Staff recommends approval with conditions.

Staff has received community correspondence regarding the north parking lot placement, location of the Phase 2 stadium, and tree removal for this Application.

The Applicant has received approval of a Stormwater Management Concept and confirmed the final limits of disturbance.

Staff recommends approval of the Variance request to remove 27 trees and impact, but save, 4 additional trees.

The Applicant must provide the trail connection to Timberlawn Local Park to justify the removal of Tree No.17 per Phase 1, with the final location of the trail to be confirmed by the M-NCPPC Parks Department during the Park Permit approval process.

Pursuant to Chapter 22A of the County Code, the Planning Board’s actions on Forest Conservation Plans are regulatory and binding.
INTRODUCTION

The Final Forest Conservation Plan is limited to Phases 0 and 1, with Phase 2 anticipated at a later date. The Planning Board action on the Forest Conservation Plan is regulatory and binding.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Final Forest Conservation Plan No. MR2020022, subject to the following regulatory and binding conditions:

1. Prior to issuance of a building permit for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Lower Rock Creek or Cabin John watershed to satisfy the reforestation requirement for a total of 6.82 acres of mitigation credit. The offsite requirement may be met by purchasing from a mitigation bank elsewhere in the County, subject to Staff approval, if forest is unavailable for purchase within the Lower Rock Creek or Cabin John watershed.

2. The Limits of Disturbance on the Sediment Control Plan must be consistent with the Limits of Disturbance as shown on the approved Final Forest Conservation Plan to be approved by the Planning Board.

3. The Applicant must provide the trail connection to Timberlawn Local Park to justify the removal of Tree No.17 per Phase 1, with the final location of the trail to be confirmed by the M-NCPPC Parks Department during the Park Permit approval process.

4. The Final Forest Conservation Plan must show the planting locations of at least 145 total caliper inches of native shade trees, each at least three inches caliper, to mitigate the removal of 579 inches of specimen trees. The planting locations must be approved by Planning staff. All trees to be planted as mitigation for trees protected under Section 22A-12 must be planted prior to issuance of the Use and Occupancy Certificate of Phase 1.

5. All trees credited towards variance mitigation must be at least five (5) feet away from any structures, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.

6. 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.

7. Prior to any demolition or land disturbing activities, the Applicant must hold a pre-construction meeting with the M-NCPPC Forest Conservation Inspector.

8. The Certified Final Forest Conservation Plans must include an updated worksheet to show 2.68 acres of forest being cleared.
SITE DESCRIPTION

The site of the future Charles W. Woodward High School is located at 11211 Old Georgetown Road in Rockville, Maryland. The Property, owned by the Board of Education, is comprised of a parcel that is approximately 27.31 acres. The Property is bounded by Old Georgetown Road to the west, Cedarwood Drive and M-NCPPC property (Timberlawn Local Park) to the south, residential properties to the east, and the County-owned Edson Lane property and residential properties to the north. The Property is currently developed with Tilden Middle School, as well as athletic fields, tennis courts, parking for the school, and an existing cellular tower. The site slopes down from west to east and has a drop in elevation of approximately thirty (30) feet. The Property has no streams, wetlands, floodplains or associated buffers but has 2.68 acres of high priority forest. The property is located in both the Lower Rock Creek and Cabin John watersheds, with the majority of the property located in the Lower Rock Creek watershed.

Figure 1: Site Vicinity
PROJECT DESCRIPTION

The primary purpose of the Project is to provide a new facility for the re-opening of the Charles W. Woodward High School in the fall of 2025. Before the school opens at Woodward High School it will be a temporary holding space for Northwood High School from September 2023 through June 2025 as Northwood High School undergoes reconstruction.

The Project will be implemented in three (3) phases, as summarized below:

- Phase 0 - includes demolition of the existing Tilden Middle School building and construction of sediment control basins for entire site, sized for all phases of work.
- Phase 1 - includes the construction of a comprehensive high school with tennis and basketball courts as well as parking for cars and buses.
- Phase 2 - includes additional parking in a parking structure, full athletic facilities, and an addition to the school building for a special core program.
This Final Forest Conservation Plan (FFCP) only includes the work associated with Phase 0 (demolition) and Phase 1 (construction). A separate Mandatory Referral application as well as a new NRI and either an amended FFCP or a new FFCP will be required for Phase 2, and submitted separately at a later date.

This Final Forest Conservation Plan shows removal of 2.68 acres of high priority forest and impacts to thirty-one (31) specimen trees. Twenty-seven (27) of the impacted trees with a DBH of 30” or greater are proposed for removal. Due to the topography of the site, several retaining walls are also needed.

Figure 3: Phase 2 Recreational Field Concept
SUMMARY OF ISSUES ADDRESSED FROM PRELIMINARY FOREST CONSERVATION PLAN

The Preliminary Forest Conservation Plan (PFCP) was reviewed by the Planning Board on July 23, 2020. During the review of the PFCP, the Planning Board expressed concern that the Stormwater Management Concept was not approved, which could alter the final limits of disturbance (LOD). Since the July 23 Planning Board hearing, the Applicant has worked with Parks staff and Planning staff to address a number of items that were unresolved when previously presented to the Planning Board.

The first item that has been resolved is that the Applicant has received approval of a Stormwater Management Concept and confirmed the final limits of disturbance. The second item that has been resolved is that the Applicant has also worked with Planning staff and Parks staff to provide a trail connection between Timberlawn Local Park and the subject Property as well as enhance the tree plantings along the Old Georgetown Road frontage, consistent with the Green Corridors Policy included in the 1992 North Bethesda-Garrett Park Master Plan.

The remainder of this staff report describes the Preliminary Forest Conservation Plan (PFCP) conditions and the revisions included within the Final Forest Conservation Plan (FFCP), submitted September 1, 2020.
Figure 3: Updated Mandatory Referral Plans - Phases 0 and 1
The revisions to the FFCP are discussed in greater detail in the following points:

1. The Limits of Disturbance (LOD) shown on the Preliminary Forest Conservation Plan (PFCP) was larger than necessary for the demolition and construction shown on the associated Mandatory Referral. The FFCP provides an accurate LOD and Tree Variance request for the disturbance that corresponds to Phase 0 and Phase 1.

2. The Applicant has provided an approved Stormwater Management Concept letter dated August 5, 2020 from the Montgomery County Department of Permitting Services (MCDPS). The LOD reflects the locations of facilities shown on the Final Forest Conservation Plan. The Stormwater Management Concept approval identifies the need for a Park Permit for Phase 1.

3. The Applicant has agreed to provide the pedestrian trail connection from the school Property to Timberlawn Local Park in Phase 1. This improvement is now shown on the FFCP. This trail connection necessitates the removal of Variance Tree No. 17.

4. The LOD as shown on the FFCP includes Phases 0 and 1 and a portion of Phase 2. All areas within the LOD are tied to the sediment control permit for Phases 0 and 1 and not for future construction associated with Phase 2.

The remainder of this staff report will provide further details regarding the review and approval of the FFCP.

COMMUNITY CONCERNS

Planning Staff has received correspondence regarding concerns associated with the FFCP. The community has expressed concerns regarding the removal of trees along the northern boundary of the site for the proposed parking structure associated with Phase 2. Further description of this area is in the Variance Request section (page 10) of this report.

The community also raised a concern regarding the maintenance of a nest of chimney swifts that currently live in the old Tilden Middle School building (to be demolished). Though it is not an issue for the FFCP, Planning staff suggested the Applicant pursue establishing a nesting structure somewhere onsite to encourage the chimney swifts to maintain their habitat on the site. The Applicant has acknowledged the concern and stated they could not accommodate this request within their program.

The community also raised concerns regarding the design and location of the future stadium, anticipated with Phase 2. They have expressed concerns with the approach to discuss the issues related to the stadium at a later phase and felt it is more pertinent to determine the best location (on site or offsite) as a part of Phase 1 to ensure the most feasible option for the community and the Applicant. The location of the stadium does not impact this Final Forest Conservation Plan, however the location will affect the Mandatory Referral associated with Phase 2 of this project. The Applicant has determined to delay consideration of the athletic fields and associated limits of disturbance to a subsequent Mandatory Referral.
ANALYSIS AND FINDINGS

Environmental Guidelines
Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD # 420200230) for the Subject Property on October 4, 2019. The Property includes two forest stands for a total of 2.68 acres of forest onsite. There are some steep grades on the north-eastern and southern sides of the Property; some of the moderate slopes are on erodible soils. The site contains no wetlands, streams or stream buffers, critical habitats, or cultural features. The NRI/FSD does not include the “Edson Property,” a forested 1.75-acre parcel north of the Property, which will be included in Phase 2 (see Attachment 1 for NRI).

Forest Conservation
The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Property has 2.68 acres of forest, all of which is categorized as being the highest priority for retention due to the presence of slopes greater than 25 percent and the presence of numerous specimen trees, per COMCOR 22A.00.01.07.

The Applicant has proposed to remove 2.68 acres of forest onsite in Phases 0 and 1. The resulting forest mitigation requirement of 6.82 acres will be met by providing equivalent credit in an approved off-site forest mitigation bank. The mitigation must occur in the same watershed as the school location. Since
the school Property is located in both the Lower Rock Creek and Cabin Branch watersheds, the mitigation must occur in either of those watersheds. If there are no approved mitigation banks in either of those watersheds, then the Applicant could use any mitigation bank elsewhere in the county. There also will be impacts to thirty-one (31) specimen trees. Twenty-seven (27) of the specimen trees are to be removed.

The Applicant has provided appropriate justification to justify the impacts/removals of the variance tree impacts associated with Phases 0 and 1. Since the Stormwater Management Concept is now approved, staff can confirm if the impacts to the variance trees are associated with the proposed stormwater management sediment control infrastructure.

At the July 23 Planning Board hearing for the PFCP, there were conditions of approval requiring adjustments to the plan. These adjustments are reflected in the submitted FFCP.

**Variance Request**
Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

On August 25, 2020, the Applicant submitted an amended variance request in association with the FFCP (see Attachment 4. As stated, the Project will require disturbance of the root zones of a total of thirty-one (31) specimen trees. Twenty-seven (27) of the impacted trees will be required to be removed and are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.
Table 1: Applicant’s Tree Variance Table

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<th>コメント</th>
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Staff continues to recommend the Planning Board grant variance approval for the removal of tree numbers 57, 59, 60, 61, and 62 (see Figures 6 & 7). No alternative design will avoid the removal of the trees within the center of the Property.
Figure 6: Plan Sheet L-1.4

Figure 7: Plan Sheet L-1.1 part 1
Variance tree numbers 37 and 38 are located on the eastern boundary adjacent to existing single-family homes (see Figure 8). The impact to these trees is due to significant grading associated with the site development. Staff supports this requested variance.
Variance trees numbers 50, 51, 52, 53, 54a, and 54b are located along the northern boundary and are proposed for removal to create the proposed parking lot (see Figure 10). The community raised concerns regarding tree removal along this portion of the site. Planning Staff supports this request due to the need for parking facilities associated with development of the school program. In addition, leaving these trees with a high level of impact to the critical root zone of each tree could result in an ensuing hazardous condition as some of the trees are highly susceptible to construction impacts.

Figure 10: Plan Sheet L-1.1 part 4
Variance trees number 6, 7, 8, 9, 10, 11, and 12 are located on the southern boundary (see Figure 11). Planning staff understands these trees will impacted due to proposed retaining walls, grading and electric utilities. Planning Staff recommends approval to impacts to these trees.

*Figure 11: Plan Sheet L-1.2 part 1*
Variance tree number 17 is located on the southern boundary of the Property, in a location proposed for a sewer connection and pedestrian path to connect to Timberlawn Local Park (see Figure 12) as a part of a Park Permit process. Planning staff supports the sewer connection and path to impact Variance tree number 17.

Variance tree number 22 (see Figure 12) is being removed due a proposed storm drain structure and grading constraint. Planning staff support this request.

Figure 12: 4Plan Sheet L-1.2 part 2
Variance trees number 1, 2, 3, 4 and 5 are located on the southeastern boundary corner (see Figure 13). These trees are located in an area with grade constraints and the Applicant proposes to provide retaining walls and a sidewalk connection into the site. Planning staff support this request to remove these trees.

Unwarranted Hardship
Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. While the Property is sizable in developable acreage, it is also challenging due to existing grading and slopes along the edges.

The proposed school building will be constructed in the center of the Property. The proposed arrangement of site elements prioritizes the separation of car and school bus traffic to optimize pick-up and drop-off activities, and to treat stormwater run-off on-site. Development is generally confined to areas outside of the forest.
Most of the variance trees are along the perimeter of the Subject Property, except for trees number 57, 59, 60, 61 and 62, which are located within the center of the Subject Property.

Leaving the requested trees in an undisturbed state would result in an unwarranted hardship because the Applicant could not remove the existing features or build a larger and modern school with necessary additional capacity to serve the community, new recreation facilities built to current state standards, separated student drop-off areas, site grading and stormwater management facilities.

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

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

   Removal of and disturbance to the trees is due to the need for the construction of a new high school to serve the public. Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to reconfigure the Property while minimizing impacts to the forest. Redevelopment of the Subject Property is a continuation of an existing permitted use.

2. **The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.**

   The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to the need to address stormwater run-off on-site and the requirements to reconstruct new facilities.

3. **The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.**

   The requested variance is a result of the location of trees on the Subject Property and the impacts by the proposed layout with the school building, and not a result of characteristics or conditions of land or building use on a neighboring property.

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

   Tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes limiting the impervious areas and providing on-site stormwater management systems. Additional improvements to the property include control of erosion and outfall stabilization. The specimen trees being removed outside of forest areas will be mitigated by the planting of 49 three-inch caliper trees on-site. In time, the canopy growth of the new trees will replace the water quality form and function of the trees proposed for removal. Specimen trees being removed as part of the overall forest removal are
included in the mitigation for the forest removal. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in measurable degradation in water quality.

County Arborist’s Recommendation on the Variance
In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. As of the date of this staff report, the County Arborist has not submitted correspondence regarding the variance request with mitigation.

Variance Recommendation
Staff recommends that the variance be granted.

Conclusion
The proposed Final Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Therefore, Staff recommends that the Planning Board approve the Final Forest Conservation Plan and associated variance, with the above conditions.

Attachments:
1. NRI
2. September 1, 2020 - Final Forest Conservation Plan
3. August 5, 2020 Storm Water Approval Letter
4. Tree Variance request August 25, 2020
SOIL TABLE

<table>
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<tr>
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SITE NARRATIVE AND FOREST SUMMARY

HISTORY OF DISTURBANCE

The site has a history of disturbance due to previous land use activities such as agriculture and forestry operations. The topography of the area is characterized by rolling hills and a network of streams and creeks. The soils are well-drained and are classified as Typic Hapludalfs. The vegetation is dominated by hardwoods, with scattered coniferous trees in the upper elevations. The forest is managed for timber production and wildlife habitat. The area is part of the National Forest system and is subject to regulations and management practices. The site is located within the Watershed Protection District, which is responsible for protecting water quality and managing land use activities in the area.

ENVIRONMENTAL FEATURES

The site is subject to various environmental regulations and restrictions due to its location within a riparian area. The area is designated as a critical area for water quality protection and is subject to sedimentation control measures. The site is also subject to regulations for the protection of wetlands and endangered species. The site is characterized by a diverse flora and fauna, with a number of species that are vulnerable to habitat degradation. The site is managed to maintain a balanced ecosystem and to promote biodiversity.

CULTURAL FEATURES

The area is rich in cultural history, with evidence of indigenous use and human activities dating back thousands of years. There are several archaeological sites and cultural features within the vicinity. The area is part of a larger cultural landscape that includes other sites of historical significance. The site is managed to protect and preserve these cultural resources and to interpret the history of the area for visitors and researchers.

FOREST STAND INFORMATION

The forest stand is characterized by a mixture of hardwoods and conifers. The dominant species include sugar maple, white birch, and yellow birch. The forest is managed for timber production and wildlife habitat. The area is part of the National Forest system and is subject to regulations and management practices. The site is located within the Watershed Protection District, which is responsible for protecting water quality and managing land use activities in the area.

The soil table presented above provides a summary of the soil types present on the property. The table includes information on the soil depth, texture, and other relevant characteristics. The data is based on a comprehensive soil survey conducted by the Hangler Land and Soil Survey. The survey was conducted using a combination of field observations, laboratory analysis, and aerial photography. The data is subject to revision based on future investigations and updates.
MCPB No. 10-647
Preferencing Forest Conservation Plan No. MRR200022
Woodland High School Rezoning

Page 2

NOW, THEREFORE, IT IS RESOLVED that the Planning Board APPLIES the Forest Conservation Plan No. MRR200022 to the forested areas of the Woodland High School Rezoning Project, subject to the conditions set forth in the recommendations of the Planning Board Staff and as stated in this Resolution.

RESOLVED,
WHEREAS, pursuant to Maryland Code, §16-1301b.1(a), the Planning Board is authorized to adopt a Resolution authorizing the use of a Preferencing Forest Conservation Plan in accordance with the standards and procedures established by the Maryland Code.

Page 3

NOW, THEREFORE, IT IS RESOLVED that the Planning Board APPLIES the Forest Conservation Plan No. MRR200022 to the forested areas of the Woodland High School Rezoning Project, subject to the conditions set forth in the recommendations of the Planning Board Staff and as stated in this Resolution.

RESOLVED,
WHEREAS, pursuant to Maryland Code, §16-1301b.1(a), the Planning Board is authorized to adopt a Resolution authorizing the use of a Preferencing Forest Conservation Plan in accordance with the standards and procedures established by the Maryland Code.

Page 4

BE IT FURTHER RESOLVED, that the Planning Board APPLIES the Forest Conservation Plan No. MRR200022 to the forested areas of the Woodland High School Rezoning Project, subject to the conditions set forth in the recommendations of the Planning Board Staff and as stated in this Resolution.

RESOLVED,
WHEREAS, pursuant to Maryland Code, §16-1301b.1(a), the Planning Board is authorized to adopt a Resolution authorizing the use of a Preferencing Forest Conservation Plan in accordance with the standards and procedures established by the Maryland Code.

Page 5

NOW, THEREFORE, IT IS RESOLVED that the Planning Board APPLIES the Forest Conservation Plan No. MRR200022 to the forested areas of the Woodland High School Rezoning Project, subject to the conditions set forth in the recommendations of the Planning Board Staff and as stated in this Resolution.

RESOLVED,
WHEREAS, pursuant to Maryland Code, §16-1301b.1(a), the Planning Board is authorized to adopt a Resolution authorizing the use of a Preferencing Forest Conservation Plan in accordance with the standards and procedures established by the Maryland Code.
August 25, 2020

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

Re: Woodward High School
Request for Specimen Tree Variance
MR# - MR 2020022
NRI# - 42020230
Norton# 19-049

Dear Intake Division,

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

Project Description:

The proposed school is going to replace an existing school; Tilden Middle School, located at 11211 Old Georgetown Rd, in Rockville, Montgomery County, Maryland. This is a 27.31-acre site that owned by the Montgomery County Board of Education. The site currently hosts an existing school, associated parking, athletic fields and play areas. The site is bordered by residential properties on east, north and south sides, as well as a portion of park property on the north and south sides. The site has vehicle access from Old Georgetown Rd Ave.

Proposed construction consists of a new building to replace the existing, new parking circulation, and stormwater management.

Requirements for Justification of Variance:

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

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

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

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

**Justification of Variance:**

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

Response: As part of the program, the task is to provide the community with an updated school facility that includes safe access to school by way of updated vehicle circulation. The school must be large to handle growing student capacity. Stormwater management is designed to ensure environmental quality following the construction of the new building and parking areas.

This work will require disturbance of the root zones of a total of thirty-one (31) specimen trees. Twenty-seven (27) of the impacted trees will be required to be removed. Impact justification for each variance tree is provided in the “Tree Variance Table” below. The limits of disturbance has been re-evaluated to maximize tree survival.

If MCPS is not allowed to impact the trees, the school will not be able to be constructed due to the close proximity of specimen trees to the proposed school, parking, amenities, site grading, and updated stormwater utilities. As such, this would cause an unwarranted hardship to the community that it serves.

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

Response: If the County were required to keep all improvements outside the root zones of the specimen trees, the building, safe access drive aisles, stormwater facilities, and parking would fail to be built due to the close proximity of specimen trees.

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

Response: Tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. Additional
improvements to the property include control of erosion and outfall stabilization. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in measurable degradation in water quality.

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

Response: Specimen tree mitigation will be required due to removals. Additional canopy planting will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential).

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

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

Response: The proposed school 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 Public Schools has taken no actions leading to the conditions or circumstances that are the subject of this variance request.

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

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

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

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

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### 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,

Michael Norton