MCPB

Item No. 11 Date: 07-02-20

Spectrum Retirement: Forest Conservation Plan No. CU2020-05

Joshua Penn, Planner Coordinator, Area 3 <u>Joshua.Penn@montgomeryplanning.org</u>, 301-495-4546
Benjamin Berbert, Acting Supervisor, Area 3 <u>Benjamin.Berbert@montgomeryplanning.org</u>, 301-495-4644
Richard Weaver, Chief, Area 3 <u>Richard.Weaver@montgomeryplanning.org</u>, 301-495-4544

Staff Report Date: 06-19-2020

Description

Spectrum Retirement

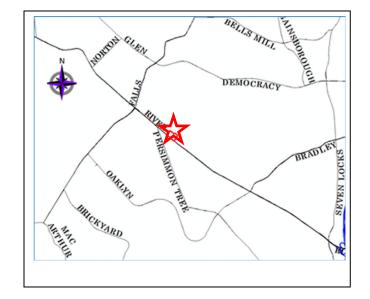
Request for a Preliminary Forest Conservation Plan Approval for proposed construction of a Residential Care Facility with 100 units and 130 beds including a memory care section of 18 units, on a 5.93-acre property located at 9545 River Road on the north side of the Road, 0.5 mile east of its intersection with Falls Road, Potomac, MD, Identified as Parcel 786 Tax Account No. 10-00855533, RE-2 zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with conditions (Planning Board Action)

Applicant: Spectrum Retirement Communities, LLC

Application Filed: March 19, 2020

Review Basis: Chapter 22A, Forest Conservation Law



- The review of this Preliminary Forest Conservation Plan accompanies the companion staff report for the Conditional Use project CU2020-05
- The forest conservation requirement will be met through onsite afforestation planting.
- Three, 3" caliper native trees are provided as mitigation for a tree variance.

STAFF RECOMMENDATION: Approval of the Forest Conservation Plan No. CU2020-05, subject to the following conditions:

- 1. This PFCP is conditionally approved and final approval is contingent upon approval by the Montgomery County Hearing Examiner of Conditional Use No. CU2020-05.
- 2. Applicant must submit a Final Forest Conservation Plan ("FFCP") to M-NCPPC Staff for review with the Preliminary Plan of Subdivision submittal.
- 3. The FFCP must be consistent with the final approved PFCP.
- 4. Applicant must obtain approval of the Final Forest Conservation Plan prior to certification of the preliminary plan of subdivision.
- 5. The Applicant must provide mitigation for the loss of trees per the approved variance in the form of three (3) native canopy trees with a minimum size of three (3) caliper inches. The trees must be clearly shown and labelled on the Final Forest Conservation Plan. The mitigation trees must be planted outside of any right-of-way, or utility easements, including stormwater management easements and not counted as part of the screening requirement under Division 6.5 of the Montgomery County Zoning Ordinance. The mitigation trees must be installed and accepted by M-NCPPC within one year of construction completion.
- 6. The limits of disturbance shown on the final Sediment Control Plan must be consistent with the limits of disturbance shown on the Final Forest Conservation Plan.
- 7. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

SITE DESCRIPTION

The subject property is identified as 9545 River Road, Parcel 786 Tax Account No. 10-00855533, 2002 Potomac Subregion Master Plan Master Plan. ("Subject Property" or "Property"). The Property is zoned Residential Estate - 2 Zone (RE-2), and it is 5.93 acres in size. The Property is developed as a retail nursery with multiple buildings, green houses, bulk storage areas, and gravel parking as well as operational parking areas that are used for the nursery.

The entire Property drains to the Cabin John Creek Watershed, which is classified by the State of Maryland as Use Class I-P waters. There are offsite streams to the northeast and northwest of the Property and some stream valley buffesr (SVB) from these features extend onto the Property. The Property contains no forest. Five large trees were identified on the Property or within 100 feet of the Property by the NRI/FSD, including two specimen trees (≥ 30 inches Diameter at Breast Height (DBH)). There are no steep slopes or highly erodible soils. Neighboring properties are zoned RE-2 residential single family and R-200 residential single family along the northwest property line (Figures 1 and 2).

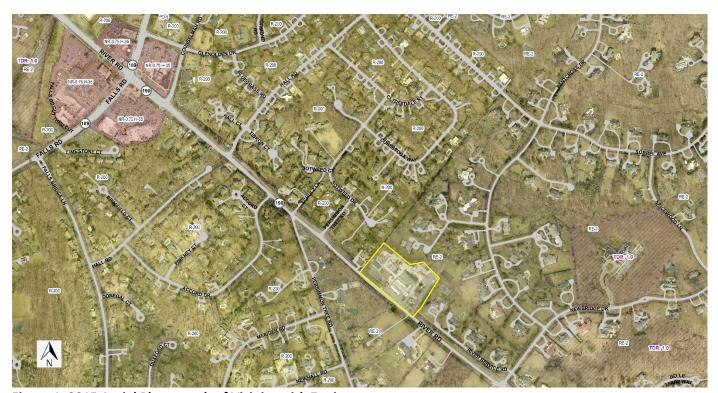


Figure 1. 2015 Aerial Photograph of Vicinity with Zoning



Figure 2. 2015 Aerial Photograph of Property

PROJECT DESCRIPTION

The Preliminary Forest Conservation Plan (PFCP) was prepared as part of Conditional Use Application No. CU2020-05 ("Application"), for a Residential Care Facility with 100 units and 130 beds including a memory care section of 18 units (Attachment A). While the Planning Board is technically advisory on Hearing Examiner applications, the Planning Board must make a finding that the pending Conditional Use Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

The Application proposes to clear and regrade the site for the construction of a residential care building and associated amenities.

ANALYSIS AND FINDINGS

The Conditional Use and Forest Conservation Plan Application meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

Review for Conformance to the Forest Conservation Law

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(b) as a project by, "a person required by law to obtain approval of a special exception or a conditional use, or a sediment control permit on a tract of land 40,000 square feet or larger..." The Property included in the Application is 5.93 acres in size, Parcel 786.

Environmental Guidelines

A Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) #420200520 was approved by Staff on March 5, 2020 (Attachment B). The entire Property drains to the Cabin John Creek Watershed, which is classified by the State of Maryland as Use Class I-P waters. There are offsite streams to the northeast and northwest of the Property and in some cases the stream valley buffer extends onto the Property. The Property contains no forest. Five large trees were identified on the Property or within 100 feet of the Property, including two specimen trees (≥ 30 inches Diameter at Breast Height (DBH)). There are no steep slopes or highly erodible soils.

SVB Encroachment

A 0.013-acre (approximately 579 sf) section of stream valley buffer is not being placed into a conservation easement because of its proximity to the building and the need to maintain a walkable path for residents, emergency personnel, and access to stormwater facilities. As compensatory mitigation, the Applicant is providing two times the acreage, 0.026 acres with native plantings throughout the site along building foundations and garden spaces. These areas consist of a layered planting palette, including ground covers, perennials, grasses, shrubs, and understory trees, creating wildlife habitat, carbon sequestration, and microclimate cooling. The final location and details will be provided with the Final Forest Conservation Plan.

Forest Conservation

The total tract area for the Property is 6.02 acres (including offsite improvements). The project does not propose to clear any forest, however, based on the land use category and the forest conservation worksheet there is a 1.20-acre afforestation planting requirement. The Applicant proposes to meet the requirements onsite via new forest planting which will be placed into Category I conservation easements.

Forest Conservation Variance

Section 22A-12(b)(3) of the 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 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. Staff determined that development of the Site requires impact to trees identified as high priority for retention and protection (Protected Trees). The Applicant has submitted a variance request for these impacts.

<u>Variance Request</u> – The Applicant submitted a variance request in a letter dated January 7, 2020, for the removal and impact of variance trees (Attachment C). The Applicant proposes to remove one and impact one protected tree that are 30 inches or greater, DBH, and are considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the protected trees to be removed and impacted are provided in Table 1 and shown graphically in Figure 3.

Table 1: Variance Tree Impacts

TREE #	DBH INCHES	SPECIES (SCIENTIFIC NAME)	SPECIES (COMMON NAME)	CONDITION	RECOMMENDATION
					REMOVE: 100% CRZ impact. Tree in poor
T1	30	Acer negundo	Boxelder	Poor	condition covered with English ivy.
,					SAVE: Request variance to impact the CRZ. An
					11% CRZ impact to this offsite tree warrants
					the tree to be saved. Removal may occur by
					others due to the poor condition of the tree
T4	Est. 35	Quercus rubra	Red Oak	Poor	not related to construction.

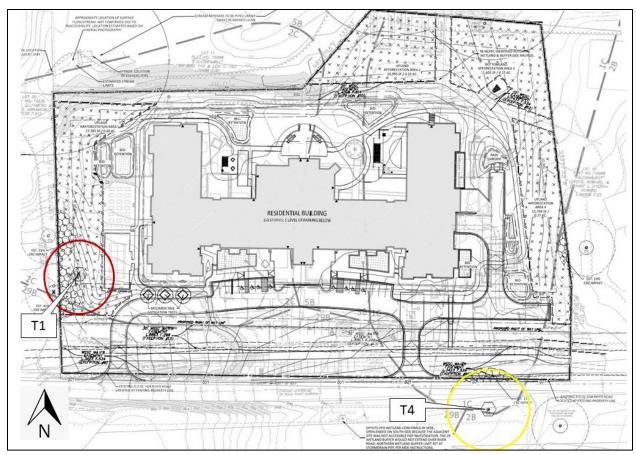


Figure 3: Variance Tree Distribution (Red = Removed: Yellow = Impacted)

<u>Unwarranted Hardship Basis</u> — Pursuant to Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Site. The Applicant contends that an unwarranted hardship would be created because the proposed CRZ impact to the offsite specimen tree is due to road improvements (removal of the existing parking lot and re-establishment of the edge of River Road); however, impacts are minimized by avoiding ground disturbance adjacent to the tree. Additionally, tree T1 will be impacted from the removal of the existing use, compacted soils, old storage/display areas, and asphalt millings. Denial of the variance would cause unwarranted hardship in significantly reducing the area of the Property that could be redeveloped because of site work necessary to create safe access from the site. The egress point cannot be moved further away from the property line and still meet safe sight distance requirements. This would preclude implementation of the Project.

If a variance were not considered and the Applicant was not allowed to disturb the trees the development proposal would not be possible as such; this would cause an unwarranted hardship. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

<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, for a variance to be granted.

Staff has made the following determination based on the required findings in the review of the variance request and the PFCP:

Granting the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Site. The Protected Trees are in the developable area of the Site. Granting a variance to allow land disturbance within the developable portion of the Site is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

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

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based on existing site conditions, including the location of the Protected Trees within the developable area of the Site and offsite in the area of required roadway improvements.

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

The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this need for a variance.

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. The Protected Trees removed will be mitigated for by planting new trees which will provide water quality benefits offsetting the tree removed.

In addition, the Montgomery County Department of Permitting Services (MCDPS) is reviewing a stormwater management concept for the proposed project. The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for Protected Trees —the Protected Tree subject to the variance provision and proposed to be removed is located outside of existing forest. Mitigation for the removal of the one tree is recommended at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposed to remove 30 inches in DBH, resulting in a mitigation requirement of 7.5 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. While these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of this tree.

<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 for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 6, 2020; the County Arborist has not provided a recommendation as of the posting of this Staff Report.

<u>Variance Recommendation</u> – Staff recommends that the variance be **granted**.

NOTIFICATION and OUTREACH

The Subject Property was properly signed with notification of the upcoming Conditional Use Hearing prior to submission. All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the proposed amendment. As of the date of this report, staff has received no inquiries. Any comments received hereafter will be forwarded to the Board.

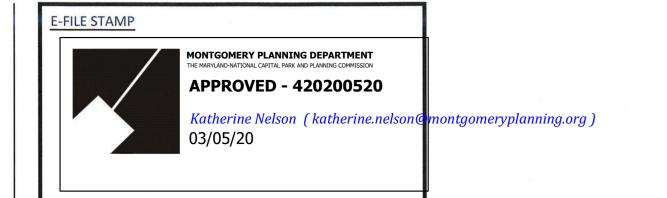
CONCLUSION

The Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this Staff Report.

Attachments

Attachment A – Natural Resources Inventory Attachment B - Forest Conservation Plan Attachment C - Variance Request

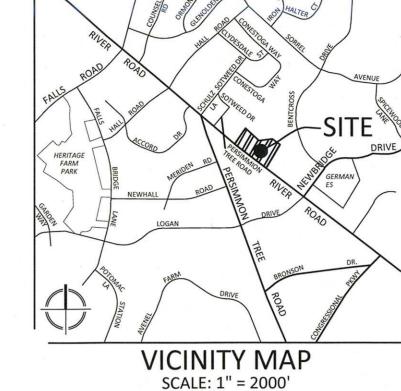
Attachment A: Natural Resources Inventory



AYOUT: MOCO NRI 100 COVER 30x42, Plotted By: Bundens

9545 RIVER ROAD

NATURAL RESOURCES INVENTORY/FOREST STAND DELINEATION



VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD SUITE #400
GERMANTOWN, MARYLAND 20874
PHONE: 301.916.4100
FAX: 301.916.2262
GERMANTOWN, MD TYSONS, VA

PREPARED FOR:
SPECTRUM RETIREMENT
COMMUNITIES, LLC
4600 S. SYRACUSE STREET
11TH FLOOR
DENVER, CO, 80237

303.360.8812 MIKE LONGFELLOW

DESIGN CONSULTANTS

PLANNER, CIVIL, LA
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD
SUITE 400
GERMANTOWN MD, 20874
301.916.4100
LOGAN ALOMAR

GENERAL NOTES

1. THE TOTAL TRACT AREA OF SUBJECT PROPERTY IS 5.93 ACRES.

THE SUBJECT PROPERTY AT 9545 RIVER ROAD IN POTOMAC, MARYLAND IS LOCATED SOUTHEAST AND ADJACENT TO THE POTOMAC HISTORIC DISTRICT, APPROXIMATELY 0.5 MILES SOUTHEAST OF THE INTERSECTION OF RIVER ROAD WITH FALLS ROAD. THE SITE IS NEARLY FULLY DEVELOPED AND IS CURRENTLY IN USE AS A COMMERCIAL LANDSCAPE NURSERY AND FLORIST, CONSISTING OF SEVERAL LANDSCAPE OPERATIONS BUILDINGS, STORAGE AREAS, AND PARKING LOTS, WITH TREE LINES ALONG SECTIONS OF THE PROPERTY PERIMETER. THE SURROUNDING AREA IS A RESIDENTIAL COMMUNITY.

- 2. THE SUBJECT PROPERTY IS LOCATED ON WSSC MAP 212NW10.
- 3. THE SUBJECT PROPERTY IS LOCATED ON TAX MAP FP42.
- 4. THE SUBJECT PROPERTY COMPRISES THE FOLLOWING:

LOT/PARCEL BLOCK TAX ACCT NO. LIBER & FOLIO PLAT N 32154/00125 -

- 5. PROPERTY ZONE: RE-2
- 6. THE HORIZONTAL DATA IS BASED ON MARYLAND STATE PLANE (NAD83/91).
- BOUNDARY SURVEY AND TOPOGRAPHY SHOWN IS FROM SURVEY COMPLETED BY VIKA MARYLAND, LLC IN JULY 2019. ADDITIONAL TOPOGRAPHY OUTSIDE THE PROPERTY BOUNDARY WAS OBTAINED FROM MONTGOMERY COUNTY GIS DATA.
- 8. THE SUBJECT PROPERTY DRAINS TO CABIN JOHN CREEK, A MARYLAND STATE USE I-P STREAM. THE MARYLAND DEPARTMENT OF NATURAL RESOURCES (MDNR) GIS WEBSITE, NATIONAL WETLAND INVENTORY (NWI) MAPPING, AND FEMA FLOODPLAIN MAPS WERE RESEARCHED ONLINE FOR THE OCCURRENCE OF WETLANDS, STREAMS, AND FLOODPLAINS. THE MDNR GIS WEBSITE SHOWS ONE MAPPED WETLAND ONSITE THAT NO LONGER OCCURS. THIS FEATURE IS NOT REFLECTED ON NATIONAL WETLAND INVENTORY (NWI) MAPPING. NO OTHER MAPPED WETLANDS STREAMS OR FEMA 100-YEAR FLOODPLAIN ARE SHOWN TO OCCUR ONSITE.

FOLLOWING ARE SITE INVESTIGATION FINDINGS FROM JULY 18, AND AUGUST 1, 2019:

NO WETLANDS, STREAMS, OR 100-YEAR FLOODPLAIN WERE FOUND ONSITE BY VIKA STAFF DURING THE FIELD INVESTIGATIONS ON JULY 18 AND AUGUST 1, 2019. MDE AND M-NCPPC DETERMINATIONS ARE DESCRIBED BELOW

EPHEMERAL / INTERMITTENT SWALE:
A MAPPED STREAM APPEARS ON MDNR GIS DATA JUST OFFSITE AT THE FAR EASTERN END OF THE SUBJECT PROPERTY. THE FIELD INVESTIGATION ON JULY 18, 2019 SHOWED THIS FEATURE TO BE AN ERODED SWALE THAT APPEARS TO RECEIVE STORMWATER RUNOFF FROM THE SUBJECT PROPERTY. THE SWALE WAS NEARLY DRY EXCEPT FOR A FEW SMALL POOLS OF WATER THAT LIKELY ACCUMULATED FROM THE PREVIOUS DAY'S THUNDERSTORM. THE SWALE WAS LINED WITH LARGE BOULDERS WITH SOME LANDSCAPE CLOTH AND FENCING DEBRIS. THIS SWALE INTERSECTS AN OBSERVED PERENNIAL STREAM APPROXIMATELY 120 FEET NORTHEAST OF THE SUBJECT PROPERTY

DURING A FIELD REVIEW OF THIS SWALE FEATURE ON NOVEMBER 25, 2019, MDE STAFF DETERMINED THAT THE MORPHOLOGICAL FEATURES OF THE SWALE BEGINNING APPROXIMATELY 80 FEET EAST OF THE PROPERTY BOUNDARY INDICATE INTERMITTENT STREAM FEATURES, AND THAT AT THIS POINT THE FEATURE WOULD BE CONSIDERED WATERS OF THE STATE. THE SWALE UPSLOPE FROM THIS POINT TO THE PROPERTY EDGE IS CONSIDERED BY MDE TO BE EPHEMERAL AND NOT REGULATED BY THE STATE. SEE MINUTES FROM THIS MEETING APPROVED BY MDE.

M-NCPPC HAS DETERMINED FOR PURPOSES OF THE NRI/FSD THAT THE INTERMITTENT PORTION OF THE SWALE WILL BEGIN APPROXIMATELY 50 FEET FROM THE PROPERTY LINE. THE SWALE UPSLOPE FROM THIS POINT TO THE PROPERTY EDGE IS CONSIDERED BY M-NCPPC TO BE EPHEMERAL AND NOT REGULATED BY M-NCPPC.

THE SWALE WAS NOT REVIEWED BY USACE, AND THE EPHEMERAL PORTION MAY BE ADDITIONALLY USACE-REGULATED.

A NARROW AREA ON TOP OF A SEWER LINE CONTAINING DENSE CATTAIL GROWTH WAS OBSERVED AND INVESTIGATED ON AUGUST 1, 2019 DURING A FIELD MEETING WITH M-NCPPC STAFF. LOW CHROMA SOILS (10YR 2/2 AND 2/1) IN APPROXIMATELY EIGHT INCHES OR LESS IN DEPTH WERE OBSERVED FROM AT LEAST SIX SOIL AUGER SAMPLES OVER MOST OF THE LENGTH OF THE CATTAIL GROWTH AREA. REFUSAL WAS AT EIGHT INCHES OR LESS WHERE THE AUGER MADE CONTACT WITH CONCRETE. NO REDOX FEATURES WERE OBSERVED IN THE SOIL SAMPLES, AND THE SOIL WAS A DRY SILT-LOAM. THE CATTAIL GROWTH IS LOCATED ON TOP OF A MAPPED SEWERLINE ALSO INDICATED BY A MARKER/SIGN IN THE FIELD. THE AREA IS RELATIVELY FLAT AND APPEARS TO BE LOCATED IN A SLIGHT DEPRESSION RELATIVE TO THE SURROUNDING AREA. ONE SECONDARY WETLAND HYDROLOGY INDICATOR OF GEOMORPHIC POSITION WOULD APPLY TO THIS AREA.

A HEADWALL IS LOCATED AT THE SOUTHEASTERN END OF THE CATTAIL AREA WITH A DRAINAGE OPENING THAT APPEARS TO DRAIN TO THE SOUTHEAST OF THE SEWER MANHOLE. ON NOVEMBER 8, 2019, AN ADDITIONAL SOIL SAMPLE TO APPROXIMATLEY 14 INCHES IN DEPTH WAS OBTAINED ON THE SIDE SLOPES ON EITHER SIDE OF THE DRAINAGE HEADWALL THAT EXHIBITED HYDRIC SOIL CHARACTERISTICS.

THE CATTAIL AREA WAS DETERMINED BY MDE TO NOT QUALIFY AS A WETLAND DURING A SITE MEETING ON NOVEMBER 25, 2019; THE SHALLOW SOILS ALONG THE LINEAR FEATURE AS WELL AS THE SIDE SLOPES NEXT TO THE DRAINAGE HEADWALL WERE REVIEWED. MDE STAFF NOTED THAT THE HYDRIC SOILS FOUND IN THE SMALL AREA OF SIDE SLOPES AT THE HEADWALL ARE APPARENTLY DISTURBED AND CONSIST OF GRAVEL FILL, AND THE MAJORITY OF THE LINEAR CATTAIL AREA CONSISTS OF SHALLOW SOILS; STORMFLOW ACCUMULATES IN THIS AREA FROM THE SURROUNDING IMPERVIOUS AREA. SEE MDE LETTER DATED FEBRUARY 19, 2020 ON THIS SHEET.

M-NCPPC HAS DETERMINED THIS AREA TO BE A M-NCPPC-DEFINED WETLAND UNDER THE CHAPTER 22A FOREST CONSERVATION REGULATIONS DEFINITION. THE 25-FOOT WETLAND BUFFER SHOWN ON THE PLAN WAS REQUIRED BY M-NCPPC STAFF COMMENTS.

OFFSITE PERENNIAL STREAM:
A MAPPED STREAM OCCURS OFFSITE TO THE NORTHEAST OF THE SUBJECT PROPERTY. FIELD OBSERVATIONS AND AERIAL PHOTOGRAPHY SHOW THAT THE STREAM IS LARGELY PIPED THROUGH THE ADJACENT PROPERTY UNDER A TURFED SWALE IN THE LAWN, BUT DAYLIGHTS AT THE NORTHERN AND SOUTHERN ENDS OF THE ADJACENT PROPERTY. THE OPEN STREAM CHANNEL SECTIONS WERE VIEWED FROM ADJACENT PROPERTIES DUE TO SITE INACCESSIBILITY, AND THE LOCATIONS SHOWN ON THE PLAN WERE VISUALLY CONFIRMED. THE OPEN CHANNEL AT THE NORTH END OF THE ADJACENT PROPERTY APPEARS TO BE PIPED FROM THE NORTH, AND IS AN OPEN CHANNEL FOR APPROXIMATELY 60 LINEAR FEET.

OFFSITE WETLAND LOCATED SOUTHWEST OF RIVER ROAD:
A SMALL WETLAND WAS IDENTIFIED AN DELINEATED OFFSITE ON THE WEST SIDE OF RIVER ROAD AS SHOWN ON THE PLAN. MDE STAFF REVIEWED THE LOCATION AND CONCURRED WITH THE OCCURRENCE OF THIS WETLAND DURING A FIELD MEETING ON NOVEMBER 25, 2019. NO STREAMS WERE IDENTIFIED BY VIKA OR MDE STAFF ON THE WEST SIDE OF RIVER ROAD WITHIN THE ROAD RIGHT-OF-WAY OR WITHIN VISIBILITY OF THE RIGHT-OF-WAY. SEE MINUTES FROM THE MEETING ON NOVEMBER 25, 2019, AND MDE LETTER DATED FEBRUARY 19, 2020 ON THIS

THESE FEATURES WERE NOT REVIEWED BY USACE.

COUNTY, MARYLAND, DATED SEPTEMBER 29, 2006.

- 9. THE SITE IS GENERALLY GENTLY SLOPING FROM A TOPOGRAPHIC HIGH OF APPROXIMATELY 360 FEET ABOVE MEAN SEA LEVEL (MSL) AT THE WESTERN END OF THE SITE, DOWN TO APPROXIMATELY 335 FEET ABOVE MSL AT THE EASTERN END OF THE SITE. SLOPES 15% OR GREATER TO UNDER 25% ON HIGHLY ERODIBLE SOILS, AND 25% OR GREATER ON THE SITE ARE SHOWN ON THE PLAN. FIVE SOIL TYPES OCCUR ONSITE AND ARE CHARACTERIZED ON THE SOILS TABLE SHOWN ON THIS PLAN.
- THIS SITE IS NOT LOCATED WITHIN A SPECIAL PROTECTION AREA (SPA) OR PRIMARY MANAGEMENT AREA (PMA).
 THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OF LESS THAN 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 24031C0340D, FOR MONTGOMERY
- 12. NO RARE, THREATENED OR ENDANGERED (RTE) SPECIES WERE OBSERVED DURING THE SITE VISITS. A LETTER DATED AUGUST 14, 2019 WAS RECEIVED FROM THE MARYLAND DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE STATING THAT NO OFFICIAL STATE OR FEDERAL RECORDS WERE FOUND FOR THE OCCURRENCE OF LISTED PLANT OR ANIMAL RTE SPECIES FOR THE SUBJECT PROPERTY.
- 13. EXISTING WILDLIFE: NO RTE SPECIES WERE OBSERVED ONSITE. UNIDENTIFIED BIRD SPECIES WERE OBSERVED
- 14. NO HISTORIC OR CULTURAL SITES ARE LISTED FOR THE SUBJECT PROPERTY IN THE MARYLAND INVENTORY OF HISTORIC PROPERTIES OR THE NATIONAL REGISTER OF HISTORIC PLACES; HOWEVER, THE POTOMAC HISTORIC DISTRICT ABUTS THE PROPERTY'S NORTHWESTERN BOUNDARY.
- 15 NO FOREST OCCURS ONSITE. A FOREST ON AN ADJACENT PROPERTY ABUTS THE SITE'S NORTHEASTERN AND EASTERN PROPERTY BOUNDARY AS SHOWN ON THE PLAN. OTHERWISE, TREELINES OCCUR ALONG MUCH OF THE SUBJECT PROPERTY PERIMETER.
- 16. ONE SPECIMEN TREE, A 30" DBH BOXELDER IN POOR CONDITION, WAS IDENTIFIED ONSITE AS SHOWN ON THE PLAN. NO OTHER SIGNIFICANT OR SPECIMEN TREES OCCUR ONSITE. SIGNIFICANT AND SPECIMEN TREES IDENTIFIED WITHIN THE 100' NRI/FSD STUDY AREA OFFSITE ARE AS SHOWN ON THIS PLAN. SIGNIFICANT/SPECIMEN TREES WERE EITHER SURVEY LOCATED OR ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON VISUAL OBSERVATIONS. OTHER EXISTING VEGETATION INFORMATION ASSOCIATED WITH THIS PROPERTY IS AS SHOWN ON THIS PLAN.
- A DIAMETER TAPE WAS USED TO MEASURE TREES UNLESS OTHERWISE INDICATED.
- NO CHAMPION TREES OR TREES 75% OF THE STATE CHAMPION FOR THEIR SPECIES WERE FOUND ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.
- 17. THE NRI/FSD FIELD WORK WAS CONDUCTED ON JULY 18, AND AUGUST 1, 2019 BY VIKA MARYLAND, LLC STAFF, DNR QUALIFIED PROFESSIONAL MARION E. BUNDENS. ADDITIONAL INFORMATION RESULTING FROM SITE INVESTIGATIONS BY MDE AND M-NCPPC ARE ALSO REFLECTED ON THIS PLAN.

RESOURCE DATA TABLE

ACREAGE OF TRACT (GROSS AREA)	5.93 AC
ACREAGE OF TRACT REMAINING IN AGRICULTURAL USE	0AC
ACREAGE OF TOTAL EXISTING FOREST	0AC
ACREAGE OF 100-YR FLOODPLAINS	0AC
ACREAGE OF FOREST W/IN 100-YR FLOODPLAINS	OAC
ACREAGE OF WETLANDS*	0AC
ACREAGE OF ENVIRONMENTAL BUFFERS (ON-SITE)	0.65 AC
ACREAGE OF FOREST WITHIN ENVIRONMENTAL BUFFERS	OAC
LINEAR FEET AND AVERAGE WIDTH OF	335 LF
ENVIDONAMENTAL PLIFFER PROVIDED	25' WB AND 100'-125
ENVIRONMENTAL BUFFER PROVIDED	SVB WIDTH
*NO WETLANDS OCCUR ONSITE ACCORDING TO MDE DETER	MINATION; SEE MDE-
APPROVED MEETING MINUTES FROM THE NOVEMBER 25, 20	019 FIELD MEETING. A

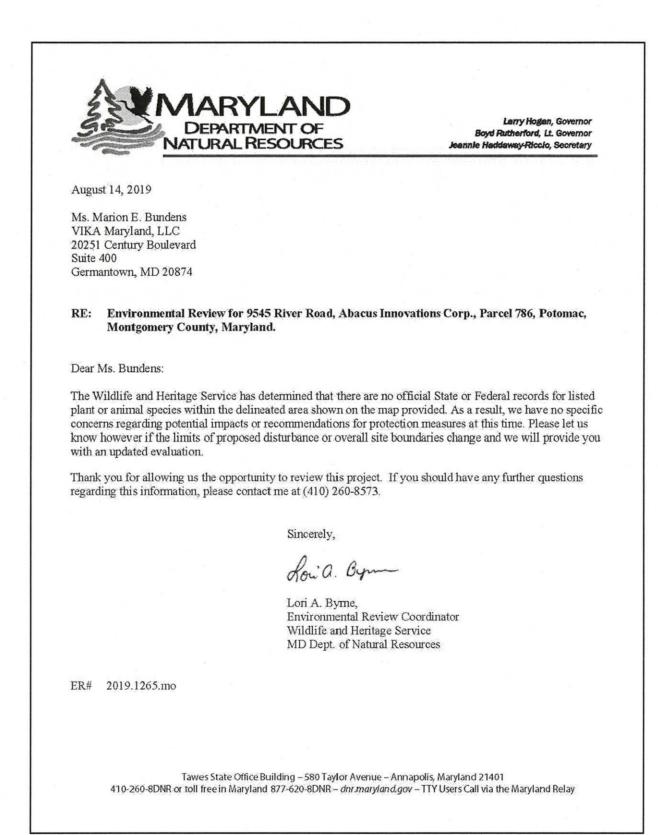
APPROVED MEETING MINUTES FROM THE NOVEMBER 25, 2019 FIELD MEETING. A
M-NCPPC-DETERMINED WETLAND IS SHOWN ON THE PLAN WITH ESTIMATED
LIMITS.

SOILS TABLE

SYMBOL	SOIL*	CHARACTERISTICS					
			FARMLAND OF				
		PRIME	STATEWIDE	HIGHLY			
		FARMLAND*	IMPORTANCE*	ERODIBLE**	HYDRIC SOIL*		
1C	GAILA SILT LOAM, 8 TO 15% SLOPES	NO	YES	YES	YES		
2B	GLENELG SILT LOAM 3-8% SLOPES	YES	NO	NO	NO		
2C	GLENELG SILT LOAM 8-15% SLOPES	NO	YES	YES	NO		
5B	GLENVILLE SILT LOAM 3-8% SLOPES	YES	NO	YES	YES		
29B	JACKLAND SILT LOAM, 3 TO 8% SLOPES	NO	YES	NO	NO		

SOURCES: *USDA NRCS WEB SOIL SURVEY (http://websoilsurvey.sc.egov.usda.gov)

** MARYLAND COMAR LIST FOR HOWARD, PRINCE GEORGES, AND MONTGOMERY COUNTIES



	Maryland		Larry Hogan Governor
	Maryland Department of		Boyd Rutherford Lieutenant Covernor
	the Environmen		Ben Crumbles Secretary
February 1	19, 2020		
Bonnie Sc	chlieker n Bundens		
	ryland LLC		
20251 Cer	ntury Blvd		
Germanto	wn, Maryland 20874		
Re	e: AI Number: 167121		
	Project Name: Spectrum Re	etirement Communities, LLC/9	9545 River Road
Dear Ms.	Schlieker:		
Montgome contained		s meeting was to determine wheetlands, nontidal wetland buffe	
beginning cattails. The cattails app backwater underneath regulated in between the	at the corner of the existing ten- his area is located in the middle pear to have established in sedir conditions. Shovel refusal was he the vegetation. Because of the nontidal wetland. The third area	unis courts. The second area ob- of the existing parking lot and ment that has accumulated in fi s encountered in this area due to c underlying structure, it was do a we checked was across the str d. A small nontidal wetland (ap	to the concrete/pavement located etermined that this area is not
	ve any questions, or if I can assistant of the second of t		not hesitate to contact me by telephone
		Sincerely,	
			D. Strusje
		Paula D. Stone Natural Resou	esifer
		Tionciant Trees	

Marion E. Bundens
Maryland DNR Qualified Professional
Maryland Forest Conservation
Act of 1991
Date: 2/27/2020

SHEET INDEX

NRI 100 NRI/FSD COVER NRI 200 NRI/FSD PLAN 9545 RIVI ROAD

PROFESSIONAL SEAL

REVISIONS

10TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND WSSC GRID: 212NW10 TAX MAP: FP42

PLAT(S)

SUBDIVISION

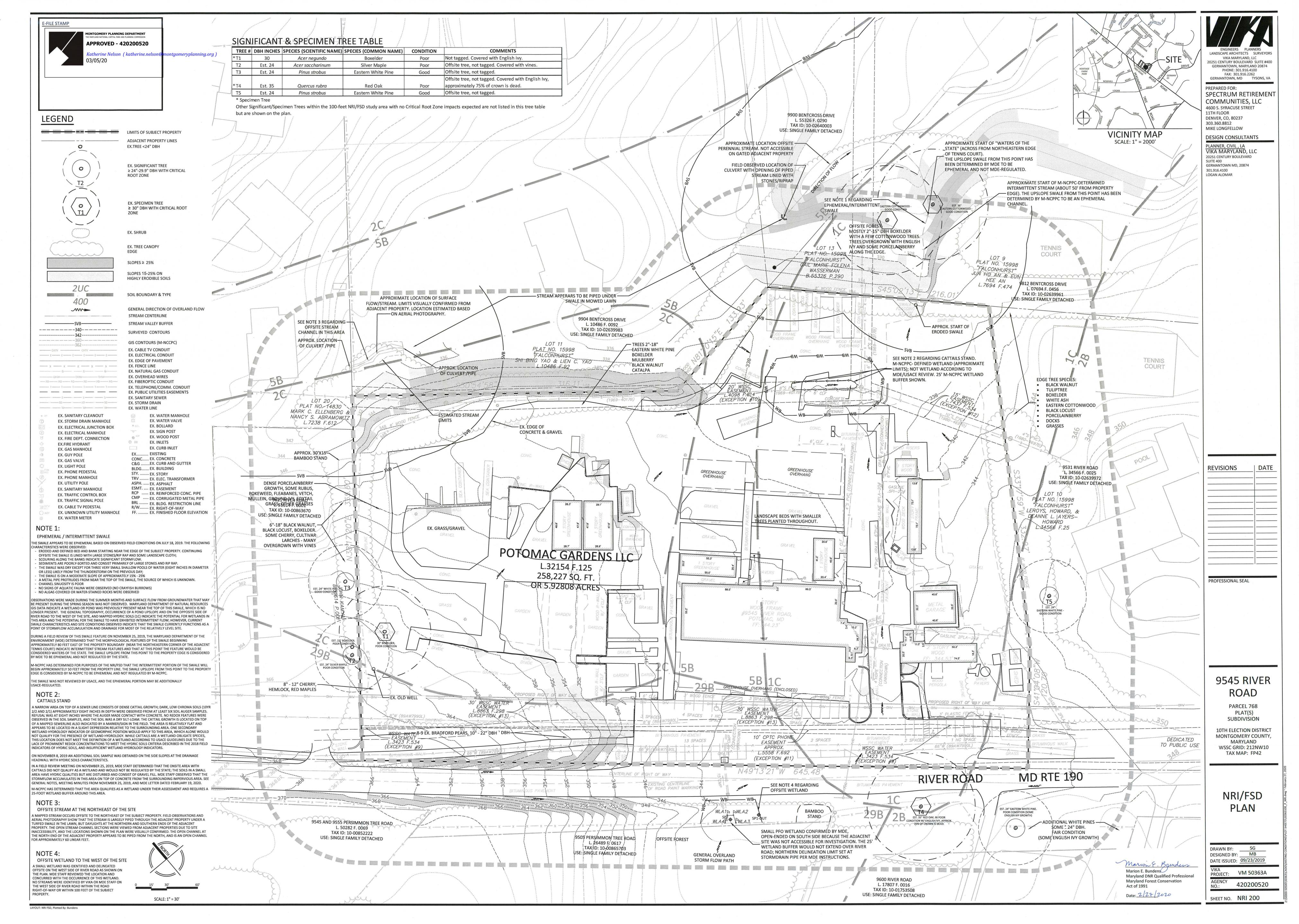
NRI/FSD COVER

DRAWN BY: SG
DESIGNED BY: MB
DATE ISSUED: 09/23/2019

VIKA
PROJECT: VM 50363A

AGENCY
NO.: 420200520

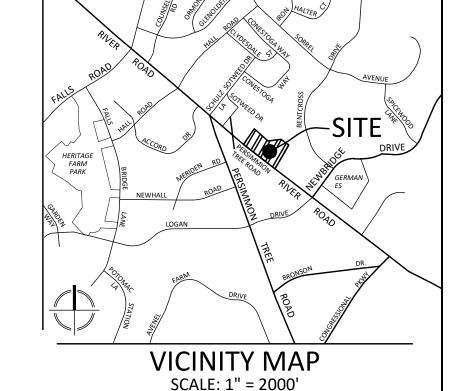
SHEET NO. NRI 100



Attachment B: Preliminary forest Conservation Plan

FILE STAMP

9545 RIVER ROAD PRELIMINARY FOREST CONSERVATION PLAN CU #420200520



GENERAL NOTES

1. THE TOTAL TRACT AREA OF SUBJECT PROPERTY IS 5.93 ACRES.

THE SUBJECT PROPERTY AT 9545 RIVER ROAD IN POTOMAC, MARYLAND IS LOCATED SOUTHEAST AND ADJACENT TO THE POTOMAC HISTORIC DISTRICT, APPROXIMATELY 0.5 MILES SOUTHEAST OF THE INTERSECTION OF RIVER ROAD WITH FALLS ROAD. THE SITE IS NEARLY FULLY DEVELOPED AND IS CURRENTLY IN USE AS A COMMERCIAL LANDSCAPE NURSERY AND FLORIST, CONSISTING OF SEVERAL LANDSCAPE OPERATIONS BUILDINGS, STORAGE AREAS, AND PARKING LOTS, WITH TREE LINES ALONG SECTIONS OF THE PROPERTY PERIMETER. THE SURROUNDING AREA IS A RESIDENTIAL COMMUNITY.

- 2. NRI/FSD #420200520 WAS APPROVED ON 03/05/2020.
- THE SUBJECT PROPERTY IS LOCATED ON WSSC MAP 212NW10
- 4. THE SUBJECT PROPERTY IS LOCATED ON TAX MAP FP42.
- 5. THE SUBJECT PROPERTY COMPRISES THE FOLLOWING:
- 6. PROPERTY ZONE: RE-2
- 7. THE HORIZONTAL DATA IS BASED ON MARYLAND STATE PLANE (NAD83/91)
- 8. THE BOUNDARY SURVEY AND TOPOGRAPHY SHOWN IS FROM SURVEY COMPLETED BY VIKA MARYLAND. LLC IN JULY 2019. ADDITIONAL TOPOGRAPHY OUTSIDE THE PROPERTY BOUNDARY WAS OBTAINED FROM MONTGOMERY COUNTY GIS DATA.
- 9. THE SUBJECT PROPERTY DRAINS TO CABIN JOHN CREEK, A MARYLAND STATE USE I-P STREAM. THE MARYLAND DEPARTMENT OF NATURAL RESOURCES (MDNR) GIS WEBSITE, NATIONAL WETLAND INVENTORY (NWI) MAPPING AND FEMA FLOODPLAIN MAPS WERE RESEARCHED ONLINE FOR THE OCCURRENCE OF WETLANDS, STREAMS, AND FLOODPLAINS. THE MDNR GIS WEBSITE SHOWS ONE MAPPED WETLAND ONSITE THAT NO LONGER OCCURS. THIS FEATURE IS NOT REFLECTED ON NATIONAL WETLAND INVENTORY (NWI) MAPPING. NO OTHER MAPPED WETLANDS, STREAMS OR FEMA 100-YEAR FLOODPLAIN ARE SHOWN TO OCCUR ONSITE.

NO WETLANDS, STREAMS, OR 100-YEAR FLOODPLAIN WERE FOUND ONSITE BY VIKA STAFF DURING THE FIELD INVESTIGATIONS ON JULY 18 AND AUGUST 1, 2019. OFFSITE WETLAND AND STREAM FEATURES, AND MDE AND M-NCPPC DETERMINATIONS OF WETLAND AND STREAM FEATURES ARE DESCRIBED ON THE APPROVED NRI/FSD #420200520 DATED 03/05/2020 AND SHOWN ON THIS PLAN.

- 10. THE SITE IS GENERALLY GENTLY SLOPING FROM A TOPOGRAPHIC HIGH OF APPROXIMATELY 360 ABOVE MEAN SEA LEVEL (MSL) AT THE WESTERN END OF THE SITE, DOWN TO APPROXIMATELY 335 FEET ABOVE MSL AT THE EASTERN END OF THE SITE. SLOPES 15% OR GREATER TO UNDER 25% ON HIGHLY ERODIBLE SOILS, AND 25% OR GREATER ON THE SITE ARE SHOWN ON THE PLAN. FIVE SOIL TYPES OCCUR ONSITE AND ARE CHARACTERIZED ON THE SOILS TABLE SHOWN ON THE APPROVED NRI/FSD.
- 11. THIS SITE IS NOT LOCATED WITHIN A SPECIAL PROTECTION AREA (SPA) OR PRIMARY MANAGEMENT AREA (PMA).
- 12. THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA OF LESS THAN 0.2% ANNUAL CHANCE OF FLOOD) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 24031C0340D, FOR MONTGOMERY COUNTY, MARYLAND, DATED SEPTEMBER 29, 2006.
- 13. NO RARE, THREATENED OR ENDANGERED (RTE) SPECIES WERE OBSERVED DURING THE SITE VISITS. A LETTER DATED AUGUST 14, 2019 WAS RECEIVED FROM THE MARYLAND DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE STATING THAT NO OFFICIAL STATE OR FEDERAL RECORDS WERE FOUND FOR THE OCCURRENCE OF LISTED PLANT OR ANIMAL RTE SPECIES FOR THE SUBJECT PROPERTY.
- 14. EXISTING WILDLIFE: NO RTE SPECIES WERE OBSERVED ONSITE. UNIDENTIFIED BIRD SPECIES WERE OBSERVED
- 15. NO HISTORIC OR CULTURAL SITES ARE LISTED FOR THE SUBJECT PROPERTY IN THE MARYLAND INVENTORY OF HISTORIC PROPERTIES OR THE NATIONAL REGISTER OF HISTORIC PLACES; HOWEVER, THE POTOMAC HISTORIC DISTRICT ABUTS THE PROPERTY'S NORTHWESTERN BOUNDARY.
- 16. NO FOREST OCCURS ONSITE. A FOREST ON AN ADJACENT PROPERTY ABUTS THE SITE'S NORTHEASTERN PROPERTY BOUNDARY AS SHOWN ON THE PLAN. OTHERWISE, TREELINES OCCUR ALONG MUCH OF THE SUBJECT PROPERTY PERIMETER.
- 17. ONE SPECIMEN TREE, A 30" DBH BOXELDER IN POOR CONDITION, WAS IDENTIFIED ONSITE AS SHOWN ON THE PLAN. THIS TREE IS PROPOSED TO BE REMOVED DUE TO ITS LOCATION WITHIN THE LOD AND POOR CONDITION. THE REMOVAL OF THIS TREE IS INCLUDED IN THE VARIANCE REQUEST, AND THREE SPECIMEN TREE REPLACEMENT

NO OTHER SIGNIFICANT OR SPECIMEN TREES OCCUR ONSITE. SIGNIFICANT AND SPECIMEN TREES IDENTIFIED OFFSITE WITHIN THE 100' OF THE SUBJECT PROPERTY ARE AS SHOWN ON THIS PLAN. SIGNIFICANT/SPECIMEN TREES WERE EITHER SURVEY LOCATED OR ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED ON VISUAL OBSERVATIONS. OTHER EXISTING VEGETATION INFORMATION ASSOCIATED WITH THIS PROPERTY IS AS SHOWN ON

CRITICAL ROOT ZONE (CRZ) IMPACTS ARE PROPOSED TO OFFSITE SPECIMEN TREE T4 LOCATED ON THE OPPOSITE SITE OF RIVER ROAD. THIS TREE IS PROPOSED TO BE SAVED BUT A VARIANCE REQUEST FOR REMOVAL OF THIS TREE WILL BE MADE IN CASE POOR HEALTH OF THE TREE REQUIRES REMOVAL. IF A DETERMINATION IS MADE IN CONSULTATION WITH THE M-NCPPC FORESTRY INSPECTOR TO REMOVE T4, THE REPLACEMENT TREE PLANTING SPECIES AND LOCATIONS WILL BE DETERMINED AT THAT TIME.

OFFSITE SIGNIFICANT TREE T2 IS PROPOSED FOR REMOVAL DUE TO POOR HEALTH AND SIGNFICANT IMPACT TO THE CRZ; HOWEVER, FINAL TREATMENT WILL BE DETERMINED AT THE PRECONSTRUCTION MEETING IN CONSULTATION WITH THE M-NCPPC INSPECTOR. ANY TREATMENT OF OFFSITE TREES ARE TO BE COORDINATED WITH THE M-NCPPC INSPECTOR AND ADJACENT PROPERTY OWNER(S).

A DIAMETER TAPE WAS USED TO MEASURE TREES UNLESS OTHERWISE INDICATED.

NO CHAMPION TREES OR TREES 75% OF THE STATE CHAMPION FOR THEIR SPECIES WERE FOUND ON THE SUBJECT PROPERTY OR WITHIN THE REMAINDER OF THE NRI STUDY AREA.

18. THE 1.20 ACRES OF REQUIRED AFFORESTATION IS TO BE SATISFIED WITH ONSITE FOREST PLANTINGS OF 1.20

FCP WORKSHEET

FOREST CONSERVATION WORKSHEET PROJECT NAME AND PLAN NUMBER

NET TRACT AREA	A :						
A. Total tract are	ea						5.9
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)							
C. Land dedicati	ion acre	es (parks, c	ounty facil	ity, etc.)	•		0.0
D. Land dedicat	ion for	roads or ut	ilities (cor	struction	not require	ed by this plan)	0.0
E. Area to remain F. Other deduct						within ovicting	0.0
road ROW	10115 (5)	becity). Au	uitions to	liact area (Dabove) v	vitilli existing	0.0
G. Net Tract Area=					6.0		
·	the nu	from Chap mber "1" u one entry.	nder the a		•		
	ARA	MDR	IDA	HDR	MPD	CIA	
	0	1	0	0	0	0	
G. Afforestation	n Thresl	nold			20%	x G =	1.2
H. Conservation Threshold 25% x G =						1.5	
EXISTING FORES	ST COVE	R:					
I. Existing fores	t cover			=			0.0
J. Area of forest above afforestation threshold=					0.0		
K. Area of fores	t above	conservat	ion thresh	old	=		0.0
BREAK EVEN PO	INT:						
L. Forest retent	ion abo	ve thresho	old with no	mitigatio	n=		0.0
M. Clearing per	mitted	without m	itigation	••••••	=		0.0
PROPOSED FORE							
N. Total area of forest to be cleared=						0.0	
O. Total area of forest to be retained=						0.0	
PLANTING REQU	JIREME	NTS:					
P. Reforestation	n for cle	earing abov	e conserv	ation thres	shold=		0.0
Q. Reforestation for clearing below conservation threshold=					0.0		
R. Credit for retention above conservation threshold=						0.0	
S. Total reforest		•					0.0
T. Total afforest							1.2
U. Credit for lan	· ·						0.0
V. Total refores	tation a	and affores	tation req				1.2
				W	orksheet d	ate	1/8/20

RESOURCE DATA TABLE

1.20 ACRES OF AFFORESTATION PROVIDED ONSITE

_	
ACREAGE OF TRACT (GROSS AREA)	5.93 AC
ACREAGE OF TRACT REMAINING IN AGRICULTURAL USE	0 A C
ACREAGE OF TOTAL EXISTING FOREST	0 AC
ACREAGE OF 100-YR FLOODPLAINS	0 AC
ACREAGE OF FOREST W/IN 100-YR FLOODPLAINS	0 AC
ACREAGE OF WETLANDS*	0 AC
ACREAGE OF ENVIRONMENTAL BUFFERS (ON-SITE)	0.65 AC
ACREAGE OF FOREST WITHIN ENVIRONMENTAL BUFFERS	0 AC
LINEAR FEET AND AVERAGE WIDTH OF	335 LF
ENIVIDONIMENTAL BUEFFE BROVIDED	25' WB AND 100'-125
ENVIRONMENTAL BUFFER PROVIDED	SVB WIDTH
*NO WETLANDS OCCUR ONSITE ACCORDING TO MDE DETERM	MINATION; SEE MDE-
APPROVED MEETING MINUTES FROM THE NOVEMBER 25, 202	19 FIELD MEETING. A

M-NCPPC-DETERMINED WETLAND IS SHOWN ON THE PLAN WITH ESTIMATED LIMITS.

FOREST CONSERVATION DATA TABLE

	Number of Acres		
Tract	5.93		
Remaining in Agricultural Use	-		
Road & Utility ROWs ¹	0.15		
Total Existing Forest	-		
Forest Retention	-		
Forest Cleared	-		
Land Use & Thresholds ²			
Land Use Category	MDR	ARA, MDR, IDA, HDR, N	MDP, or CIA.
Conservation Threshold	25%	percent	
Afforestation Threshold	20%	percent	
	Total Channel	Average Buffer	
	Length (ft.)	Width (ft.) ³	
Stream(s)	OFFSITE	100' - 125'	
			l
Acres of Forest in	Retained	Cleared	Planted
Wetlands	-	-	
100-Year Floodplain	-	-	
C: D			

¹ 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

SHEET INDEX

PFCP 100 PRELIMINARY FCP COVER PFCP 200 COMPOSITE PRELIMINARY FCP 11TH FLOOR DENVER, CO, 80237 303.360.8812

20251 CENTURY BOULEVARD SUITE 400 GERMANTOWN, MARYLAND 20874 PHONE: 301.916.4100 FAX: 301.916.2262 GERMANTOWN, MD TYSONS, VA SPECTRUM RETIREMENT COMMUNITIES, LLC 4600 S. SYRACUSE STREET

> MIKE LONGFELLOW **DESIGN CONSULTANTS**

VESSEL ARCHITECTURE & DESIGN 600 EMERSON ROAD SUITE 400

ST. LOUIS, MO, 63141 314.521.0123 BRIAN L. VAN WINKLE, AIA, NCARB

LERCH, EARLY & BREWER CHTD **7600 WISCONSIN AVENUE** SUITE 700 BETHESDA, MD, 20814

301.986.1300

LOGAN ALOMAR

STEVEN A. ROBINS VIKA MARYLAND, LLO 20251 CENTURY BOULEVARD GERMANTOWN MD, 20874 301.916.4100

PROFESSIONAL SEAL

Maryland DNR Qualified Professional Maryland Forest Conservation Act of 1991

9545 RIVER

PARCEL 768 PLAT(S)

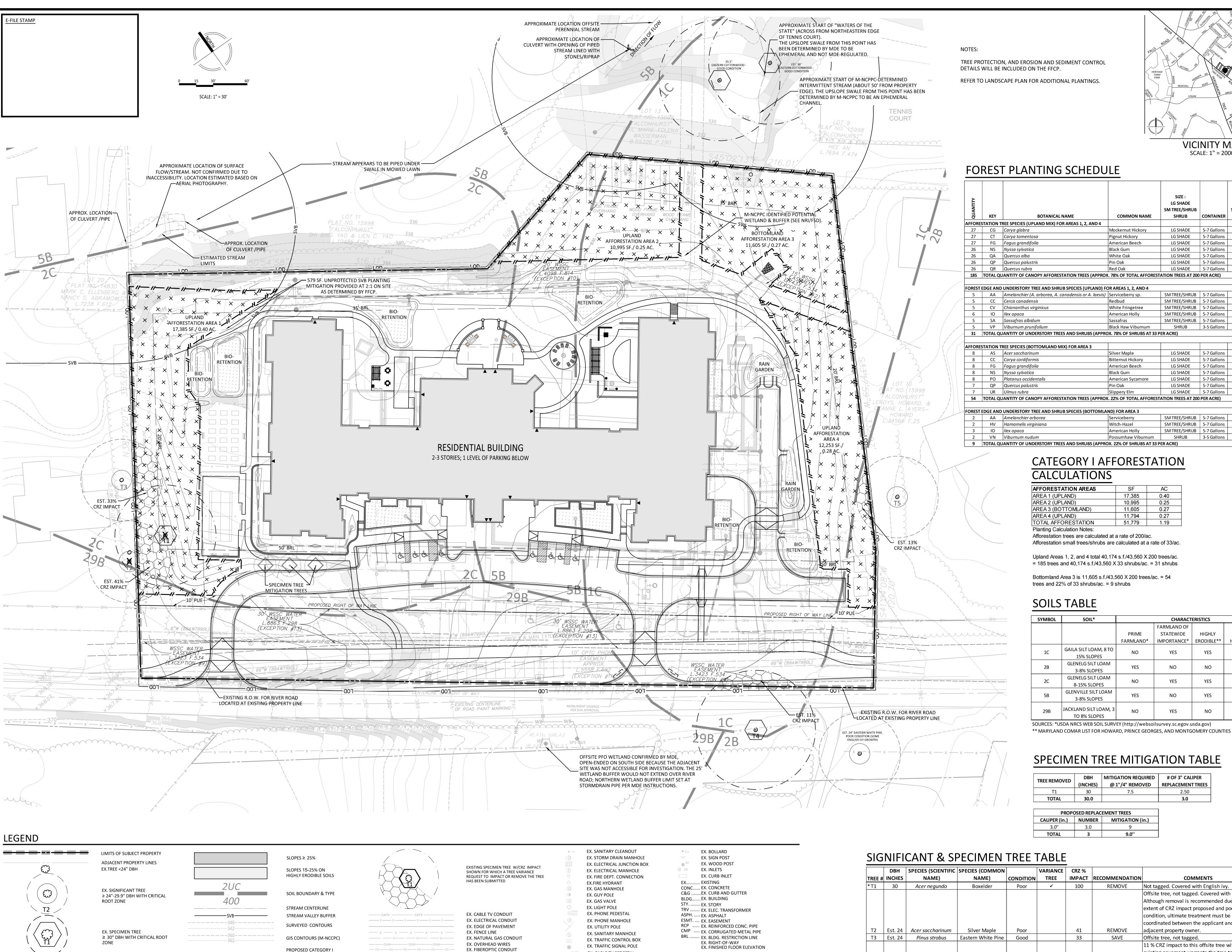
SUBDIVISION 10TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

WSSC GRID: 212NW10 TAX MAP: FP42 **PRELIMINARY**

COVER

VM 50363A

PFCP 100



EX. CABLE TV PEDESTAL

EX. WATER METER

EX. WATER VALVE

EX. WATER MANHOLE

EX. UNKNOWN UTILITY MANHOLE

EX. TELEPHONE/COMM. CONDUIT

EX. SANITARY SEWER

EX. STORM DRAIN

—— —— —— EX. PUBLIC UTILITIES EASEMENTS

----- W----- W----- EX. WATER LINE

— // — // — // — // —

· × × × × ×

EX. SHRUB

EDGE

EX. TREE CANOPY

FOREST CONSERVATION EASEMENT

& BOUNDARY MARKER

AFFORESTATION AREAS

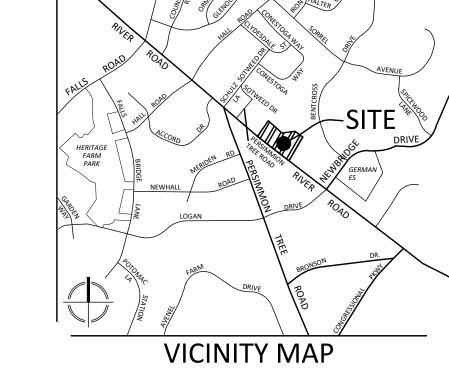
EXISTING TREE PROPOSED FOR

PROPOSED SPECIMEN MITIGATION

REMOVAL

TREE PROTECTION, AND EROSION AND SEDIMENT CONTROL

REFER TO LANDSCAPE PLAN FOR ADDITIONAL PLANTINGS.



SCALE: 1" = 2000'

FOREST PLANTING SCHEDULE

QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE : LG SHADE SM TREE/SHRUB SHRUB	CONTAINER	SIZE: MIN. CAL/HT	COMMEN
AFFORE	STATION T	REE SPECIES (UPLAND MIX) FOR AREAS 1, 2, AND 4					
27	CG	Carya glabra	Mockernut Hickory	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
27	СТ	Carya tomentosa	Pignut Hickory	LG SHADE	5-7 Gallons	<u>≥</u> 1" CAL	SINGLE ST
27	FG	Fagus grandifolia	American Beech	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
26	NS	Nyssa sylvatica	Black Gum	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
26	QA	Quercus alba	White Oak	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
26	QP	Quercus palustris	Pin Oak	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
26	QR	Quercus rubra	Red Oak	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
185	TOTAL Q	JANTITY OF CANOPY AFFORESTATION TREES (APPROX	X. 78% OF TOTAL AFFOREST	ATION TREES AT 200	PER ACRE)		
5	AA	O UNDERSTORY TREE AND SHRUB SPECIES (UPLAND) For Amelanchier (A. arborea, A. canadensis or A. laevis)		SM TREE/SHRUB	5-7 Gallons	≥1" CAL	SINGLE ST
5	СС	Cercis canadensis	Redbud	SM TREE/SHRUB	5-7 Gallons	>1" CAL	SINGLE ST
5	CV	Chionanthus virginicus	White Fringetree	SM TREE/SHRUB	5-7 Gallons	 >1" CAL	SINGLE ST
6	10	Ilex opaca	American Holly	SM TREE/SHRUB	5-7 Gallons	>1" CAL	SINGLE ST
5	SA	Sassafras albidum	Sassafras	SM TREE/SHRUB	5-7 Gallons	 ≥1" CAL	SINGLE ST
5	VP	Viburnum prunifolium	Black Haw Viburnum	SHRUB	3-5 Gallons		MULTISTE
31	TOTAL Q	JANTITY OF UNDERSTORY TREES AND SHRUBS (APPRO	OX. 78% OF SHRUBS AT 33 F	PER ACRE)			-
AFFORE	STATION T	REE SPECIES (BOTTOMLAND MIX) FOR AREA 3					
8	AS	Acer saccharinum	Silver Maple	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
8	CC	Carya cordiformis	Bitternut Hickory	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
8	FG	Fagus grandifolia	American Beech	LG SHADE	5-7 Gallons	<u>≥</u> 1" CAL	SINGLE ST
8	NS	Nyssa sylvatica	Black Gum	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
8	РО	Platanus occidentalis	American Sycamore	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
7	QP	Quercus palustris	Pin Oak	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
7	UR	Ulmus rubra	Slippery Elm	LG SHADE	5-7 Gallons	≥1" CAL	SINGLE ST
54	TOTAL Q	JANTITY OF CANOPY AFFORESTATION TREES (APPRO)	X. 22% OF TOTAL AFFOREST	ATION TREES AT 200	PER ACRE)		
	•						
FOREST	EDGE AND	UNDERSTORY TREE AND SHRUB SPECIES (BOTTOMLA	ND) FOR AREA 3				
2	AA	Amelanchier arborea	Serviceberry	SM TREE/SHRUB	5-7 Gallons	≥1" CAL	SINGLE ST
2	HV	Hamamelis virginiana	Witch-Hazel	SM TREE/SHRUB	5-7 Gallons		SINGLE ST
3	10	Ilex opaca	American Holly	SM TREE/SHRUB	5-7 Gallons	≥1" CAL	SINGLE ST
2	VN	Viburnum nudum	Possumhaw Viburnum	SHRUB	3-5 Gallons		MULTISTE

CATEGORY I AFFORESTATION CALCULATIONS

AFFORESTATION AREAS	SF	AC
AREA 1 (UPLAND)	17,385	0.40
AREA 2 (UPLAND)	10,995	0.25
AREA 3 (BOTTOMLAND)	11,605	0.27
AREA 4 (UPLAND)	11,794	0.27
TOTAL AFFORESTATION	51,779	1.19

Afforestation trees are calculated at a rate of 200/ac. Afforestation small trees/shrubs are calculated at a rate of 33/ac.

Upland Areas 1, 2, and 4 total 40,174 s.f./43,560 X 200 trees/ac. = 185 trees and 40,174 s.f./43,560 X 33 shrubs/ac. = 31 shrubs

Bottomland Area 3 is 11,605 s.f./43,560 X 200 trees/ac. = 54 trees and 22% of 33 shrubs/ac. = 9 shrubs

SOILS TABLE

SYMBOL	SOIL*		CHARACT	ERISTICS	
			FARMLAND OF		
		PRIME	STATEWIDE	HIGHLY	
		FARMLAND*	IMPORTANCE*	ERODIBLE**	HYDRIC SOIL*
1C	GAILA SILT LOAM, 8 TO 15% SLOPES	NO	YES	YES	YES
2B	GLENELG SILT LOAM 3-8% SLOPES	YES	NO	NO	NO
2C	GLENELG SILT LOAM 8-15% SLOPES	NO	YES	YES	NO
5B	GLENVILLE SILT LOAM 3-8% SLOPES	YES	NO	YES	YES
29B	JACKLAND SILT LOAM, 3	NO	YES	NO	NO

SOURCES: *USDA NRCS WEB SOIL SURVEY (http://websoilsurvey.sc.egov.usda.gov)

SPECIMEN TREE MITIGATION TABLE

TREE REMOVED	DBH	MITIGATION REQUIRED	# OF 3" CALIPER
IKEE KEIVIOVED	(INCHES)	@ 1"/4" REMOVED	REPLACEMENT TREES
T1	30	7.5	2.50
TOTAL	30.0		3.0

PROPOSED REPLACEMENT TREES						
CALIPER (in.) NUMBER MITIGATION (in.)						
3.0"	3.0	9				
TOTAL	3	9.0''				

					., ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	' -		
	DBH	SPECIES (SCIENTIFIC	· •		VARIANCE	CRZ %		
TREE #	INCHES	NAME)	NAME)	CONDITION	TREE	IMPACT	RECOMMENDATION	COMMENTS
* T1	30	Acer negundo	Boxelder	Poor	✓	100	REMOVE	Not tagged. Covered with English ivy.
								Offsite tree, not tagged. Covered with vines.
								Although removal is recommended due to
								extent of CRZ impact proposed and poor tree
								condition, ultimate treatment must be
								coordinated between the applicant and
T2	Est. 24	Acer saccharinum	Silver Maple	Poor		41	REMOVE	adjacent property owner.
T3	Est. 24	Pinus strobus	Eastern White Pine	Good		33	SAVE	Offsite tree, not tagged.
								11 % CRZ impact to this offsite tree within
								existing pavement warrants the tree to be
* T4	Est. 35	Quercus rubra	Red Oak	Poor	✓	11	SAVE	saved.
T5	Est. 24	Pinus strobus	Eastern White Pine	Good		13	SAVE	Offsite tree, not tagged.

* Specimen Tree Other Significant/Specimen Trees within the 100-feet NRI/FSD study area with no Critical Root Zone impacts expected are not listed in this tree table but are shown on the plan.

LANDSCAPE ARCHITECTS SURVEYORS VIKA MARYLAND, LLC PHONE: 301.916.4100

20251 CENTURY BOULEVARD SUITE 400 GERMANTOWN, MARYLAND 20874 FAX: 301.916.2262 GERMANTOWN, MD TYSONS, VA

PREPARED FOR: SPECTRUM RETIREMENT COMMUNITIES, LLC 4600 S. SYRACUSE STREET 11TH FLOOR DENVER, CO, 80237 303.360.8812

MIKE LONGFELLOW DESIGN CONSULTANTS

ARCHITECT **VESSEL ARCHITECTURE &** DESIGN 600 EMERSON ROAD

SUITE 400 ST. LOUIS, MO, 63141 314.521.0123

7600 WISCONSIN AVENUE

BRIAN L. VAN WINKLE, AIA, NCARB LERCH, EARLY & BREWER,

SUITE 700 BETHESDA, MD, 20814 301.986.1300 STEVEN A. ROBINS VIKA MARYLAND, LLC 20251 CENTURY BOULEVARD

GERMANTOWN MD, 20874 301.916.4100 LOGAN ALOMAR

PROFESSIONAL SEAL

Marion E. Bundens Maryland DNR Qualified Professional Maryland Forest Conservation Act of 1991

9545 RIVER

ROAD PARCEL 768 PLAT(S)

SUBDIVISION 10TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND WSSC GRID: 212NW10 TAX MAP: FP42

COMPOSITE **PRELIMINARY**

APPLICATION NO.: CU420200520 DRAWN BY: MB DESIGNED BY: 01/08/2020

FCP

DATE ISSUED: VM 50363A PROJECT

SHEET

PFCP 200

Attachment C: Tree Variance Request



ENGINEERING 👶 PLANNING 👶 LANDSCAPE ARCHITECTURE 👶 SURVEYING/GEOMATIC:

January 7, 2020

Katherine Nelson Planner Coordinator Montgomery County Planning Department 8787 Georgia Avenue Silver Spring, Maryland 20910

Re: 9545 River Road

Variance Request for Specimen Tree Removal/Impact

Dear Ms. Nelson:

On behalf of our client, Spectrum Acquisition Potomac, LLC (the "Applicant"), and pursuant to Section 22A-21 of the Montgomery County Code (the "Code"), as well as Sections 5-1607 and 5-1611 of the Natural Resources Article of the Maryland Code, we respectfully request a variance to allow impacts to or removal of two (2) specimen trees identified below. These trees are also shown on approved Natural Resources Inventory/Forest Stand Delineation 420200520, as well as the proposed Preliminary Forest Conservation Plan for the above-referenced project. As noted in greater detail below, it is appropriate to grant a variance in this matter because strict enforcement would result in unnecessary hardship or practical difficulty to Applicant.

Introduction

The project associated with this variance request is Applicant's redevelopment of 9545 River Road (the "Property") located in Potomac, Maryland with a senior care residential facility (the "Project"). Associated infrastructure including driveways, parking areas, stormwater facilities as well as walking paths, rain gardens and recreational areas, and onsite afforestation and landscaping are proposed. The Property is currently comprised of approximately 5.93 acres of improved land with a commercial landscape operation and associated buildings, surface parking and driveways, outdoor storage and planting areas, and some landscape features with trees, shrubs, and lawn. The Property is bounded by River Road (Maryland Route 190) to the southwest, and residential neighborhoods to the northwest, northeast, and southeast.

As part of the proposed Project, Applicant seeks a variance for the removal of one (1) specimen tree on the Property, and impacts to the Critical Root Zone ("CRZ") of one (1) specimen tree on a property on the opposite side of River Road. This variance request complies with M-NCPPC and Maryland state law, which require Applicant to file for a variance from these laws to remove or impact any specimen tree (tree 30" or greater in Diameter at Breast Height [DBH] or tree with a DBH equal to or greater than 75% of the current State Champion of its species as designated by MDNR); trees that are part of an historic site or associated with an historic structure; any tree designated by the State or County as a national, State, or County champion tree; or any tree, shrub or plant identified on the Rare, Threatened, or Endangered

(RTE) species list provided by the U.S. Fish and Wildlife Service or the Maryland Department of Natural Resources.

The following table lists the two (2) specimen trees for which Applicant seeks a variance to remove or impact the CRZ:

TRE	EE#	DBH INCHES	SPECIES (SCIENTIFIC NAME)	SPECIES (COMMON NAME)	CONDITION	RECOMMENDATION
						REMOVE: 100% CRZ impact. Tree in poor
	T1	30	Acer negundo	Boxelder	Poor	condition covered with English ivy.
						SAVE: Request variance to impact the CRZ. An 11% CRZ impact to this offsite tree warrants
						the tree to be saved. Removal may occur by
						others due to the poor condition of the tree
	T4	Est. 35	Quercus rubra	Red Oak	Poor	not related to construction.

Justification of Variance

Section 22A-21 of the County Ordinance authorizes the County to approve variances to the Forest Conservation Lawn allowing disturbances to certain trees, including specimen trees. An applicant seeking a variance must present a request in writing and the applicable approving authority must make certain findings and descriptions prior to approval. Applicant's variance request satisfies the required findings as follows:

(1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

The Project proposes the construction of a senior care and living facility, meeting a need for an anticipated shortage of senior housing as stated in the Master Plan. Design principles incorporated into this project serve to preserve the subregion's green and rural character while creating a pedestrian and bicycle-friendly environment. Afforestation plantings onsite, the incorporation of rain gardens in addition to required stormwater facilities, walkways through landscaped and recreational areas, and pedestrian and bicycle lanes along River Road in front of the proposed facility are all in keeping with these design principles. While afforestation is proposed in the area of the onsite Specimen Tree, grading in the immediate area is required to carry out these design elements prior to afforestation planting; therefore, the removal of Specimen Tree T1 cannot be reasonably avoided. The proposed CRZ impact to the offsite specimen tree is due to road improvements; however, impacts are minimized by avoiding ground disturbance adjacent to the tree. Denial of the variance would cause unwarranted hardship in significantly reducing the area of the Property that could be redeveloped because of site work necessary to create safe access from the site. The egress point cannot be moved further away from the property line and still meet safe sight distance requirements. This would preclude implementation of the Project, considerably undermine the economic viability of any redevelopment of the Property, and prevent achievement of planning goals.

Impacts minimization and avoidance to the specimen trees are described as follows:



- This work will require removal of one (1) onsite specimen tree and CRZ impacts to one (1) offsite specimen tree:
- The proposed removal of Specimen Tree T1 is due to its location inside the proposed Limits of Disturbance (L.O.D.) where grading is required. This tree is located in a lawn area adjacent to nursery planting areas near the property edge, and is considered to be in poor condition, partially due to significant overgrowth of vines on the tree. While development in the vicinity of the tree is avoided and afforestation plantings are proposed in this location, grading to support the design of the project could not be reasonably minimized to save the tree.
- Tree T4 is located to the southwest of the Property, across River Road. The proposed CRZ impact is due to improvements to River Road as part of the Project. CRZ impacts to this tree were minimized by confining the Limits of Disturbance ("LOD") to within the existing roadway asphalt on the side of the Property.
- (2) Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;

Denial of the variance would deprive Applicant of rights commonly enjoyed by others in similar areas. The land within the Property's vicinity, including those along River Road, has been considerably improved primarily with single-family residential development. The Project minimizes development impact by providing housing for a number of seniors in a single building footprint on previously developed land. The Property use is consistent with the existing character of the surrounding neighborhood, with a compatible building and residential uses incorporating a walkable, bicycle-friendly design.

Strict enforcement of the County Code will unfairly prevent the redevelopment of the Property to the same extent as similarly situated properties along River Road where safe site distance for an egress point is necessary. Approval of the variance will allow Applicant to create residential facility which is consistent with the rights enjoyed by nearby property owners.

(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 the granting of the variance;

The granting of Applicant's variance request will not result in a violation or State water quality standards, nor will a measurable degradation in water quality occur as a result. On the contrary, the Project will implement measures to improve water quality, such as the incorporation of stormwater facilities where none previously existed. Rain gardens are not required but are proposed to be included and will serve as redundant stormwater mitigation, enhancement to groundwater recharge, and for aesthetic value. The stream valley buffer extending onsite from a stream located on an adjacent property is proposed to be nearly completely planted as forest. The onsite Specimen Tree proposed for removal is not located in a stream valley buffer or other area classified as an environmentally sensitive feature.



(4) Provide any other information appropriate to support the request.

Approving Applicant's variance request is justified for other reasons as well. The Project proposes forest plantings along a significant portion of the Property perimeter, meeting all of the Project's Forest Conservation requirements onsite and significantly improving environmental conditions where no forest currently occurs. Parts of the proposed onsite afforestation would be contiguous to offsite existing forest and stream valley buffer. The Landscape Plan also includes a significant number of proposed plantings throughout the property, including replacement trees for the proposed removal of the onsite specimen tree, additional shade trees, evergreen trees, ornamental trees, and planting beds, all of which will serve to improve ecological quality.

Furthermore, the variance does not arise from a condition related to land or building use, either permitted or nonconforming, on a neighboring property.

Thank you for your consideration of Applicant's tree variance request. The supporting information provided in this letter establishes that denial of the variance would result in unnecessary hardship or practical difficulty, as well as demonstrates Applicant's efforts to minimize impacts. Please contact me with any questions, or if you require additional information.

Sincerely,

Marion E. Bundens

Maryland DNR Qualified Professional

Marion E. Gundens

Senior Environmental Planner

