



MR2020018, MD-355 Clarksburg Shared Use Path: Preliminary Forest Conservation Plan and Preliminary/Final Water Quality Plan

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Staff Report Date: 07/17/20

Description

A. MD-355 Clarksburg Shared Use Path

Preliminary Forest Conservation Plan No. MR2020018

Construction of a shared use path along the east side of Frederick Road (MD 355) extending from Stringtown Road to Spire Street and then 467 feet north of Clarksburg Road (MD 121) to Snowden Farm Parkway, Clarksburg; 3.58 acres; CRT and R-200 Zones and Clarksburg East Environmental Overlay Zone; *Clarksburg Master Plan & Hyattstown Special Study Area (1994)* and *10 Mile Creek Area Limited Amendment Master Plan (2014)*

Recommendation: Approval with conditions

B. MD-355 Clarksburg Shared Use Path:

Preliminary/Final Water Quality Plan No. MR2020018

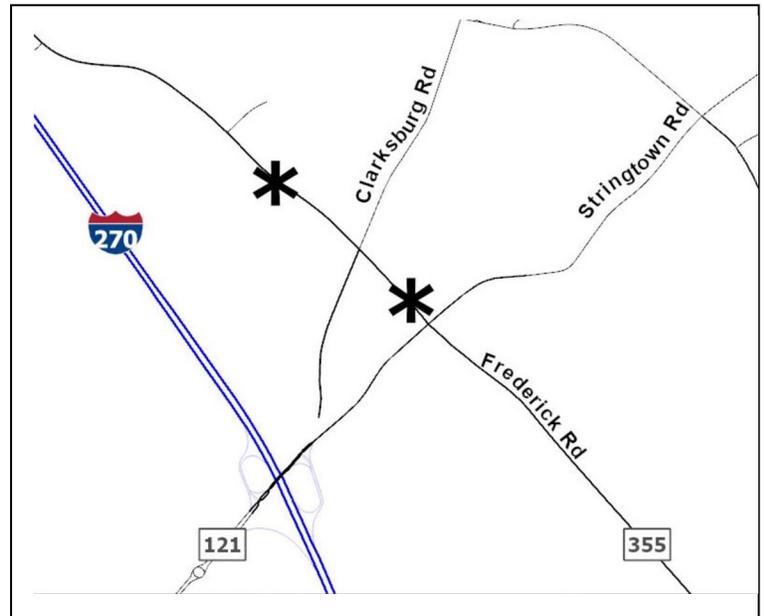
Construction of a shared use path along the east side of Frederick Road (MD 355) extending from Stringtown Road to Spire Street and then 467 feet north of Clarksburg Road (MD 121) to Snowden Farm Parkway, Clarksburg; 3.58 acres; CRT and R-200 Zones and Clarksburg East Environmental Overlay Zone; *Clarksburg Master Plan & Hyattstown Special Study Area (1994)* and *10 Mile Creek Area Limited Amendment Master Plan (2014)*

Recommendation: Approval with conditions

Applicant: Montgomery County Department of Transportation

Submittal Date: April 9, 2020

Review Basis: Chapter 22A, Chapter 19, and Chapter 59



Summary

- Staff recommends **Approval with conditions.**
- The Montgomery County Department of Transportation proposes to construct a shared use path for use by pedestrians and bicycles. As part of the stormwater management requirements, a stream restoration project is included in this Application. The Application is for a Preliminary Forest Conservation Plan and a combined Preliminary/Final Water Quality Plan.
- There are three items for Planning Board review for the MD-355 Clarksburg Shared Use Path project: The Preliminary Forest Conservation Plan, the Preliminary/Final Water Quality Plan for the Clarksburg Special Protection Area (SPA) and the Ten Mile Creek SPA, and the Mandatory Referral. This memorandum covers Staff review and recommendations for the Forest Conservation Plan and the SPA Water Quality Plan. The Planning

Board's actions on the Forest Conservation Plan and Water Quality Plan are regulatory and binding. The review and recommendations for the Mandatory Referral are covered in a separate memorandum.

CONDITIONS

A. Approval of the Preliminary Forest Conservation Plan, subject to the following conditions:

1. Applicant must submit a Final Forest Conservation Plan ("FFCP") to M-NCPPC Staff for review prior to issuance of a Sediment Control Permit.
2. The FFCP must be consistent with the final approved PFCP.
3. Prior to the initial planting acceptance inspection by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP or as determined by the Forest Conservation Inspection Staff.
4. The Applicant must record a Category I Conservation Easement over all areas of forest planting as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property. If the Applicant cannot provide a long-term protective agreement, they must provide the 0.48-acre planting requirement onsite as part of the SPA requirements and take the 0.48-acre forest conservation requirement to an offsite mitigation bank.
5. The Applicant must install the Afforestation/Reforestation plantings as shown on the approved FCP, within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
6. Within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings as shown on the FCP.
7. The Applicant must provide mitigation for the loss of trees per the approved variance in the form of Twenty-nine (29) 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.
8. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement ("MMA") approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas and landscape plantings credited toward meeting the requirements of the FCP.
9. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must record in the Land Records an M-NCPPC approved Certificate of Compliance to use an M-NCPPC approved off-site forest bank within the same watershed to satisfy the reforestation requirement for a total of 1.07 acres of mitigation credit.

10. 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.
11. 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.

B. B. Approval of the Preliminary/Final Water Quality Plan, subject to the following conditions:

- a. The Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan Approval letter dated April 18, 2019 (as amended by email).

PROJECT DESCRIPTION

The Montgomery County Department of Transportation proposes to construct an 8-foot wide shared use path for pedestrian and bicycle use in the Clarksburg area. The path will be located along the eastern side of MD 355 from Snowden Farm Parkway to approximately 430 feet north of MD 121 and from Spire Street to Stringtown Road. The project also includes the removal and replacement of approximately 235 linear feet of existing bituminous walkway/shared use path along the west side of Stringtown Road with a shared use path constructed with permeable pavement. The three discontinuous sections of the path have a total project length of approximately 2,700 linear feet. The project will create a link in the existing trail network along MD 355 between the Little Bennett Regional Park Trail and the Frederick Road Bike Path. The Application includes a step pool stream restoration component for approximately 400 feet of stream along the east side of MD 121 from its intersection with MD 355 heading south.

The Planning Board's actions on the Preliminary Forest Conservation Plan and the Preliminary/Final Water Quality Plan are regulatory and binding. The Planning Board must act on the Preliminary/Final Water Quality Plan and Preliminary Forest Conservation Plan before it finalizes its recommendations on the Mandatory Referral.

SITE DESCRIPTION

The project limits are located along MD 355, Stringtown Road, and MD 121 ("Application" or "Property") (Figures 1 and 2). The majority of the properties included in this Application are zoned CRT and the properties located in the southeast corner of MD 355 and Snowden Farm Road zoned R-200. The majority of the project is located within the *10 Mile Creek Area Limited Amendment Master Plan* (2014), the Ten Mile Creek Special Protection Area (SPA), and either the Clarksburg East Overlay Zone or the Clarksburg Historic District. The remainder of the project is located within the *Clarksburg Master Plan & Hyattstown Special Study Area* (1994) and the Clarksburg SPA (Table 1). Since this is a linear project, the project area is based on the proposed limits of disturbance, which is approximately 3.58 acres. The Property contains 1.18 acres of existing forest. There are approximately 350 linear feet of streams, 0.07 acres of wetlands, no 100-year floodplain, and 1.46 acres of stream buffers located on or immediately adjacent to the Property. There are Twenty (20) trees between 24-29.9" Diameter at Breast Height

(DBH) and Thirty-four (34) trees greater than or equal to 30" DBH located throughout and immediately adjacent to the Property.

Table 1. Project limits

	Clarksburg SPA	Ten Mile Creek SPA	Clarksburg East Overlay Zone	Clarksburg Historic District
Path: Snowden Farm Parkway to ± 430 feet north of MD 121		√	√	√
Path: ± 670 feet south of the intersection of MD 355 and MD 121 to Stringtown Road	√			√
Path: Stringtown Rd.	√			√
Stream Restoration: ± 400 feet along east side of MD 121 from intersection with MD 355 heading south		√		√

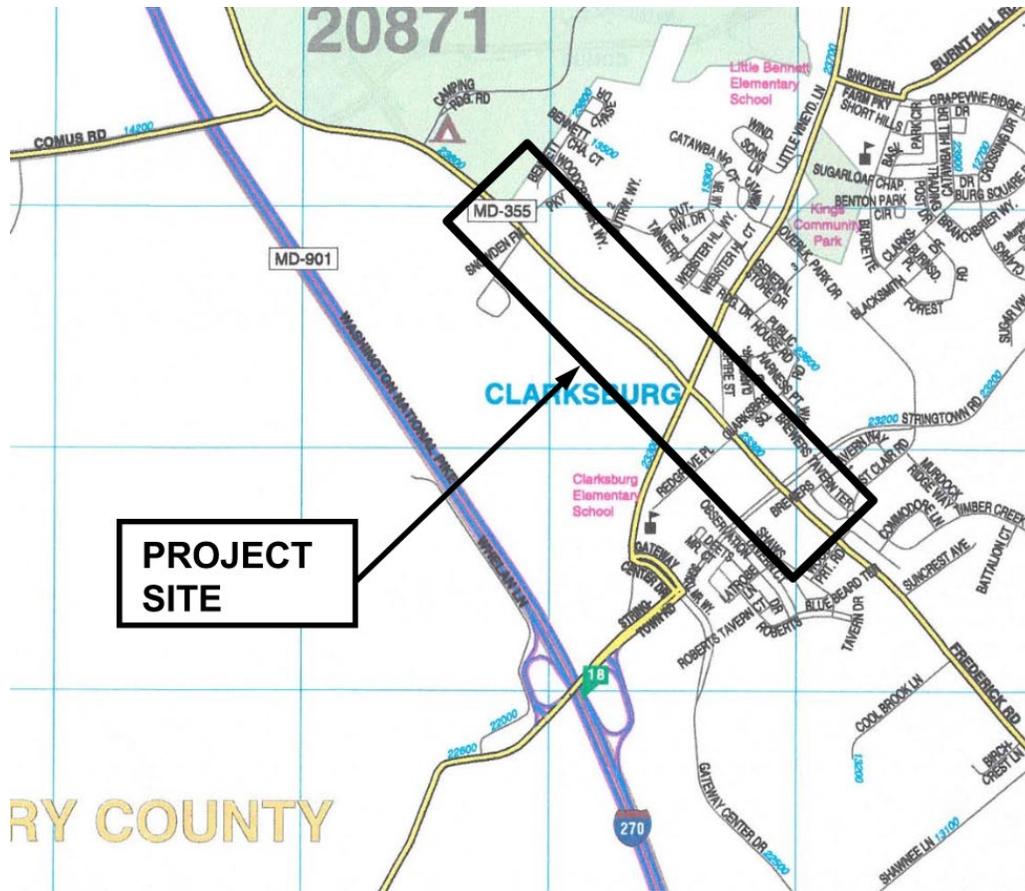


Figure 1. Project Location and Surrounding Area

A. FOREST CONSERVATION PLAN ANALYSIS AND FINDINGS

The 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(d) as a project by “a government entity subject to a mandatory referral or a park development plan on a tract of land 40,000 square feet or larger...” The Property included in the Preliminary FCP Application is approximately 3.58 acres in size.

Preliminary Forest Conservation Plan

A Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) #420182000 was approved by Staff on February 8, 2019. A Preliminary Forest Conservation Application was submitted as part of a Mandatory Referral application (Attachment A).

The Application, a linear project where the net tract area equals the LOD, proposes to remove approximately 1.18 acres and retain 0.00 acres of the 1.18 acres of existing forest on the Property, resulting in a 1.55-acre planting requirement. Approximately 0.48 acres of the forest clearing is necessary for the stream restoration work and that forest will be replanted after the work is complete. The Applicant proposes to meet the remaining 1.07 acre forest planting requirement through purchasing credits in an offsite forest conservation bank.

Variance Request - The Applicant submitted a variance request in a letter dated June 17, 2020 (Attachment B). The Applicant proposes to remove Seventy-three (73) trees and impact Thirty-one (31) that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

This variance request does not reflect the historic area specimen trees that are within the stream restoration portion of the project, (L-1.8). This will be completed at the time of the Final Forest Conservation Plan.

Trees to be removed:

Tree #	Species	Species	D.B.H	Critical Root	Critical Root Zone	Percent of CRZ	Tree
	Scientific Name	Common Name	(inches)	Zone (Sq.Ft)	Impacts	Impacted (SF)	Condition
4	ACER SACCHARINUM	SILVER MAPLE	49	16972	16972	100%	FAIR
8	ACER SACCHARINUM	SILVER MAPLE	40	11310	11310	100%	POOR
9	ACER SACCHARINUM	SILVER MAPLE	33	7698	7698	100%	GOOD
12	MORUS SP.	MULBERRY SP.	36	9161	9161	100%	POOR
14	CATALPA SPECIOSA	CATALPA	36	9161	9161	100%	FAIR
15	MORUS SP.	MULBERRY SP.	36	9161	9161	100%	POOR
17	CATALPA SPECIOSA	CATALPA	35	8659	8659	100%	POOR
18	ACER SACCHARINUM	SILVER MAPLE	46	14957	14957	100%	POOR
20	CATALPA SPECIOSA	CATALPA	31	6793	6793	100%	FAIR
21	MORUS SP.	MULBERRY SP.	42	12469	12469	100%	FAIR
23	ACER SACCHARINUM	SILVER MAPLE	30	6362	6362	100%	POOR
31	ACER SACCHARUM	SUGAR MAPLE	28	5542	5542	100%	POOR
34	ACER SACCHARUM	SUGAR MAPLE	32	7238	7238	100%	FAIR
35	ACER PLATANOIDES	NORWAY MAPLE	28	5542	5542	100%	POOR
41	JUGLANS NIGRA	BLACK WALNUT	29	5945	2547	43%	POOR
43	ACER SACCHARINUM	SILVER MAPLE	28	5542	5542	100%	POOR
44	AILANTHUS ALTISSIMA	TREE OF HEAVEN	42	12469	12469	100%	POOR
45	ACER SACCHARINUM	SILVER MAPLE	32	7238	3200	44%	GOOD
49	ACER NEGUNDO	BOXELDER	32	7238	7238	100%	GOOD

51	ACER SACCHARINUM	SILVER MAPLE	33	7698	7698	100%	GOOD
52	ACER SACCHARINUM	SILVER MAPLE	31	6793	6793	100%	GOOD
53	ACER SACCHARINUM	SILVER MAPLE	35	8659	8659	100%	POOR
56	ACER SACHHARINUM	NORWAY MAPLE	8	452	452	100%	GOOD
57	ACER SACHHARINUM	NORWAY MAPLE	14	1385	848	61%	GOOD
58	ACER SACHHARINUM	NORWAY MAPLE	7	346	346	100%	GOOD
62	ACER NEGUNDO	BOXELDER	9	573	573	100%	GOOD
63	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD
68	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD
70	JUGLANS NIGRA	BLACK WALNUT	12	1018	1018	100%	GOOD
80	ROBINIA PSEUDOACACIA	BLACK LOCUST	18	2290	2290	100%	GOOD
81	ACER SACHHARINUM	NORWAY MAPLE	6	254	254	100%	GOOD
82	JUNIPERUS SP.	CEDAR SP.	8	452	452	100%	GOOD
83	ACER SACCHARINUM	NORWAY MAPLE	7	346	346	100%	GOOD
84	ROBINIA PSEUDOACACIA	BLACK LOCUST	11	855	855	100%	GOOD
85	PRUNUS SP.	CHERRY SP.	6	254	254	100%	GOOD
86	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD
87	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD
88	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD
89	JUGLANS NIGRA	BLACK WALNUT	6	254	254	100%	GOOD
90	ACER NEGUNDO	BOXELDER	8	452	452	100%	GOOD
91	JUGLANS NIGRA	BLACK WALNUT	16	1810	1810	100%	GOOD
92	ACER NEGUNDO	BOXELDER	12	1018	1018	100%	GOOD
93	PICEA SP.	SPRUCE	6	254	254	100%	GOOD
94	PICEA SP.	SPRUCE	6	254	254	100%	GOOD
95	PICEA SP.	SPRUCE	6	254	99	39%	GOOD
96	PICEA SP.	SPRUCE	6	254	254	100%	GOOD
97	PICEA SP.	SPRUCE	6	254	254	100%	GOOD
98	ACER NEGUNDO	BOXELDER	18	2290	2290	100%	GOOD
99	ACER SACCHARINUM	SILVER MAPLE	7	346	346	100%	GOOD
100	ACER SACCHARINUM	SILVER MAPLE	10	707	707	100%	GOOD
101	ACER SACCHARINUM	SILVER MAPLE	8	452	452	100%	GOOD
102	CARYA SP.	HICKORY SP.	8	452	452	100%	GOOD
108	ROBINIA PSEUDOACACIA	BLACK LOCUST	8	452	452	100%	GOOD
109	ACER SP.	MAPLE SP.	11	855	855	100%	GOOD
110	ROBINIA PSEUDOACACIA	BLACK LOCUST	6	254	254	100%	GOOD
111	ROBINIA PSEUDOACACIA	BLCK LOCUST	6	254	254	100%	GOOD
501	PLATANUS OCCIDENTALIS	SYCAMORE	5	177	177	100%	GOOD

502	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD
503	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD
504	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD
505	PLATANUS OCCIDENTALIS	SYCAMORE	5	177	177	100%	GOOD
506	ACER PLATANOIDES	NORWAY MAPLE	4	113	113	100%	GOOD
507	ACER PLATANOIDES	NORWAY MAPLE	3	64	64	100%	GOOD
508	ACER PLATANOIDES	NORWAY MAPLE	2	28	28	100%	GOOD
509	ACER PLATANOIDES	NORWAY MAPLE	4	113	113	100%	GOOD
510	JUGLANS NIGRA	BLACK WALNUT	2	28	28	100%	GOOD
511	ACER NEGUNDO	BOXELDER	1	7	7	100%	GOOD
512	ACER NEGUNDO	BOXELDER	1	7	7	100%	GOOD
513	ACER NEGUNDO	BOXELDER	3	64	64	100%	GOOD
514	ACER NEGUNDO	BOXELDER	2	28	28	100%	GOOD
515	PRUNUS SP.	CHERRY SP.	5	177	177	100%	GOOD
516	JUGLANS NIGRA	BLACK WALNUT	3	64	64	100%	GOOD
517	ACER SACCHARINUM	SILVER MAPLE	1	7	7	100%	GOOD

Trees to be impacted:

Tree #	Species	Species	D.B.H	Critical Root	Critical Root	Percent of	Tree
	Scientific Name	Common Name	(inches)	Zone (Sq.Ft)	Zone Impacts	CRZ Impacted (SF)	Condition
1	PRUNUS SEROTINA	BLACK CHERRY	30	6362	937	15%	POOR
5	ACER SACCHARINUM	SILVER MAPLE	40	11310	3300	29%	GOOD
10	ACER SACCHARINUM	SILVER MAPLE	30	6362	2570	40%	GOOD
11	ACER SACCHARINUM	SILVER MAPLE	36	9161	3275	36%	GOOD
19	CATALPA SPECIOSA	CATALPA	33	7698	2104	27%	FAIR
22	CARYA SP.	HICKORY SP.	32	7238	16	<1%	GOOD
24	JUGLANS NIGRA	BLACK WALNUT	25	4418	264	6%	FAIR
27	PINUS STROBUS	WHITE PINE	26	4778	235	5%	FAIR
32	ACER SACCHARINUM	SILVER MAPLE	26	4778	829	17%	FAIR
33	ACER SACCHARINUM	SILVER MAPLE	46	14957	5054	34%	POOR
46	ACER SACCHARINUM	SILVER MAPLE	40	11310	1056	9%	GOOD
47	ACER SACCHARINUM	SILVER MAPLE	37	9677	2829	29%	GOOD
48	ROBINIA PSEUDOACACIA	BLACK LOCUST	28	5542	542	10%	GOOD
50	ACER SACCHARINUM	SILVER MAPLE	34	8171	1736	21%	GOOD

54	AILANTHUS ALTISSIMA	TREE OF HEAVEN	26	4778	564	12%	GOOD
55	ACER SACCHARINUM	NORWAY MAPLE	8	452	20	4%	GOOD
59	ACER SACHHARINUM	NORWAY MAPLE	6	254	30	12%	GOOD
66	ACER NEGUNDO	BOXELDER	10	707	158	22%	GOOD
67	ROBINIA PSEUDOACACIA	BLACK LOCUST	10	707	120	17%	GOOD
69	AILANTHUS ALTISSIMA	TREE OF HEAVEN	10	707	231	33%	GOOD
73	ROBINIA PSEUDOACACIA	BLACK LOCUST	22	3421	719	21%	GOOD
74	MORUS SP.	MULBERRY SP.	12	1018	126	12%	GOOD
75	JUGLANS NIGRA	BLACK WALNUT	11	855	5	1%	GOOD
79	CATALPA SPECIOSA	CATALPA	18	2290	783	34%	GOOD
103	PICEA SP.	SPRUCE	7	346	62	18%	GOOD
104	PICEA SP.	SPRUCE	7	346	53	15%	GOOD
105	PICEA SP.	SPRUCE	7	346	80	23%	GOOD
106	PICEA SP.	SPRUCE	7	346	35	10%	GOOD
107	JUGLANS NIGRA	BLACK WALNUT	23	3739	668	18%	GOOD
114	ACER SP.	MAPLE SP.	7	346	24	7%	GOOD
122	ACER SP.	MAPLE SP.	14	1385	68	5%	GOOD

Unwarranted Hardship Basis

Per Section 22A-21, 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 tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, the path construction will undertake a stream restoration project to compensate for Maryland Department of the Environment's criteria for stormwater management. The path construction is designed to protect the surrounding natural resources to the Maximum Extent Practicable. This includes proposed landscaping trees and supplying reforestation to mitigate for the trees/forest being cleared during construction.

Additionally, the proposed shared use path will benefit the health and well-being of the community it serves. Also, by fulfilling the stormwater requirements through the stream restoration project, stream health will be improved and allow for improved ecological benefits in the area.

If MCDOT is not allowed to impact the trees, the path will not be able to be built due to the close proximity of specimen trees to the proposed shared use path and stream restoration project. As such, this would cause an unwarranted hardship to the community that it serves.

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:

Variance Findings - Staff has made the following determination based on the required findings that granting of the requested variance:

1. *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 removal of the three trees is due to the location of the trees and necessary site design requirement. Therefore, 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 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.

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

The requested variance is a result of the 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. The Application proposes mitigation for the removal of these three trees by planting larger caliper trees on-site. Additionally, stormwater requirements to the maximum extent possible are being met through the stream restoration project, improving stream health and allowing for improved ecological benefits in the area. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision - There are a total of 339.0 inches of DBH of variance trees outside of forest proposed for removal in this variance request. The Applicant has proposed to provide mitigation for the specimen tree loss by replacing the total number of DBH removed with ¼ of the amount of inches replanted. This results in a total mitigation of 85 inches of replanted trees. In this case, the Applicant proposes to plant 29 3" caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. Additionally, no mitigation is required for trees that are impacted, but retained.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 19, 2020. To date, M-NCPPC staff has not received a response from the County Arborist.

Variance Recommendation - Staff recommends approval of the variance request.

B. SPA WATER QUALITY PLAN ANALYSIS AND FINDINGS

The Application meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code and the requirements of the Clarksburg East Environmental Overlay Zone.

Review for Conformance to the Special Protection Area Requirements

This project is located within the Ten Mile Creek and the Clarksburg Special Protection Areas and on publicly owned property, so it is required to obtain approval of a water quality plan under Section 19-62(c) of the Montgomery County Code. This section of the code states:

“(c) Publicly owned property. Before engaging in any land-disturbing activity on publicly owned property in an area designated as a special protection area, the applying agency or department should prepare a combined preliminary and final water quality plan.”

As part of the requirements of the Special Protection Area law, a SPA Water Quality Plan should be reviewed in conjunction with a Mandatory Referral. Under Section 19-65, the provision of the law, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and conditionally approved the elements of the Water Quality Plan under its purview. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and limits on impervious surfaces have been satisfied.

MCDPS Special Protection Area Review Elements

In a letter dated April 18, 2019 MCDPS and revised via email has conditionally approved the elements of the SPA Preliminary/Final Water Quality Plan under its purview with a synopsis provided below (Attachment C and D).

As part of the Preliminary/Final Water Quality Plan, the following performance goals were established for the Property:

1. Minimize storm flow runoff increases
2. Min. sediment loading

Stormwater Management Concept

Stormwater management goals will be met via grass swales, pervious pavement and outfall improvements for the 36" and 48" outfalls at the west side of MD 355 and MD 121. The outfall improvements required for stormwater include the stream restoration elements of the plan.

Monitoring

A stream monitoring fee for the site area and a BMP monitoring fee for the disturbed area in the SPA is required.

Planning Board Special Protection Area Review Elements

Staff recommends Planning Board approval of the elements of the SPA Water Quality Plan under its purview.

Environmental Buffer Protection

A Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) #420182000 for the Property was approved by Staff on February 8, 2019. The Property is located in the Little Seneca Creek watershed. The portion of the Property located within the Ten Mile Creek SPA is designated Use Class I/I-P waters and the portion located within the Clarksburg SPA is designated Use Class IV/IV-P waters.

There are stream, wetland, and environmental buffers on or affecting the LOD of the proposed bike path and roadway improvements and where the stream restoration is to occur.

The Application is for a linear project consisting of the construction of an 8-foot wide shared use path for use by pedestrians and bicycles and the restoration of an existing stream. The path will be constructed adjacent to existing roads, which includes three stream crossings. The path construction will only require stream impacts at one these existing crossings, for stream restoration and culvert replacement.

Chapter IV.A.1(b) of the *Environmental Guidelines* includes a provision for allowing stream buffer impacts associated with infrastructure uses, including bikeways and trails found to be necessary. The project has a total impact of 1.65 acres within the Stream Valley Buffer. Most of this impact is within the existing ROW and previously disturbed by roadway construction. Another approximately 0.5 acres is due to the stream restoration and culvert replacement portion of the project.

The Application meets all applicable requirements of the Environmental Guidelines and the 10 Mile Creek Area Limited Amendment Master Plan.

Forest Conservation

The Applicant submitted a Preliminary FCP for review with the Mandatory Referral application. The FCP proposes to remove the 1.18 acres of forest within the project limits, resulting in a 1.5- acre planting requirement. The Applicant proposes to meet the forest planting requirement through reforesting the

0.48-acre area that will be cleared for the stream restoration portion of the project and 1.07 acres will be met via an off-site forest conservation bank.

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

Impervious Surfaces

The project is funded through Montgomery County funds and federal aid Transportation Alternatives Program (TAP) funding administered by MDOT SHA.

A main goal for development in all SPAs is to minimize the amount of impervious surfaces. The Clarksburg East Environmental Overlay Zone, which was created following approval of the 10 Mile Creek Area Limited Amendment Master Plan, specifies maximum imperviousness of 15 percent; however, per Section 4.9.5 (B) (4) of the Zoning Ordinance (Chapter 59), this bike path is exempt from the impervious surface limit. The Application demonstrates minimization of impervious surfaces through the design of an 8-foot wide path, rather than a 10-foot wide path.

The Application, within the LOD within SPAs of 2.64 Acres (area subject to a Water Quality Plan), will result in approximately 20,473 square feet, or 0.47 acres of impervious surfaces. This total imperviousness includes 0.33 acres of new impervious area, 0.26 acres of reconstructed impervious area, and 0.12 acres of removed impervious area.

CONCLUSION

Staff recommends the Planning Board approve the Preliminary Forest Conservation Plan and the Preliminary/Final Water Quality Plan with conditions specified above.

ATTACHMENTS

Attachment A – Preliminary Forest Conservation Plan

Attachment B – Tree Variance

Attachment C – DPS Water Quality Plan Approval

Attachment D –DPS email correction to approval memo

Attachment A: Preliminary Forest Conservation Plan

DRILL HOLES

DRILL HOLES

DRILL HOLES

Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans

Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:

- a. Root pruning
- b. Crown reduction or pruning
- c. Watering
- d. Fertilizing
- e. Vertical mulching
- f. Root aeration matting

Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.

3. A Maryland-licensed tree expert or an International Society of Arboriculture- certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.

4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:

- a. Chain link fence (four feet high)
- b. Super silt fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
- c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of forest conservation inspector.

6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.

7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.

During Construction

8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

Post-Construction

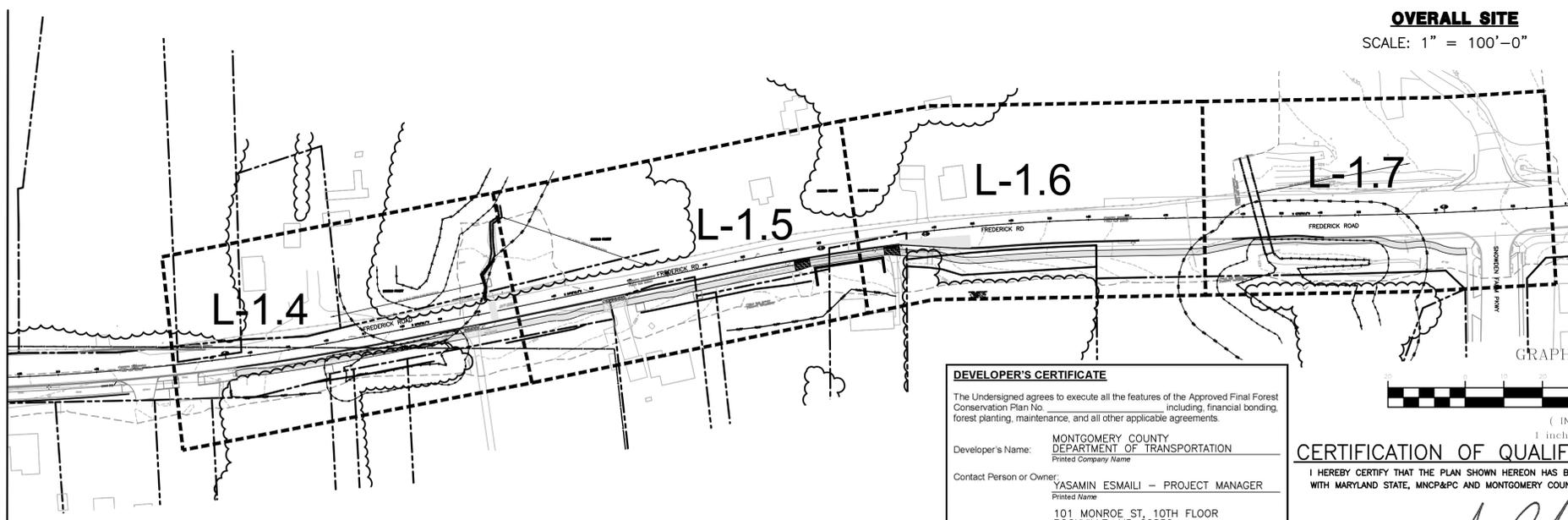
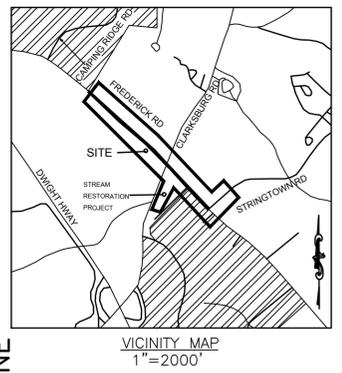
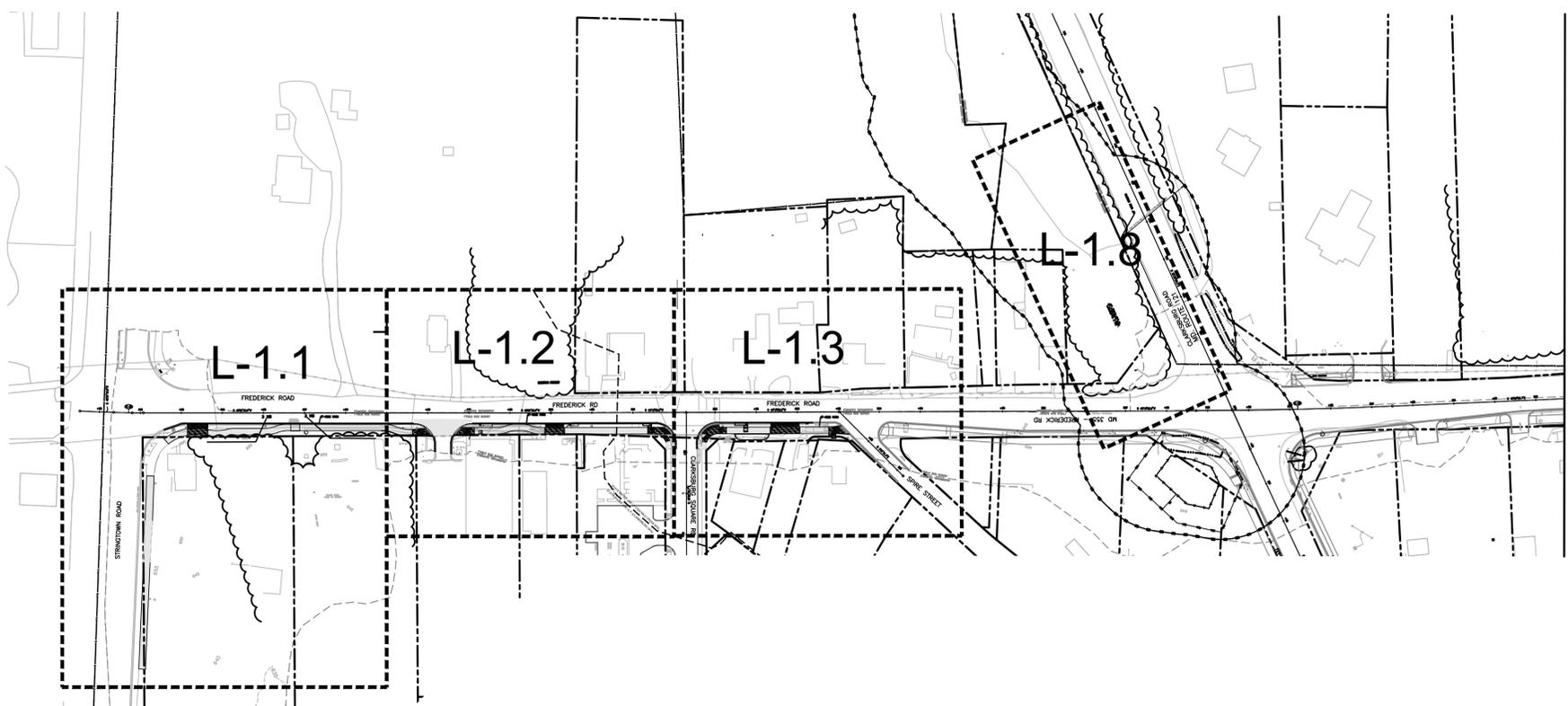
9. After construction is completed, an inspection shall be requested. Corrective measures may include:

- a. Removal and replacement of dead and dying trees
- b. Pruning of dead or declining limbs
- c. Soil aeration
- d. Fertilization
- e. Watering
- f. Wound repair
- g. Clean up of retention areas

10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

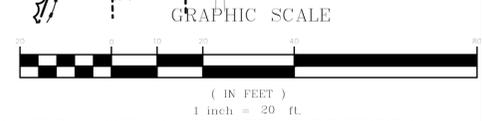
LEGEND

	FOREST TREELINE	
	SCRUB AREA/SCREENING TREES/ NON-FOREST CANOPY	
	LIMITS OF DISTURBANCE	
	PROPERTY BOUNDARY	
	EX. CONTOUR	
	EXISTING STREAM	
	EASEMENT	



OVERALL SITE
SCALE: 1" = 100'-0"

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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.

Developer's Name: MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
Printed Company Name

Contact Person or Owner: YASAMIN ESMAILI - PROJECT MANAGER
Printed Name

Address: 101 MONROE ST. 10TH FLOOR
ROCKVILLE, MD 20850
Phone and Email: 240-777-7226
Yasamin.Esmaili@MontgomeryCountyMD.gov

Signature: _____

CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNC&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

6.18.2020
DATE

MICHAEL A. NORTON
MDNR / COMAR 08.19.06.01
QUALIFIED PROFESSIONAL

WALLACE MONTGOMERY
ENGINEERS-PLANNERS-SURVEYORS-CONSTRUCTION MANAGERS
10150 York Road, Suite 200
Hunt Valley, Maryland 21030
410.494.9093 Tel / 410.667.0925 Fax
www.wallacemontgomery.com A Limited Liability Partnership

NORTON LAND DESIGN
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5146 DORSEY HALL DRIVE, 2ND FLOOR ELLICOTT CITY, MD 21042
BALT.443.542.9199 x101 DC 240.342.2329x101 WWW.NORTONLANDDESIGN.COM

WATER CLASS	I,P/IV,P	WATERSHED	LITTLE SENECA CREEK	FEMA FLOODPLAIN MAP PANEL #	24031C 0160D
TRIBUTARY	ROCK CREEK	ADC MAP PAGE	9	GRID	B-3 C-3,4
TAX MAP	EW341,EW121	200 SHEET	233NW13, 233NW14	PROJ. NO.	15-138
SCALE	AS SHOWN	DATE	AUGUST 2019	SHEET NO.	L-1.1A

DATUM: NAD 83/91 HORIZONTAL NAVD 88 VERTICAL			
NO.	REVISION	DATE	BY

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MD 20878

Designed by : H.J. Drawn by : H.J. Checked by : M.N.

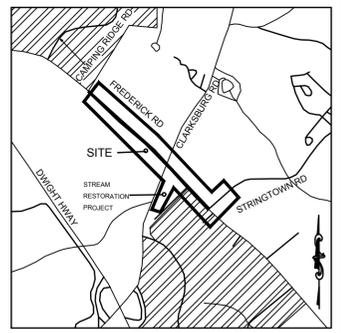
PLAN SHEET L-1.1A
PRELIMINARY FOREST CONSERVATION PLAN OVERALL
MD 355 - CLARKSBURG SHARED USE PATH

Project No. : C.J.P. PR. #501744 SHEET 62 of 88

DRILL HOLES

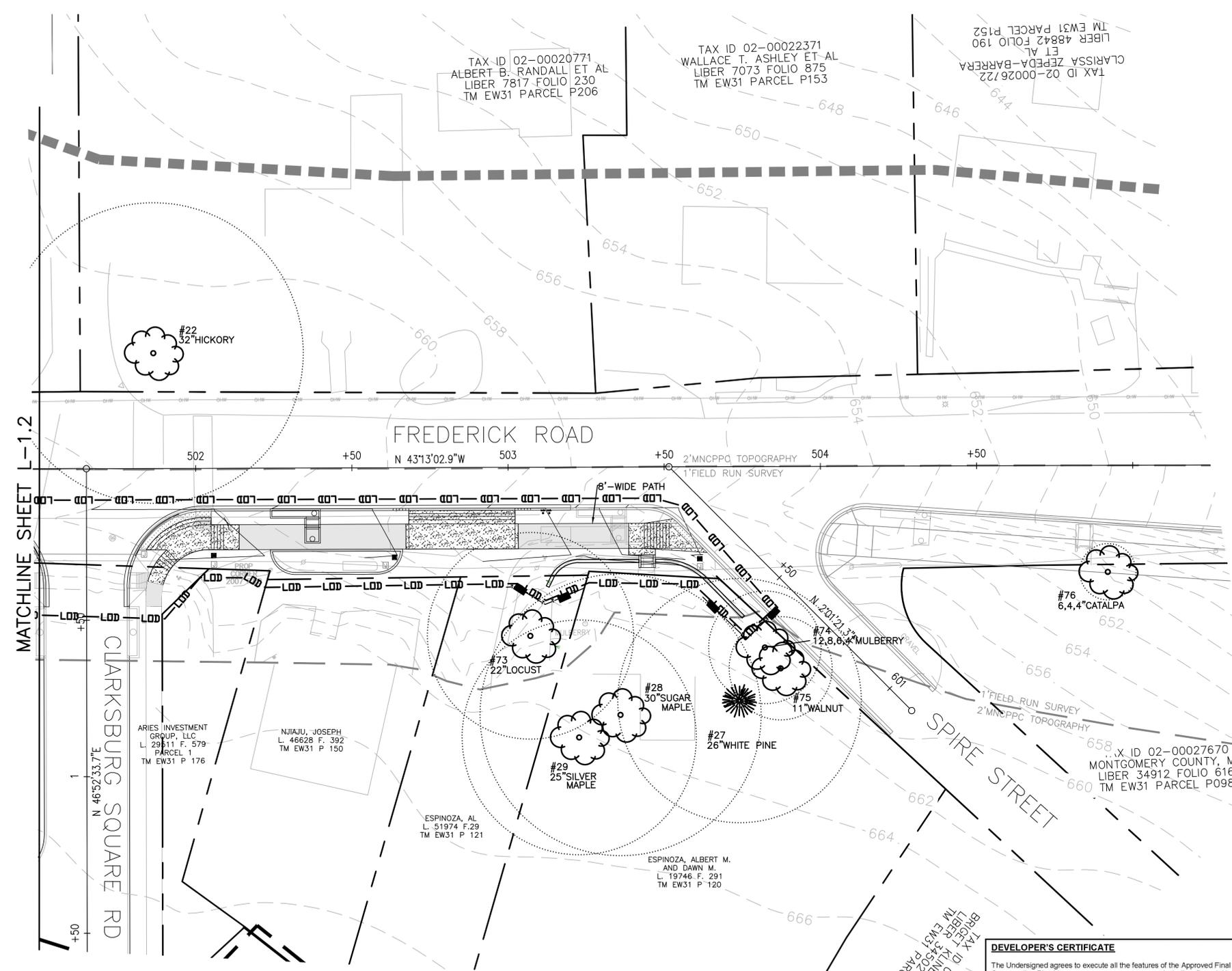
DRILL HOLES

DRILL HOLES



LEGEND

- EXISTING TREE >6" AND <24" DBH AND CRITICAL ROOT ZONE
- 14" RED OAK
- 26" RED OAK
- 32" RED OAK
- EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER
- EXISTING SPECIMEN TREE ≥30" DBH WITH TAG NUMBER
- FOREST TREELINE
- SCRUB AREA/SCREENING TREES/NON-FOREST CANOPY
- LIMITS OF DISTURBANCE
- PROPOSED GRADE
- PROPERTY BOUNDARY
- EX. CONTOUR
- EXISTING STREAM
- EASEMENT
- HISTORIC DISTRICT
- TREE TO BE REMOVED
- TREE PROTECTION FENCE (TEMPORARY)
- TEMPORARY COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE
- TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 20' O.C.)
- FOREST CLEARING AREA
- PROPOSED SHARED USE PATH
- PROPOSED LIGHT POLES
- SOIL BOUNDARY
- PROPOSED MITIGATION TREE



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Printed Company Name

Contact Person or Owner: YASAMIN ESMAILI - PROJECT MANAGER
Printed Name

Address: 101 MONROE ST, 10TH FLOOR, ROCKVILLE, MD 20850
240-777-7226
Phone and Email: Yasamin.Esmaili@MontgomeryCountyMD.gov

Signature: _____

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MDNR / COMAR 08.19.06.01
QUALIFIED PROFESSIONAL



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WATER CLASS	I,P/IV,P	WATERSHED	LITTLE SENECA CREEK	FEMA FLOODPLAIN MAP PANEL #	24031C 0160D
TRIBUTARY	ROCK CREEK			ADC MAP PAGE	9
TAX MAP	EW341,EW121	2008 SHEET	232NW13, 233NW13	GRID	B-3, C-3,4
SCALE	AS SHOWN	DATE	AUGUST 2019	PROJ. NO.	15-138
				SHEET NO.	L-1.3

DATUM: NAD 83/91 HORIZONTAL
NAVD 88 VERTICAL

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MD 20878

NO.	REVISION	DATE	BY

Designed by: H.J. Drawn by: H.J. Checked by: M.N.

PLAN SHEET L-1.3
PRELIMINARY FOREST CONSERVATION PLAN
MD 355 - CLARKSBURG
SHARED USE PATH

Project No.: C.I.P. PR. #501744 SHEET 65 of 88

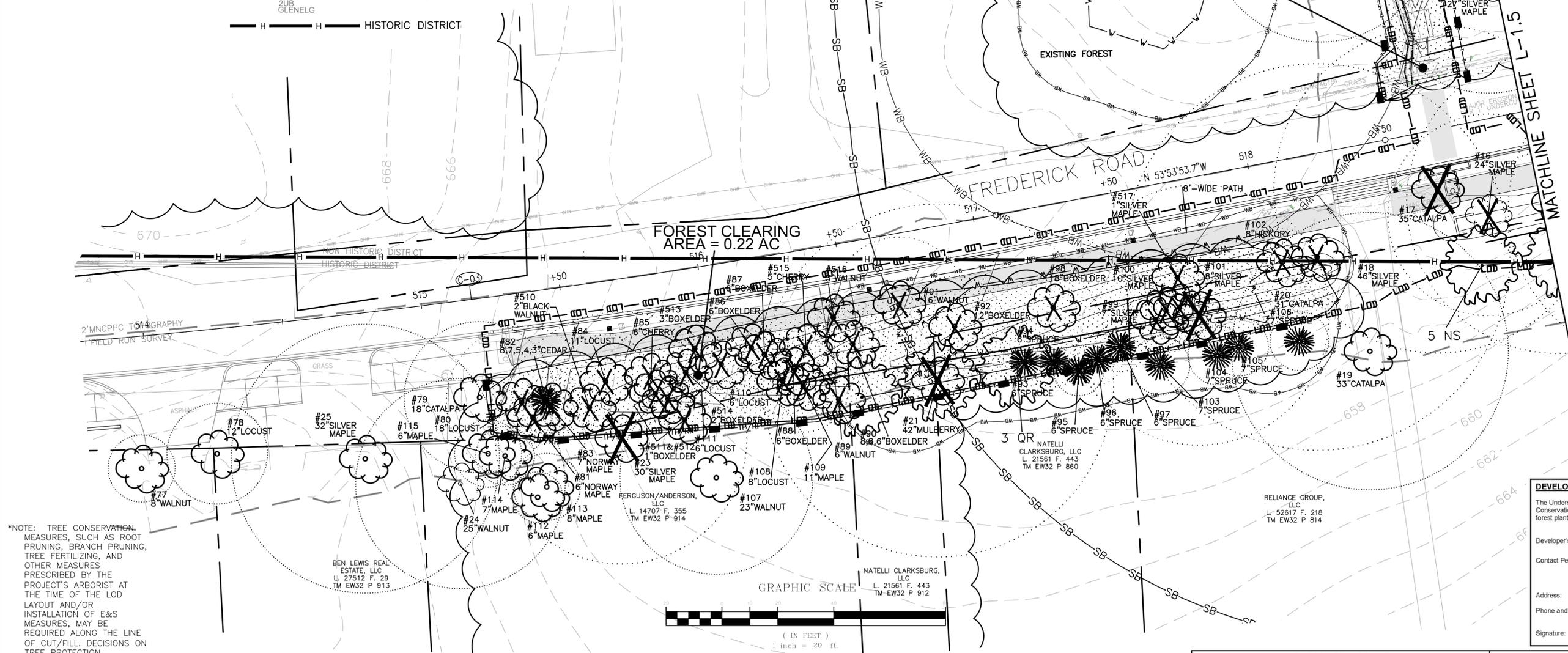
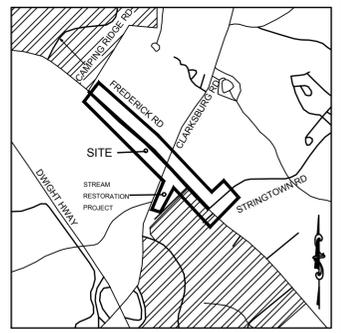
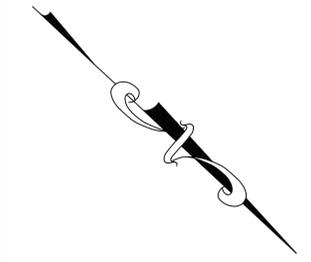
DRILL HOLES

DRILL HOLES

DRILL HOLES

LEGEND

- EXISTING TREE >6" AND <24" DBH AND CRITICAL ROOT ZONE
- #1 14" RED OAK
- #2 26" RED OAK
- #2 32" RED OAK
- EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER
- EXISTING SPECIMEN TREE ≥30" DBH WITH TAG NUMBER
- FOREST TREELINE
- SCRUB AREA / SCREENING TREES / NON-FOREST CANOPY
- LDD LDD LDD LIMITS OF DISTURBANCE
- 652 PROPOSED GRADE
- PROPERTY BOUNDARY
- EX. CONTOUR
- EXISTING STREAM
- EASEMENT
- TREE TO BE REMOVED
- 16D BRINKLOW
- ZUB GLENELG
- SOIL BOUNDARY
- HISTORIC DISTRICT
- TP/TP TP/TP TREE PROTECTION FENCE (TEMPORARY)
- TP/TP TP/TP TEMPORARY COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE
- TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 20' O.C.)
- FOREST CLEARING AREA
- PROPOSED TRAIL
- WB WB 25' STATE REGULATED WETLAND BUFFER
- WB 75' SPA WETLAND BUFFER
- SB SB SB STREAM BUFFER
- EXISTING WETLAND
- PROPOSED MITIGATION TREE
- PROPOSED LIGHT POLES



*NOTE: TREE CONSERVATION MEASURES, SUCH AS ROOT PRUNING, BRANCH PRUNING, TREE FERTILIZING, AND OTHER MEASURES PRESCRIBED BY THE PROJECT'S ARBORIST AT THE TIME OF THE LOD LAYOUT AND/OR INSTALLATION OF E&S MEASURES, MAY BE REQUIRED ALONG THE LINE OF CUT/FILL. DECISIONS ON TREE PROTECTION MEASURES MUST BE AGREED UPON BY A M-NCPPC FOREST CONSERVATION INSPECTOR BEFORE INSTALLATION.

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6.18.2020
DATE
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MDNR / COMAR 08.19.06.01
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ELLIOTT CITY, MD 21042
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WATER CLASS	I,P/IV,P	WATERSHED	LITTLE SENECA CREEK	FEMA FLOODPLAIN MAP PANEL #	24031C 0160D
TRIBUTARY	ROCK CREEK	ADC MAP PAGE	9	GRID	B-3 C-3,4
TAX MAP	EW341,EW121	2008 SHEET	232NW13, 233NW13	PROJ. NO.	15-138
SCALE	AS SHOWN	DATE	AUGUST 2019	SHEET NO.	L-1.4

DATUM:	NAD 83/91 HORIZONTAL NAVD 88 VERTICAL		
NO.	REVISION	DATE	BY

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MD 20878

Designed by :	H.J.	Drawn by :	H.J.	Checked by :	M.N.
Project No. :	C.I.P. PR. #501744	SHEET	66	of	88

DEVELOPER'S CERTIFICATE
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Developer's Name: MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
Printed Company Name

Contact Person or Owner: YASAMIN ESMAILI - PROJECT MANAGER
Printed Name

Address: 101 MONROE ST., 10TH FLOOR
ROCKVILLE, MD 20850
240-777-7226
Phone and Email: Yasamin.Esmaili@MontgomeryCountyMD.gov

Signature: _____

**PLAN SHEET L-1.4
PRELIMINARY FOREST
CONSERVATION PLAN
MD 355 - CLARKSBURG
SHARED USE PATH**

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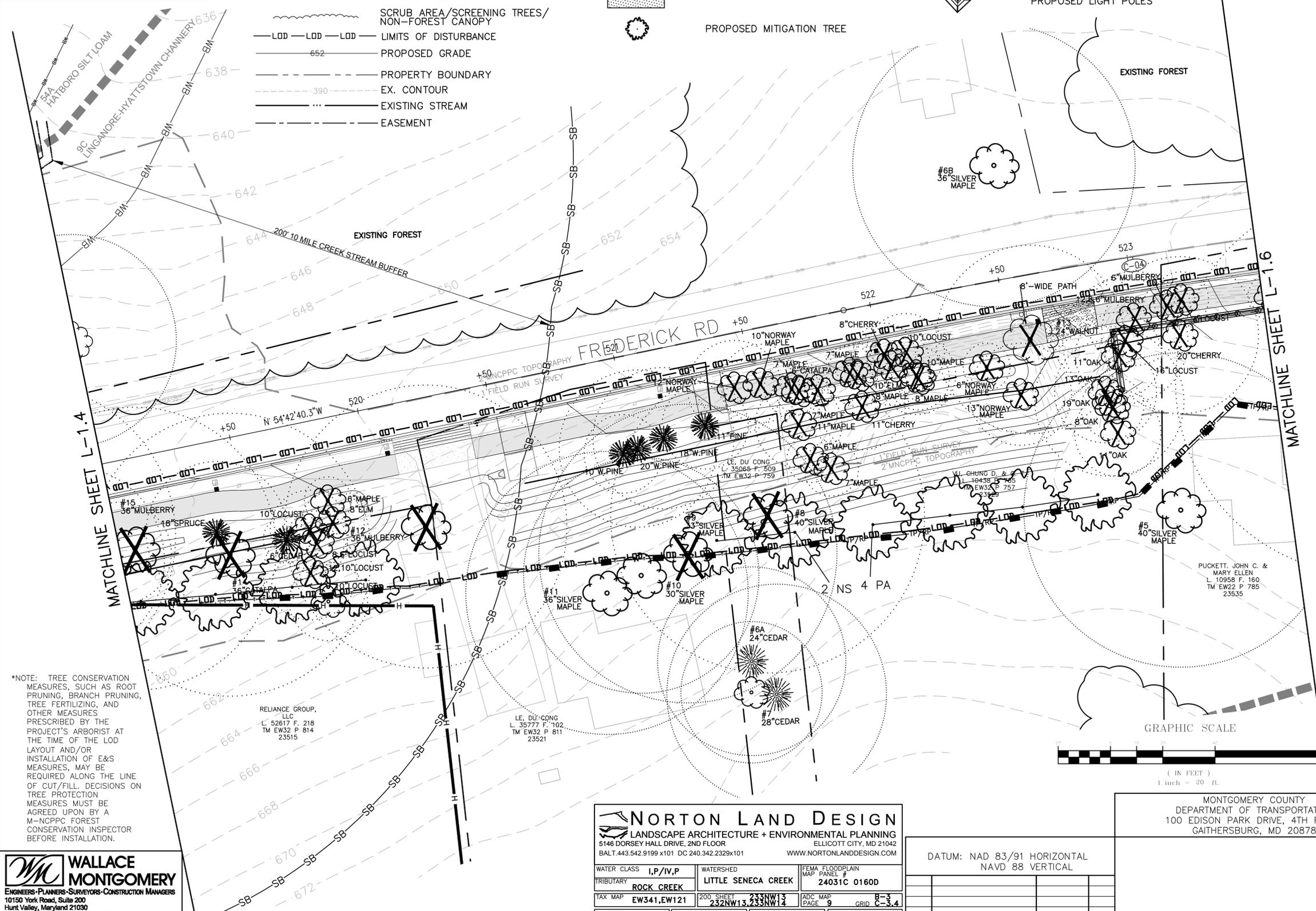
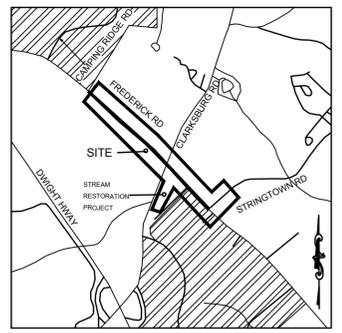
DRILL HOLES

DRILL HOLES

DRILL HOLES

LEGEND

- EXISTING TREE >6" AND <24" DBH AND CRITICAL ROOT ZONE
- EXISTING SIGNIFICANT TREE ≥24" AND <30" DBH WITH TAG NUMBER
- EXISTING SPECIMEN TREE ≥30" DBH WITH TAG NUMBER
- FOREST TREELINE
- SCRUB AREA/SCREENING TREES/NON-FOREST CANOPY
- LIMITS OF DISTURBANCE
- PROPOSED GRADE
- PROPERTY BOUNDARY
- EX. CONTOUR
- EXISTING STREAM
- EASEMENT
- TREE TO BE REMOVED
- TREE PROTECTION FENCE (TEMPORARY)
- TEMPORARY COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE
- TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 20' O.C.)
- FOREST CLEARING AREA
- PROPOSED MITIGATION TREE
- PROPOSED SHARED USE PATH
- HISTORIC DISTRICT
- 25' STATE REGULATED WETLAND BUFFER
- 75' SPA WETLAND BUFFER
- STREAM BUFFER
- EXISTING WETLAND
- PROPOSED LIGHT POLES
- SOIL BOUNDARY



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RELIANCE GROUP, LLC
L. 52617 F. 218
TM EW32 P. 814
23515

LE, DU CONG
L. 35777 F. 102
TM EW32 P. 811
23521

PUCKETT, JOHN C. & MARY ELLEN
L. 10958 F. 160
TM EW22 P. 785
23535

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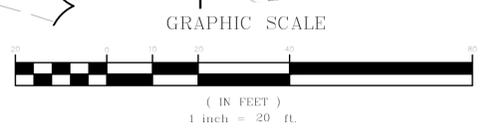
Signature: _____

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[Signature]
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WATER CLASS I,P/IV,P	WATERSHED LITTLE SENECA CREEK	FEMA FLOODPLAIN MAP PANEL # 24031C 0160D
TRIBUTARY ROCK CREEK		
TAX MAP EW341,EW121	2008 SHEET 232NW13, 233NW13	ADC MAP PAGE 9 GRID B-3, 4
SCALE AS SHOWN	DATE AUGUST 2019	PROJ. NO. 15-138
		SHEET NO. L-1.5

MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MD 20878

DATUM: NAD 83/91 HORIZONTAL
NAVD 88 VERTICAL

NO.	REVISION	DATE	BY

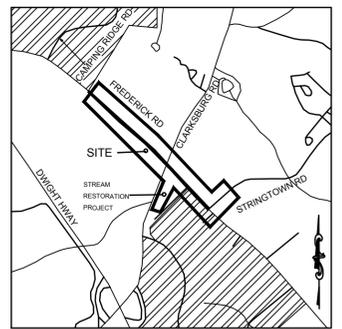
Designed by: H.J. Drawn by: H.J. Checked by: M.N.

PLAN SHEET L-1.5
PRELIMINARY FOREST CONSERVATION PLAN
MD 355 - CLARKSBURG SHARED USE PATH

Project No.: C.I.P. PR. #501744 SHEET 67 of 88

07/2018

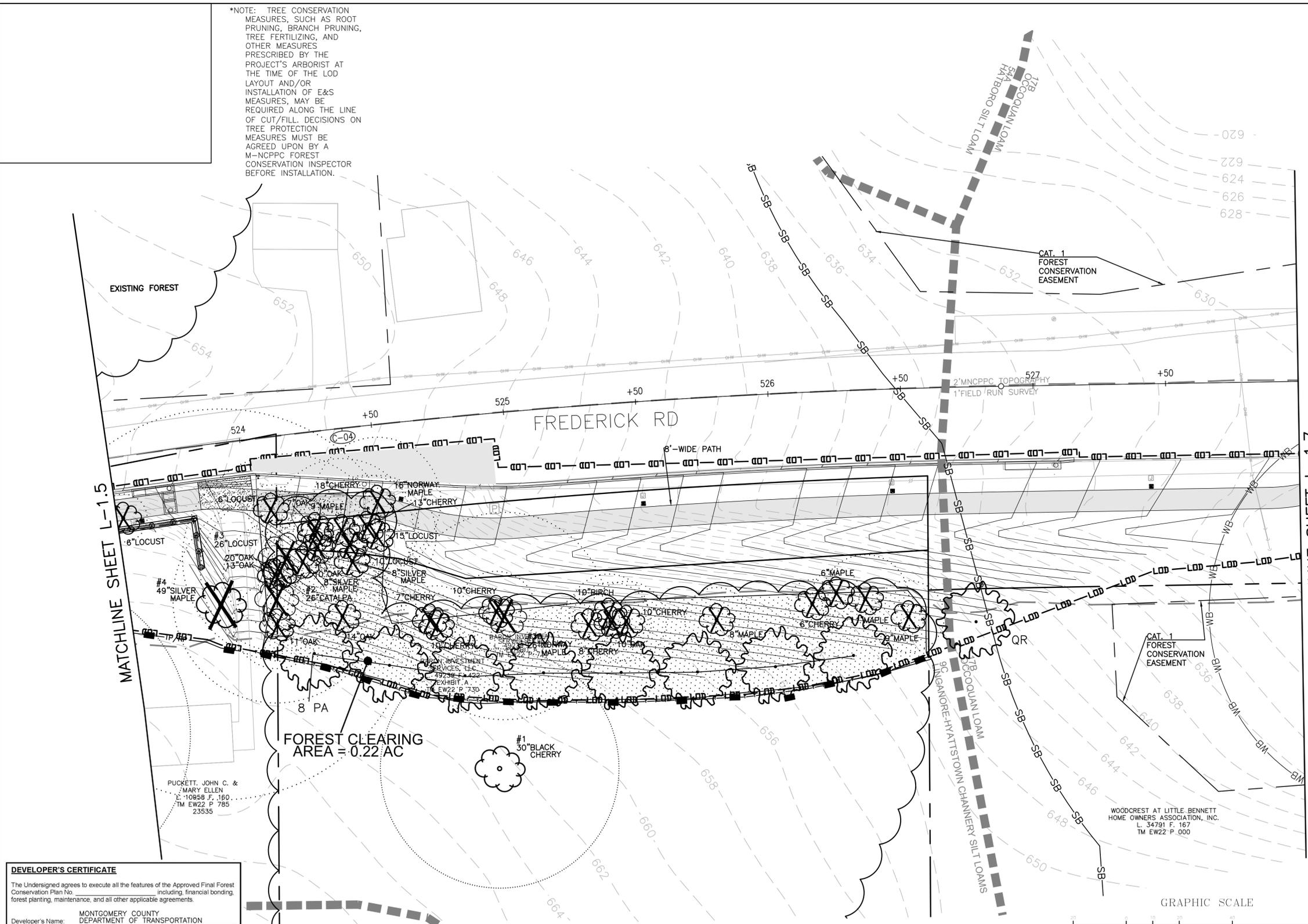
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VICINITY MAP
1"=2000'

LEGEND

- EXISTING TREE >6" AND <24"DBH AND CRITICAL ROOT ZONE
- #1 26" RED OAK EXISTING SIGNIFICANT TREE ≥24" AND <30"DBH WITH TAG NUMBER
- #2 32" RED OAK EXISTING SPECIMEN TREE ≥30"DBH WITH TAG NUMBER
- FOREST TREELINE
- SCRUB AREA/SCREENING TREES/NON-FOREST CANOPY
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- PROPOSED LIGHT POLES
- SOIL BOUNDARY
- PROPOSED MITIGATION TREE



MATCHLINE SHEET L-1.5

MATCHLINE SHEET L-1.7

DRILL HOLES

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TRIBUTARY ROCK CREEK		ADC MAP PAGE 9	GRID B-3, C-3,4
TAX MAP EW341,EW121	ZONING 232NW13, 233NW13		
SCALE AS SHOWN	DATE AUGUST 2019	PROJ. NO. 15-138	SHEET NO. L-1.6

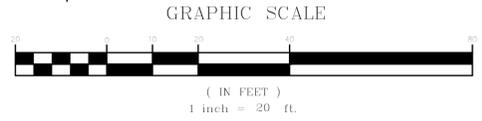
DATUM: NAD 83/91 HORIZONTAL NAVD 88 VERTICAL			
NO.	REVISION	DATE	BY

MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MD 20878

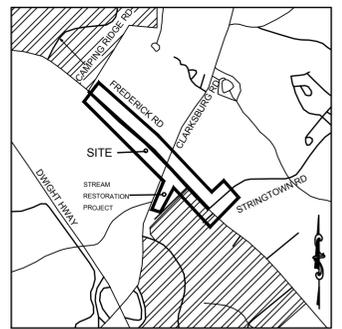
PLAN SHEET L-1.6
PRELIMINARY FOREST CONSERVATION PLAN
MD 355 - CLARKSBURG SHARED USE PATH

Project No.: C.I.P. PR. #501744 SHEET 68 of 88

WALLACE MONTGOMERY
ENGINEERS-PLANNERS-SURVEYORS-CONSTRUCTION MANAGERS
10150 York Road, Suite 200
Hunt Valley, Maryland 21030
410.494.9093 Tel / 410.667.0925 Fax
www.wallacemontgomery.com A Limited Liability Partnership

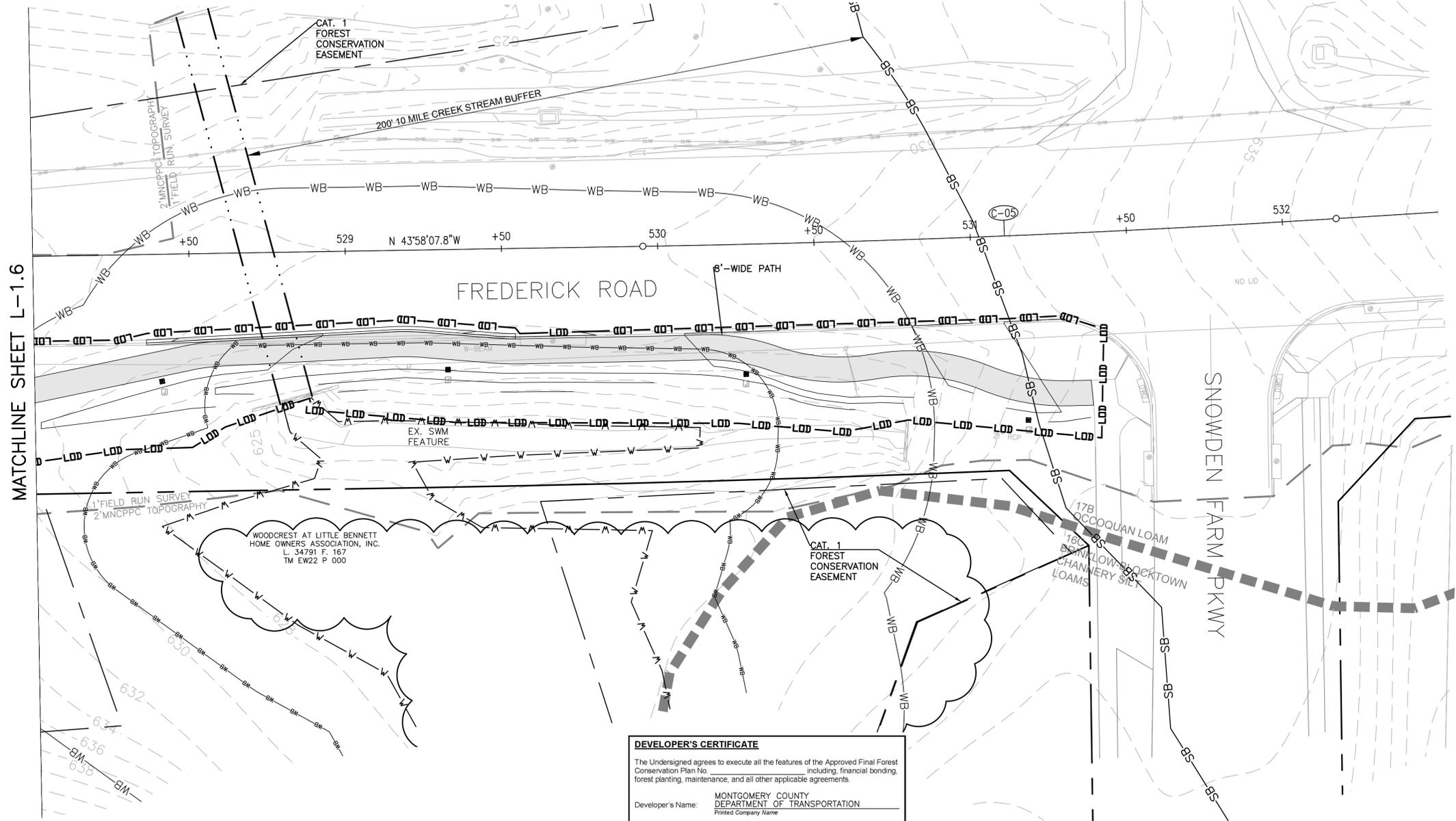


*NOTE: TREE CONSERVATION MEASURES, SUCH AS ROOT PRUNING, BRANCH PRUNING, TREE FERTILIZING, AND OTHER MEASURES PRESCRIBED BY THE PROJECT'S ARBORIST AT THE TIME OF THE LAYOUT AND/OR INSTALLATION OF E&S MEASURES, MAY BE REQUIRED ALONG THE LINE OF CUT/FILL. DECISIONS ON TREE PROTECTION MEASURES MUST BE AGREED UPON BY A M-NCPPC FOREST CONSERVATION INSPECTOR BEFORE INSTALLATION.



LEGEND

- EXISTING TREE >6" AND <24" DBH AND CRITICAL ROOT ZONE
- #1 26" RED OAK EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER
- #2 32" RED OAK EXISTING SPECIMEN TREE >30" DBH WITH TAG NUMBER
- FOREST TREELINE
- SCRUB AREA/SCREENING TREES/NON-FOREST CANOPY
- LOD LOD LOD LIMITS OF DISTURBANCE
- 652 PROPOSED GRADE
- PROPERTY BOUNDARY
- 390 EX. CONTOUR
- ... EXISTING STREAM
- EASEMENT
- TREE TO BE REMOVED
- TREE PROTECTION FENCE (TEMPORARY)
- TP/RP TP/RP TEMPORARY COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE
- TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 20' O.C.)
- FOREST CLEARING AREA
- PROPOSED SHARED USE PATH
- WB WB 25' STATE REGULATED WETLAND BUFFER
- WB 75' SPA WETLAND BUFFER
- SB SB SB STREAM BUFFER
- w-w-w-w- EXISTING WETLAND
- PROPOSED LIGHT POLES
- 16D BRINKLOW 2UB GLENELG SOIL BOUNDARY
- PROPOSED MITIGATION TREE

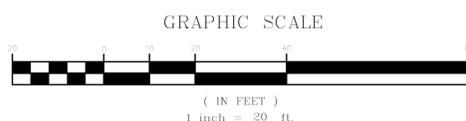


MATCHLINE SHEET L-1.6

DRILL HOLES

DRILL HOLES

DRILL HOLES



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.

Developer's Name: MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
Printed Company Name

Contact Person or Owner: YASAMIN ESMALI - PROJECT MANAGER
Printed Name

Address: 101 MONROE ST, 10TH FLOOR ROCKVILLE, MD 20850
240-777-7226

Phone and Email: Yasamin.Esmali@MontgomeryCountyMD.gov

Signature: _____

CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNCPPC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

6.18.2020
DATE

[Signature]
MICHAEL A. NORTON
MDNR / COMAR 08.19.06.01
QUALIFIED PROFESSIONAL

NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
5146 DORSEY HALL DRIVE, 2ND FLOOR ELLICOTT CITY, MD 21042
BALT.443.542.9199 x101 DC 240.342.2329x101 WWW.NORTONLANDDESIGN.COM

WATER CLASS	I,P/IV,P	WATERSHED	LITTLE SENECA CREEK	FEMA FLOODPLAIN MAP PANEL #	24031C 0160D
TRIBUTARY	ROCK CREEK	ADC MAP #	9	CRID	B-3.4
TAX MAP	EW341,EW121	2008 SHEET	232NW13,233NW13	PROJ. NO.	15-138
SCALE	AS SHOWN	DATE	AUGUST 2019	SHEET NO.	L-1.7

NO.	REVISION	DATE	BY

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MD 20878

DATUM: NAD 83/91 HORIZONTAL
NAVD 88 VERTICAL

Designed by : H.J. Drawn by : H.J. Checked by : M.N.

PLAN SHEET L-1.7
PRELIMINARY FOREST CONSERVATION PLAN
MD 355 - CLARKSBURG SHARED USE PATH

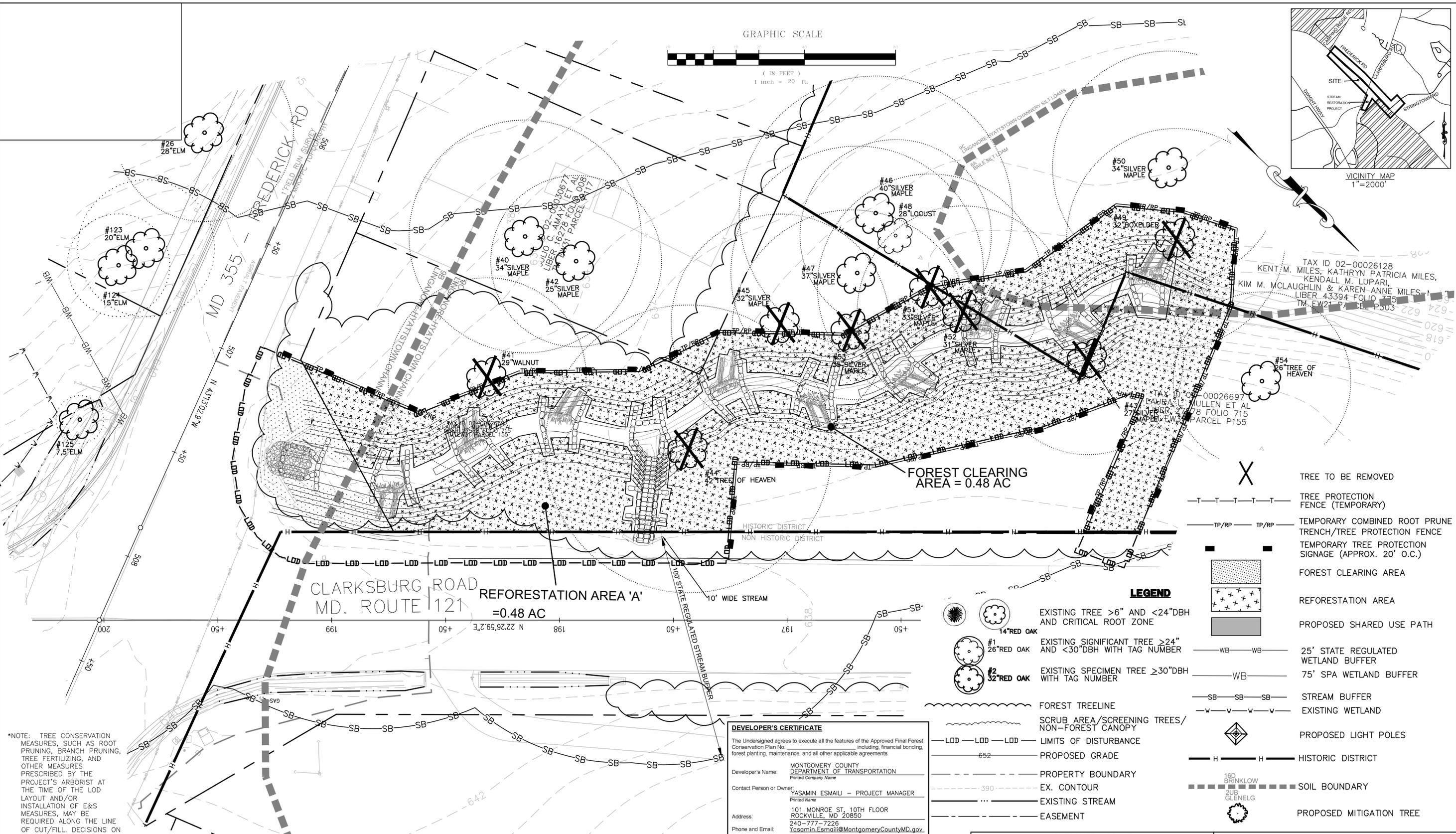
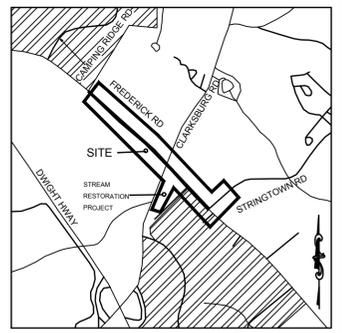
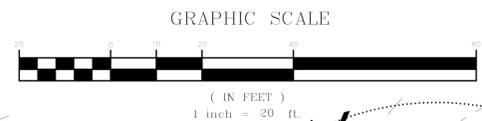
Project No. : C.I.P. PR. #501744 SHEET 69 of 88

WALLACE MONTGOMERY
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DRILL HOLES

DRILL HOLES

DRILL HOLES



TAX ID 02-00026128
KENT M. MILES, KATHRYN PATRICIA MILES,
KENDALL M. LUPARI,
KIM M. MCLAUGHLIN & KAREN ANNE MILES
LIBER 43394 FOLIO 375
TM, EW 21 P, CEL, P303

TAX ID 02-00026697
MULLEN ET AL
LIBER 278 FOLIO 715
PARCEL P155

- LEGEND**
- X TREE TO BE REMOVED
 - - - - - TREE PROTECTION FENCE (TEMPORARY)
 - TP/RP TP/RP TEMPORARY COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE
 - TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 20' O.C.)
 - ▨ FOREST CLEARING AREA
 - ▨ REFORESTATION AREA
 - ▨ PROPOSED SHARED USE PATH
 - WB WB 25' STATE REGULATED WETLAND BUFFER
 - WB 75' SPA WETLAND BUFFER
 - SB SB SB STREAM BUFFER
 - - - - - EXISTING WETLAND
 - ◆ PROPOSED LIGHT POLES
 - H H HISTORIC DISTRICT
 - 16D BRINKLOW 2UB GLENELG SOIL BOUNDARY
 - ⊙ PROPOSED MITIGATION TREE

*NOTE: TREE CONSERVATION MEASURES, SUCH AS ROOT PRUNING, BRANCH PRUNING, TREE FERTILIZING, AND OTHER MEASURES PRESCRIBED BY THE PROJECT'S ARBORIST AT THE TIME OF THE LOD LAYOUT AND/OR INSTALLATION OF E&S MEASURES, MAY BE REQUIRED ALONG THE LINE OF CUT/FILL. DECISIONS ON TREE PROTECTION MEASURES MUST BE AGREED UPON BY A M-NCPPC FOREST CONSERVATION INSPECTOR BEFORE INSTALLATION.

CERTIFICATION OF QUALIFIED PROFESSIONAL
I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNCP&C AND MONTGOMERY COUNTY FOREST CONSERVATION STATUTES.

6.18.2020
DATE

MICHAEL A. NORTON
MDNR / COMAR 08.19.06.01
QUALIFIED PROFESSIONAL

NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
5146 DORSEY HALL DRIVE, 2ND FLOOR ELLICOTT CITY, MD 21042
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WATER CLASS I, P, IV, P	WATERSHED LITTLE SENECA CREEK	FEMA FLOODPLAIN MAP PANEL # 24031C 0160D
TRIBUTARY ROCK CREEK		
TAX MAP EW341, EW121	200 SHEET 232NW13, 233NW12	ADC MAP PAGE 9 GRID 8-3, 8-4
SCALE AS SHOWN	DATE AUGUST 2019	PROJ. NO. 15-138
		SHEET NO. L-1.8

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.

Developer's Name: MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
Printed Company Name

Contact Person or Owner: YASAMIN ESMAILI - PROJECT MANAGER
Printed Name

Address: 101 MONROE ST, 10TH FLOOR ROCKVILLE, MD 20850
Phone and Email: 240-777-7226 Yasamin.Esmaili@MontgomeryCountyMD.gov

Signature: _____

- 14" RED OAK
- #1 26" RED OAK
- #2 32" RED OAK
- EXISTING TREE >6" AND <24" DBH AND CRITICAL ROOT ZONE
- EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER
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DATUM: NAD 83/91 HORIZONTAL
NAVD 88 VERTICAL

NO.	REVISION	DATE	BY

MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION
100 EDISON PARK DRIVE, 4TH FLOOR
GAITHERSBURG, MD 20878

Designed by : H.J. Drawn by : H.J. Checked by : M.N.

PLAN SHEET L-1.8
PRELIMINARY FOREST CONSERVATION PLAN
MD 355 - CLARKSBURG SHARED USE PATH

Project No. : C.J.P. PR. #501744 SHEET 70 of 88 07/2018

WALLACE MONTGOMERY
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DRILL HOLES

DRILL HOLES

DRILL HOLES

Significant/Specimen Tree Summary 24" +										
Tree #	Species	Species	D.B.H.	Critical Root Zone	Percent of CRZ	Tree	Comments	Status	Variance	
	Scientific Name	Common Name	(Inches)	Zone (Sq Ft)	Impacts	Impacted (SF)	Condition			
1	PRUNUS SEROTINA	BLACK CHERRY	30	6362	937	15%	POOR	VINE, BROKEN BRANCHES/ SPLIT @ 2'	SAVE AND PROTECT	YES
2	CATALPA SPECIOSA	CATALPA	26	4778	4778	100%	POOR	VINE COVERED, DEAD BRANCHES	TO BE REMOVED	N/A
3	ROBINIA PSEUDOACACIA	BLACK LOCUST	26	4778	4778	100%	POOR	VINE COVERED, DEAD BRANCHES	TO BE REMOVED	N/A
4	ACER SACCHARINUM	SILVER MAPLE	49	16972	16972	100%	FAIR	VINE COVERED	TO BE REMOVED	YES
5	ACER SACCHARINUM	SILVER MAPLE	40	11310	3300	29%	GOOD		SAVE AND PROTECT	YES
6A	JUNIPERUS SP.	CEDAR SP.	24	4072	0	0%	FAIR		SAVE AND PROTECT	N/A
6B	ACER SACCHARINUM	SILVER MAPLE	28	9161	292	3%	FAIR		SAVE AND PROTECT	NO
7	ACER SACCHARINUM	SILVER MAPLE	28	9161	5542	6%	POOR	SPLIT @ 3'	SAVE AND PROTECT	N/A
8	ACER SACCHARINUM	SILVER MAPLE	40	11310	11310	100%	POOR	VINE COVERED, DEAD BRANCHES	TO BE REMOVED	YES
9	ACER SACCHARINUM	SILVER MAPLE	33	7698	7698	100%	GOOD	SPLIT @ 5'	TO BE REMOVED	YES
10	ACER SACCHARINUM	SILVER MAPLE	30	6362	2570	40%	GOOD		SAVE AND PROTECT	YES
11	ACER SACCHARINUM	SILVER MAPLE	36	9161	3275	36%	GOOD		SAVE AND PROTECT	YES
12	MORUS SP.	MULBERRY SP.	36	9161	9161	100%	POOR	TRUNK DAMAGED	TO BE REMOVED	YES
13	JUGLANS NIGRA	BLACK WALNUT	24	4072	4072	100%	FAIR	MAJOR PRUNING, OHV	TO BE REMOVED	N/A
14	CATALPA SPECIOSA	CATALPA	26	4778	4778	100%	FAIR	18" LEADER SPLITS @ 2'	TO BE REMOVED	YES
15	MORUS SP.	MULBERRY SP.	36	9161	9161	100%	POOR	PRUNED LEADER, VINES	TO BE REMOVED	YES
16	ACER SACCHARINUM	SILVER MAPLE	24	4072	4072	100%	POOR	TRUNK DAMAGED, BROKEN LEADER, DEAD BRANCHES	TO BE REMOVED	N/A
17	CATALPA SPECIOSA	CATALPA	25	8659	8659	100%	POOR	VINE COVERED, PRUNING, OHV	TO BE REMOVED	YES
18	ACER SACCHARINUM	SILVER MAPLE	46	14957	14957	100%	POOR	MAJOR PRUNING, OHV	TO BE REMOVED	YES
19	CATALPA SPECIOSA	CATALPA	33	7698	2194	27%	FAIR	MAIN LEADER PRUNED, HEAVY PRUNING OHV	TO BE REMOVED	YES
20	CATALPA SPECIOSA	CATALPA	31	6793	6793	100%	FAIR		TO BE REMOVED	YES
21	MORUS SP.	MULBERRY SP.	42	12469	12469	100%	FAIR	SPLIT @ 3', 30" LEADER, 42" LEADER	TO BE REMOVED	YES
22	CARVA SP.	HICKORY SP.	32	7238	16	4%	GOOD	OFFSITE	SAVE AND PROTECT	YES
23	ACER SACCHARINUM	SILVER MAPLE	30	6362	6362	100%	POOR	TRUNK DAMAGED, VINE, BROKEN BRANCHES	TO BE REMOVED	YES
24	JUGLANS NIGRA	BLACK WALNUT	25	4418	264	6%	FAIR	VINES	SAVE AND PROTECT	YES
25	ACER SACCHARINUM	SILVER MAPLE	32	7238	4	0%	FAIR	MIDDLE LEADER PRUNED 10' UP, OHV	SAVE AND PROTECT	NO
26	ULMUS SP.	ELM	28	5542	0	0%	GOOD	OHV	SAVE AND PROTECT	NO
27	PRUNUS SEROTINA	WHITE CHERRY	28	4778	235	5%	FAIR	VINES, BROKEN BRANCHES	SAVE AND PROTECT	YES
28	ACER SACCHARINUM	SILVER MAPLE	30	6362	87	1%	GOOD	SPLIT @ 2'	SAVE AND PROTECT	NO
29	ACER SACCHARINUM	SILVER MAPLE	25	4418	0	0%	GOOD		SAVE AND PROTECT	NO
30	ACER PLATANOIDES	NORWAY MAPLE	38	10207	0	0%	POOR	SPLIT @ 8', BROKEN BRANCHES, VINES, LITTLE GROWTH	SAVE AND PROTECT	NO
31	ACER SACCHARINUM	SILVER MAPLE	28	5542	5542	100%	POOR	VINE OHV	TO BE REMOVED	YES
32	ACER SACCHARINUM	SILVER MAPLE	26	4778	4778	100%	FAIR	SPLIT @ 8'	TO BE REMOVED	YES
33	ACER SACCHARINUM	SILVER MAPLE	46	14957	5054	34%	POOR	COVERED IN VINES, BROKEN BRANCHES	SAVE AND PROTECT	YES
34	ACER SACCHARINUM	SILVER MAPLE	32	7238	7238	100%	FAIR	BROKEN BRANCHES, OHV, VINES	TO BE REMOVED	YES
35	ACER PLATANOIDES	NORWAY MAPLE	28	5542	224	4%	POOR	DEAD LIMBS	TO BE REMOVED	YES
36	ACER PLATANOIDES	NORWAY MAPLE	26	4778	4778	100%	FAIR	SPLIT @ 4', 14', 12"	TO BE REMOVED	YES
37	ACER SACCHARINUM	SILVER MAPLE	27	5153	153	3%	GOOD	SPLIT @ 2', 8', 11"	SAVE AND PROTECT	N/A
38	ACER SACCHARINUM	SILVER MAPLE	27	5153	732	14%	GOOD	VINE, SPLIT @ 4', 12', 12"	SAVE AND PROTECT	N/A
39	VOID	VOID	VOID	VOID	VOID	VOID	VOID	VOID	VOID	VOID
40	ACER SACCHARINUM	SILVER MAPLE	34	8171	0	0%	GOOD		SAVE AND PROTECT	NO
41	JUGLANS NIGRA	BLACK WALNUT	29	5945	2547	43%	POOR	VINE	TO BE REMOVED	YES
42	ACER SACCHARINUM	SILVER MAPLE	25	4418	0	0%	GOOD		SAVE AND PROTECT	NO
43	ACER SACCHARINUM	SILVER MAPLE	29	5542	5542	100%	POOR		TO BE REMOVED	YES
44	AILANTHUS ALTISSIMA	TREE OF HEAVEN	12	1018	12469	100%	POOR	MISSING BARK, VINE	TO BE REMOVED	YES
45	ACER SACCHARINUM	SILVER MAPLE	32	7238	3200	44%	GOOD		TO BE REMOVED	YES
46	ACER SACCHARINUM	SILVER MAPLE	40	11310	1056	9%	GOOD	SPLIT @ 4', 18", 20"	SAVE AND PROTECT	YES
47	ACER SACCHARINUM	SILVER MAPLE	37	9677	2829	29%	GOOD		SAVE AND PROTECT	YES
48	ROBINIA PSEUDOACACIA	BLACK LOCUST	28	5542	542	10%	POOR		SAVE AND PROTECT	YES
49	ACER NEGUNDO	BOXELDER	32	7238	7238	100%	GOOD		TO BE REMOVED	YES
50	ACER SACCHARINUM	SILVER MAPLE	34	8171	1736	21%	GOOD	SPLIT @ 1', 17", 19"	SAVE AND PROTECT	YES
51	ACER SACCHARINUM	SILVER MAPLE	33	7698	7698	100%	GOOD		TO BE REMOVED	YES
52	ACER SACCHARINUM	SILVER MAPLE	31	6793	6793	100%	GOOD		TO BE REMOVED	YES
53	ACER SACCHARINUM	SILVER MAPLE	26	4778	4778	100%	GOOD		TO BE REMOVED	YES
54	AILANTHUS ALTISSIMA	TREE OF HEAVEN	26	4778	594	12%	GOOD	MISSING BARK	SAVE AND PROTECT	YES
55	ACER SACCHARINUM	NORWAY MAPLE	8	452	20	4%	GOOD		SAVE AND PROTECT	YES
56	ACER SACCHARINUM	NORWAY MAPLE	8	452	452	100%	GOOD		TO BE REMOVED	YES
57	ACER SACCHARINUM	NORWAY MAPLE	14	1385	348	4%	GOOD		SAVE AND PROTECT	YES
58	ACER SACCHARINUM	NORWAY MAPLE	7	346	346	100%	GOOD		TO BE REMOVED	YES
59	ACER SACCHARINUM	NORWAY MAPLE	6	254	30	12%	GOOD		SAVE AND PROTECT	YES
60	ACER SACCHARINUM	NORWAY MAPLE	7	346	0	0%	GOOD		SAVE AND PROTECT	NO
61	JUGLANS NIGRA	BLACK WALNUT	7	346	0	0%	GOOD		SAVE AND PROTECT	NO
62	ACER NEGUNDO	BOXELDER	9	573	573	100%	GOOD		TO BE REMOVED	YES
63	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
64	ACER NEGUNDO	BOXELDER	8	452	0	0%	GOOD		SAVE AND PROTECT	NO
65	ROBINIA PSEUDOACACIA	BLACK LOCUST	24	4072	0	0%	GOOD		SAVE AND PROTECT	NO
66	ACER NEGUNDO	BOXELDER	10	1018	158	22%	GOOD		SAVE AND PROTECT	YES
67	ROBINIA PSEUDOACACIA	BLACK LOCUST	10	1018	127	17%	GOOD		SAVE AND PROTECT	YES
68	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
69	AILANTHUS ALTISSIMA	TREE OF HEAVEN	7	346	231	33%	GOOD		SAVE AND PROTECT	YES
70	JUGLANS NIGRA	BLACK WALNUT	12	1018	1018	100%	GOOD		TO BE REMOVED	YES
71	ACER SACCHARINUM	NORWAY MAPLE	12	1018	0	0%	GOOD		SAVE AND PROTECT	NO
72	ROBINIA PSEUDOACACIA	BLACK LOCUST	10	1018	0	0%	GOOD		SAVE AND PROTECT	NO
73	ROBINIA PSEUDOACACIA	BLACK LOCUST	22	3421	719	21%	GOOD		SAVE AND PROTECT	YES
74	MORUS SP.	MULBERRY SP.	12	1018	126	6%	GOOD		SAVE AND PROTECT	YES
75	JUGLANS NIGRA	BLACK WALNUT	11	855	5	1%	GOOD		SAVE AND PROTECT	YES
76	CATALPA SPECIOSA	CATALPA	6	254	0	0%	GOOD		SAVE AND PROTECT	NO
77	JUGLANS NIGRA	BLACK WALNUT	8	452	0	0%	GOOD		SAVE AND PROTECT	NO
78	ROBINIA PSEUDOACACIA	BLACK LOCUST	12	1018	0	0%	GOOD		SAVE AND PROTECT	NO
79	CATALPA SPECIOSA	CATALPA	18	2290	783	34%	GOOD		SAVE AND PROTECT	YES
80	ROBINIA PSEUDOACACIA	BLACK LOCUST	18	2290	2290	100%	GOOD		TO BE REMOVED	YES
81	ACER SACCHARINUM	NORWAY MAPLE	6	254	254	100%	GOOD		TO BE REMOVED	YES
82	PRUNUS SP.	CHERRY SP.	8	452	452	100%	GOOD		TO BE REMOVED	YES
83	ACER SACCHARINUM	NORWAY MAPLE	7	346	346	100%	GOOD		TO BE REMOVED	YES
84	ROBINIA PSEUDOACACIA	BLACK LOCUST	11	855	855	100%	GOOD		TO BE REMOVED	YES
85	PRUNUS SP.	CHERRY SP.	6	254	254	100%	GOOD		TO BE REMOVED	YES
86	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
87	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
88	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
89	JUGLANS NIGRA	BLACK WALNUT	6	254	254	100%	GOOD		TO BE REMOVED	YES
90	ACER NEGUNDO	BOXELDER	6	254	452	100%	GOOD		TO BE REMOVED	YES
91	JUGLANS NIGRA	BLACK WALNUT	16	1810	1810	100%	GOOD		TO BE REMOVED	YES
92	ACER NEGUNDO	BOXELDER	12	1018	1018	100%	GOOD		TO BE REMOVED	YES
93	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
94	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
95	PICEA SP.	SPRUCE	6	254	99	2%	GOOD		TO BE REMOVED	YES
96	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
97	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
98	ACER NEGUNDO	BOXELDER	18	2290	2290	100%	GOOD		TO BE REMOVED	YES
99	ACER SACCHARINUM	SILVER MAPLE	7	346	346	100%	GOOD		TO BE REMOVED	YES
100	ACER SACCHARINUM	SILVER MAPLE	10	1018	1018	100%	GOOD		TO BE REMOVED	YES
101	ACER SACCHARINUM	SILVER MAPLE	8	452	452	100%	GOOD		TO BE REMOVED	YES
102	CARVA SP.	HICKORY SP.	7	346	452	100%	GOOD		TO BE REMOVED	YES
103	PICEA SP.	SPRUCE	7	346	346	100%	GOOD		SAVE AND PROTECT	YES
104	PICEA SP.	SPRUCE	7	346	53	15%	GOOD		SAVE AND PROTECT	YES
105	PICEA SP.	SPRUCE	7	346	80	23%	GOOD		SAVE AND PROTECT	YES
106	PICEA SP.	SPRUCE	7	346	346	100%	GOOD		SAVE AND PROTECT	YES
107	JUGLANS NIGRA	BLACK WALNUT	23	3739	668	18%	GOOD		SAVE AND PROTECT	YES
108	ROBINIA PSEUDOACACIA	BLACK LOCUST	8	452	452	100%	GOOD		TO BE REMOVED	YES
109	ACER SP.	MAPLE SP.	11	855	855	100%	GOOD		TO BE REMOVED	YES
110	ROBINIA PSEUDOACACIA	BLACK LOCUST	6	254	254	100%	GOOD		TO BE REMOVED	YES
111	ROBINIA PSEUDOACACIA	BLACK LOCUST	6	254	254	100%	GOOD		TO BE REMOVED	YES
112	ACER SP.	MAPLE SP.	7	346	0	0%	GOOD		SAVE AND PROTECT	NO
113	ACER SP.	MAPLE SP.	8	452	0	0%	GOOD		SAVE AND PROTECT	NO
114	ACER SP.	MAPLE SP.	7	346	24	7%	GOOD		SAVE AND PROTECT	YES
115	ACER SP.	MAPLE SP.	6	254	24	9%	GOOD		SAVE AND PROTECT	NO
116	ACER SP.	MAPLE SP.	15	1590	0	0%	GOOD		SAVE AND PROTECT	NO
117	ACER SP.	MAPLE SP.	22	3421	0	0%	GOOD		SAVE AND PROTECT	NO
118	ACER SP.	MAPLE SP.	12	1018	0	0%	GOOD		SAVE AND PROTECT	NO
119	ACER SP.	MAPLE SP.	7	346	0	0%	GOOD		SAVE AND PROTECT	NO
120	ACER SP.	MAPLE SP.	8	452	0	0%	GOOD		SAVE AND PROTECT	NO
121	ACER SP.	MAPLE SP.	10	1018	0	0%	GOOD		SAVE AND PROTECT	NO
122	ACER SP.	MAPLE SP.	14	1385	68	5%	GOOD		SAVE AND PROTECT	YES
123	ULMUS SP.	ELM	20	2827	0	0%	GOOD		SAVE AND PROTECT	NO
124	ULMUS SP.	ELM	15	1590	0	0%	GOOD		SAVE AND PROTECT	NO
125	ULMUS SP.	ELM	7	346	0	0%	GOOD		SAVE AND PROTECT	NO
501	PLATANUS OCCIDENTALIS	SYCAMORE	5	177	177	100%	GOOD		TO BE REMOVED	YES
502	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD		TO BE REMOVED	YES
503	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD		TO BE REMOVED	YES
504	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD		TO BE REMOVED	YES
505	PLATANUS OCCIDENTALIS	SYCAMORE	5	177	177	100%	GOOD		TO BE REMOVED	YES
506	ACER PLATANOIDES	NORWAY MAPLE	4	113	113	100%	GOOD		TO BE REMOVED	YES
507	ACER PLATANOIDES	NORWAY MAPLE	4	113	113	100%	GOOD		TO BE REMOVED	YES
508	ACER PLATANOIDES	NORWAY MAPLE	2	28	28	100%	GOOD		TO BE REMOVED	YES
509	ACER PLATANOIDES									

Attachment B: Tree Variance Request

June 17, 2020

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

Re: Clarksburg Shared Use Path
Request for Specimen Tree Variance
MR# - 2020018
Norton# 15-138

Dear Intake Division,

On behalf of the Montgomery County Department of Transportation and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and recent revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to or the removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation for the above-named County construction project:

Project Description:

The proposed shared use (hiker/biker) path is set to be located in historic Clarksburg on Frederick Road, intersected by Clarksburg Rd, Montgomery County, Maryland. This is a linear project and will be completed within the public right-of-way, adjacent to various residential and commercial properties, as shown on the FCP. Proposed construction consists of making new path connections within the right-of-way, as well as updating the existing walks for proper connection. A stream restoration project will also be done as part of this project on a tributary at the intersection of Clarksburg Rd and Frederick Rd to fulfill stormwater management requirements. The total Limits of Disturbance for this project is 3.58 acres.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states that the applicant must:

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

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

Justification of Variance:

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

Response: As part of the program, the task is to provide the community with an updated shared use path to improve outdoor recreation potential in the area.

This work will require disturbance of the root zones of a total of one hundred four (104) specimen trees. Seventy-three (73) of the impacted trees will be required to be removed. Please note that this is including impacted trees classified as historic that are along Frederick Road. This variance request does not reflect the historic specimen trees that are within the stream restoration portion of the project, (L-1.8). This will be completed at the time of the Final Forest Conservation Plan.

If MCDOT is not allowed to impact the trees, the path will not be able to be built due to the close proximity of specimen trees to the proposed shared use path and stream restoration project. As such, this would cause an *unwarranted hardship* to the community that it serves.

- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

Response: If the County were required to keep all improvements outside of the root zones of the specimen trees, the shared use path would fail to be built due to the close proximity of specimen trees.

- (3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;

Response: Tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, the path construction will undertake a stream restoration project to compensate for Maryland Department of the Environment's criteria for stormwater management. The path construction is designed to protect the surrounding natural resources to the Maximum Extent Practicable. This includes proposed landscaping trees and supplying reforestation to mitigate for the trees/forest being cleared during construction. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

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

Response: The proposed shared use path will benefit the health and well-being of the community it serves. Also, by fulfilling the stormwater requirements through the stream restoration project, stream health will be improved and allow for improved ecological benefits in the area.

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which states that a variance must not be granted if granting the request:

- (1) Will confer on the applicant a special privilege that would be denied to other applicants;

Response: The proposed shared use path is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.

- (2) Is based on conditions or circumstances which are the result of the actions by the applicant;

Response: Montgomery County Department of Transportation has taken no *actions leading to the conditions or circumstances* that are the subject of this variance request.

- (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or

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

- (4) Will violate State water quality standards or cause measurable degradation in water quality.

Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

SPECIMEN TREE VARIANCE TABLE

Tree #	Species	Species	D.B.H	Critical Root	Critical Root Zone	Percent of CRZ	Tree	Comments	Status	Variance
	Scientific Name	Common Name	(inches)	Zone (Sq.Ft)	Impacts	Impacted (SF)	Condition			
1	PRUNUS SEROTINA	BLACK CHERRY	30	6362	937	15%	POOR	VINE, BROKEN BRANCHES/ SPLIT @ 2'	SAVE AND PROTECT	YES
4	ACER SACCHARINUM	SILVER MAPLE	49	16972	16972	100%	FAIR	VINE COVERED	TO BE REMOVED	YES
5	ACER SACCHARINUM	SILVER MAPLE	40	11310	3300	29%	GOOD		SAVE AND PROTECT	YES
8	ACER SACCHARINUM	SILVER MAPLE	40	11310	11310	100%	POOR	VINE COVERED, DEAD BRANCHES	TO BE REMOVED	YES
9	ACER SACCHARINUM	SILVER MAPLE	33	7698	7698	100%	GOOD	SPLIT @ 5'	TO BE REMOVED	YES
10	ACER SACCHARINUM	SILVER MAPLE	30	6362	2570	40%	GOOD		SAVE AND PROTECT	YES
11	ACER SACCHARINUM	SILVER MAPLE	36	9161	3275	36%	GOOD		SAVE AND PROTECT	YES
12	MORUS SP.	MULBERRY SP.	36	9161	9161	100%	POOR	TRUNK DAMAGED	TO BE REMOVED	YES
14	CATALPA SPECIOSA	CATALPA	36	9161	9161	100%	FAIR	18" LEADER SPLITS @ 2'	TO BE REMOVED	YES
15	MORUS SP.	MULBERRY SP.	36	9161	9161	100%	POOR	PRUNED LEADER, VINES	TO BE REMOVED	YES
17	CATALPA SPECIOSA	CATALPA	35	8659	8659	100%	POOR	VINE COVERED, PRUNING, OHW	TO BE REMOVED	YES
18	ACER SACCHARINUM	SILVER MAPLE	46	14957	14957	100%	POOR	MAJOR PRUNING, OHW	TO BE REMOVED	YES
19	CATALPA SPECIOSA	CATALPA	33	7698	2104	27%	FAIR	MAIN LEADER PRUNED, HEAVY PRUNING OHW	SAVE AND PROTECT	YES
20	CATALPA SPECIOSA	CATALPA	31	6793	6793	100%	FAIR		TO BE REMOVED	YES
21	MORUS SP.	MULBERRY SP.	42	12469	12469	100%	FAIR	SPLIT @ 3', 30" LEADER, 42" LEADER	TO BE REMOVED	YES
22	CARYA SP.	HICKORY SP.	32	7238	16	<1%	GOOD	OFFSITE	SAVE AND PROTECT	YES
23	ACER SACCHARINUM	SILVER MAPLE	30	6362	6362	100%	POOR	TRUNK DAMAGED, VINE, BROKEN BRANCHES	TO BE REMOVED	YES
24	JUGLANS NIGRA	BLACK WALNUT	25	4418	264	6%	FAIR	VINES	SAVE AND PROTECT	YES
27	PINUS STROBUS	WHITE PINE	26	4778	235	5%	FAIR	VINES, BROKEN BRANCHES	SAVE AND PROTECT	YES
31	ACER SACCHARINUM	SUGAR MAPLE	28	5542	5542	100%	POOR	VINE/OHW	TO BE REMOVED	YES
32	ACER SACCHARINUM	SILVER MAPLE	26	4778	829	17%	FAIR	SPLITS @ 5'	SAVE AND PROTECT	YES
33	ACER SACCHARINUM	SILVER MAPLE	46	14957	5054	34%	POOR	COVERED IN VINES, BROKEN BRANCHES	SAVE AND PROTECT	YES
34	ACER SACCHARINUM	SUGAR MAPLE	32	7238	7238	100%	FAIR	BROKEN BRANCHES, OHW, VINES	TO BE REMOVED	YES
35	ACER PLATANOIDES	NORWAY MAPLE	28	5542	5542	100%	POOR	DEAD LIMBS	TO BE REMOVED	YES
41	JUGLANS NIGRA	BLACK WALNUT	29	5945	2547	43%	POOR	VINE	TO BE REMOVED	YES
43	ACER SACCHARINUM	SILVER MAPLE	28	5542	5542	100%	POOR		TO BE REMOVED	YES
44	AILANTHUS ALTISSIMA	TREE OF HEAVEN	42	12469	12469	100%	POOR	MISSING BARK, VINE	TO BE REMOVED	YES
45	ACER SACCHARINUM	SILVER MAPLE	32	7238	3200	44%	GOOD		TO BE REMOVED	YES
46	ACER SACCHARINUM	SILVER MAPLE	40	11310	1056	9%	GOOD	SPLIT @ 4', 18", 20"	SAVE AND PROTECT	YES
47	ACER SACCHARINUM	SILVER MAPLE	37	9677	2829	29%	GOOD		SAVE AND PROTECT	YES
48	ROBINIA PSEUDOACACIA	BLACK LOCUST	28	5542	542	10%	GOOD		SAVE AND PROTECT	YES
49	ACER NEGUNDO	BOXELDER	32	7238	7238	100%	GOOD		TO BE REMOVED	YES
50	ACER SACCHARINUM	SILVER MAPLE	34	8171	1736	21%	GOOD	SPLIT @ 1', 17", 19"	SAVE AND PROTECT	YES
51	ACER SACCHARINUM	SILVER MAPLE	33	7698	7698	100%	GOOD		TO BE REMOVED	YES
52	ACER SACCHARINUM	SILVER MAPLE	31	6793	6793	100%	GOOD		TO BE REMOVED	YES
53	ACER SACCHARINUM	SILVER MAPLE	35	8659	8659	100%	POOR	MISSING BARK	TO BE REMOVED	YES
54	AILANTHUS ALTISSIMA	TREE OF HEAVEN	26	4778	564	12%	GOOD		SAVE AND PROTECT	YES
55	ACER SACCHARINUM	NORWAY MAPLE	8	452	20	4%	GOOD		SAVE AND PROTECT	YES
56	ACER SACCHARINUM	NORWAY MAPLE	8	452	452	100%	GOOD		TO BE REMOVED	YES
57	ACER SACCHARINUM	NORWAY MAPLE	14	1385	848	61%	GOOD		TO BE REMOVED	YES
58	ACER SACCHARINUM	NORWAY MAPLE	7	346	346	100%	GOOD		TO BE REMOVED	YES
59	ACER SACCHARINUM	NORWAY MAPLE	6	254	30	12%	GOOD		SAVE AND PROTECT	YES
62	ACER NEGUNDO	BOXELDER	9	573	573	100%	GOOD		TO BE REMOVED	YES
63	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
66	ACER NEGUNDO	BOXELDER	10	707	158	22%	GOOD		SAVE AND PROTECT	YES
67	ROBINIA PSEUDOACACIA	BLACK LOCUST	10	707	120	17%	GOOD		SAVE AND PROTECT	YES
68	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES

69	AILANTHUS ALTISSIMA	TREE OF HEAVEN	10	707	231	33%	GOOD		SAVE AND PROTECT	YES
70	JUGLANS NIGRA	BLACK WALNUT	12	1018	1018	100%	GOOD		TO BE REMOVED	YES
73	ROBINIA PSEUDOACACIA	BLACK LOCUST	22	3421	719	21%	GOOD		SAVE AND PROTECT	YES
74	MORUS SP.	MULBERRY SP.	12	1018	126	12%	GOOD		SAVE AND PROTECT	YES
75	JUGLANS NIGRA	BLACK WALNUT	11	855	5	1%	GOOD		SAVE AND PROTECT	YES
79	CATALPA SPECIOSA	CATALPA	18	2290	783	34%	GOOD		SAVE AND PROTECT	YES
80	ROBINIA PSEUDOACACIA	BLACK LOCUST	18	2290	2290	100%	GOOD		TO BE REMOVED	YES
81	ACER SACHCHARINUM	NORWAY MAPLE	6	254	254	100%	GOOD		TO BE REMOVED	YES
82	JUNIPERUS SP.	CEDAR SP.	8	452	452	100%	GOOD		TO BE REMOVED	YES
83	ACER SACCHARINUM	NORWAY MAPLE	7	346	346	100%	GOOD		TO BE REMOVED	YES
84	ROBINIA PSEUDOACACIA	BLACK LOCUST	11	855	855	100%	GOOD		TO BE REMOVED	YES
85	PRUNUS SP.	CHERRY SP.	6	254	254	100%	GOOD		TO BE REMOVED	YES
86	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
87	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
88	ACER NEGUNDO	BOXELDER	6	254	254	100%	GOOD		TO BE REMOVED	YES
89	JUGLANS NIGRA	BLACK WALNUT	6	254	254	100%	GOOD		TO BE REMOVED	YES
90	ACER NEGUNDO	BOXELDER	8	452	452	100%	GOOD		TO BE REMOVED	YES
91	JUGLANS NIGRA	BLACK WALNUT	16	1810	1810	100%	GOOD		TO BE REMOVED	YES
92	ACER NEGUNDO	BOXELDER	12	1018	1018	100%	GOOD		TO BE REMOVED	YES
93	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
94	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
95	PICEA SP.	SPRUCE	6	254	99	39%	GOOD		TO BE REMOVED	YES
96	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
97	PICEA SP.	SPRUCE	6	254	254	100%	GOOD		TO BE REMOVED	YES
98	ACER NEGUNDO	BOXELDER	18	2290	2290	100%	GOOD		TO BE REMOVED	YES
99	ACER SACCHARINUM	SILVER MAPLE	7	346	346	100%	GOOD		TO BE REMOVED	YES
100	ACER SACCHARINUM	SILVER MAPLE	10	707	707	100%	GOOD		TO BE REMOVED	YES
101	ACER SACCHARINUM	SILVER MAPLE	8	452	452	100%	GOOD		TO BE REMOVED	YES
102	CARYA SP.	HICKORY SP.	8	452	452	100%	GOOD		TO BE REMOVED	YES
103	PICEA SP.	SPRUCE	7	346	62	18%	GOOD		SAVE AND PROTECT	YES
104	PICEA SP.	SPRUCE	7	346	53	15%	GOOD		SAVE AND PROTECT	YES
105	PICEA SP.	SPRUCE	7	346	80	23%	GOOD		SAVE AND PROTECT	YES
106	PICEA SP.	SPRUCE	7	346	35	10%	GOOD		SAVE AND PROTECT	YES
107	JUGLANS NIGRA	BLACK WALNUT	23	3739	668	18%	GOOD		SAVE AND PROTECT	YES
108	ROBINIA PSEUDOACACIA	BLACK LOCUST	8	452	452	100%	GOOD		TO BE REMOVED	YES
109	ACER SP.	MAPLE SP.	11	855	855	100%	GOOD		TO BE REMOVED	YES
110	ROBINIA PSEUDOACACIA	BLACK LOCUST	6	254	254	100%	GOOD		TO BE REMOVED	YES
111	ROBINIA PSEUDOACACIA	BLACK LOCUST	6	254	254	100%	GOOD		TO BE REMOVED	YES
114	ACER SP.	MAPLE SP.	7	346	24	7%	GOOD		SAVE AND PROTECT	YES
122	ACER SP.	MAPLE SP.	14	1385	68	5%	GOOD		SAVE AND PROTECT	YES
501	PLATANUS OCCIDENTALIS	SYCAMORE	5	177	177	100%	GOOD		TO BE REMOVED	YES
502	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD		TO BE REMOVED	YES
503	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD		TO BE REMOVED	YES
504	PLATANUS OCCIDENTALIS	SYCAMORE	6	254	254	100%	GOOD		TO BE REMOVED	YES
505	PLATANUS OCCIDENTALIS	SYCAMORE	5	177	177	100%	GOOD		TO BE REMOVED	YES
506	ACER PLATANOIDES	NORWAY MAPLE	4	113	113	100%	GOOD		TO BE REMOVED	YES
507	ACER PLATANOIDES	NORWAY MAPLE	3	64	64	100%	GOOD		TO BE REMOVED	YES
508	ACER PLATANOIDES	NORWAY MAPLE	2	28	28	100%	GOOD		TO BE REMOVED	YES
509	ACER PLATANOIDES	NORWAY MAPLE	4	113	113	100%	GOOD		TO BE REMOVED	YES
510	JUGLANS NIGRA	BLACK WALNUT	2	28	28	100%	GOOD		TO BE REMOVED	YES
511	ACER NEGUNDO	BOXELDER	1	7	7	100%	GOOD		TO BE REMOVED	YES
512	ACER NEGUNDO	BOXELDER	1	7	7	100%	GOOD		TO BE REMOVED	YES
513	ACER NEGUNDO	BOXELDER	3	64	64	100%	GOOD		TO BE REMOVED	YES
514	ACER NEGUNDO	BOXELDER	2	28	28	100%	GOOD		TO BE REMOVED	YES
515	PRUNUS SP.	CHERRY SP.	5	177	177	100%	GOOD		TO BE REMOVED	YES
516	JUGLANS NIGRA	BLACK WALNUT	3	64	64	100%	GOOD		TO BE REMOVED	YES
517	ACER SACCHARINUM	SILVER MAPLE	1	7	7	100%	GOOD		TO BE REMOVED	YES

Conclusion:

For the above reasons, the applicant respectfully requests that the Planning Board APPROVE its request for a variance from the provisions of Section 22A of the Montgomery County Forest Conservation Ordinance, and thereby, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this vital project.

The recommendations in this report are based on tree conditions noted at the time the NRI/FSD field work was conducted. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

The site plans and plotting of tree locations were furnished for the purpose of creating a detailed Tree Protection Plan. All information is true and accurate to the best of my knowledge and experience. All conclusions are based on professional opinion and were not influenced by any other party.

Sincerely,

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

Michael Norton

Attachment C: DPS Water Quality Plan Approval



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

April 18, 2019

Mr. Charles Main II
Wallace Montgomery
10150 York Road, Suite 200
Hunt Valley, Maryland 21030

Re: **REVISED PRELIMINARY AND FINAL WATER QUALITY PLAN/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN** for MD 355 Mixed Use Path
Preliminary Plan #: N/A
SM File #: 283643
Tract Size/Zone: 1.4 acres/CR
Total Concept Area: 1.4 acres
Watershed: Little Seneca and Ten Mile Creek
Special Protection Areas

Dear Mr. Main:

Based on a review by the Department of Permitting Services Review Staff, the Revised Preliminary/Final Water Quality Plan for the above-mentioned site is **acceptable**. The revision is for the removal of the proposed micro bioretention structure due to extreme site constraints. The Water Quality Plan proposes to meet required stormwater management goals via grass swales, pervious pavement and outfall improvements for the 36" and 48" outfalls at the west side of MD 355 and MD 121. This approval is for the elements of the Water Quality Plan of which DPS has lead agency responsibility and does not include limits on imperviousness or buffer encroachments.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. Overdrains will be required for the areas of pervious pavement due to the variable infiltration rates, some of which are lower than normally allowed.

This list may not be all-inclusive and may change based on available information at the time. A stream monitoring fee for the site area and a BMP monitoring fee for the disturbed area in the SPA is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Charles Main II
April 18, 2019
Page 2

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: lmg

cc: N. Braunstein
SM File # 283643

Attachment D: DPS Water
Quality Plan Email

From: [Galanko, Leo](#)
To: [Penn, Joshua](#)
Subject: RE: MD 355 Path [EXTERNAL]
Date: Thursday, July 2, 2020 10:57:14 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Josh,

The approval letter states that the approval is for 1.4 acres which is incorrect. The 1.4 acre number came from a previous approval and did not take into consideration the additional work of the outfall and stream improvements that were required to meet the objectives of the water quality plan. This work was shown on the approved water quality plan and was included as part of the Preliminary and Final Water Quality Plan approval. The overall approval area is now 2.6 acres and the 1.4 acre number on the letter should be disregarded. We typically verify these limit of disturbance numbers at a later stage (detailed plan review) so we do not consider that to make the letter invalid.

I hope this clears things up and feel free to contact me if you have any other questions.

Leo M. Galanko, CPESC, CPSWQ
Special Protection Area Coordinator
Land Development/Water Resources
Montgomery County Department of Permitting Services
255 Rockville Pike, Rockville Maryland 20850-4166
Phone (240) 777-6242
leo.galanko@montgomerycountymd.gov