MCPB

Item No.: xx Date: 04/23/2020

Item A: Milestone Senior Germantown, Senior Independent Living Facility, Forest Conservation No. CU 20-02

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Completed: 04/10/2020

Description

A. Preliminary Forest Conservation Plan CU 20-02

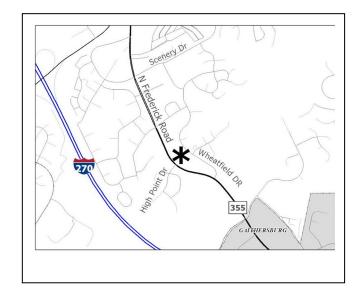
Preliminary Forest Conservation Plan CU 20-02 for an Independent Living Community, on a 2.64-acres located on the east side of Frederick Road (MD-355), approximately 0.2 miles north of the intersection of Wheatfield Drive and Frederick Road in Germantown, identified as Parcel 507, R-90 Zone, *The 2009 Germantown Employment Area Sector Plan*.

Applicant: Edmondson & Gallagher Property

Services, LLC

Submittal Date: February 12, 2020 **Review Basis:** Chapter 22A; Forest

Conservation Law



SUMMARY

- Staff Recommendation: Approval with Conditions
- The Planning Board must take action on the Forest Conservation Plan for Conditional Use Application CU 20-02. The development proposed under this application fully complies with Chapter 22A, the Forest Conservation Law.

STAFF RECOMMENDATION: Approval of Preliminary Forest Conservation Plan ("PFCP") No. CU2019-09, subject to the following conditions:

- 1. The Applicant must submit a Final Forest Conservation Plan ("FFCP") at time of Preliminary Plan of Subdivision application. The FFCP must be in substantial conformance to the approved Preliminary Forest Conservation Plan.
- 2. The limits of disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the FFCP.

SITE DESCRIPTION

The Property is an approximately 2.6-acre parcel of land. Access to the Property is from Frederick Road. Presently, there is a paved driveway from Frederick Road that provides access to the adjacent property to the south. The Property has varied topography with areas of relatively steep slopes covered with mature trees. The elevation starts 420 ft. along the south lot lines along Frederick Road, rises to about 440 ft. in a flatter area in the center of the Property, and then decreases down to about 426 ft at the northern lot line. The parcel is irregularly shaped with 408 ft. of frontage along Frederick Road.

There are no wetlands, intermittent or perennial streams on or within 100 ft. of the Property. No known rare, threatened, or endangered species exist on this Property. There are no designated historic sites on or near the Property.

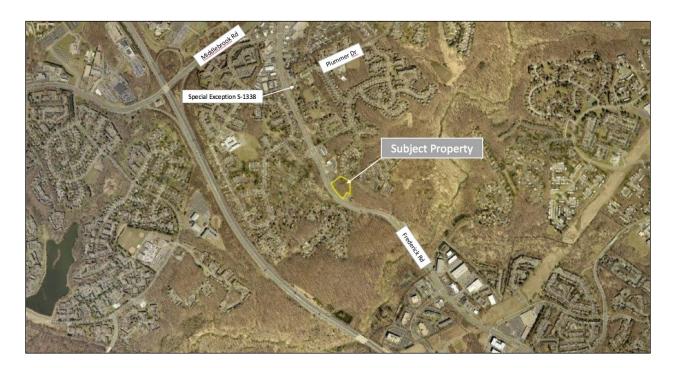


Figure 1: Project vicinity

The boundary of the defined neighborhood comprises of residential property lines and street rights-of-way. The neighborhood boundary begins at the intersection of Plummer Drive and Frederick Road, follows south along Frederick Road to the intersection of Wheatfield Drive, then north roughly along Wheatfield Drive to Plummer Drive, and west on Plummer Drive to the intersection of Frederick Road.

This neighborhood itself consists primarily of suburban residential with limited commercial uses: gas station, fraternal club, and a credit union. Much of the neighborhood to the east was developed from 1992 to 1993. The residences directly across Frederick Road from the Property were developed around 1962. The building housing the fraternal lodge and restaurant (adjacent property to the north) was built in 1940. South of the Property, a small portion of the Great Seneca Stream Valley Park lies within the southern portion of the neighborhood.

There are no prior conditional uses associated with the Property. However, located about 600 ft. to the north of the Property is Special Exception No. S-1553 (Figure 4). This special exception, which was approved in 1988, authorized a gas station to operate at 19235 Frederick Road. The site remains in operation as gas station and car wash.

Two other prior special exception located at 19114 Frederick Road were approved and have been revoked. In 1961, via CBA-1173-A, the Board of Appeals granted a permit to authorize the operation of a care home for not more than five patients. In 1996, the Board of Appeals granted approval in S-2170 to allow a group residential facility for up to 14 elderly persons. Later in 2002, the Board of Appeals revoked both CBA-1173-A and S-2170.

PROJECT DESCRIPTION

The PFCP (Attachment A) was prepared in support of Conditional Use Application No. CU2020-02. The Project consists of the construction and operation of an independent senior living facility in a new 104,551 sq. ft., five-story, 111-unit apartment building. Proposed are 97 one-bedroom and 14 two-bedroom units. The maximum height of the building is 60 ft. The entire Property is subject to the conditional use review.

The Applicant indicates that a majority of units will be reserved for persons with incomes below 60 percent of the average median income (AMI) for Montgomery County. And, the Applicant further states that occupancy of dwelling units will be restricted to senior adults, members of the household of a senior adult, and a resident care-giver.

While the Planning Board is advisory on Conditional Use applications per 59.7.3.1 of the Zoning Ordinance, the Planning Board must make a finding that the pending conditional use application complies with Chapter 22A of the County Code and approve the Preliminary Forest Conservation Plan.



Figure 2. 2015 Aerial Photograph of Project Site

ANALYSIS AND FINDINGS

Environmental

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation Plan ("NRI/FSD"), Plan No. 420191320, for the Subject Property was approved on March 29, 2019. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Subject Property is 2.64 acres in size and is substantially forested with 2.29 acres of a mixed hardwood forest. There are nine specimen trees measuring 30-inches or greater diameter breast height ("DBH") within the forested area and one that is located just off-site. The Subject Property lies within the Middle Great Seneca Creek watershed, which is classified by the State of Maryland as Use I-P waters¹.

Forest Conservation

A Preliminary Forest Conservation Plan ("PFCP") was submitted as part of this Conditional Use application. The PFCP shows the Net Tract Area on the PFCP Worksheet to be 2.81 acres which consists of the overall parcel size of 2.64 acres plus off-site disturbance of 0.17 acres for right-of-way improvements, pedestrian access and utility connections. The Subject Property is in the R-90 Zone and is classified as High Density Residential ("HDR") as specified in the Chapter 22A of the County Code Trees Technical Manual. The net tract area of the Property contains 2.29 acres of forest and the Applicant proposes to remove this forest (Figure 3). This results in a Total Reforestation/Afforestation requirement of 1.56 acres. The Applicant is proposing to satisfy this requirement by purchasing the appropriate credit

¹ I-P waters; Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial and public water supply.

in an off-site forest bank. The Applicant must submit a Final Forest Conservation Plan at time of Preliminary Plan of Subdivision application to M-NCPPC.

As part of the PFCP, the Planning Board must consider an Applicant's request for a variance from Section 22A-12(b)(3) of Montgomery County Forest Conservation Law ("FCL") if impacts to protected tree species are proposed. The Forest Conservation Variance is described below. The Application meets the requirements of Chapter 22A of the Montgomery County code.

Forest Conservation Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a 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 high priority vegetation, including disturbance to the 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. Development of the Property requires impact to one and removal of nine trees identified as high priority for retention and protection, therefore, the Applicant has submitted a variance request to impact these trees.

<u>Variance Request</u> - The Applicant submitted a request letter dated March 12, 2020 seeking a variance from Section 22A-12(b)(3) of the FCL (Attachment A). The Applicant proposes to impact one (1) and remove nine (9) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 1).

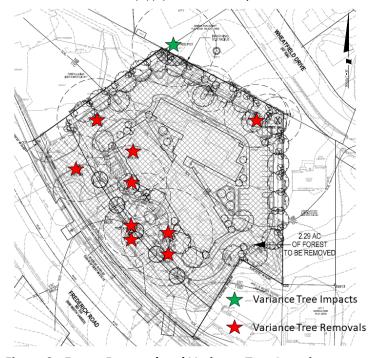


Figure 3: Forest Removal and Variance Tree Locations

Tree #	Species	DBH Inches	% Impacts	Condition	Status
71	White Oak (Quercus alba)	34.1	79%	Good	On-site, to be removed
73	White Oak (Quercus alba)	42.6	79%	Good	On-site, to be removed
74	White Oak (Quercus alba)	35.7	100%	Good	On-site, to be removed
75	Black Oak (Quercus velutina)	39.4	100%	Good	On-site, to be removed
76	Black Oak (Quercus velutina)	44.3	100%	Poor	On-site, to be removed
77	Black Oak (Quercus velutina)	34.5	100%	Fair	On-site, to be removed
78	Black Oak (Quercus velutina)	30.1	100%	Good	On-site, to be removed
80	Black Oak (Quercus velutina)	49.6	100%	Fair	On-site, to be removed
81	Tulip Poplar (<i>Liriodendron</i> tulipifera)	33.6	100%	Good	On-site, to be removed
101	Black Oak (Quercus velutina)	45.0	28%	Good	Off-Site; Impact only, to be saved

Table 1: Variance Trees to be impacted or removed

Unwarranted Hardship Basis

Pursuant to Section 22A-21(Forest Conservation), a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. The subject property is 2.64 acres in size and almost entirely forested with 2.29 acres of forest. The variance trees requested to be removed are located toward the front of the property with one at the rear of the site. These variance trees are located within the existing forest cover (Figure 1). The one variance tree requested to be impacted is located off-site. Any development of this property would require the impact or removal of variance trees. Tree Nos. 74, 77, and 78 will need to be removed for the installation of the driveway/pedestrian access and utility connections. The remaining six trees are located within the construction envelope of the proposed building and parking. There is no redesigning of the site layout which would reduce the impacts to these variance trees. Tree No. 101 is located off-site and will be impacted by the construction of the proposed parking lot, but will be retained. Given the small size of the property and the distribution of the variance trees, leaving these trees in an undisturbed condition would be an unwarranted hardship. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Section 22A-21 of the FCL 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. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan.

<u>Variance Findings</u> - 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. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

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

This finding is satisfied. Granting the variance will not confer a special privilege on the Applicant as the impact to one tree and the removal of nine trees is due to the location of the trees and necessary site design requirement. Therefore, Staff concurs that the granting of this variance is not a special privilege that would be denied to other applicants.

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

This finding is satisfied. The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements of this project.

 Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

This finding is satisfied. The requested variance is a result of the existing conditions 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.

The variance will not violate State water quality standards or cause measurable degradation in water quality. All specimen trees are being mitigated for either via the forest conservation worksheet or through Variance Tree Mitigation as described below. While mitigation does not replace the trees being removed it does provide additional environmental benefits replacing the form and function of the trees removed. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

<u>Mitigation for Trees Subject to the Variance Provision</u> - There are a total of one off-site tree being impacted and nine on-site trees proposed for removal in this variance request. All of the nine trees proposed for removal are located within the existing forest stand on the Subject Property. It has been M-NCPPC policy not to require mitigation for specimen trees removed within forest stands since the removal of the forest stand is compensated for through the Forest Conservation Worksheet. Additionally, no mitigation is required for trees that are impacted, but retained.

<u>County Arborist's Recommendation on the Variance</u> - 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. The request was forwarded to the County Arborist on March 18, 2020. To date, staff has not received a response from the County Arborist.

<u>Variance Recommendation</u> - Staff recommends approval of the variance request.

CONCLUSION

The PFCP meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve Applicant's request for a variance from Chapter 22A and the Preliminary Forest Conservation Plan with the conditions cited in this Staff Report.

Attachments:

Attachment A – Preliminary Forest Conservation Plan Attachment B – Applicant's Variance Request

0.00

2.29

1.12

0.00

1.56

0.00

0.00

1.56

0.00

FOREST CONSERVATION WORKSHEET

E. Offsite disturbances (extension of water/sewer; construction of site

Input the number "1" under the appropriate land use

entrance, bikeway, and connecting pathway)

LAND USE CATEGORY: (from *Trees Technical Manual*)

MILESTONE MONTGOMERY, LLC FOREST CONSERVATION PLAN

PLANNING DEPARTMENT USE ONLY (E-PLANS)

NET TRACT AREA:

A. Total tract area

F. Net Tract Area

G. Afforestation Threshold

H. Conservation Threshold

EXISTING FOREST COVER:

. Area of forest above afforestation threshold K. Area of forest above conservation threshold

M. Clearing permitted without mitigation ...

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared O. Total area of forest to be retained

PLANTING REQUIREMENTS:

S. Total reforestation required .

T. Total afforestation required.

L. Forest retention above threshold with no mitigation=

P. Reforestation for clearing above conservation threshold=

Q. Reforestation for clearing below conservation threshold=

U. Credit for landscaping (may not exceed 20% of "S")=

W. Total reforestation and afforestation provided on-site......=

X Total reforestation and afforestation provided off-site......

R. Credit for retention above conservation threshold.

V. Total reforestation and afforestation required.

I. Existing forest cover

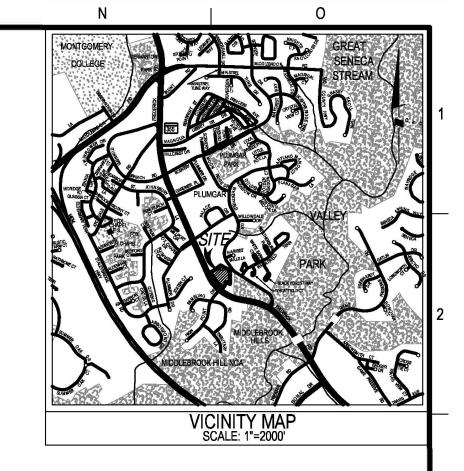
BREAK EVEN POINT:

9TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND



ATTACHMENT A

Preliminary Forest Conservation Plan



FINAL FOREST CONSERVATION PLAN

COVER SHEET & TREE REMOVAL PLAN

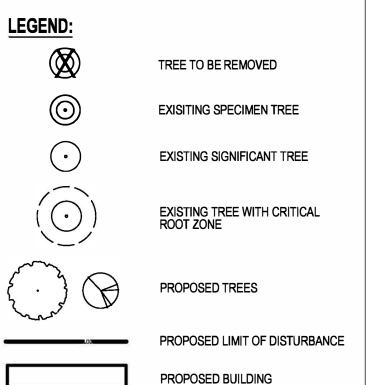
FOREST CONSERVATION PLAN & TREE PLANTING PLAN

FCP NOTES & DETAILS

GENERAL NOTES:

- THE EXISTING ZONE IS R-90.
- **TOTAL TRACT AREA: 2.64 ACRES**
- NET TRACT AREA: 2.13 ACRES.
- THE PROJECT LIES WITHIN THE GERMANTOWN SECTOR MASTER PLAN.
- THE SUBJECT PROPERTY LIES WITHIN THE MIDDLE GREAT SENECA CREEK WATERSHED.
- THE SUBJECT PROPERTY IS NOT WITHIN A SPECIAL PROTECTION AREA.
- UTILITY SERVICE TO BE PROVIDED BY POTOMAC EDISON, VERIZON, WASHINGTON GAS, AND COMCAST
- PUBLIC WATER AND SEWER SERVICE TO BE PROVIDED BY WASHINGTON SUBURBAN SANITARY
- THE PROPERTY IS IN WATER AND SEWER CATEGORIES W-1, S-1, RESPECTIVELY.
- THE SITE IS LOCATED ON WSSC MAP 226NW11.
- THE SITE IS LOCATED ON TAX MAP GRID FU121 BOUNDARY AND TOPOGRAPHIC INFORMATION IS FROM FIELD SURVEY PERFORMED BY SOLTESZ, INC.
- THE LAYOUT OF ALL SITE ELEMENTS DEPICTED ON THIS PLAN, SUCH AS PARKING AND UTILITIES ARE
- APPROXIMATE AND SUBJECT TO CHANGE.
- AN APPROVED NRI/FSD EXISTS FOR THIS SITE: PLAN NUMBER 420191320, APPROVED ON 03/29/2019.
- NO FLOODPLAIN EXISTS ON THE SITE.
- NO WETLANDS AND/OR INTERMITTENT OR PERENNIAL STREAMS EXIST ON OR WITHIN 100 FEET OF THIS
- THERE ARE NO KNOWN RARE, THREATENED OR ENDANGERED SPECIES OCCURRING ON THIS PROPERTY.
- THERE ARE NO DESIGNATED HISTORIC SITES ASSOCIATED WITH THE PROPERTY
- OFF-SITE REFORESTATION AND AFFORESTATION TO BE PROVIDED IN AN OFF-SITE FOREST BANK. CERTIFICATE OF COMPLIANCE WHICH SATISFIES THE 1.06 ACRE REFORESTATION REQUIREMENT WILL BE
- SWM CONCEPT WAS SUBMITTED TO MCDPS ON 05/08/2019.
- WHERE PRACTICAL, TREES IN MD 355 R/W DEDICATION AREA WILL BE SAVED.

PROVIDED PRIOR TO ANY CLEARING, GRADING OR DEMOLITION.



DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. _ including, financial bonding, forest planting, maintenance, and all other applicable agreements.

EDMONSON & GALLAGHER PROPERTY SERVICES, LLC Developer's Name:

Contact Person or Owner:

1651 Old Meadow Drive, Suite 305 Mclean, VA 22102

Phone and Email:

Signature:

COVER SHEET & TREE REMOVAL PLAN



GAITHERSBURG (9TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

MIDDLE GREAT THE START OF EXCAVATION. IF CLEARANCES ARE LESS THAN SENECA CREEK (703) 891-2410 SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY **BENJAMIN MILLER** THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN. ORIZONTAL: <u>XXXXX</u> P. 301.948.2750 F. 301.948.9067 'ERTICAL: XXXXXX

ROCKVILLE OFFICE 2 Research Place, Suite 100 Rockville, MD 20850

SOLTESZ, INC.

Rockville Lanham Waldorf Leonardtown Frederick Soltesz DC, LLC

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 LITH ITY" AT 1-800-257-7777 48 HOURS PRIOR TO

MISS UTILITY NOTE

EDMONDSON & GALLAGHER PROPERTY SERVICES, LLC 1651 OLD MEADOW DRIVE SUITE 305 MCLEAN, VA 22102

APPLICANT

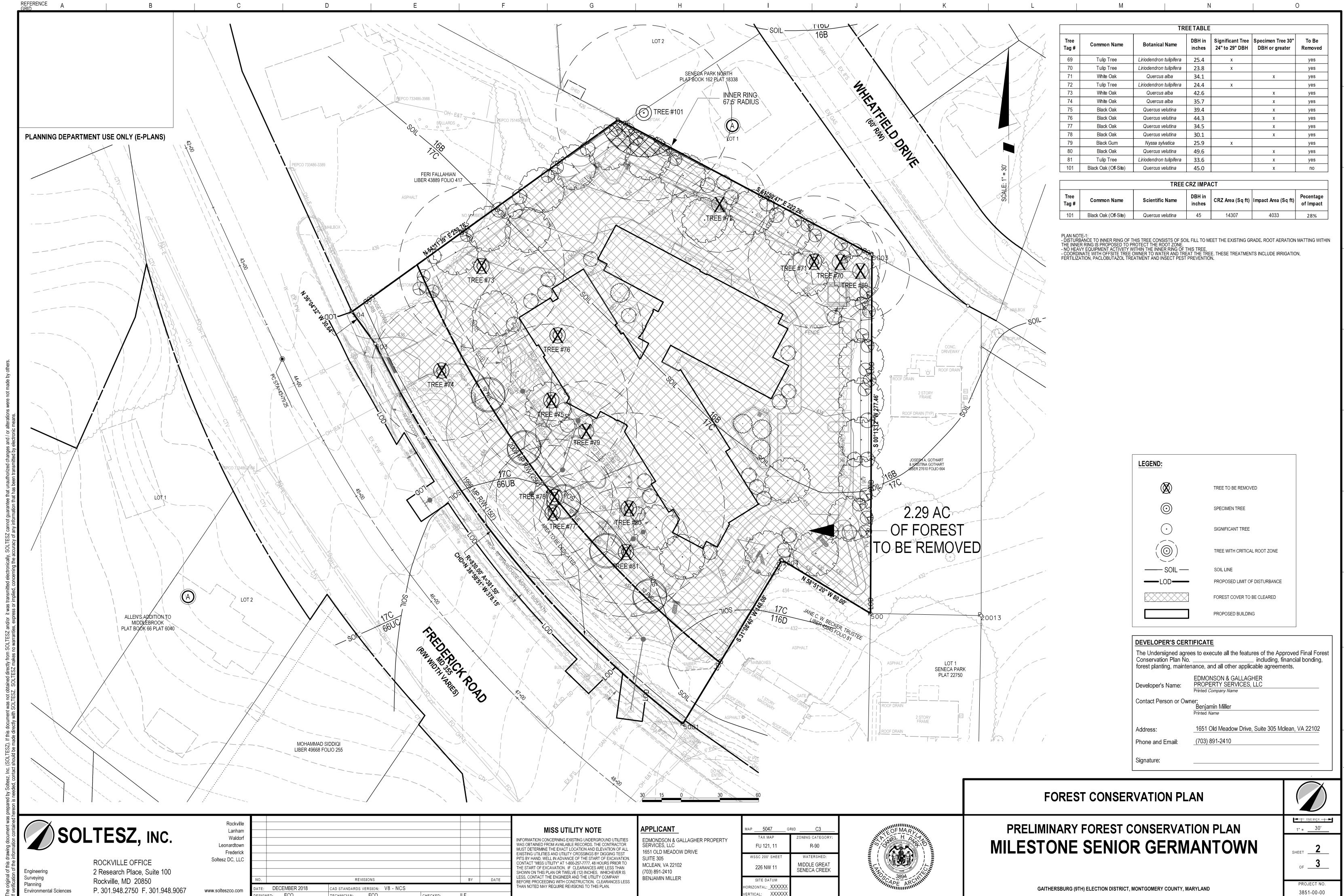


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SHEET

ONE INCH

1" = 50'



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provision of the forest conservation.

Additional Requirements for Plans with Planting Requirements Before the start of any required reforestation and afforestation planting

- After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the
- release of the performance bond.

start the maintenance period. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate The landscape contractor shall provide all materials, labor and equipment to complete all

schedule, the landscape contractor is to notify the landscape architect before the bid date. 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

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

If a plant is found not to be suitable or available, is to notify the landscape architect before bidding The owner or landscape architect is then required to select a reasonable alternate or to inform all If a substitute is selected, it must be of the same size, value and quality as the original plant.

The landscape contractor shall notify utility companies prior to construction and call "Miss Utility" at 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

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

A. During planting, all areas shall be kept clean and neat, and all reasonable precautions shall be Upon completion, all debris and waste material resulting from planting operations shall be removed

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.

D. All plant material shall be nursery grown unless otherwise specified. Pruning shall be done before 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

Same plant material for location near each other shall be similar in appearance. Hedge material

Anti-transpirants shall be an emulsifiable concentrate used to retard excess water loss

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

Organic Matter used in back fill shall be peat or other material approved by the landscape

This a composted leaf material to be used with the approval of landscape architect.

To be organic matter composted and aged by accepted methods to be used only when

This is agricultural grade limestone containing total carbonates of 85% with a minimum of 1. Fertilizer shall be granular, packet or pellet with 35% to 85% of the total nitrogen in a slowly

These slow release materials containing zinc (Zn), molybdenum (Mo), iron (Fe), copper (Cu),

NEVER COVER TOP OF TREE BALL WITH SOIL. Top of root ball should be 1/4 the root ball

Mulch top of root ball and saucer within 48 hours to a minimum depth of 2" and not exceed 3".

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 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

Place the hose around the trunk at the height required to provide optimum support. Then run the Cut the wire to sufficient length and then twist the wire at the rubber hose to keep it in place. Run both ends of wire together around the stake twice and then twist wire back onto itself to

Stakes shall be 2"x2" hardwood, reasonably free of knots to be long enough for 1/3rd to be

Wire shall be 12 or 14 gauge galvanized steel or acceptable equal, depending on the size of

Material shall be double shredded composted hardwood bark, such as "silvabark" or

Material shall be mulching grade, uniform in size and free of foreign or harmful matter 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

II. PLANTING PROCEDURES FOR TREES

I PREPARING TREE PIT The tree pit must be a minimum of 2 times the size of the root ball at the top.

Compact sufficiently to prevent settling.

The walls of tree pit shall be dug so that they are scarified. The tree pit shall be deep enough to allow 1/3 of the root ball to be above the existing grade. Any pose soil at the bottom of the pit shall be tamped by hand or with the bucket of the backhoe 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.

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

> 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. 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.

A. For a single shrub, the pit shall be dug large enough for the proper setting of the root ball (4"

II. PLANTING SINGLE SHRUBS AND BACKFILLING PIT Remove all plastic wraps, twine, containers, etc. Place the plant in the pit by lifting and carrying in by the root ball. Set the plant straight and in the center of the pit with the most desirable side facing toward the prominent

Use a soil mixture as specified. Make sure the plant remains straight during backfilling procedure

Backfill side of the pit halfway with soil mixture and tamp as the pit is being filled. Pull the burlap back 1/3 the way down the root ball. Make sure burlap does not become exposed above Finish backfilling the sides of the shrub pit and tamp firmly. Form a saucer above the existing grade and around the planting pit

Mulch top of root ball and saucer a minimum of 2" depth and not to exceed 3" in depth. Water thoroughly, the interior of the shrub saucer to insure root ball is saturated. EVEN IF IT IS Prune out any dead, conflicting or broken branches.

Remove all tags, labels, strings, etc. from the plant. III. PLANTING A SHRUB MASS Follow the same procedure as for a single shrub (Section II A-M) Edge and rake the entire planting bed to obtain uniform surface. Mulch the entire planting bed a minimum of 2" depth and not to exceed 3" depth. Water the entire planting bed thoroughly. EVEN IF IT IS RAINING. To saturate top 2" of soil.

IV. PLANTING PROCEDURES FOR GROUND COVER

Remove all tags, labels, strings

Prune out any dead, conflicting or broken branches.

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, backhoeing 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). Fertilize in planting hole or use water soluble fertilizer at base of plants after planting 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. Before planting, biodegradable pots shall be crushed and the top edges broken down below the surface. lon-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:

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 existing 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 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. 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:

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. 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. 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 hose stated in the soil test to be performed at the time of seeding, or as recommended by state agency and manufacturers Do not fertilize area to be seeded around storm water management facilities.

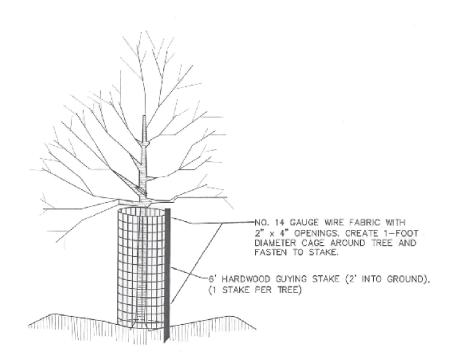
Contractor to provide a final product of grass crop creating a lawn of uniform color and texture after

VI. SOIL TESTING

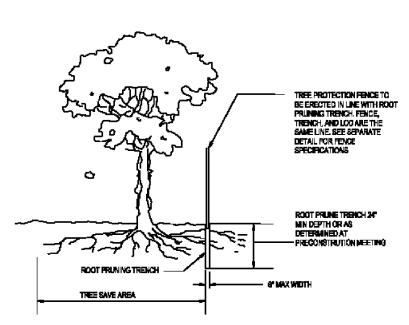
1. Contractor to perform soil test as per accepted methods by the local agricultural extension service. Samples to be tested by reputable lab. 3. Contractor will be held responsible for notifying owner of any problems or deficits determined by the

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

DEER PROTECTION CAGE.



1. HEIGHT OF CAGE SHALL BE 4-FEET (MIN.) 2. CAGE SHALL BE FASTENED TO STAKE WITH TWO (MIN.) 11-INCH RELEASABLE CABLE TIES (ONE AT TOP AND ONE 6" (MIN.) ABOVE THE GROUND. 3. DO NOT DAMAGE TREE DURING INSTALLATION. 4. SUBSTITUTIONS MUST BE APPROVED BY FOREST ECOLOGIST. 5. CAGES TO BE REMOVED AT DIRECTION OF FOREST ECOLOGIST.

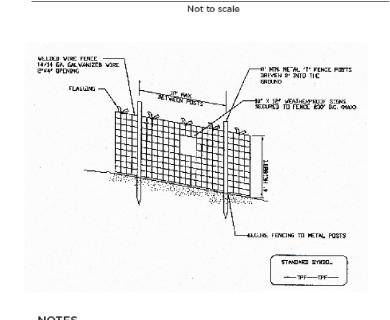


1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION. 2. BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING. 3. EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) 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 OUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE

ROOT PRUNING DETAIL

6. ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN

Tree Protection Fence Detail



Practice may be combined with sediment control Location and limits of fencing should be oordinated in field with arborist. Boundaries of protection area should be staked prior to installing protective device Root damage should be avoided.

Protection signage is required.

construction.

Fencing shall be maintained throughout

Montgomery County Planning Department . M-NCPP(MontgomeryPlanning.org

Remaining in Agricultural Use Road & Utility ROWs¹ **Total Existing Forest** Forest Retention Forest Cleared

> Land Use & Thresholds ARA, MDR, IDA, HDR, MDP, or CIA. Land Use Category HDR Conservation Threshold Afforestation Threshold

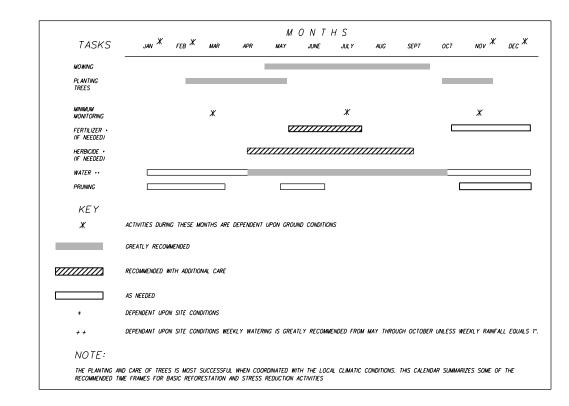
Forest Conservation Data Table

Average Buffer Acres of Forest in Wetland 100-Year Floodplair

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

Stream Buffers

Priority Areas



The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. including, financial bonding, forest planting, maintenance, and all other applicable agreements. EDMONSON & GALLAGHER PROPERTY SERVICES, LLC Developer's Name: Contact Person or Owner; 1651 Old Meadow Drive, Suite 305 Mclean, VA 22102 Phone and Email: Signature:

DEVELOPER'S CERTIFICATE

FOREST CONSERVATION PLAN NOTES & DETAILS



PRELIMINARY FOREST CONSERVATION PLAN

MILESTONE SENIOR GERMANTOWN

1" = NTS

PROJECT NO.

GAITHERSBURG (9TH) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

SOLTESZ, INC.

Surveying

Environmental Sciences

Planning

ROCKVILLE OFFICE 2 Research Place, Suite 100 Rockville, MD 20850 P. 301.948.2750 F. 301.948.9067

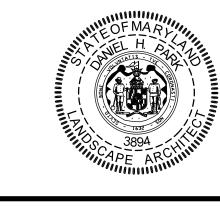
Rockville Lanham Waldorf Leonardtown Frederick Soltesz DC, LLC CAD STANDARDS VERSION: V8 - NCS www.solteszco.com TECHNICIAN: CHECKED.

MISS UTILITY NOTE NFORMATION 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.

APPLICANT **EDMONDSON & GALLAGHER PROPERTY** SERVICES, LLC 1651 OLD MEADOW DRIVE SUITE 305 MCLEAN, VA 22102 (703) 891-2410 BENJAMIN MILLER

R-90 FU 121, 11 MIDDLE GREAT 226 NW 11 SENECA CREEK rizontal: XXXX RTICAL: XXXX



ATTACHMENT B

Applicant's Variance Request



STRATEGIES FOR TODAY. INSIGHT FOR TOMORROW.

March 12, 2020

Mr. Doug Johnsen Landscape Architect – Area 3 Planning M-NCPPC 8787 Georgia Avenue Silver Spring, MD 20910

Re: Forest Conservation Variance Request

Milestone Senior Germantown

CU20-02

Dear Mr. Johnson,

On behalf of our client, Edmondson & Gallagher Property Services, LLC, (the "Applicant") we request approval of a variance pursuant to Section 22A-21(b) of the Montgomery County Forest Conservation Law. The Variance is necessary to allow removal of trees on the property that are 30" DBH or greater. The property is an undeveloped parcel, Parcel P507 on Frederick Road in Germantown, Maryland.

This variance request is submitted in conjunction with the Forest Conservation Plan for Milestone Senior Germantown CU20-02. A Natural Resources Inventory for the site, No.420191320, was approved on March 29, 2019.

Variance Request

As detailed below, existing conditions, site constraints and the nature of the proposed project justify the granting of the variance pursuant to Section 22A-21(b) of the Code. Additionally the variance is in conformance with Section 22A-21(d) of the code, because the granting of the variance (i) will not confer a special privilege on the Applicants that would be denied to others; (ii) is not based on conditions or circumstances which result from the action of the Applicant; (iii) is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property; and (iv) will not violate State water quality standards or cause measurable degradation in water quality.

Pursuant to Section 22-A-21(b) of the Forest Conservation Law, the Variance request must provide the following:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of the Chapter will deprived the landowner of rights commonly enjoyed by others in similar areas;



- (3) Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance; and
- (4) Provide any other information appropriate to support the request.

In accordance with these requirements, we submit the following information in support of the variance.

Description of the Property and Justification for Impacts

The subject property is an undeveloped 2.64 acre site in the R-90 zone, adjacent to Frederick Road (MD 355) in Germantown, Maryland. The site is surrounded by residential development in the R-90 zone to the north, east and south. The adjacent to the property to the west is developed with a restaurant, in the NR (Neighborhood Retail) zone. The property is almost entirely wooded, with 2.29 acres of forest. The property is sloping away from the center of the site toward the perimeter.

The property lies in the Fox Chapel district of the Germantown Master Plan. Frederick Road is proposed in the Master Plan to be expanded to a 250' right-of-way. This results in a 55-foot wide right-of-way dedication area of 0.51 acres – nearly 20 percent of the property area.

The applicant proposes a Residential Care Facility for Seniors. The building proposed is positioned in the center of the remaining property, with an entry drive and porte-cochere in the front, and surface parking along the sides and rear of the building. An ADA compliant walkway surrounds the building. Entrance to the property is at the northwestern end of the property to maximize sight distance. As per SHA design standards and specific request by SHA and MCDOT at the Development Review Committee (DRC) meeting with the client, the entrance was changed from a right-in, right out to a standard commercial Two-way Entrance, to reduce crossing distance. The building is designed around two interior courtyards for the ease of access and enjoyment of the residents.

The project proposes increased setbacks from adjacent properties for conformance and compatibility. In addition to the 55-foot wide dedication, the setback for the building is another 50 feet from the dedication line, resulting in a 105.7 foot setback from the existing property line. Side setbacks for the conditional use are two times the usual setback for a house or other building permitted in the zone. Parking in front of the building is restricted to less than 50% of the area in front of the building and the right-of-way. The project provides over 50% of green area as required, including a green roof. With the significant right-of-way dedication, setbacks and green area requirement, the buildable area of the site is considerably reduced. To avoid forest clearing and all specimen trees is not possible.

The property is proposed to be developed in accordance with all zoning restrictions and the master plan guidance for the area. The applicant requests the removal of eleven trees, and impacts to one offsite tree. The impacts to the offsite tree only affect 28% of the CRZ and mitigation of the impacts are proposed to protect and retain the tree. Impacts to each of the



trees are further detailed in the following Attachment A. The inability to remove the specimen trees described would prevent this Applicant from developing the site and would deprive the area of much needed affordable housing for seniors. The development is similar in size and scale and function to other facilities of this nature. Denial of the tree removal would deprive the owner of rights enjoyed by others for the lawful development of property.

Water Quality Standards

The applicant has submitted a Stormwater Management Concept Plan to the Department of Permitting Services Water Resources Section, which is currently under review. The plan demonstrates the protection of water quality through a series of microbioretention/planterbox facilities to capture, store, and treat runoff before release to public storm drain facilities. Runoff from development is captured to prevent impact to adjacent properties downhill from the site. In addition, green roof facilities will be used to reduce and filter rooftop drainage as well provide energy savings, reduction of heat island effects and improved air quality. The plan utilizes environmentally sensitive design practices to the maximum extent possible. The proposed stormwater management and mitigation measures are all in compliance with the current Maryland Department of the Environment (MDE) and Montgomery County Department of Permitting Services (DPS) regulations and standards.

Conditions for Granting Request

In accordance with 22A-21(d) of the code, granting of the requested variance will not confer a special privilege on the Applicants that would be denied to others. The application is in conformance with all regulations and is typical to other applications of its type. The request is not based on conditions or circumstances which result from the action of the Applicant and is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property. Granting of the request will not violate State water quality standards or cause measurable degradation in water quality.

We appreciate your consideration of this request. We believe that the supporting information provided supports granting of the variance.

If you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

Soltesz, Inc.

Jane L. Przygocki Technical Director

ATTACHMENT A

					SPECIA	TEN TREES	IMPACTED O	SPECIMEN TREES IMPACTED OR PROPOSED FOR REMOVAL		
Tree #		08H (in.)	CRZ Radius (ft.)	Ö	CRZ Impact (sf)	CRZ Impact (%)	Condition	Problems	Disposition	Justification
71	Quercus alba/ White Oak	34.1	51	8,215	6,523	79%	Poo 9	Dieback, large dead branches	Rетоvе	This tree exists at the edge of proposed paper parking and grading most of the tree's CP
72	<i>Liriodendron tulipifera /</i> Tulip Tree	24.4	37	4,206	3,523	84%	Fair	Large area of decay on trunk halfway up	Remove	This tree exists at the rear of the site and is at the edge of proposed parking. Construction of the parking and grading at the rear of the site will impact most of the tree's RZ
73	<i>Quercus alba/</i> White Oak	42.6	64	12,821	10,126	79%	poog		Remove	This tree is located in the parking area. Construction of the parking will impact most of the tree's CRZ,
74	Quercus alba/ White Oak	35.7	54	9,004	9,004	100%	Good		Remove	This tree is located in the entry road to the property and cannot be saved.
75	Quercus velutina/ Black Oak	39.4	59	10,967	10,967	100%	Poog		Remove	This tree is next to the building and cannot be saved. 100% of CR2 will be impacted.
9/	Quercus velutina/ Black Oak	44,3	99	13,865	13,865	100%	Poor	Severe decay in trunk, large dead branches	Remove	This tree is located near center of site where building is proposed.
11	Quercus velutina/ Black Oak	34.5	52	8,409	4,443	23%	Fair	Split trunk at 20 ft	Remove	This tree is at the edge of MP R/W, adjacent to the access road. More than 50% of the CRZ will be impacted by construction and erading.
78	Quercus velutina/ Black Oak	30.1	45	6,401	4,127	64%	Poop		Remove	This tree is at the edge of MP R/W, adjacent to the access road. More than 50% of the CRZ will be impacted by construction and grading.
79	<i>Nyssa sylvatica/</i> Black Gum	25.9	39	4,739	4,739	100%	Fair		Remove	This tree is between the building and the access road to the building. The building and access road construction will impact 100% of the CRZ.
8	<i>Quercus velutino/</i> Black Oak	49.6	74	17,381	15,316	%88	Fair	Twin trunks at 6 ft with included bark	Rеmove	This tree is in the sidewalk adjacent to the travel aisle and dropoff to the building. Construction of the building and road wil affect the majority of this tree's CRZ.
81	Liriodendron tulipifera / Tulip Tree	33.6	20	926'2	6,375	%08	Good		Rетоvе	This tree is in the travel aisle, necessary for access to the front door and for fire access.
101	Quercus velutina/ Black Oak	45.0	89	14,307	4,033	28%	poog		Retain	This tree is located offsite on the adjacent property. Some fill will be required over the CRZ to meet existing grade at the property line. The applicant proposes to provide root aeration matting within the inner ring to protect the root zone. And coordinate with the property owner to provided irrigation, fertilization padlobutazol treatment and insect pest prevention.