MCPB
Item No.
Date: 3/26/20

ELP at Rock Spring, Forest Conservation Plan H-135

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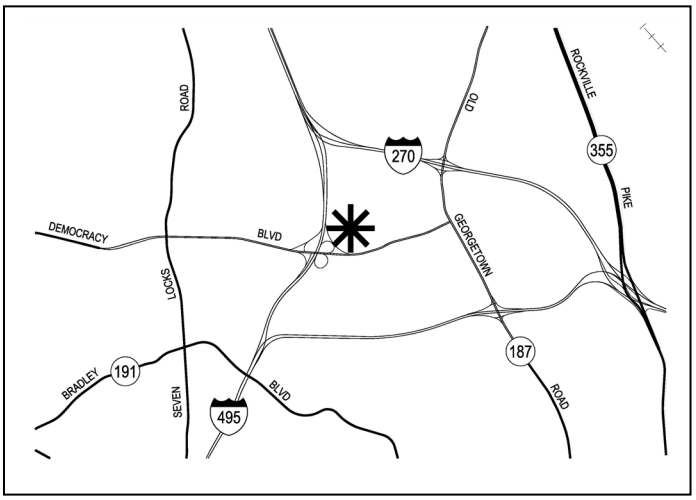
Completed: 3/16/20

Description

Request to rezone 33.64 acres from the CR-1. 5, C-0.75, R-0.75, H-150 Zone to the CRF-1.5, C-0.75, R-1.5, H-150 Zone to construct a Continuing Care Retirement Community with up to 1,300 independent dwelling units, 210 assisted living/memory care units, 50 skilled nursing units, and up to 15,000 square feet of commercial space.

Location: 10400 Fernwood Road, Bethesda.
Master Plan: Rock Spring Sector Plan.
Applicant: ELP Bethesda at Rock Spring LLC.
Application Accepted: December 20, 2019.
Review Basis: Chapter 22A, Forest Conservation Law.



Summary

- Staff recommends approval of the Preliminary Forest Conservation Plan (PFCP) with conditions.
- The Applicant is requesting a variance for 35 trees, but Staff recommends approving a variance for only four trees with the PFCP due to the conceptual nature of the Floating Zone Plan.
- The Applicant must submit a new variance request for the remainder of the trees proposed for impact or removal at the time of Final Forest Conservation Plan.

SECTION 1: STAFF RECOMMENDATION

Staff recommends approval of the proposed development, including the Preliminary Forest Conservation Plan (PFCP) and associated Variance, with the following conditions:

1. The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP), for the entire Property, concurrently with the first Site Plan approval.
2. The Final Forest Conservation Plan must:
    a. be consistent with the approved PFCP;
    b. show the planting locations of at least 36.1 total inches caliper of native shade trees, each at least three inches caliper, to mitigate the removal of variance trees number 15, 16, 17, and 18;
    c. include measures to enhance the stream buffer function, including restoring areas where impervious surfaces are being removed, managing invasive species, and planting buffer areas with native species where not in conflict with other easements; and
    d. include a new variance request to determine the disposition of the remaining variance trees
3. The Limits of Disturbance (LOD) on the FFCP must be consistent with the LOD on the Sediment and Erosion Control Plan.
4. 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 planting, as specified on the approved FFCP. 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 and the Book and Page for the easement must be referenced on the record plat.
5. The Applicant must schedule the required site inspections by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
6. Prior to any demolition, clearing, grading or construction on the project site, the Applicant must provide financial surety to the M-NCPPC Planning Department for the 0.41 acres of new forest planting and for the variance mitigation trees credited toward meeting the requirements of the FFCP on the Property.
7. Prior to the first Use and Occupancy Certificate, the Applicant must install the plantings for the required on-site afforestation of 0.41 acres as shown on the FFCP or as directed by the M-NCPPC Forest Conservation Inspection staff.
8. Prior to any demolition, clearing, grading or construction on the Property, the Applicant must submit a two-year Maintenance and Management Agreement (MMA) approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas and landscape plantings credited toward meeting the requirements of the FFCP.
9. The applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.
10. 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.
11. No clearing, grading, or any demolition may occur prior to receiving approval of the FFCP and satisfying any off-site planting requirements.
12. The Applicant must amend the PFCP prior to certification to reflect the variance approval for only trees number 15, 16, 17 and 18.

SECTION 2: PROPERTY AND PROJECT DESCRIPTION

Vicinity

The 33.64-acre Property, identified as Lot N737 Rock Spring Park Part of Parcels 6 and 12 ("Subject Property" or "Property"), is the current location of Marriott International Headquarters. It is located at 10400 Fernwood Road and bordered by the I-270 spur to the west, Fernwood Road to the north and east, and an office park/hotel complex to the south. Two large office park complexes and a townhouse development are located on the north side of Fernwood Road, opposite the Property.

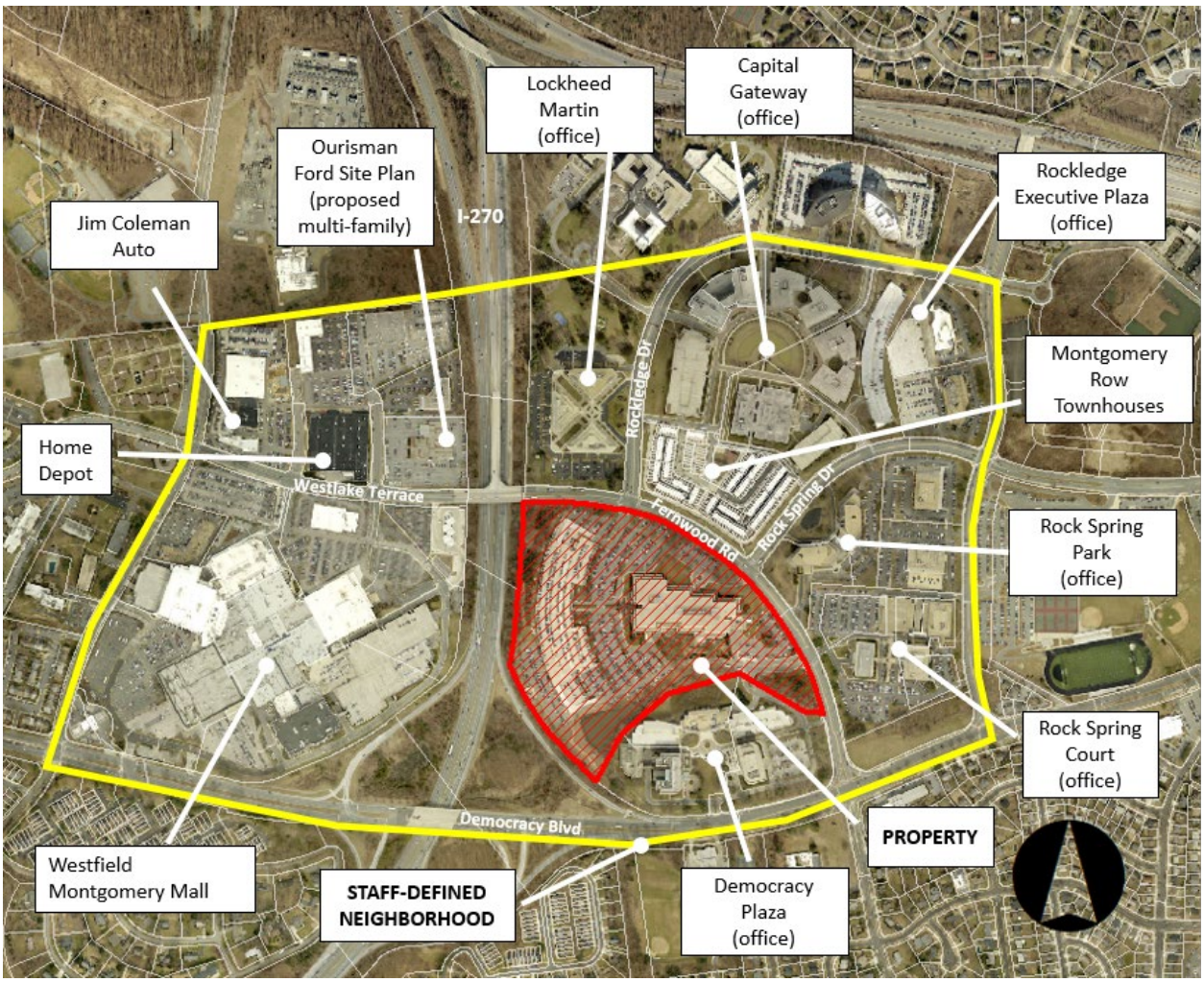


Figure 1: Vicinity Map

Property Description

The Property is improved with the 775,000-square-foot Marriott headquarters office building located towards the center of the Property, and a three level curvilinear structured parking garage located on the western side of the Property. Large surface parking lots cover much of the Property between the parking garage and the office building and along Fernwood Road. The Property contains approximately 2,718 vehicle parking spaces. A gravel road that transitions to dirt is located between the garage and the western Property line, along I-270. The Property has a number of WSSC, storm drain, and other types of existing easements.

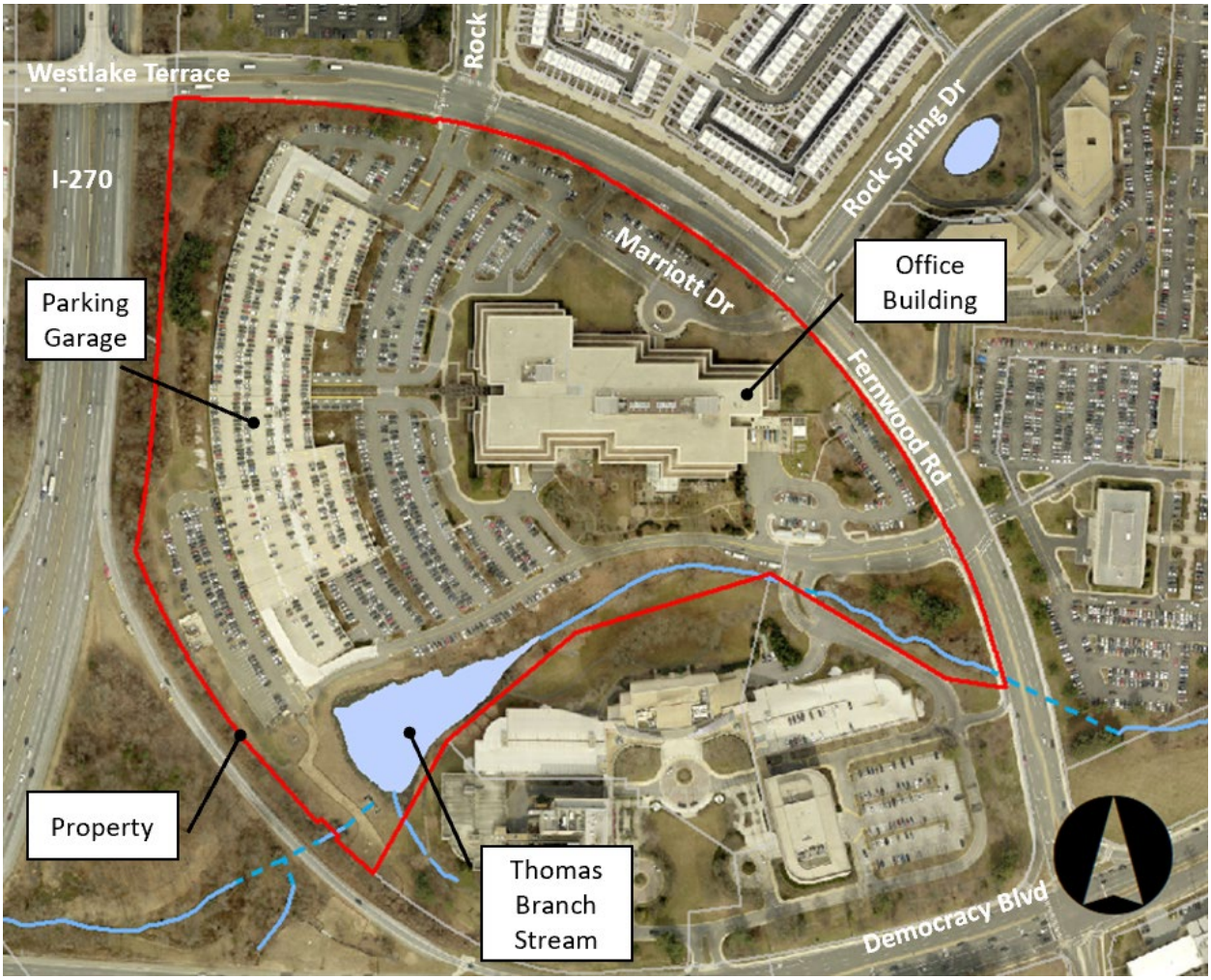


Figure 2: Aerial View of Property (Property outlined in red)

A Natural Resources Inventory/Forest Stand Delineation (No. 420200260) was approved on November 8, 2019. The Thomas Branch stream runs along the southern boundary of the Property which also contains areas of wetland and FEMA designated floodplain. There are no forested areas onsite, but the Property contains a number of specimen trees. There are areas of steep slopes, 25% and greater, located primarily on the south and west portions of the Property.

There are no known occurrences or habitats of rare, threatened, or endangered species on the property.

Proposal

The Applicant plans to demolish the existing office building and redevelop the Property with a Continuing Care Retirement Community (CCRC) as demonstrated in Figure 3. The existing parking garage will be retained and reused.

The proposed CCRC will include up to 1,300 independent dwelling units, 160-210 assisted living/memory care units, and 30-50 skilled nursing units. The facility will employ approximately 650 full-time staff. In addition to the residential units, a total of approximately 100,000 to 130,000 square feet of amenity space will be provided within the CCRC including food service, recreation areas, exercise rooms, and

medical support space. At the request of Staff, the Applicant has included 5,000- 15,000 square feet of commercial space to help activate the Fernwood Road Property frontage, with the final location to be determined at subsequent regulatory approvals.

Figure 3: Floating Zone Open Space Plan

SECTION 3: ANALYSIS AND FINDINGS

Environmental Guidelines

The existing development was built before stream valley buffers were applied to development plans. The southern entrance, access road, and other development amount to approximately 1.20 acres of existing stream valley buffer encroachment. A portion of the southern entrance road cannot be relocated out of the buffer because it also serves to provide access to Democracy Plaza, the property to the south of this Property.

The *Environmental Guidelines* state that "No buildings, structures, impervious surfaces, or activities requiring clearing or grading will be permitted in stream buffers, except for infrastructure uses, bikeways, and trails found to be necessary, unavoidable, and minimized by the Park and Planning Department environmental staff working closely with the utility or lead agency." The Guidelines further state that "Only unavoidable road and utility crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort is made to locate road alignment and/or utilities to create the least disturbance to existing vegetation, grade, wetlands, trout

spawning areas in Use III watersheds, etc." As part of the review for this plan, Staff has worked with the applicant to relocate the portion of the southern access road west of the entrance to Democracy Plaza out of the stream buffer. An asphalt walking path for the benefit of the residents of the retirement community will be constructed on a portion of the previous road and parking area. The combined area of stream valley buffer encroachment created by the road and path is approximately 0.73 acres. This constitutes almost a half-acre reduction in the existing stream valley buffer encroachment. The *Environmental Guidelines* require that any approved stream valley encroachment must avoid sensitive areas, such as floodplains and wetlands; must minimize the area of encroachment; and must provide compensation for lost buffer function. This application reduces existing buffer encroachment and avoids sensitive areas. The Final Forest Conservation Plan must include measures to enhance the stream buffer function, including restoring areas where impervious surfaces are being removed, managing invasive species, and planting buffer areas with native species where not in conflict with other easements. With this Final Forest Conservation Plan condition, the submitted plan is in conformance with the *Environmental Guidelines.*

Preliminary Forest Conservation Plan (PFCP)

The Net Tract Area is 34.18 acres, and there is no forest on the Property. The afforestation threshold for the CR zone is 15% of the Net Tract Area, or 5.13 acres. The Applicant proposes to establish an afforestation area of 0.41 acres in the stream buffer north of the stream and south of the entrance road adjacent to Fernwood Road. Final determination of how the remaining afforestation requirement of 4.72 acres will be met will be determined at the Final Forest Conservation Plan. As submitted, and including approval of the accompanying variance request for removal of variance trees number 15, 16, 17, and 18, the PFCP plan is in compliance with Chapter 22A, Forest Conservation.

Variance Request

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree 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 law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; 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. The Applicant submitted a variance request on November 22, 2019 to impact 35 trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law (Attachment 2). Thirty-one of these trees are proposed for removal. The remaining four are proposed to be impacted but saved.

Variance Recommendation

The Forest Conservation Law requires that all zoning applications must include submission and approval of a PFCP. Variance requests are reviewed and approved as part of the PFCP review. At the zoning review stage, however, many elements of the development are conceptual, and the exact engineering and grading have not yet been designed. It is clear that many variance trees will need to be impacted, and some will need to be removed as a part of the development; however, Limits of Disturbance (LOD),

building footprints and amenity spaces may change as the plan moves through subsequent Preliminary Plan and Site Plan reviews. For this reason, exact impacts to many trees cannot be established; therefore, the disposition of many of the variance trees cannot reasonably be determined at this stage and the Applicant will be required to submit a new variance request at the time of the Final Forest Conservation and Site Plan reviews to justify any clearing truly necessary.

At this time, Staff recommends that the variance to impact and remove trees number 15, 16, 17, and 18 be granted because they are within the area where the southern access road must be relocated out of the stream buffer (Table 1).

Table 1: Variance Trees

Tree #	Botanical Name	Common Name	DBH	Condition	Impact
15	*Quercus phellos*	Willow Oak	39.6	Very good	Removal
16	*Quercus phellos*	Willow Oak	35	Good	Removal
17	*Quercus phellos*	Willow Oak	33.3	Good	Removal
18	*Quercus phellos*	Willow Oak	36.4	Fair	Removal

Staff cannot recommend approval to impact or remove the other 31 trees at this stage of the development review process, as requested by the Applicant, due to the conceptual nature of the Floating Zone Plan. The Applicant must submit a revised variance request at the time of Site Plan review/Final Forest Conservation Plan to justify impacts to, and/or removal of, the remaining variance trees. Staff's justification for this requirement is based on the following:

Variance trees number 3, 7, 37, 49, 51, 52, 53, 54, 55, 56, 57, 58, 61, 62, and 63 lie along the Property frontage abutting Fernwood Road and Westlake Terrace. Frontage improvements may impact these trees. However, the Design Guidelines for Rock Spring recommend a road diet along this stretch, which would negate the need to move the curb or do significant disturbance near these trees. Portions of the existing sidewalk are already the recommended width, and it might be possible to employ tree save measures and use context-sensitive materials, such as one of the flexible paving products, that would enable some or all of these trees to be saved. Therefore, Staff cannot determine definitively at this time that these trees must be impacted or removed. The disposition of these trees should be reevaluated at Site Plan.

Variance trees number 4, 5, and 6 are shown as being impacted by a utility line tie-in to a connection in Fernwood Road. However, it might be possible to adjust the alignment of this utility line in later iterations of the plan, so Staff cannot determine definitively at this time that these trees must be impacted or removed. The disposition of these trees should be reevaluated at Site Plan.

Variance trees number 1, 2, 19, 20, 33, 50, 64, 65, and 66 are interior to the Property, and may be impacted by building footprints and/or circulation connections. However, these elements are conceptual at this stage of the review. Later iterations of the plan may change these development elements, and open opportunities to preserve some of these trees in open space areas interior to the

Property. Therefore, Staff cannot determine definitively at this time that these trees must be impacted or removed. The disposition of these trees should be reevaluated at Site Plan.

Tree number 21 lies in the stream valley on the south of the Property. The LOD is shown as intersecting the Critical Root Zone (CRZ) of this tree, but the proposed asphalt path alignment is not within this CRZ, and it does not appear to be in an area where existing pavement must be removed. Therefore, Staff cannot support justification for impacting the tree at this time.

Tree number 22 is along the western side of the Property. An asphalt path is shown crossing the edge of this tree's CRZ. However, it may be possible to adjust the alignment of the path to avoid the impact. Therefore, Staff cannot support justification for impacting the tree at this time.

Trees number 12 and 13 are in the stream buffer on the eastern side of the Property near Fernwood Road. They do not appear to be impacted by the proposed LOD. Therefore, no variance approval is required at this time.

Unwarranted Hardship

The proposed development is in accordance with both the intent and recommendations of the *Rock Spring Master Plan* and the proposed CRF zoning. The Property is constrained by the stream valley to the south and development of this Property requires relocating a portion of the southern access road out of the stream valley buffer. Trees number 15, 16, 17, and 18 lie within the area where the southern access road must be relocated out of the stream buffer.

Denying the variance request would deny the Applicant reasonable and significant use of the Property because removal of trees 15, 16, 17 and 18 is necessary to relocate a portion of the southern access road out of the buffer, as required by the Environmental Guidelines, while also providing safe and efficient access to the Property. Relocating the road will significantly reduce the amount of existing stream valley buffer encroachment. For these reasons, the Applicant has an unwarranted hardship to consider a variance request.

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, in order for a variance to be granted.

Variance Findings

To approve the Variance, the Planning Board must find that the Variance:

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

   As noted above, the proposed design responds to the multiple site constraints and is consistent with both the zoning and Sector Plan recommendations; thus, granting the variance will not confer a special privilege to the applicant.

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

   The requested variance is based on the constraints of the Property, access requirements and engineering challenges, rather than on conditions or circumstances which are the result of actions by the Applicant.

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 design and constraints on the Subject Property and not as 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.

Four variance trees will be removed. Mitigation must be provided for removal of these trees by planting at least 36.1 total inches caliper of native shade trees, with each tree at least three inches caliper, within the new development. This is based on Planning Department policy that requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. The mitigation trees must be shown on the Final Forest Conservation Plan. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance tree being removed. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

SECTION 4: CONCLUSION

As conditioned, the Preliminary Forest Conservation Plan is in compliance with Chapter 22A, and in conformance with the *Environmental Guidelines.*

ATTACHMENTS

1. Preliminary Forest Conservation Plan
2. Variance Request

ELP BETHESDA AT ROCK SPRING
PRELIMINARY FOREST CONSERVATION PLAN
4TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

ATTACHMENT 1

PLANNING DEPARTMENT USE ONLY (E-PLANS)

FOREST CONSERVATION WORKSHEET							
ELP Bethesda at Rock Spring							February 20, 2020
NET TRACT AREA:							
A. Total tract area							36.02
B. Land dedication acres (parks, county facility, etc.)							0.00
C. Land dedication for roads or utilities (not being constructed by this plan)							2.37
D. Area to remain in commercial agricultural production/use							0.00
E. Offsite Disturbance (Fernwood Road)							0.53
F. Net Tract Area						=	34.18
LAND USE CATEGORY: (from *Trees Technical Manual*) Input the number "1" under the appropriate land use, limit to only one entry.							
	ARA	MDR	IDA	HDR	MPD	CIA	
	0	0	0	0	1	0	
G. Afforestation Threshold					15%	x F =	5.13
H. Conservation Threshold					20%	x F =	6.84
EXISTING FOREST COVER:							
I. Existing forest cover						=	0.00
J. Area of forest above afforestation threshold						=	0.00
K. Area of forest above conservation threshold						=	0.00
BREAK EVEN POINT:							
L. Forest retention above threshold with no mitigation						=	0.00
M. Clearing permitted without mitigation						=	0.00
PROPOSED FOREST CLEARING:							
N. Total area of forest to be cleared						=	0.00
O. Total area of forest to be retained						=	0.00
PLANTING REQUIREMENTS:							
P. Reforestation for clearing above conservation threshold						=	0.00
Q. Reforestation for clearing below conservation threshold						=	0.00
R. Credit for retention above conservation threshold						=	0.00
S. Total reforestation required						=	0.00
T. Total afforestation required						=	5.13
U. Credit for landscaping (may not exceed 20% of "S")						=	0.00
V. Total reforestation and afforestation required						=	5.13
W. Total reforestation and afforestation provided on-site					(CAT. II CONSERVATION ESMT.)	=	0.41
X. Total reforestation and afforestation provided offsite						=	4.72

Forest Conservation Data Table

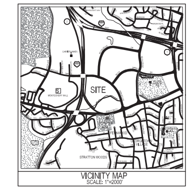
	Number of Acres
Tract	36.02
Remaining in Agricultural Use	-
Road & Utility ROWs[1]	2.37
Total Existing Forest	-
Forest Retention	-
Forest Cleared	-

Land Use & Thresholds[2]		
Land Use Category	MDP	ARA, MDR, IDA, HDR, MDP, or CIA.
Conservation Threshold	15%	percent
Afforestation Threshold	20%	percent

	Total Channel Length (ft.)	Average Buffer Width (ft.)[3]
Stream(s)	1,478	100

Acres of Forest in	Retained	Cleared	Planted
Wetlands	-	-	-
100-Year Floodplain	-	-	0.01
Stream Buffers	-	-	0.35
Priority Areas	-	-	0.35

[1] Only Road or Utility ROWs not to be improved as part of development application.
[2] Information from FC Land Use Categories & Thresholds document.
[3] Measured from stream edge to buffer edge.



APPLICANT:

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LANDSCAPE ARCHITECT:

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7600 WISCONSIN AVE, SUITE 700
BETHESDA, MD 20814
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LEGEND:

- SPECIMEN TREE (GREATER THAN OR EQUAL TO 30" DBH)
- SIGNIFICANT TREE (BETWEEN 24-29.9" DBH)
- TREE LABEL - SIZE, TYPE, (T) TAG NUMBER
- TREES TO BE REMOVED
- LIMITS OF DISTURBANCE
- PROPOSED CONTOUR
- EXISTING SOIL LINE
- EXISTING TREE LINE
- WETLAND
- WETLAND BUFFER
- FLOODPLAIN
- AFFORESTATION AREA

SHEET INDEX:

1. COVER SHEET
2. 50 SCALE PLAN
3. 50 SCALE PLAN
4. NOTES AND DETAILS

GENERAL NOTES:

1. The site is classified as Zone CR-1.5. The site tract area is 33.65 acres. The site tax account number is 04-01567726.
2. The entire site is within the Cabin John Creek Watershed, 02140207, Fair. The use Class is I-P according to the Maryland County GIS and MCATLAS.
4. The site is not within the Maryland Inventory of Historic Properties list. The site is not a known archeological site.
5. Floodplain limits shown per FEMA map 24031C0345D, effective date 9/29/2006. No floodplain shown per MNCPPC GIS.
6. Wetland and Stream limits shown per Waters of U.S. Delineation Report provided by ECS Mid-Atlantic, LLC dated July 23, 2019.
7. There are no state or county champion trees on the property.
8. There are no rare threatened or endangered species observed on the site.
9. General locations of the buildings are shown. Some shifting of building and trail locations are anticipated as part of the site plan process.
10. All Variance Tree mitigation is proposed on-site. Locations of proposed tree planting are illustrative only and may change at time of Final Forest Conservation Plan approval.

100 50 0 100 200

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER/DEVELOPER/APPLICANT

ELP BETHESDA C/O ERICKSON LIVING MANAGEMENT, LLC
701 MAIDEN CHOICE LANE
BALTIMORE, MD 21228
(P): 410-402-2449
(F): 410-737-8862
CONTACT: STEVEN MONTGOMERY

MAP 9	GRID B3
TAX MAP: GP 343	ZONING CATEGORY: CR-1.5, C-0.75, R-0.75, H-150
WSSC 200' SHEET: 213NW07	WATERSHED: CABIN JOHN
SITE DATUM: HORIZONTAL: NAD83; VERTICAL: NAD83	

SOLTESZ, INC.

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NO.	REVISIONS	BY	DATE

DATE: | CAD STANDARDS VERSION: V8 - NCS
DESIGNED: | TECHNICIAN: | CHECKED:

COVER SHEET

PRELIMINARY FOREST CONSERVATION PLAN
ELP BETHESDA AT ROCK SPRING
ROCK SPRING PARK, PART OF PARCELS 6 & 12
4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

1" = 100'

SHEET 1 OF 4

PROJECT NO. 0693-04-01

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PLANNING DEPARTMENT USE ONLY (E-PLANS)

LEGEND:

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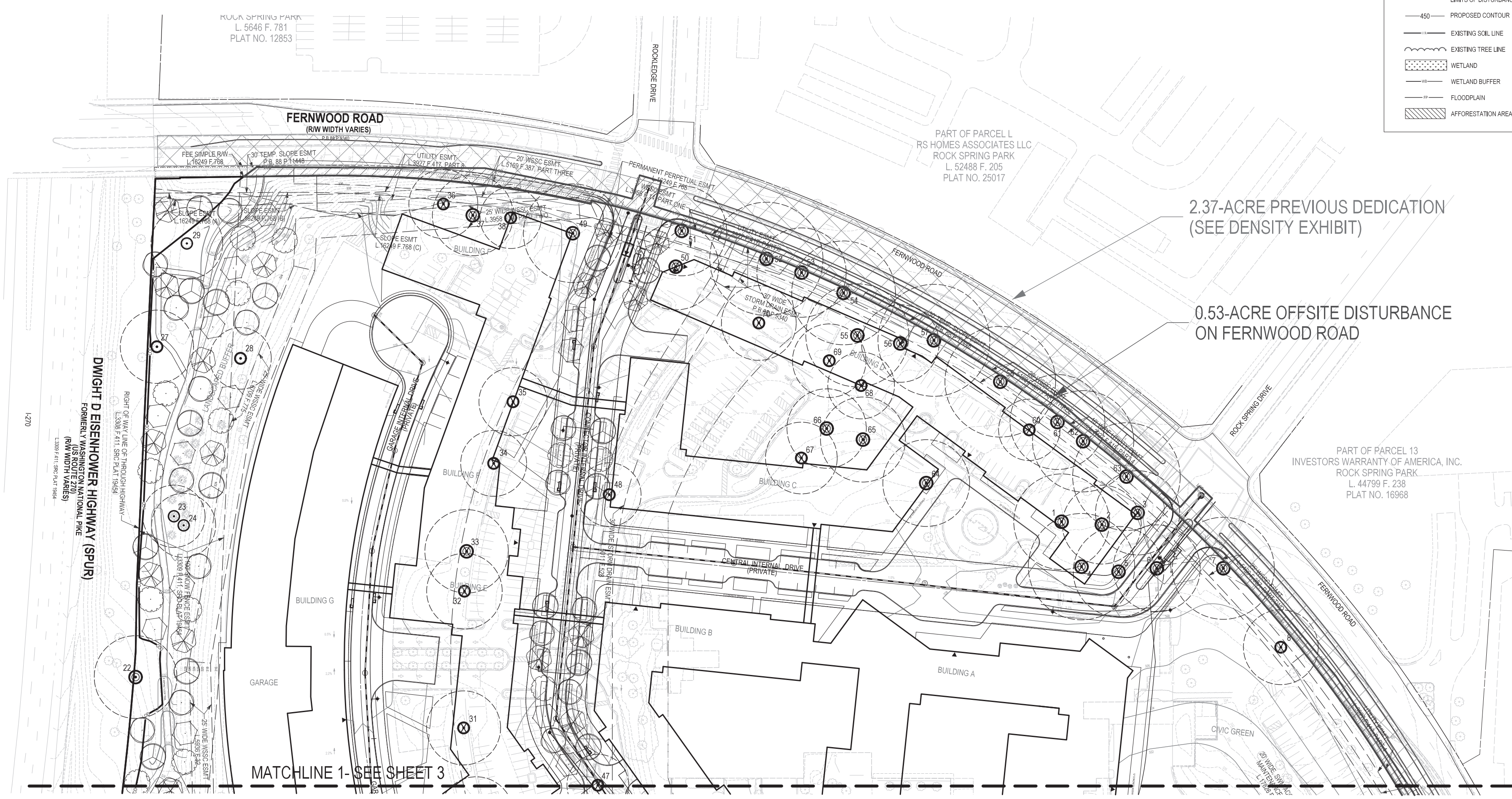

50 SCALE PLAN

PRELIMINARY FOREST CONSERVATION PLAN

ELP BETHESDA AT ROCK SPRING

ROCK SPRING PARK, PART OF PARCELS 6 & 12

4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

1" = 50'

SHEET 2 OF 4

PROJECT NO. 0693-04-01

MAP 9	GRID B3
TAX MAP: GP 343	ZONING CATEGORY: CR-1.5, C-0.75, R-0.75, H-150
WSSC 200' SHEET: 213NW07	WATERSHED: CABIN JOHN
SITE DATUM: HORIZONTAL: NAD83, VERTICAL: NAD83	

OWNER/DEVELOPER/APPLICANT

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NO.	REVISIONS	BY	DATE

DATE: | DESIGNED: | CAD STANDARDS VERSION: V8 - NCS | TECHNICIAN: | CHECKED:

SOLTESZ, INC.
Engineering
Surveying
Planning
Environmental Sciences
ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
P. 301.948.2750 F. 301.948.9067
Rockville
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Leonardtown
Frederick
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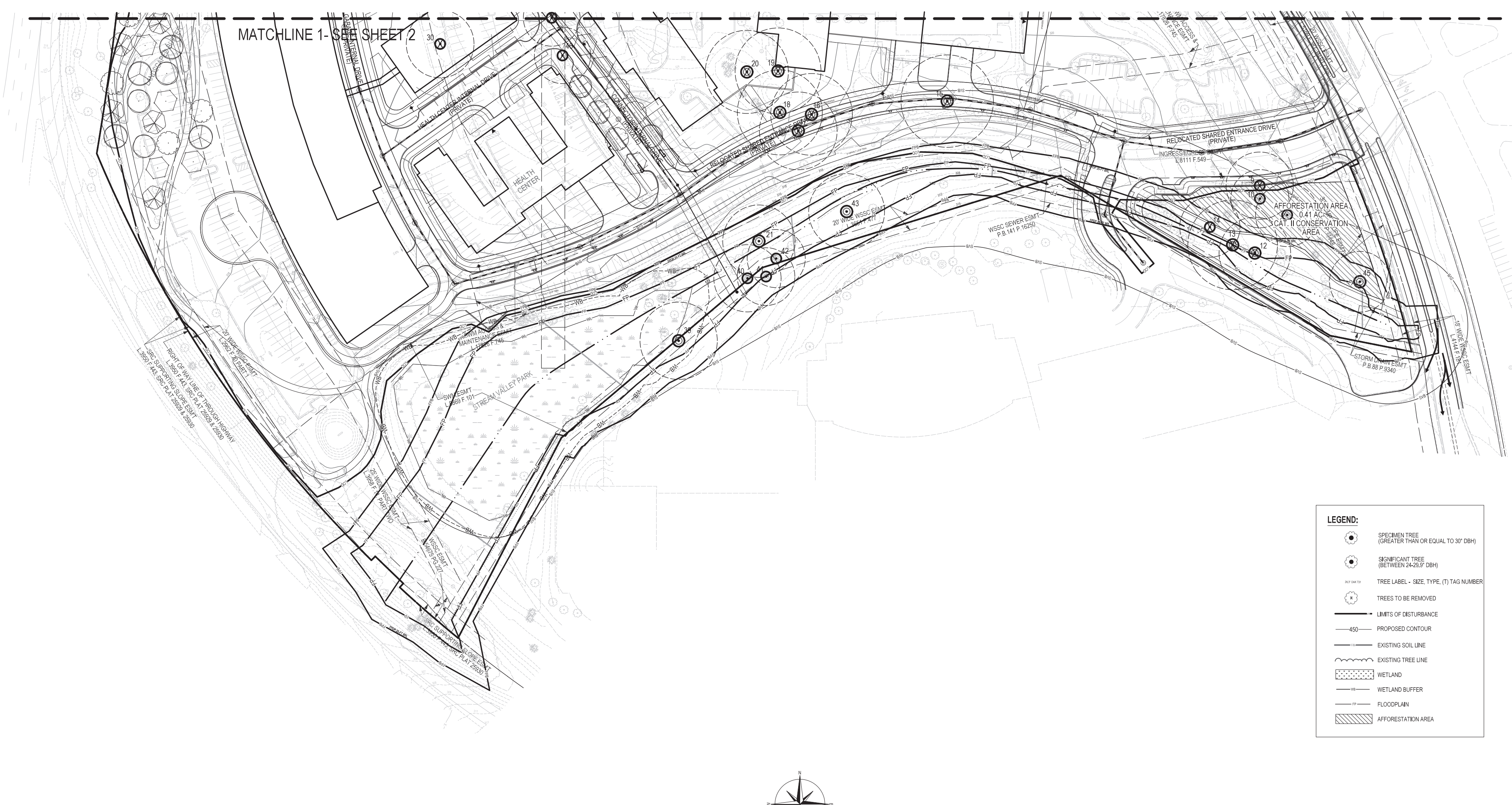
PLANNING DEPARTMENT USE ONLY (E-PLANS)



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50 SCALE PLAN

PRELIMINARY FOREST CONSERVATION PLAN
ELP BETHESDA AT ROCK SPRING
ROCK SPRING PARK, PART OF PARCELS 6 & 12

4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

1" = 50'

SHEET 3 OF 4

PROJECT NO. 0693-04-01

MAP 9	GRID B3
TAX MAP GP 343	ZONING CATEGORY: CR-1.5, C-0.75, R-0.75, H-150
WSSC 200' SHEET 213NW07	WATERSHED: CABIN JOHN
SITE DATUM HORIZONTAL: NAD83 VERTICAL: NAD83	

OWNER/DEVELOPER/APPLICANT

ELP BETHESDA C/O ERICKSON LIVING MANAGEMENT, LLC
701 MAIDEN CHOICE LANE
BALTIMORE, MD 21228
(P): 410-402-2449
(F): 410-737-8862
CONTACT: STEVEN MONTGOMERY

MISS UTILITY NOTE

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STATE OF MARYLAND — KERRY DUNAWAY LAURETTI — LANDSCAPE ARCHITECT 3205

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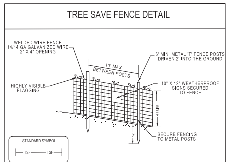
REFERENCE GRID

PLANNING DEPARTMENT USE ONLY (E-PLANS)

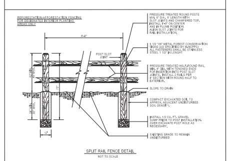
TREE SAVE FENCE DETAIL



NOTES
1. PRACTICE MAY BE COMBINED WITH SEDIMENT CONTROL FENCING
2. LOCATION AND LIMITS OF FENCING SHALL BE COORDINATED IN FIELD WITH ARBORIST
3. BOUNDARIES OF LIMITS OF DISTURBANCE SHALL BE STAKED PRIOR TO INSTALLING PROTECTIVE FENCE
4. ROOT DAMAGE SHOULD BE AVOIDED
5. PROTECTIVE SIGN IS REQUIRED
6. FENCING SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION

NOT TO SCALE

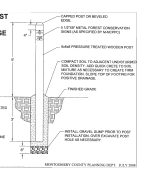
SPLIT RAIL FENCE DETAIL



NOTE:
1. FOREST PROTECTION DEVICE ONLY.
2. RETENTION AREA WILL BE SET AS PART OF THE REVIEW PROCESS.
3. BOUNDARIES OF RETENTION AREAS SHOULD BE STAKED AND FLAGGED PRIOR TO INSTALLING DEVICE.
4. ROOT DAMAGE SHOULD BE AVOIDED WHEN INSTALLING DEVICE.
5. PROTECTIVE SIGNAGE IS REQUIRED: 50' MAX. SPACING ALONG ALL L.O.D.S AND/OR STREAM BUFFERS.
6. DEVICE SHOULD BE INSTALLED PRIOR TO THE ISSUANCE OF BUILDING PERMITS UNLESS ADDITIONAL GRADING IN THE REFORESTATION AREA WILL BE REQUIRED IN CONJUNCTION WITH THE BUILDING PERMIT IN WHICH CASE THE REFORESTATION/AFFORESTATION FENCING SHALL BE INSTALLED IMMEDIATELY UPON COMPLETION AND STABILIZATION OF THE GRADING.

NOT TO SCALE

PERMANENT FOREST CONSERVATION EASEMENT SIGNAGE



NOTE:
ALL WOOD SHALL BE PRESSURE TREATED SOUTHERN YELLOW PINE OR CEDAR.
ALL FASTENERS SHALL BE STAINLESS STEEL 1-1/2" IN LENGTH.
ALL POSTS TO BE INSTALLED ALONG FOREST CONSERVATION EASEMENT LINE AS SPECIFIED PER APPROVED FINAL FOREST CONSERVATION PLAN OR M-NCPPC FIELD INSPECTOR'S INSTRUCTIONS.

PERMANENT FOREST CONSERVATION SIGN
NOT TO SCALE

SIGNIFICANT AND SPECIMEN TREE LIST

	Tree #	Common Name	Scientific Name	DBH (inch)	CRZ Area	CRZ Impacted	% Impacted	Cond.	Remove / Save
SIGNIFICANT	8	other species		29.4	6107	6107	100%	Poor	Remove
	9	Japanese Zelkova	Zelkova serrata	28.8	5860	5860	100%	Poor	Remove
	10	Eastern White Pine	Pinus strobus	24.9	4380	742	17%	Fair	Save
	14	Red Mulberry	Morus rubra	25.8	4703	4703	100%	Very Poor	Remove
	23	Eastern White Pine	Pinus strobus	24.5	4241	1197	28.2%	Fair	Save
	24	Eastern White Pine	Pinus strobus	25.2	4487	770	17.2%	Fair	Save
	27	Pin Oak	Quercus palustris	28.8	5860	5860	100%	Fair	Remove
	29	Pin Oak	Quercus palustris	28.2	5618	850	15.1%	Poor	Save
	30	Northern Red Oak	Quercus rubra	29	5942	5942	100%	Fair	Remove
	31	Northern Red Oak	Quercus rubra	29.1	5983	5983	100%	Fair	Remove
	32	Northern Red Oak	Quercus rubra	29.7	6232	6232	100%	Good	Remove
	34	Northern Red Oak	Quercus rubra	25.9	4739	4739	100%	Poor	Remove
	35	Northern Red Oak	Quercus rubra	26.8	5074	5074	100%	Poor	Remove
	36	Willow Oak	Quercus phellos	27.1	5189	5189	100%	Good	Remove
	38	Eastern White Pine	Pinus strobus	24.1	4103	4103	100%	Poor	Remove
	46	Northern Red Oak	Quercus rubra	24.1	4103	4103	100%	Very Good	Remove
	47	Northern Red Oak	Quercus rubra	24.3	4172	4172	100%	Good	Remove
	48	Northern Red Oak	Quercus rubra	25	4416	4416	100%	Good	Remove
	60	Chinese Elm	Ulmus parvifolia	24.1	4103	4103	100%	Fair	Remove
	67	Willow Oak	Quercus phellos	28.2	5618	5618	100%	Fair	Remove
	68	Willow Oak	Quercus phellos	26.2	4850	4850	100%	Fair	Remove
	69	Willow Oak	Quercus phellos	28.9	5901	5901	100%	Fair	Remove
	70	Willow Oak	Quercus phellos	29.4	6107	6107	100%	Fair	Remove
SPECIMEN	1	Willow Oak	Quercus phellos	37.6	9988	9988	100%	Very Good	Remove
	2	Willow Oak	Quercus phellos	31	6789	6789	100%	Fair	Remove
	3	Willow Oak	Quercus phellos	33.1	7740	7740	100%	Good	Remove
	4	Willow Oak	Quercus phellos	41.8	12344	12344	100%	Good	Remove
	5	Willow Oak	Quercus phellos	35.6	8954	8954	100%	Fair	Remove
	6	Willow Oak	Quercus phellos	34.2	8264	8264	100%	Fair	Remove
	7	Willow Oak	Quercus phellos	40.1	11361	11361	100%	Fair	Remove
	12	Red Maple	Acer rubrum	30.7	6659	6659	100%	Poor	Remove
	13	Red Maple	Acer rubrum	38.4	10418	10418	100%	Poor	Remove
	15	Willow Oak	Quercus phellos	39.6	11079	11079	100%	Very Good	Remove
	16	Willow Oak	Quercus phellos	35	8655	8655	100%	Good	Remove
	17	Willow Oak	Quercus phellos	33.3	7834	7834	100%	Good	Remove
	18	Willow Oak	Quercus phellos	36.4	9361	9361	100%	Fair	Remove
	19	Willow Oak	Quercus phellos	36.8	9568	9568	100%	Good	Remove
	20	Willow Oak	Quercus phellos	35.6	8954	8954	100%	Good	Remove
	21	American Sycamore	Platanus americana	33, 26, 34	6789	625	9.2%	Fair	Save
	33	Northern Red Oak	Quercus rubra	32.8	7601	7601	100%	Fair	Remove
	37	Northern Red Oak	Quercus rubra	31.8	7144	7144	100%	Poor	Remove
	49	Willow Oak	Quercus phellos	38.8	10636	10636	100%	Very Good	Remove
	50	Willow Oak	Quercus phellos	33.9	8119	8119	100%	Good	Remove
	51	Willow Oak	Quercus phellos	35.3	8804	8804	100%	Good	Remove
	52	Willow Oak	Quercus phellos	44.5	13990	13990	100%	Good	Remove
	53	Willow Oak	Quercus phellos	35.1	8704	8704	100%	Good	Remove
	54	Willow Oak	Quercus phellos	40.8	11761	11761	100%	Fair	Remove
	55	Willow Oak	Quercus phellos	40.5	11588	11588	100%	Good	Remove
	56	Willow Oak	Quercus phellos	30.5	6572	6572	100%	Fair	Remove
	57	Willow Oak	Quercus phellos	44	13678	13678	100%	Fair	Remove
	58	Willow Oak	Quercus phellos	43.5	13369	13369	100%	Fair	Remove
	61	Willow Oak	Quercus phellos	37.3	9829	9829	100%	Good	Remove
	62	Willow Oak	Quercus phellos	39.8	11191	11191	100%	Good	Remove
	63	Willow Oak	Quercus phellos	42.3	12641	12641	100%	Fair	Remove
	64	Willow Oak	Quercus phellos	34.1	8215	8215	100%	Fair	Remove
	65	Willow Oak	Quercus phellos	33.4	7881	7881	100%	Fair	Remove
	66	Willow Oak	Quercus phellos	31.2	6877	6877	100%	Fair	Remove

SPECIMEN TREE MITIGATION PLANTING REQUIREMENTS

Tree #	Common Name	Botanical Name	DBH (inch)
1	Willow Oak	Quercus phellos	37.6
2	Willow Oak	Quercus phellos	31
3	Willow Oak	Quercus phellos	33.1
4	Willow Oak	Quercus phellos	41.8
5	Willow Oak	Quercus phellos	35.6
6	Willow Oak	Quercus phellos	34.2
7	Willow Oak	Quercus phellos	40.1
12	Red Maple	Acer rubrum	30.7
13	Red Maple	Acer rubrum	38.4
15	Willow Oak	Quercus phellos	39.6
16	Willow Oak	Quercus phellos	35
17	Willow Oak	Quercus phellos	33.3
18	Willow Oak	Quercus phellos	36.4
19	Willow Oak	Quercus phellos	36.8
20	Willow Oak	Quercus phellos	35.6
33	Northern Red Oak	Quercus rubra	32.8
37	Northern Red Oak	Quercus rubra	31.8
49	Willow Oak	Quercus phellos	38.8
50	Willow Oak	Quercus phellos	33.9
51	Willow Oak	Quercus phellos	35.3
52	Willow Oak	Quercus phellos	44.5
53	Willow Oak	Quercus phellos	35.1
54	Willow Oak	Quercus phellos	40.8
55	Willow Oak	Quercus phellos	40.5
56	Willow Oak	Quercus phellos	30.5
57	Willow Oak	Quercus phellos	44
58	Willow Oak	Quercus phellos	43.5
61	Willow Oak	Quercus phellos	37.3
62	Willow Oak	Quercus phellos	39.8
63	Willow Oak	Quercus phellos	42.3
64	Willow Oak	Quercus phellos	34.1
65	Willow Oak	Quercus phellos	33.4
66	Willow Oak	Quercus phellos	31.2
Total DBH Removed			1208.8
Total Caliper Replacement Required (1" caliper/4" DBH)			302
Total 3" Caliper Trees Required for Replacement			101

TREE VARIANCE PLANTING SCHEDULE

	Qty #	BOTANICAL NAME	COMMON NAME	CAL	B&B / CONT.	REMARKS
	20	Acer rubrum	Red Maple	3-3½" cal.	B&B	Full, Limb to 7' from ground
	20	Quercus falcata	Southern Red Oak	3-3½" cal.	B&B	Full, Limb to 7' from ground
	20	Quercus phellos	Willow Oak	3-3½" cal.	B&B	Full, Limb to 7' from ground
	20	Quercus rubra	Northern Red Oak	3-3½" cal.	B&B	Full, Limb to 7' from ground
	21	Prunus serotina	Black Cherry	3-3½" cal.	B&B	Full, Limb to 7' from ground
	101	Total 3" Cal. Trees				
	303	Total Cal. Replaced				

Sequence of Events for Properties Required to Comply With Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
2. The property owner must arrange for the meeting and following people must participate at the pre-construction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist/Maryland Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.
   a. Typical tree protection devices include:
      i. Chain link fence (four feet high)
      ii. Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
      iii. 14 gauge, 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
   b. Typical stress reduction measures may include, but are not limited to:
      i. Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest Conservation Inspector
      ii. Crown Reduction or pruning
      iii. Watering
      iv. Fertilizing
      v. Vertical mulching
      vi. Root aeration systems

   Measures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.
3. A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.
4. Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.
5. Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
   a. Parking or driving of equipment, machinery or vehicles of any type.
   b. Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
   c. Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
   d. Felling of trees into a protected area.
   e. Trenching or grading for utilities, irrigation, drainage, etc.
6. Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

7. Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
8. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

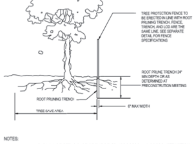
9. After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
   a. Removal, and possible replacement, of dead, dying, or hazardous trees
   b. Pruning of dead or declining limbs
   c. Soil aeration
   d. Fertilization
   e. Watering
   f. Wound repair
   g. Clean up of retention areas, including trash removal
10. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.
11. Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

INSPECTIONS

All field inspections must be requested by the applicant. Inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planting Requirements
1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin.
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservaton.

Additional Requirements for Plans with Panting Requirements
4. Before the start of any required reforestation and afforestation planting
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
6. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.



NOTES:
1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING.
2. BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING.
3. EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INPECTOR.
4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR.
5. ROOTS SHALL BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.
6. ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY THE FC INSPECTOR.

ROOT PRUNING DETAIL
NTS

GENERAL CONDITIONS

I. SCOPE
A. The landscape contractor shall provide all materials, labor and equipment to complete all landscape work as shown on the plans, plant list and specifications.
B. Total number of plants shall be as drawn on the landscape plan. If this total differs from the plant schedule, the landscape contractor is to notify the landscape architect before the bid date.

II. STANDARDS
A. All plant material will conform to the current issue of the American Standard for Nursery Stock published by the American Nursery and Landscape Association (ANLA) conform in general to representative species.
B. The plant material must be selected from nurseries that have been inspected by state or federal agencies. Any certificates required must be provided to owner or representative upon delivery of materials.

III. SUBSTITUTIONS
A. If a plant is found not to be suitable or available, is to notify the landscape architect before bidding.
B. The owner or landscape architect is then required to select a reasonable alternate or to inform all landscape contractors of the availability of the original plant.
C. If a substitute is selected, it must be of the same size, value and quality as the original plant.
D. Substitutions to be made with written approval of M-NCPPC.

IV. UTILITIES
A. The landscape contractor shall notify utility companies prior to construction and call "Miss Utility" at 1(800)257-7777, to locate main utility lines.
B. If there is a conflict with the utilities and the planting, the landscape contractor shall notify the landscape architect or owner immediately. Any cost of relocating caused by the contractors' failure to notify shall be borne by the contractor.

V. DRAINAGE
A. Plants shall not be planted in situations that show obvious poor drainage. Such situations shall be brought to the attention of the landscape architect or owner, and if they deem necessary, the plants shall be relocated or the contract shall be adjusted to allow for drainage correction at a negotiated cost.

VI. WORKMANSHIP
A. During planting, all areas shall be kept clean and neat, and all reasonable precautions shall be taken to avoid damage to existing plants, turf and structures.
B. Upon completion, all debris and waste material resulting from planting operations shall be removed from the project and the area cleaned up.
C. Any damaged areas shall be restored to their original condition at the cost of the contractor.

I. PLANT MATERIAL

I. STANDARDS
A. Bare root
   1. Bare rooted shrubs shall be dug with adequate fibrous roots.
   2. Roots shall be protected during handling and transit and planted to guard against drying out and damage. If not planted soon after arrival, material must be heeled in and maintained.
B. Balled and Burlapped (B&B)
   1. Balled and Burlapped plants shall be dug with firm natural balls of earth.
   2. Ball sizes shall be in accordance with ANLA specifications.
C. Container grown stock shall have been grown in a container long enough for the root system to have developed sufficiently to hold soil in container together.
D. All plant material shall be nursery grown unless otherwise specified. Pruning shall be done before planting or during the planting operation.
E. All plant material to be transported in covered container. Locally available material may be covered with a burlap or similar cover to keep from drying out, provided the transporting vehicle maintains a maximum of 35 mph.
F. Anti-desiccants shall be applied on all materials dug while in foliage.
G. Container stock may replace B&B as long as all other criteria are met.
H. Same plant material for location near each other shall be similar in appearance. Hedge material will be similar enough in size and shape, etc. to create a uniform hedge.

II. MATERIALS
A. ANTI-TRANSPIRANTS
   1. Anti-transpirants shall be an emulsifiable concentrate used to retard excess water loss without harming normal transpiration.
B. BACK FILL MIXTURES
   1. Back fill mixture shall be 1/3 existing soil mixed with 1/3 organic material (or peat) and 1/3 topsoil.
   2. If any other additives are found to be needed at the time of planting, it shall be added only with the approval of the landscape contractor, landscape architect and owner or owner's representative.
   3. Fertilizer is to be added depending on the size of the plant and the manufacturer's recommendation.
      i. Trees - Use tree fertilizer as required by particular species
      ii. Shrubs - Use tree fertilizer as required by particular species
      iii. Ground Cover, Vines & Herbaceous Plants - Use tree fertilizer as required by species.
C. TOPSOIL
   1. If used, top soil shall be sandy loam and uniform in color and composition.
   2. It shall be free of stones, roots, lumps, plants and other debris over 1 1/2".
   3. It shall not contain toxic substances harmful to plant growth.
   4. Top soil shall have a pH range of 5.0 to 7.0 and the organic matter shall be a minimum content of 1.0%
D. ORGANIC MATTER
   1. Organic Matter used in back fill shall be peat or other material approved by the landscape architect or owner.
E. PEAT MOSS
   1. Type I - sphagnum peat moss finely divided with a pH of 4.0 to 5.0.
F. LEAF MOLD
   1. This a composted leaf material to be used with the approval of landscape architect.
G. COMPOST
   1. To be organic matter composted and aged by accepted methods to be used only when specified or by approval of landscape architect.
H. DOLOMITE LIME
   1. This is agricultural grade limestone containing total carbonates of 85% with a minimum of 30% magnesium carbonates.
I. FERTILIZER
   1. Fertilizer shall be granular, packet or pellet with 35% to 85% of the total nitrogen in a slowly available form. To be applied by manufacturers methods.
   2. Fertilizer shall be a complete fertilizer with a minimum analysis as required by soil test and plant material.
J. TRACE ELEMENTS
   1. These slow release materials containing zinc (Zn), molybdenum (Mo), iron (Fe), copper (Cu), boron (B), and magnesium (Mn). To be applied as per manufacturer's directions as deemed necessary by soil test.

III. BACKFILLING A TREE PIT
A. Cut rope or wire on ball of tree and pull burlap back to the edge of the root ball remove al plastic wraps and twine. Roll burlap 1/3 of the way down the root ball.
B. Backfill tree pit with a soil mixture stated in the specifications.
C. Mix soil amendments in the mixture either prior to filling pit or as pit is being filled
D. Make sure plants remain straight during backfilling procedure.
E. Backfill sides of tree pit halfway with soil mixture and tamp as pit is being filled.
F. Finish backfilling sides of tree pit and tamp firmly.
G. NEVER COVER TOP OF TREE BALL WITH SOIL. Top of root ball should be ¼ the rootball height above the tree pit.
H. Form a 4" saucer above existing grade and around the outer rim of the tree pit.
I. Mulch top of root ball and saucer within 48 hours to a minimum depth of 2" and not exceed 3".
J. Water thoroughly the interior of the tree saucer until it is filled. EVEN IF IT IS RAINING.
K. Provide enough water to ensure saturation of the root ball.
L. Prune out any dead, conflicting or broken branches.
M. In extremely hot weather, reduce foliage surface by pruning or stripping of foliage.
N. Remove all tags, labels, strings, etc. from the tree.

IV. TREES BRACED BY STAKING
A. Choose the correct size and number of stakes and size of hose and wire according to the Tree Support Detail and plant requirements. Staking shall be completed within 48 hours of planting the tree.
B. Spacing stakes evenly and vertically on the outside of the tree ball drive firmly into the ground (stakes can be slightly angled away from the tree). NOTE: Never drive a stake through the tree ball, as it will damage the tree's root system. Stakes to be 2/3 above ground, 1/3 below.
C. Cut pieces of reinforced hose long enough to loop around the trunk of the tree.
D. Place the hose around the trunk at the height required to provide optimum support. Then run the 12-gauge wire through the hose and pull both ends horizontally beyond the stake by 2'.
E. Cut the wire to sufficient length and then twist the wire at the rubber hose to keep it in place.
F. Run both ends of wire together around the stake twice and then twist wire back onto itsef to secure it. Cut off excess wire and stake.
G. The above procedures are to follow for each stake.
H. STAKES
   1. Stakes shall be 2"x2" hardwood, reasonably free of knots to be long enough for 1/3rd to be driven into the soil, and 2/3rds above the soil surface.
I. WIRE
   1. Wire shall be 12 or 14 gauge galvanized steel or acceptable equal, depending on the size of the tree.
J. CABLE
   1. Cable shall be 1/4" or 3/16" galvanized steel, depending on size of tree.
K. CLAMPS
   1. clamps shall be galvanized or zinc and large enough to hold wires or wires used.
L. HOSE
   1. Hose shall be corded rubber, uniform in color and either 3/4" to 1" in diameter, depending on the size of the tree.

M. MULCH
   1. Material shall be double shredded composted hardwood bark, such as "silvabark" or approved equivalent.
   2. Material shall be mulching grade, uniform in size and free of foreign or harmful matter.

V. INSPECTION
A. Plants may be subject to inspection and approval by the owner or owner's representative at the place of growth for conformity to specification requirements as to quality, size and variety. This will be at the owner's expense.
Plants damaged in handling or transportation may be rejected by the owner or owner's representative

II. PLANTING PROCEDURES FOR TREES

I. PREPARING TREE PIT
A. The tree pit must be a minimum of 2 times the size of the root ball at the top.
B. The walls of tree pit shall be dug so that they are scarified.
C. The tree pit shall be deep enough to allow 1/3 of the root ball to be above the existing grade. Any loose soil at the bottom of the pit shall be tamped by hand or with the bucket of the backhoe.
D. Dig pit 6" deeper than depth required for root ball. Fill bottom of pit with 6" compacted soil mix adjusting depth to insure top of root ball is 1/4 above the surface of the soil.

II. PLACING TREE IN THE PIT
A. Place the tree in the pit by lifting and carrying the tree by its ball (never lift by branches or trunk) and then lowering it into the pit. Contractor is responsible for providing any machinery necessary to lift and move plant material and to insure it is not dropped.
B. Set the tree straight and in the center of the pit with the most desirable side of the tree facing toward the prominent view (sidewalk, building, street, etc.).
C. Any dropped material may be rejected by owner or representative. Any dropped material should be flagged with red flagging on its trunk and noted on a plan. Should plant die, it will be replaced by the contractor at no cost to the owner.

III. PLANTING PROCEDURES FOR SHRUBS

I. PREPARING SHRUB PIT
A. For a single shrub, the pit shall be dug large enough for the proper setting of the root ball (4" wider than root ball at base. 2 to 3 times the width of the root ball at the top).
B. For a shrub mass planting, the entire bed area shall be rototilled 3 to 4 " deep. Each shrub pit shall be excavated for the proper setting of the root ball.
C. For a hedge, a trench shall be dug large enough for the proper setting of all of the plants root balls (the trench shall be 2 times wider than the root balls).
D. Form a compacted base in the bottom of the hole to adjust plant height to proper location. Compact sufficiently to prevent settling.

II. PLANTING SINGLE SHRUBS AND BACKFILLING PIT
A. Remove all plastic wraps, twine, containers, etc.
B. Place the plant in the pit by lifting and carrying in by the root ball.
C. Set the plant straight and in the center of the pit with the most desirable side facing toward the prominent view.
D. Use a soil mixture as specified.
E. Make sure the plant remains straight during backfilling procedure.
F. Backfill side of the pit halfway with soil mixture and tamp as the pit is being filled.
G. Pull the burlap back 1/3 the way down the root ball. Make sure burlap does not become exposed above soil surface.
H. Finish backfilling the sides of the shrub pit and tamp firmly.
I. Form a saucer above the existing grade and around the planting pit
J. Mulch top of root ball and saucer a minimum of 2" depth and not to exceed 3" in depth.
K. Water thoroughly, the interior of the shrub saucer to insure root ball is saturated. EVEN IF IT IS RAINING.
L. Prune out any dead, conflicting or broken branches.
M. Remove all tags, labels, strings, etc. from the plant.

III. PLANTING A SHRUB MASS
A. Follow the same procedure as for a single shrub. (Section II A-M)
B. Edge and rake the entire planting bed to obtain uniform surface.
C. Mulch the entire planting bed a minimum of 2" depth and not to exceed 3" depth.
D. Water the entire planting bed thoroughly. EVEN IF IT IS RAINING. To saturate top 2" of soil.
E. Prune out any dead, conflicting or broken branches.
F. Remove all tags, labels, strings

IV. PLANTING PROCEDURES FOR GROUNDCOVER

I. PREPARING GROUNDCOVER BED
A. The ground cover bed shall be loosened prior to planting by one of the following methods: rototilling, back-hoeing and rototilling or by picking (generally done on small areas or on slopes). Soil shall be loosened to a depth of 4" to 6".
B. Soil additives for the ground cover bed shall be peat and topsoil, (2" deep) after the soil has been loosened and additives then worked into the bed by one of the following methods: rototilling, back-hoeing and rototilling or by picking (in which soil additives are spread by hand into the individual plant pockets and worked into the soil by pick).
C. Fertilize in planting hole or use water soluble fertilizer at base of plants after planting.
D. Mulch the entire ground cover bed to minimum 1" depth and not to exceed 2" in depth.

II. PLANTING GROUND COVER
A. The ground cover planting holes shall be dug through the mulch with one of the following: hand trowel, shovel, bulb planter or hoe.
B. Before planting, biodegradable pots shall be crushed and the top edges broken down below the surface. Non-biodegradable pots shall be removed. Unwrap any bound roots, do not break root ball.
C. The ground cover (either potted or bare root) shall be planted:
   1. So that the roots of the plant are surrounded by soil below the mulch: potted plants being set so that the top of the soil in the pot is even with the existing grade, and bare root plants being covered up to the crown of the plant or soil level.
   2. At an equal distance apart (plans and specifications specify the "on center" (o.c.) distance for the ground cover). See spacing guide.
D. The entire ground cover bed shall be edged and thoroughly watered.

V. SEEDING

I. TEMPORARY SEEDING
A. Vegetation - Annual Rye grass or Japanese Millet shall be used to provide cover on disturbed areas for up to 12 months. For longer duration of vegetation cover, permanent seeding is required.
   1. Seed Mixtures - Temporary Seeding
      Preferred: Annual Rye - Winter; 200-300 lbs./acre. (1/2 that amount for over seeding) Japanese Millet - Summer; 25lbs/acre. (These are preferred because exising and proposed native grasses and wildflowers may not compete well with certain grass species)
B. If seed mixtures used are other than those preferred, they must be from table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" by the Maryland Department of Environmental Protection. Temporary plant material must be removed prior to seeding of other material.
C. For sites having soil tests performed, the seeding and amendment rates shown in table 26 of "Standards and Specifications for Soil Erosion and Sediment Control" shall be deleted and the rates recommended by the testing agency shall be written in. Soil tests are not required for temporary seeding.

II. PERMANENT SEEDING
A. Seeding grass and legumes to establish ground cover for a minimum period of one year on all disturbed areas generally receiving low maintenance. Seed mixtures:
   1. Seed mixtures not from table 26 of "Standard and Specifications for Soil Erosion and Sediment Control" by the Maryland department of Environmental Protection, must be similar or approved by landscape architect. Additional planting specifications for exceptional sites such as shore lines, stream banks or dunes, or for special purposes such as wildlife or aesthetic treatment may be found in USDA-SCS Technical Field Office Guide, Section 342 - Critical Area Planting.
   2. For sites having disturbed areas over 5 acres, the rates shown in table 26 of "Standards and Specification for Soil Erosion and Sediment Control" shall be deleted and the rates recommended by the soil testing agency shall be written in.
   3. For areas receiving low maintenance, apply urea form fertilizer (46-0-0) at 3 1/2 lbs/1000 sq. ft. (150 lbs./acre). The above recommended soil amendments and those stated in the soil test to be performed at the time of seeding, or as recommended by state agency and manufacturers products.
   4. Do not fertilize area to be seeded around storm water management facilities.
   5. Contractor to provide a final product of grass crop creating a lawn of uniform color and texture after three mowings.

VI. SOIL TESTING

1. Contractor to perform soil test as per accepted methods by the local agricultural extension service.
2. Samples to be tested by reputable lab.
3. Contractor will be held responsible for notifying owner of any problems or deficits determined by the test results.
4. Corrections will be discussed and cost negotiated with owner.
5. Plant failure based on soil deficits or problems due to failure of contractor to take samples, will be replaced at the cost of the contractor after corrections have been made.

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NO.	REVISIONS	BY	DATE

DATE: CAD STANDARDS VERSION: V8 - NCS
DESIGNED: TECHNICIAN: CHECKED:

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

OWNER/DEVELOPER/APPLICANT

ELP BETHESDA C/O ERICKSON LIVING MANAGEMENT, LLC
701 MAIDEN CHOICE LANE
BALTIMORE, MD 21228
(P): 410-402-2449
(F): 410-737-8862
CONTACT: STEVEN MONTGOMERY

MAP 9 GRID B3
TAX MAP: GP 343 | ZONING CATEGORY: CR-1.5, C-0.75, R-0.75, H-150
WSSC 200' SHEET: 213NW07 | WATERSHED: CABIN JOHN
SITE DATUM: HORIZONTAL: NAD83 VERTICAL: NAD83

STATE OF MARYLAND — KEELY DUNAWAY LAURETTI — LANDSCAPE ARCHITECT — 3205

NOTES AND DETAILS

PRELIMINARY FOREST CONSERVATION PLAN
ELP BETHESDA AT ROCK SPRING
ROCK SPRING PARK, PART OF PARCELS 6 & 12

4TH ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

1" =
SHEET 4 OF 4
PROJECT NO. 0693-04-01

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ATTACHMENT 2

SOLTESZ

November 22, 2019

Steve Findley, Planner Area 2
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: ELP Bethesda at Rock Spring
Preliminary Forest Conservation Plan - Variance Request
Local Map Amendment

Dear Mr. Findley,

On behalf of Erickson Living Management, LLC, Soltesz is requesting a variance for the critical root zone (CRZ) impact to thirty five (35) trees 30 inches or greater in DBH, as required under Section 22A-21 of Montgomery County's Forest Conservation Law. This variance request is additionally pursuant to recent revisions to the State Forest Conservation Law enacted by State Bill 666, where it notes that the variance pertains to "trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department". The impact to these trees results from a proposed continuing care retirement community (CCRC) project located in Bethesda. These trees are within the proposed LOD and will be removed or impacted due to conflicts with grading, infrastructure, and building envelope.

Project Information

The site is located east of Dwight D. Eisenhower Highway (I-270), north of Democracy Boulevard, and bounded by Fernwood Road. The net tract area is approximately 33.64 acres, including offsite disturbance. The current zone is CR-1.5, C-0.75, R-0.75, H-150, and the proposed zoning classification is CRF-1.5, C-0.75, R-1.5, H-150.

The Preliminary Plan proposes 1,300 independent living units, 160-210 assisted living and memory care units, and 30-50 skilled nursing care units. The proposed development will also include improvements to Fernwood Road.

Critical Root Impacts

A NRI-FSD (#420200260) has been approved by MNCPPC. The trees below that will be removed or impacted as a result of the plan of development are shown on the NRI/FSD and are numbered accordingly for reference purposes. Four (4) specimen trees will be impacted but saved, while thirty one (31) specimen trees will be removed.

ELP BETHESDA SPECIMEN (≥ 30" DBH) TREE LIST TO BE IMPACTED BUT SAVED ***(4 TOTAL TREES)***					
Tree #	***BOTANICAL NAME***	**COMMON NAME**	**DBH**	**CONDITION**	**IMPACTS**
12	*Acer rubrum*	Red Maple	30.7	Poor	3.8%
13	*Acer rubrum*	Red Maple	38.4	Poor	16.0%
21	*Platanus americana*	American Sycamore	33, 26, 34	Fair	9.2%
22	*Prunus serotina*	Black Cherry	32.5	Fair	4.4%

ELP BETHESDA SPECIMEN (≥ 30" DBH) TREE LIST TO BE REMOVED ***(31 TOTAL TREES)***					
Tree #	***BOTANICAL NAME***	**COMMON NAME**	**DBH**	**CONDITION**	**IMPACTS**
1	*Quercus phellos*	Willow Oak	37.6	Very Good	100%
2	*Quercus phellos*	Willow Oak	31	Fair	100%
3	*Quercus phellos*	Willow Oak	33.1	Good	100%
4	*Quercus phellos*	Willow Oak	41.8	Good	100%
5	*Quercus phellos*	Willow Oak	35.6	Fair	100%
6	*Quercus phellos*	Willow Oak	34.2	Fair	100%
7	*Quercus phellos*	Willow Oak	38.1	Fair	100%
15	*Quercus phellos*	Willow Oak	39.6	Very Good	100%
16	*Quercus phellos*	Willow Oak	35	Good	100%
17	*Quercus phellos*	Willow Oak	33.3	Good	100%
18	*Quercus phellos*	Willow Oak	36.4	Fair	100%
19	*Quercus phellos*	Willow Oak	36.8	Good	100%
20	*Quercus phellos*	Willow Oak	35.6	Good	100%
33	*Quercus rubra*	Northern Red Oak	32.8	Fair	100%
37	*Quercus rubra*	Northern Red Oak	31.8	Poor	100%
49	*Quercus phellos*	Willow Oak	38.8	Very Good	100%
50	*Quercus phellos*	Willow Oak	33.9	Good	100%
51	*Quercus phellos*	Willow Oak	35.3	Good	100%
52	*Quercus phellos*	Willow Oak	44.5	Good	100%
53	*Quercus phellos*	Willow Oak	35.1	Good	100%
54	*Quercus phellos*	Willow Oak	40.8	Fair	100%
55	*Quercus phellos*	Willow Oak	40.5	Good	100%
56	*Quercus phellos*	Willow Oak	30.5	Fair	100%
57	*Quercus phellos*	Willow Oak	44	Fair	100%
58	*Quercus phellos*	Willow Oak	43.5	Fair	100%
61	*Quercus phellos*	Willow Oak	37.3	Good	100%
62	*Quercus phellos*	Willow Oak	39.8	Good	100%
63	*Quercus phellos*	Willow Oak	42.3	Fair	100%
64	*Quercus phellos*	Willow Oak	34.1	Fair	100%
65	*Quercus phellos*	Willow Oak	33.4	Fair	100%
66	*Quercus phellos*	Willow Oak	31.2	Fair	100%

Mitigation

All thirty one (31) of the trees listed above to be removed are outside of forest stand areas and equate to a conglomerated DBH of 1,137.7. This yields a requirement of ninety five (95) 3" caliper trees for mitigation at a rate of 1" caliper replacement for every 4" DBH removed. All of these replacement trees are provided onsite as indicated on the Forest Conservation Plan, throughout the linear park and along Fernwood Road as street trees. The following table lists the proposed mitigation trees for the site:

TREE VARIANCE PLANTING SCHEDULE					
Qty #	***BOTANICAL NAME***	**COMMON NAME**	**CAL**	**B&B / CONT.**	**REMARKS**
19	*Acer rubrum*	Red Maple	3-3½" cal.	B&B	Full, Limb to 7' from ground
19	*Quercus falcata*	Southern Red Oak	3-3½" cal.	B&B	Full, Limb to 7' from ground
19	*Quercus phellos*	Willow Oak	3-3½" cal.	B&B	Full, Limb to 7' from ground
19	*Quercus rubra*	Northern Red Oak	3-3½" cal.	B&B	Full, Limb to 7' from ground
19	*Prunus serotina*	Black Cherry	3-3½" cal.	B&B	Full, Limb to 7' from ground
95	Total 3" Cal. Trees Planted				
284	Total Cal. Replaced				

Additional Application Requirements

Per Montgomery County's Forest Conservation Law Section 22A-21(b) of the *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.

Pursuant to *"**(1)** describe the special conditions peculiar to the property which would cause the unwarranted hardship":*

The recommendations for the Project site as stipulated in the applicable Master Plan (Rock Spring Sector Plan) and as supplanted by the Rock Spring and White Flint 2 Design Guidelines provide guidance that in turn restricts development on the site and necessitates the removal and impact of thirty five (35) specimen trees. The road improvements intended for Fernwood Road are directly related to the removal of a third of the specimen trees proposed to be removed from the site. The addition of a wider sidewalk under this application (and future construction of a bike lane) will cause insurmountable impacts to the critical root zone of eleven (11) trees. The remaining twenty (20) trees to be removed are part of existing general parking lot and site landscaping areas, on which, according to the new Design Guidelines, new development should be supported (Urban Design Guidelines for Rock Spring and White Flint 2 Sector Plans, p. 44).

As these development guidelines are recommended by the County, **it would cause an unwarranted hardship** to the developer to both maintain the 35 specimen trees without impact and meet the requests of the applicable Master Plan and Design Guidelines.

Pursuant to *"**(2)** describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas"*:

Enforcement of a prohibition of impacting the specimen trees would **deprive the applicant of the rights commonly enjoyed by others** who are in similar areas that have many of the same features as the subject property. The recommendations of the Master Plan and Design guidelines apply to the Rock Spring Central area, which is characterized by office buildings containing similar form and planting patterns.

Pursuant to *"**(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"*:

The applicant recognizes that the Cabin John Creek Watershed is in poor health and that in concept, the removal of 31 specimen trees may arouse concern for the potential further degradation of its waters, specifically of Thomas Branch. However, only two (2) of the trees to be removed are within the stream valley buffer, on the northern side of the shared access entrance drive. In addition, stormwater regulations have revolutionized since the 1980's when the trees were planted. The applicant is confident that the stormwater facilities installed in conjunction with the new development will not just protect the current water quality, but enhance it, and that **granting this variance will not violate state water quality standards.**

Pursuant to *"**(4)** provide any other information appropriate to support the request"*:

While the proposed development necessitates the impact to thirty five specimen trees, it will mitigate a portion of those trees on-site.

Minimum criteria for Variance

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;
(2) is based on conditions or circumstances which are the result of 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

Pursuant to *"**(1)** will confer on the applicant a special privilege that would be denied to other applicants"*:

The use of this site for a continuing care retirement community (CCRC) is a permitted and approved use in the underlying CR zone for this project site. The Design Guidelines recommend acceptance of new development in the Rock Spring Central area, including infill buildings, adaptive reuse, and tear downs. In addition, the neighboring Montgomery Row property was approved to remove specimen trees in order to construct new development in accordance with the Rock Spring Sector Plan. As such, development of the site and the subsequent tree impact is **not a special privilege** to be conferred upon the applicant.

Pursuant to "***(2)*** *is based on conditions or circumstances which are the result of actions by the applicant; and* ***(3)*** *arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property"*

The applicant has taken no **actions leading to the conditions or circumstances** that are the subject of this variance request. Furthermore, the surrounding land uses do not have any **inherent characteristics that have created** this particular need for a variance.

Pursuant to *"**(4)** will violate State water quality standards or cause measurable degradation in water quality"*

Per the previous response, the applicant restates its confidence that granting this variance request **will not violate State water quality standards or cause measurable degradation in State water quality standards**.

For these reasons listed above, we believe it is appropriate to grant this request for a variance. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

SOLTESZ

Keely D. Lauretti
Landscape Architect