan No. MR2020010, subject to the following regulatory and binding conditions:

1. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services, the Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
2. The Final Forest Conservation Plan must show the native shade trees as planting mitigations for the loss of specimen trees requiring a variance removed at the rate of one inch replaced for every four inches (d.b.h.) removed, using planting stock no smaller than three inches caliper, prior to issuance of Use and Occupancy Certificate.
3. All trees credited towards variance mitigation must be at least five (5) feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements, as shown on the Certified Preliminary Forest Conservation Plan.
4. The applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspector.
5. Prior to the start of any clearing, grading, or demolition on the property, the applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed.
6. At the direction of the M-NCPPC Forest Conservation Inspector, the applicant must install permanent conservation easement signage along the perimeter of the conservation easements. Exact locations of the signs to be determined by the M-NCPPC forest conservation inspector to best define the limits of the conservation easement.
7. Prior to any demolition, clearing, grading or construction on the Property, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the reforestation requirement for a total of 3.57 acres of mitigation credit. Off-site requirement may be met by purchasing from a mitigation bank elsewhere in the County if forest is unavailable for purchase within the Northwest Branch Creek watershed.
8. The Limits of Disturbance on the Final Sediment Control Plan must be consistent with the final Limits of Disturbance as shown on the approved Final Forest Conservation Plan.
9. Prior to any land disturbing activities, the Applicant must hold a pre-construction meeting with the M-NCPPC Forest Conservation Inspector.
10. The Applicant must schedule the required site inspections by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
11. Prior to certification of the plans, coordinate with M-NCPPC Staff on minor corrections and clarifications as necessary.
12. Copies of the Final Forest Conservation Plan and recorded Category I Conservation Easement must be kept at John F. Kennedy High School and given to the school maintenance staff(s) to ensure compliance with conditions of the Final Forest Conservation Plan.

## INTRODUCTION

This report consists of staff review of the Preliminary Forest Conservation Plan associated with the Mandatory Referral for the proposed construction of a building expansion of the High School, reconstructed athletic field, parking lot and bus loop. While the Planning Board action on a Mandatory Referral is advisory, the Forest Conservation Plan is regulatory and binding.

### Site Description and Proposed Project

The Preliminary Forest Conservation Plan is associated with the building expansion of the existing JFK High School ("Property" or "Subject Property") shown in Figure 1, which is 29.09 acres, including 0.13 acres of off-site limit of disturbance (LOD) on Property that is owned by the Montgomery County Board of Education. Located within the 1989 *Communities of Kensington-Wheaton Master Plan* area, the Subject Property currently consists of a high school building, athletic fields, basketball courts, tennis courts, and associated parking. Vehicle access to the building is from two existing access points - one on Randolph Road, east of Middlevale Lane, and the second on Middlevale Lane, opposite of Middlevale Terrace, north of Randolph Road. The Property is zoned R-90 and is surrounded immediately by predominately single-family detached residential uses, also within the R-90 zone. Generally, the Subject Property is near the Glenallan Elementary School, Glenmont Metro Station, and the Glenmont Shopping Center to the southwest, Wheaton Regional Park to the south, the Montgomery County Public Schools bus depot to the southeast, (opposite of Randolph Road), and the Tivoli Subdivision to the north.



Figure 1: Site Vicinity (Subject Property outlined in red)



Currently, the Property contains 3.53 acres of forest across three distinct forest stands that are all considered priority for High Retention. Located along Middlevale Lane, Forest Stand #1 is dominated by White Oak, to the north east of the property Forest Stand #2 by Black Locust, and along the northern property line Forest Stand #3 by Maple. Generally, the Property has steep slopes present to the east, along the western property line near Middlevale Lane (and within Forest Stand #1), and in between the existing athletic field and track (Figure 2).

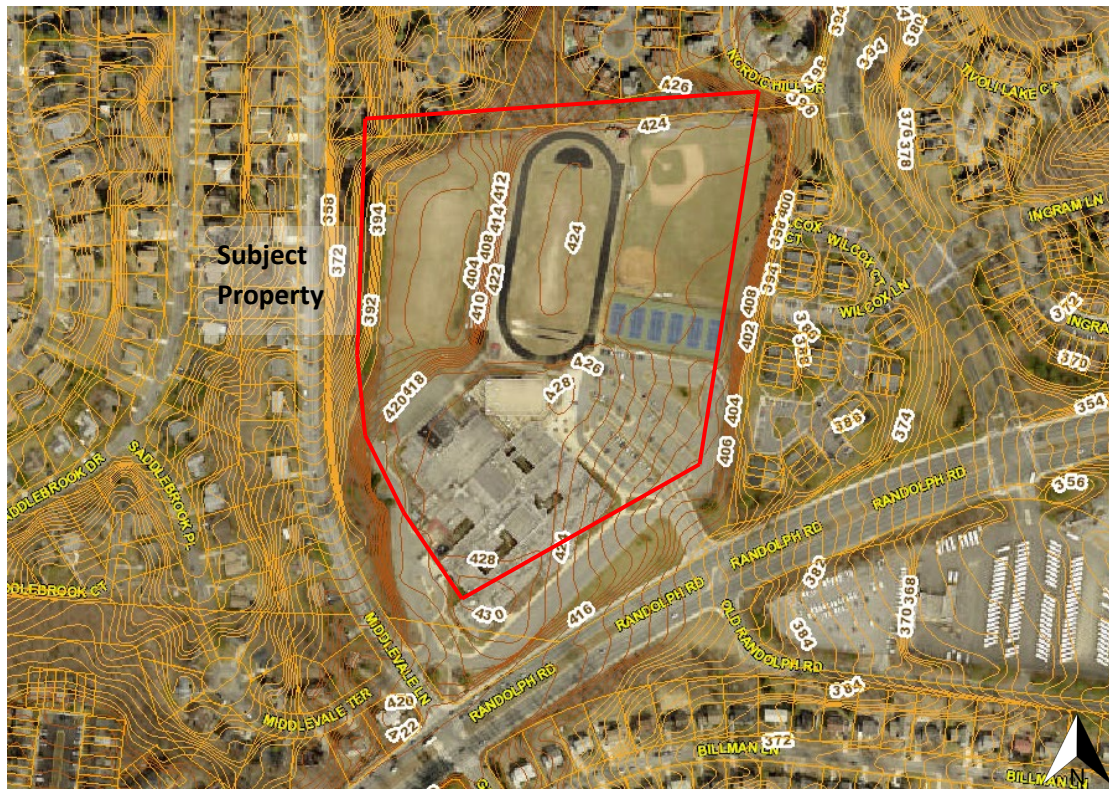


Figure 2: Existing Slopes on Subject Property (outlined in red)

The existing school is two-stories, and the Applicant proposes to construct a new, three-story, 17,000 square foot addition on the southwest corner of the main building which will include eight new classrooms, labs, and other learning spaces. The total capacity of the school will now be 2,221 students. As a result of the location of the building addition, the existing adjacent parking on the western side of the Property will be redesigned with 29 parking spaces and associated retaining walls. Parking on the eastern portion of the property will be expanded, restriped and reconstructed with elevated tennis courts above the expanded parking area. Overall, the school will have 384 parking spaces. The two existing access points on Randolph Road and Middlevale Lane will remain, with the latter access point undergoing a widening. A new drive aisle is proposed of which will facilitate additional queuing needed for student drop-off.

Currently, the existing recreational facilities are located to the north of the Subject Property, behind the existing school building and parking lots. The Applicant also proposes to replace the existing natural grass full-sized rectangular field with an artificial turf field. Other on-site improvements include new pedestrian paths, utility improvements, school bus circulation, and stormwater management facilities. In the future the school may also add a school-based wellness center. Except for utilities, no improvements within the public right-of-way are anticipated. To accommodate the redesigned parking



areas on the western and eastern portions of the property, the Applicant proposes to remove several sections of the existing forest (as shown in Figure #4 through Figure #7). The proposed school building expansion project will be designed in compliance with MCPS's 2014 Environmental Sustainability Management Plan and will be implementing the International Green Construction Code (IgCC).

As of the date of this Staff Report, the Montgomery County Department of Permitting Services (MCDPS) is currently reviewing a stormwater management concept plan. Stormwater management will be implemented through an environmental site design (ESD) plan that includes two (2) micro-bioretention facilities and two (2) planter box facilities. The Applicant proposes additional improvements that will include erosion control and outfall stabilization.

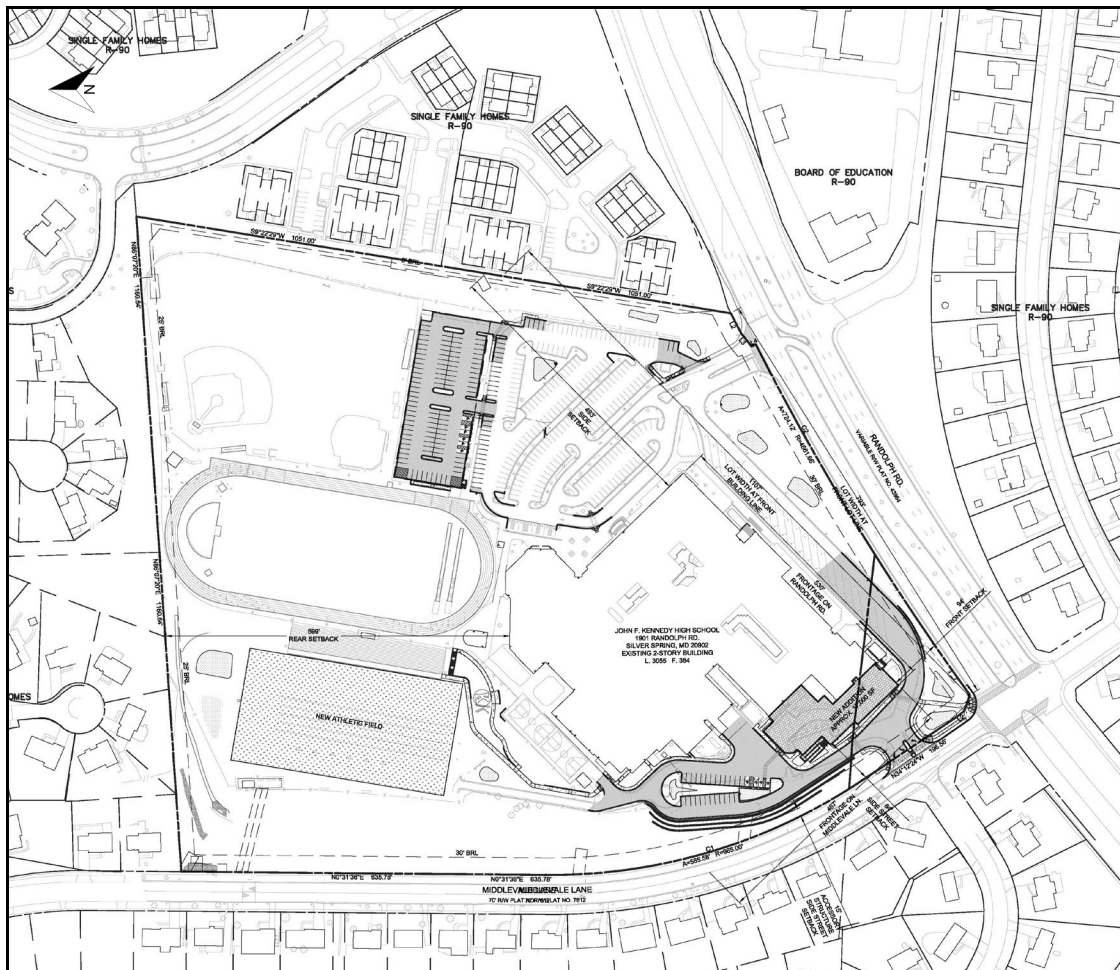


Figure 3: Proposed Site Improvements

## **ANALYSIS**

### **Environmental Guidelines**

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420200090) for the Property on September 6, 2019. The Subject Property is affected by steep slopes ( $\geq 25\%$ ). Specifically, steep slopes are found along the eastern edge of the Property adjacent to the parking, tennis courts, and ballfields, and the along the western edge of the Property from the athletic field, track field, and basketball courts and stretching across to the entrance on Middlevale Lane. The Property contains no streams or stream buffers, wetlands or wetland buffers, 100-year floodplains, known habitats of rare, threatened and endangered species, historic resources, or erodible soils on the Property. The Property contains a total of 21 trees  $\geq 24"$  diameter at breast height (DBH) and is zoned R-90.

The building addition onto the southwest corner of the existing main high school building has been designed to minimize environmental impacts and avoid impacts to individual trees and the forest stands to the greatest extent feasible. Therefore, the proposed project follows the Environmental Guidelines, because the Applicant is avoiding impacting the existing natural resources as much as possible and will mitigate for the proposed tree removal.

### **Forest Conservation**

The Property is subject to the Montgomery County Forest Conservation Law and the Applicant has submitted a Preliminary Forest Conservation Plan (PFCP) shown in Attachment 1, in conjunction with Mandatory Referral No. 20200010. As previously noted, there is 0.53 acres of forest on-site, in three stands of upland hardwoods that are each considered Priority 1 for High Retention due to the specimen trees. The Subject Property's forest stands are in various portions along the perimeter of the Property. The property is an institutional development which gives the Property an afforestation requirement of 15 percent of the net tract and a conservation threshold of 20 percent.

#### Preliminary Forest Conservation Plan

The PFCP proposes to disturb the root zones of two (2) specimen trees of which one (1) tree will be removed. A total of 1.36 acres of forest is proposed to be cleared, 2.17 acres of forest is proposed to be retained, and a total of 3.57 acres of forest is required for reforestation and afforestation. The Applicant proposes to satisfy the planting requirement of 3.57 acres by purchasing credits in an approved off-site forest bank within the same watershed. Some forest shown as removed on the PFCP will be retained but unprotected as shown in Figure 4 through Figure 7. This is due to existing utilities and an existing gravel area that are without an easement but will remain within the retained forest area. Actual forest removal is to accommodate the building addition and parking expansion on the southwest portion of the Property and stormwater management facilities in various places strategically near existing parking on the Property.

#### 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 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 dated November 12, 2019, revised on December 30, 2019, for the impacts to trees (Attachment 2). As shown below in Table 1, the proposed layout will remove one tree and impact but not remove one tree that is considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

Table 1: Specimen Tree Summary and Variance Request

Variance Tree #	Species	D.B.H.	% of CRZ Impacted	Tree Condition	Status	Variance Request
15	White Oak	32"	50%	Good	Remove	✓
19	Red Oak	34"	9%	Good	Impact/ Save	✓

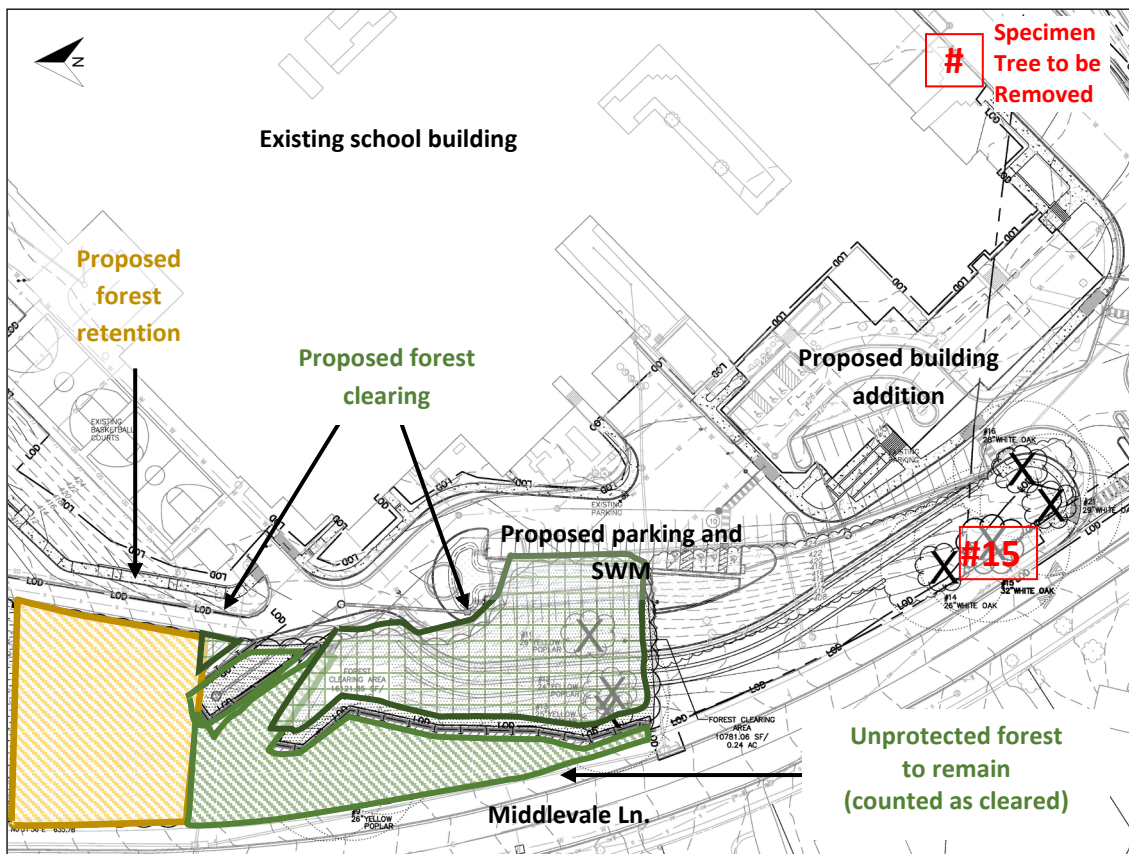


Figure 4: Forest Cleared & Retained & Location of Variance Tree – Southwest Section of Subject Property

Proposed site improvements are generally confined to areas outside of the forest. The two (2) proposed variance trees are located at the edges of the Subject Property (Figure 4 and Figure 7). Leaving the requested two (2) trees in an undisturbed state would result in an unwarranted hardship because the Applicant could not apply an alternative site arrangement that will effectively address the expansion for needed student capacity, parking and stormwater management improvements.



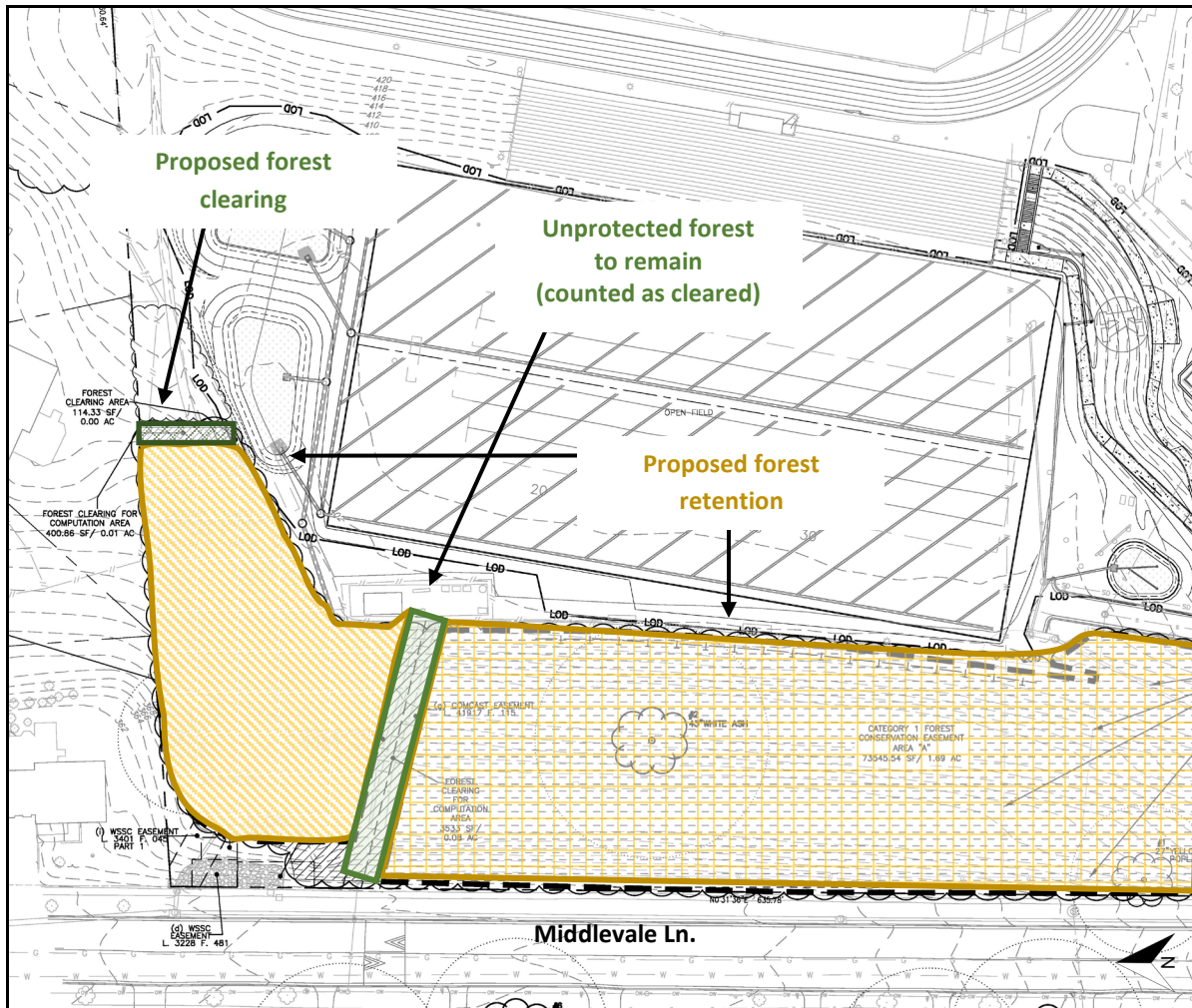


Figure 5: Proposed Forest Cleared and Retained – Northwest Section of Subject Property

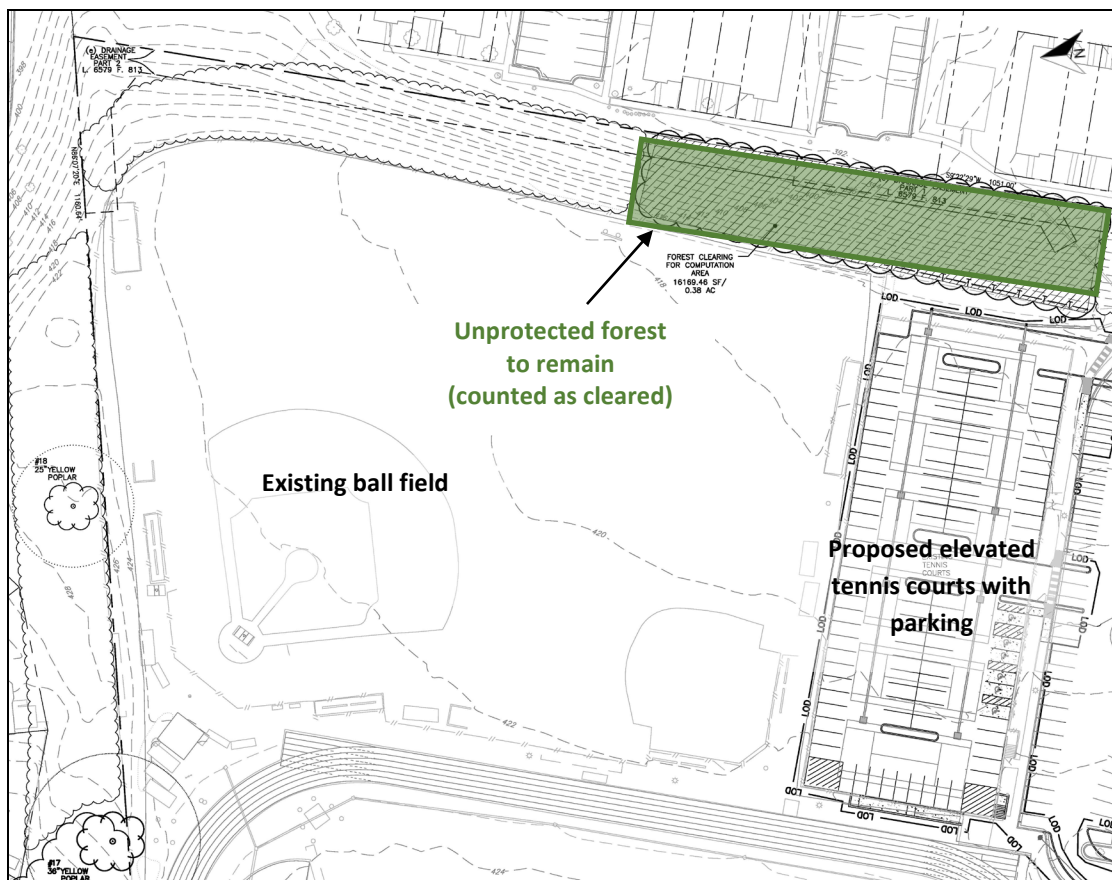


Figure 6: Location of Unprotected Forest for Clearing Computation – Northeast Section of Subject Property

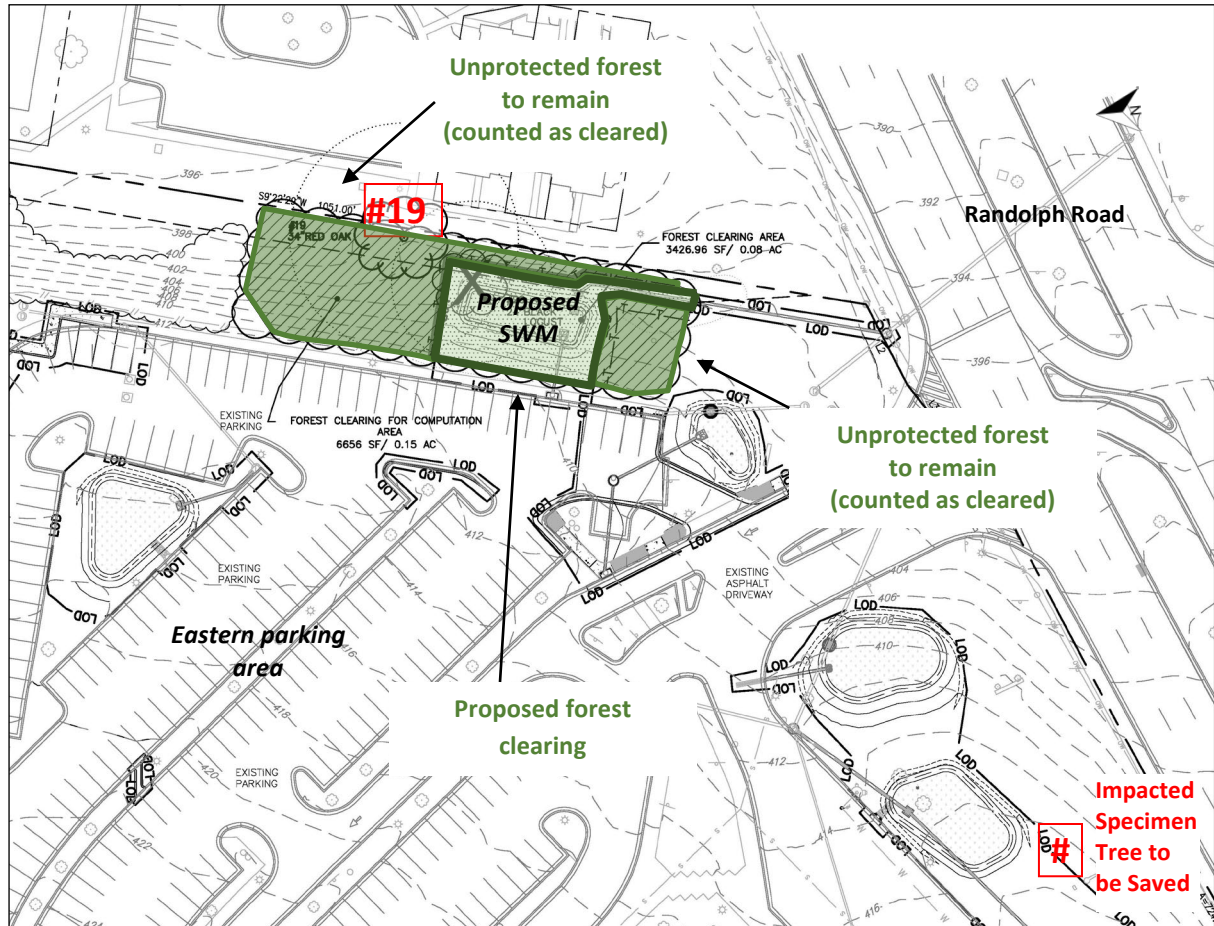


Figure 7: Proposed Forest Clearing and Location of Variance Tree – Southeast Section of Subject Property

#### *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 Applicant is seeking to fulfill a significant public need while largely maintaining the existing building footprint on the Subject Property. Without compromising existing recreational facilities and considering locations of steep slopes and vehicular circulation needs, opportunities for building expansion are limited. Existing improvements on the Property are generally organized into two main sections – to the north is a grouping of recreational facilities, whereas the south consists of the principal building and parking areas. The area near the western parking expansion is challenged by grading issues which require retaining walls to address. Therefore, the proposed building expansion is constrained by existing parking layouts to the west and east and the arrangement of athletic resources to the north of the main school building. As a result, any work to address the school capacity issue within the framework of the existing building footprint will inevitably encroach upon the critical root zones of some specimen trees, most especially two (2) located along the perimeter of the Subject Property and adjacent to existing features to be enhanced such as parking. To provide the 17,000 square foot building addition, reconfigured parking lots, stormwater management facilities, and upgraded pedestrian facilities including access to the reconstructed athletic field, to the extent of fully meeting the capacity and circulation needs, would not be feasible without the granting of a variance to impact trees.



Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Preliminary Forest Conservation Plan:

#### *Variance Findings*

The following findings are required for the Planning Board to approve the variance request:

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 removal of and disturbance to the specified trees is due to the need for a high school with adequate student capacity to serve the public, and to improve circulation and parking on-site while also minimizing impacts to the forest.

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 Applicant has minimized disturbance and designed the building addition and parking improvements to maximize forest retention.

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 near the existing parking areas on the Subject Property and the impacts associated with the school building addition, and not a result of characteristics or conditions of land or building use on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees requested for impacts and removal are not located within a buffer for any water feature, wetland or special protection area. The proposal includes improvements to the existing parking and on-site stormwater management system, whereas the result is impacts to two (2) specimen trees. Water quality will improve with the proposed development and State water quality standards will not result in measurable degradation in water quality. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

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

The Applicant is requesting a variance to impact two specimen trees, of which 1 tree will be removed. Trees that are within forest do not require mitigation. However, Tree #15 (32" DBH) designated for removal is outside of 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 three (3), 3-inch caliper trees, or a

minimum of 9 caliper inches, which will be shown on the Final Forest Conservation Plan. No mitigation is required for the tree being impacted but retained (Tree #19).

#### *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. As of the date of this Staff Report, the County Arborist has not submitted correspondence regarding the variance request with mitigation.

#### *Variance Recommendation*

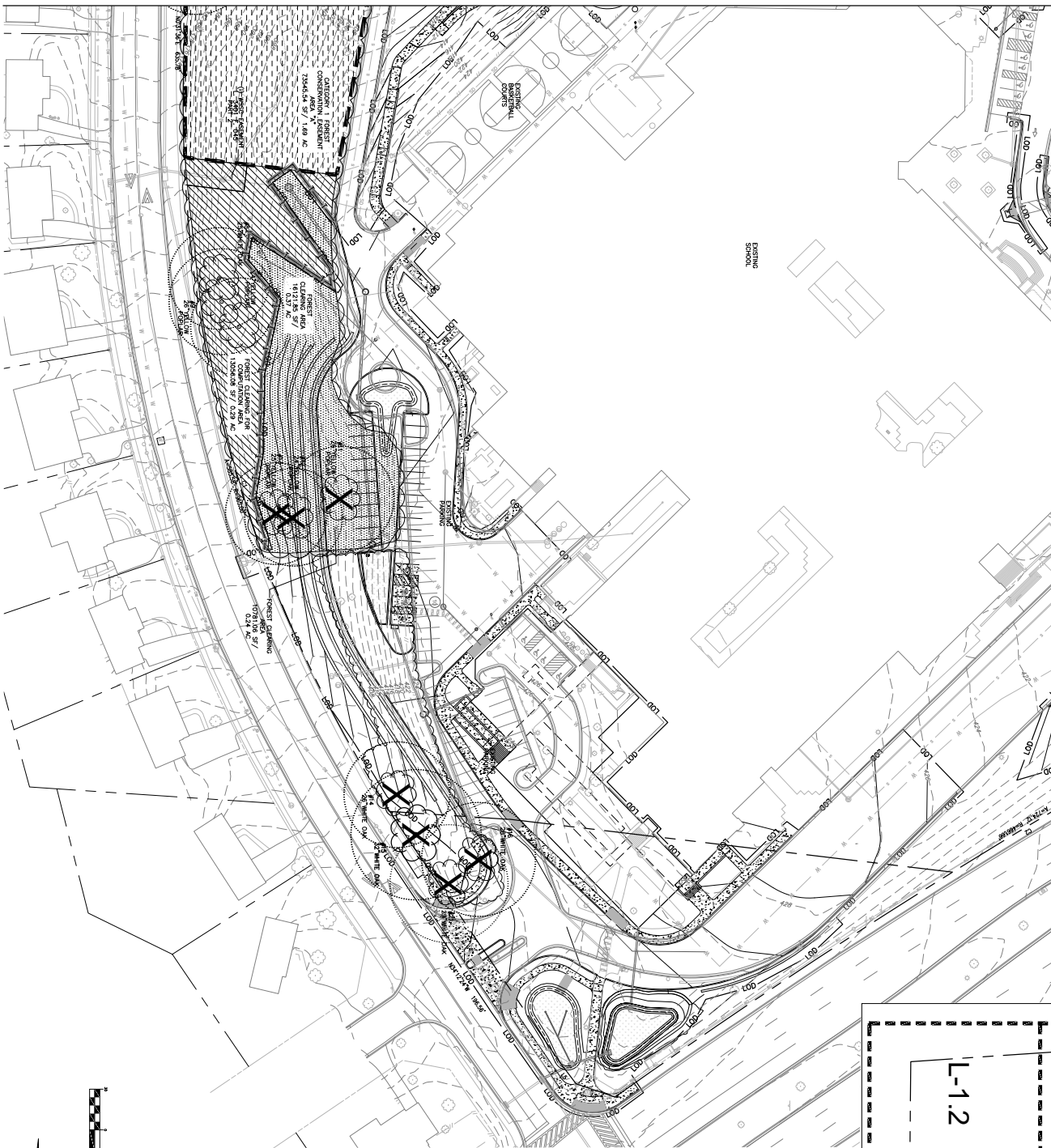
Staff recommends that the variance be granted.

### **CONCLUSION**

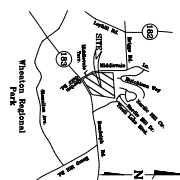
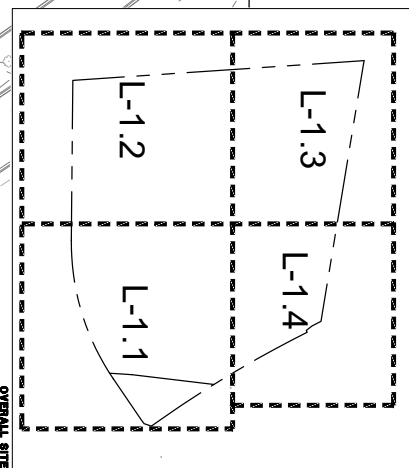
The proposed Preliminary Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Therefore, Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan and associated variance, with the conditions listed in this Staff Report.

### **Attachments**

1. Preliminary Forest Conservation Plan
2. Variance Tree request



MATCHLINE SHEET L-1.4



VICINITY MAP  
SCALE 1"=2000'  
COPYRIGHT 1984 BY ABC OF ALEXANDRIA, INC.  
PERMITTED USE NO. 20192133

**OVERALL SITE**  
SCALE: 1" = 200'-0"

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**DEVELOPER'S CERTIFICATE**

The undersigned agrees to enclose at the bottom of the approved final Forest Conservation Plan No. **MS000001** including Standard bonding, erosion control, maintenance, and all other applicable requirements.

Developer's Name: **MONTGOMERY COUNTY PUBLIC SCHOOLS**  
Project Location: **None**

Certified Erosion Control Officer: **DR. SETH AUSTIN**  
**DIRECTOR, DIVISION OF CONSTRUCTION, MOPS**

Address: **45 WEST EIGHT STREET, SUITE 4300**  
**ROCKVILLE, MD 20850**

Phone and Email: **246-314-1000**  
**SAUSTIN@montgomeryschools.org**

Signature: \_\_\_\_\_

NORTON LAND DESIGN

ELLICOTT CITY, MD 21044  
WWW.NORTONLANDESIGN.COM

NAME	ANACOSTIA	BRANCH	NORTHWEST BRANCH	ACCOUNT NO.	24031C0360D
DATE	10/1/11	SHEET	200	MAP	1-9

AS SHOWN	DATE NOVEMBER 2019	PROJ. NO. 19-017	SHEET NO. L-1.1
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**Macris, Hendricks & Glascock, P**  
Engineers • Planners  
Landmarks Architects • Surveyors

Wrightman Road, Suite 120  
Pomery Village, Maryland  
22779  
Phone: 301.670.  
Fax: 301.948.066  
www.rthcpa.com

www.rtfipba.com

1 OF 5

### L-1.1

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**JOB NO.**

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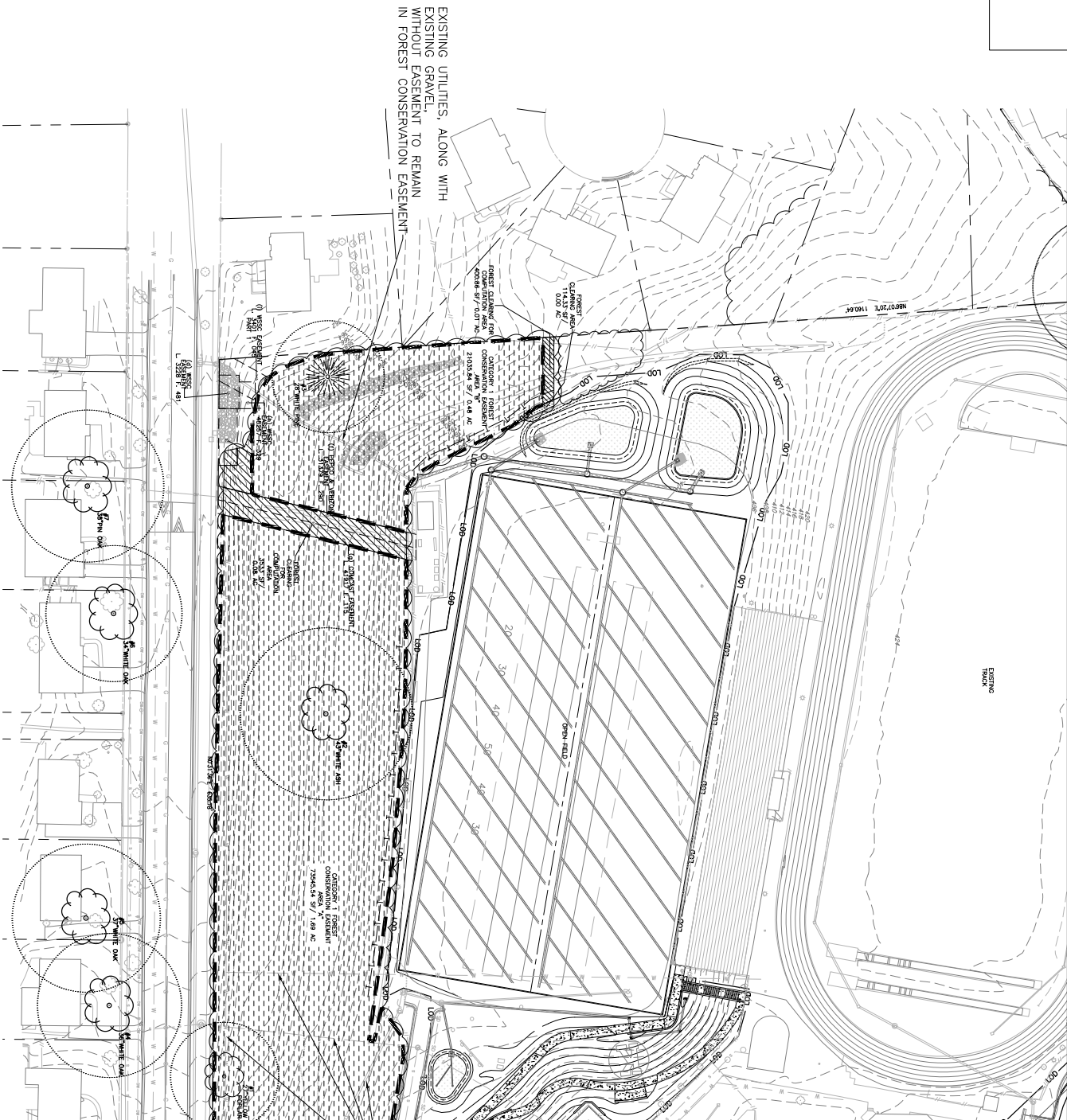
**JOHN F. KENNEDY  
HIGH SCHOOL**  
1901 RANDOLPH RD., WHEATON, MD 20902

**Delmar Architects, P.A.**

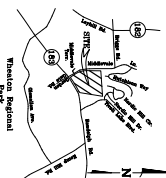
architecture	301	3411
planning	774-9821	Olandwood Court
interiors	fax 774-9824	Suite 205
		Olney, Maryland



MATCHLINE SHEET L-1.3



MATCHLINE SHEET L-1.1



VICINITY MAP  
SCALE 1"=2000'  
COURTESY OF THE STATE OF MARYLAND, DEPARTMENT OF TRANSPORTATION

- LEGEND**
- EXISTING SIGNIFICANT TREE 224" AND >200 DBH
  - EXISTING SPECIMEN TREE 240 DBH
  - FOREST TREELINE
  - SCOUR/SURB AREA
  - PROPERTY BOUNDARY
  - ADJ. PROPERTY BOUNDARY
  - LIMITS OF DISTURBANCE
  - TREE PROTECTION FENCE
  - FOREST RETENTION AREA
  - TREE SAFE AREA FOR CONSTRUCTION SLEEPING
  - CONSERVATION EASEMENT AREA
  - EXISTING FENCE

EXISTING UTILITIES WITHOUT EASEMENT TO REMAIN IN FOREST CONSERVATION EASEMENT

OWNER/CLIENT:  
HENTGOWERY COUNTY PUBLIC SCHOOLS  
45 WEST CLARK DRIVE SUITE 4200  
SPRINGFIELD, MD 20689  
PHONE: (301) 356-4015

**DESIGNER'S CERTIFICATE**

The undersigned hereby certifies that the design and construction of the project shown on this plan were prepared by the undersigned or under the direct supervision and control of the undersigned, who is a duly licensed professional engineer in the State of Maryland.

Signature: *[Signature]*  
Title: *[Title]*  
Firm: *[Firm Name]*  
Address: *[Address]*  
City: *[City]* State: *[State]* Zip: *[Zip]*  
Phone: *[Phone]*

**NORTON LAND DESIGN**  
LANDSCAPE ARCHITECTURE • ENVIRONMENTAL PLANNING  
1000 E. MAIN STREET, SUITE 100  
BETHESDA, MD 20814  
WWW.NORTONLANDDESIGN.COM

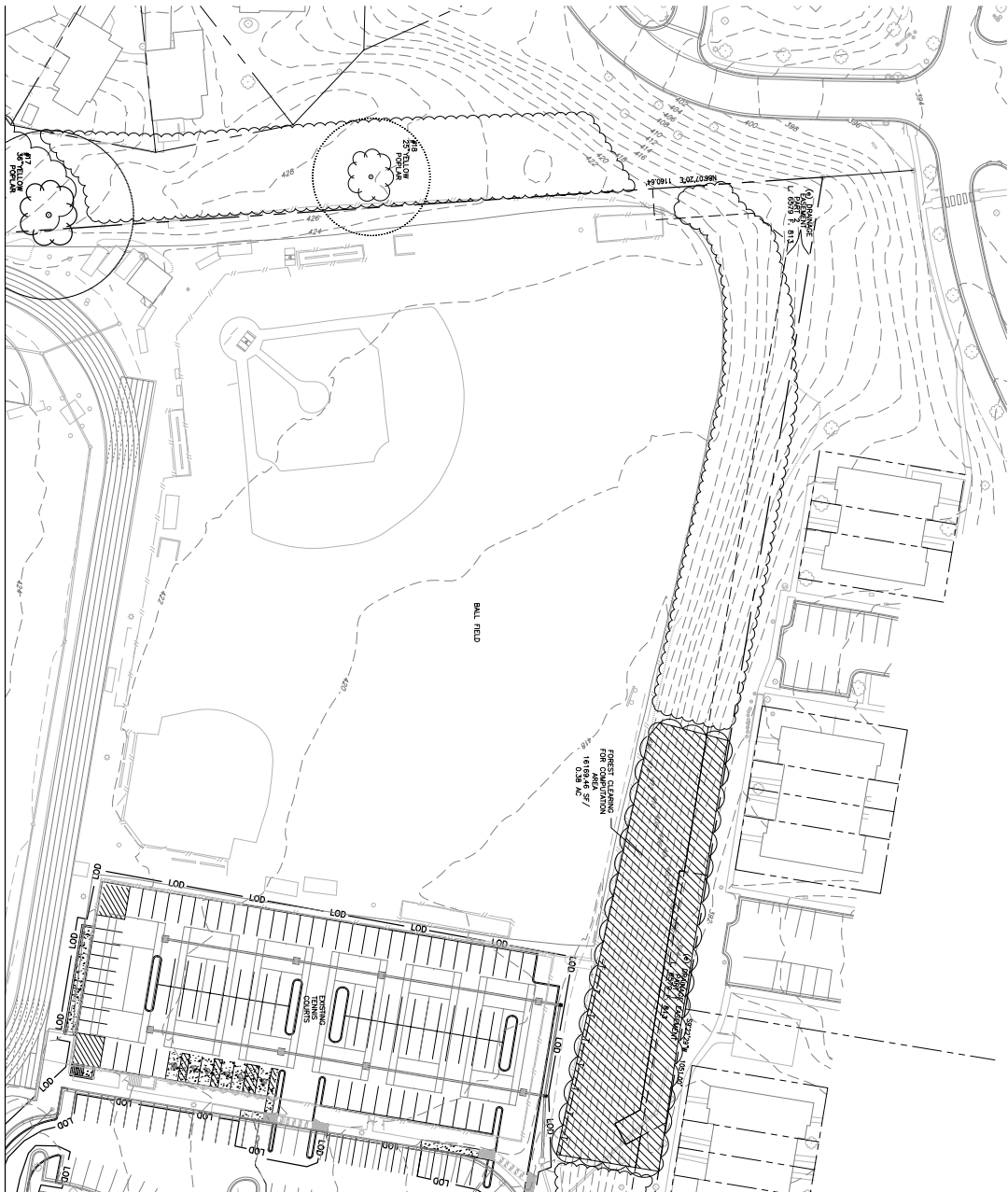
DATE	REVISION	BY	APP'D
NOVEMBER 2019	1-517	BP	BP
NOVEMBER 2019	1-517	BP	BP

**John F. Kennedy High School**  
1901 RANDOLPH RD., WHEATON, MD 20902

**JOHN F. KENNEDY HIGH SCHOOL**  
1901 RANDOLPH RD., WHEATON, MD 20902

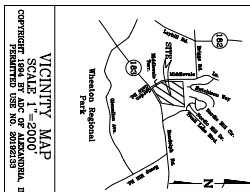
**Delmar Architects, P.A.**  
architecture  
planning  
interiors  
301 774-8821  
3411 Chelmsford Court  
Suite 202  
Chesapeake, Maryland

JOB NO.	95-07521
SCALE	1"=50'-0"
DATE	11/28/2019
DRAWN	BP
CHECKED	BP
L-1.2	PRELIMINARY FOREST CONSERVATION PLAN
2 OF 5	



MATCHLINE SHEET L-1.2

MATCHLINE SHEET L-1.4



VICINITY MAP  
SCALE: 1" = 100'  
SHEET NO. 1 OF 3  
PROJECT NO. 20180100  
DATE: 11/06/2019

**Delmar Architects, P.A.**  
architecture  
interiors  
301  
774-9821  
3411  
Oxandale Court  
Suite 200  
Oney, Maryland  
774-9824

**JOHN F. KENNEDY  
HIGH SCHOOL**  
1901 RANDOLPH RD., WHEATON, MD 20902

DRAWINGS AND SPECIFICATIONS AS INSTRUMENTS  
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THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE  
FOR WHICH THEY ARE PREPARED. ANY REUSE, REPRODUCTION,  
OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE  
WRITTEN AGREEMENT OF THE ARCHITECT IS PROHIBITED.  
CONTRACTOR TO VERIFY ALL DIMENSIONS AND CON-  
DITIONS IN THE FIELD BEFORE PROCEEDING WITH  
THE WORK.

REVISIONS

JOB NO.

95-079-21

SCALE

1" = 30'-0"

DATE

11/06/2019

DRAWN

BP

CHECKED

BP

**PERMIT/CLIENT CERTIFICATE**  
This is to certify that the information contained herein was prepared by the Architect and is true and correct to the best of the Architect's knowledge and belief.  
Architect: **MA. SETH HENDRICKS & GLASCOCK, P.A.**  
Address: **1901 RANDOLPH RD., WHEATON, MD 20902**  
Date: **11/06/2019**  
Signature: **[Signature]**

**NORTON LAND DESIGN**  
LANDSCAPE ARCHITECTURE • ENVIRONMENTAL PLANNING  
1901 RANDOLPH RD., WHEATON, MD 20902  
TEL: 410-242-1234 FAX: 410-242-1235  
WWW.NORTONLANDDESIGN.COM

DATE	BY	REVISION
11/06/2019	BP	1.00

**MA. SETH HENDRICKS & GLASCOCK, P.A.**  
1901 RANDOLPH RD., WHEATON, MD 20902  
TEL: 410-242-1234 FAX: 410-242-1235  
WWW.MSHG.COM







November 12, 2019

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

Re: John F. Kennedy High School  
Request for Specimen Tree Variance  
MR# -  
Norton# 19-017

Dear Intake Division,

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 Jon F. Kennedy High School is located at 1901 Randolph Rd in Wheaton, Montgomery County, Maryland. This is a 29.09-acre site that owned by the Montgomery County Board of Education. The site currently hosts the existing school, associated parking, athletic fields, and basketball and tennis courts. The site is bordered by residential properties on north, south, and east sides. The site has vehicle access from Randolph Rd.

Proposed construction consists of an addition to the existing building, parking circulation, additional parking lot, upgraded sidewalk access to athletic field, and stormwater management.

**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 parking, building addition, and upgraded access to athletic field.

**This work will require disturbance of the root zones of a total of two (2) specimen trees. One (1) of the impacted trees will be required to be removed.**

**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 proposed parking lot circulation upgrades. 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 addition, new parking lot, circulation upgrades, new sidewalk for athletic field access, and stormwater facilities would fail to be built 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. Additional improvements to the property include control of erosion and outfall stabilization. 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: Specimen tree mitigation will be required due to removals. Retention of some existing forest onsite will serve to ensure 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 proposed school upgrades are 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.**

Variance Specimen Tree Summary 30" +								
Tree #	Species	Species	D.B.H.	Critical Root	Critical Root Zone	Percent of CRZ	Tree	Status
	Scientific Name	Common Name	(inches)	Zone (Sq. Ft.)	Impacts	Impacted (SF)	Condition	
15	QUERCUS ALBA	WHITE OAK	32	7238	3627	50%	GOOD	REMOVE
19	QUERCUS RUBRA	RED OAK	34	8171	8171	100%	GOOD	REMOVE

### **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,

A handwritten signature in black ink, appearing to read "M. Norton", written in a cursive style.

Michael Norton