



17 June 2020, Revised August 28, 2020
Joshua Penn
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Reference: FCP-SC20200900
Boyd's Transit Center
15100 Barnesville Road, Boyds MD

Subject: Forest Conservation Variance Request

Dear Mr. Penn:

Mahan Rykiel Associates, Inc. is requesting on behalf of the Montgomery County Department of Transportation a variance to the Montgomery County Forest Conservation Ordinance 22A-21(b) to allow removal of and impacts to specimen trees and trees within an historic district. The project team has made every effort to ensure that impacts to trees are avoided or minimized while achieving the goal of creating transit center in Boyds, MD. Given the site constraints, preservation of historic eligible buildings, and programmatic requirements of the transit center; a variance is requested to remove or impact specimen trees identified on the proposed Preliminary Forest Conservation Plan. A variance is also requested to remove or impact trees within the Boyds Historic District as identified on the Preliminary Forest Conservation Plan. The characteristics and locations of the project have presented several challenges that include:

- A tight development site with the goal of preserving existing buildings and need to accessible parking and walkways
- Two specimen trees and 4 significant trees and 12 additional trees of one inch or greater directly adjacent to the development area within an historic district.
- Project limits directly next to an historic district and one historic property that straddles the development parcels.

The Project area contains no forest, while it contains two hedge rows that contain primarily trees identified as invasive in Montgomery County. Many of the trees in the hedgerows are early successional, while two (2) specimen sized trees (30" DBH or greater) were identified. The site drains to the southern portion of the site. There are no rare threatened or endangered species identified on site. There are no streams, wetlands or floodplains present on site. The development site is adjacent to the Boyds- White Ground Historic District-MHIC 18-8-1 to the west and south. One National Register of Historic Places (NRHP) eligible building known as Hoyles Mill and another existing building are proposed to be preserved and are within the development parcels 157 and 155. The site is adjacent to a CSX Right of way and Metropolitan Branch of the B&O Railroad NRHP eligible resource.

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Tree removal has been reduced to the greatest extent possible while still maintaining the program elements of the proposed project. The project is preserving many trees, including one specimen tree and 3 significant trees, by adjusting the limits of the temporary construction easement to preserve trees within the historic district, and much of the hedgerow along the southern edge of the site. Trees proposed to be preserved on site will be protected with tree protection fencing and preservation of 70% of the critical root zone will be retained.

The trees proposed to be removed or proposed to have impacts are included in the chart below.

Tree # on FCP Doc	Common Name	DBH(inches)	Condition	Comments	Recommendation
1	Black Locust	23.0	Fair	Some Dead Branches. Multi-stem White Mulberry at base	* Retain, Root Pruning
4	Virginia Red Cedar	9.0	Good	3x Trunk. 6,3,3. Trunk adjacent to wall.	* Remove
5	Black Locust	22.0	Poor	Significant lean. Dead Branches	* Retain, Root Pruning
7	Black Cherry	11.0	Poor	Significant lean. Dead Branches	* Retain, Root Pruning
8	Princess Tree	22.0	Poor	Significant lean. Dead Branches. MCIS	* Remove to base
9	Princess Tree	28.0	Poor	Dead Branches	* Remove to base
10	Tree of Heaven	13.0	Poor	3x Trunk. 12,13,10. Trunk adjacent to wall. MCIS	* Remove to base
11	Tree of Heaven	8.0	Poor	Dead Branches. MCIS	* Retain, Root Pruning
12	Tree of Heaven	10.0	Poor	2x Trunk, 10 and 6, Significant lean, Dead Branches. MCIS	* Retain, Root Pruning
13	Tree of Heaven	12.0	Poor	3x Trunk. 12",7",8". Covered with vines. Broken branches	* Retain, Root Pruning
14	Princess Tree	23.0	Poor	Significant lean. Covered with vines. Dead Branches	* Remove to base
15	Boxelder	22.5	Poor	2x Trunk, 16,13, Significant lean, Dead Branches	* Remove to base
16	Boxelder	16.0	Dead	Significant lean. Dead Branches	* Retain, Root Pruning
17	Black Locust	18.0	Poor	Large cavity at base of trunk. Growing on corner of shed.	* Remove to base
18	Princess Tree	17.0	Poor	Significant lean. Covered with vines. Cut top.	* Retain, Root Pruning
20	Princess Tree	26.0	Poor	Covered with Vines. Dead Branches. MCIS	* Retain, Root Pruning
22	Tree of Heaven	9.0	Poor	Significant lean. Covered with vines.	* Retain, Root Pruning
43	Tree of Heaven	11.0	Poor	Covered with Vines. Dead Branches. MCIS	Retain, Root Pruning
44	Tree of Heaven	10.0	Poor	Covered with Vines. Dead Branches. MCIS	Remove
45	Tree of Heaven	12.0	Poor	Covered with Vines. Dead Branches. MCIS	Remove
46	Tree of Heaven	34.0	Poor	T-06 Specimen. Covered with Vines. Dead Branches. MCIS	Retain, Root Pruning
47	Eastern Red Cedar	10.0	Fair	Covered with Vines.	Remove
48	Princess Tree	28.0	Fair/Poor	Covered with vines. Dead Branches. MCIS	Retain, Root Pruning
51	Boxelder	16.0	Fair	2x Trunk, 11 and 10	Remove
53	Boxelder	10.0	Poor	Covered with Vines. Dead Branches.	Remove
54	White Mulberry	11.0	Poor	2x Trunk, 8 and 6. Vine covered. MCIS	Remove
55	Boxelder	10.0	Poor	Covered with Vines. Dead Branches.	Remove
56	Boxelder	20.0	Poor	Covered with Vines. Dead Branches.	Remove
58	Sassafras	8.0	Poor	Vine covered. Dead Branches. 2 Trees adjacent to each other	Remove
59	Sassafras	8.0	Poor	Vine covered. Dead Branches.	Remove
60	Princess Tree	20.5	Poor	2x Trunk, 13 and 14. one dead trunk. MCIS	Remove
61	American Elm	16.0	Poor	Vine covered. Dead Branches.	Remove
62	American Elm	14.0	Poor	Vine covered. Dead Branches.	Remove
63	Black Gum	17.0	Poor	3x Trunk. 10,6,8. Covered with vines. Dead Branches	Remove
64	Black Gum	8.0	Fair	Some Vines	Remove
65	Black Gum	12.0	Fair	Some Vines	Remove
66	Black Gum	12.0	Fair	Some Vines	Remove
67	Black Gum	10.0	Fair	Some Vines	Remove
68	Black Cherry	12.0	Fair	Dead Branches.	Remove
69	American Elm	16.0	Poor	Vine covered. Dead Branches.	Remove
70	Princess Tree	35.0	Poor	T5 Specimen. 2x Trunk, 35" live and 30" dead trunk. MCIS	Remove
71	Common Hackberry	7.0	Fair	Some dead branches.	Remove
8/19/2020					
PP	Black Locust	4.0	Fair	Some Dead Branches.	* Remove
QQ	Tree of Heaven	2.5	Poor	Covered with vines. Dead branches.	* Remove

Specimen Tree
Significant Tree
* Trees Impacted within the historic district

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A summary of quantity of trees proposed to be removed is included below.

Tree # on FCP Doc	Common Name	DBH(inches)	Condition	Recommendation	Proposed Removals	Removals Specimen	Removals Significant	Removals Historic
1	Black Locust	23.0	Fair	* Retain, Root Pruning				
4	Virginia Red Cedar	9.0	Good	* Remove	1			1
5	Black Locust	22.0	Poor	* Retain, Root Pruning				
7	Black Cherry	11.0	Poor	* Retain, Root Pruning				
8	Princess Tree	22.0	Poor	* Remove to base	1			1
9	Princess Tree	28.0	Poor	* Remove to base	1		1	1
10	Tree of Heaven	13.0	Poor	* Remove to base	1			1
11	Tree of Heaven	8.0	Poor	* Retain, Root Pruning				
12	Tree of Heaven	10.0	Poor	* Retain, Root Pruning				
13	Tree of Heaven	12.0	Poor	* Retain, Root Pruning				
14	Princess Tree	23.0	Poor	* Remove to base	1			1
15	Boxelder	22.5	Poor	* Remove to base	1			1
16	Boxelder	16.0	Dead	* Retain, Root Pruning				
17	Black Locust	18.0	Poor	* Remove to base	1			1
18	Princess Tree	17.0	Poor	* Retain, Root Pruning				
20	Princess Tree	26.0	Poor	* Retain, Root Pruning				
22	Tree of Heaven	9.0	Poor	* Retain, Root Pruning				
43	Tree of Heaven	11.0	Poor	Retain, Root Pruning				
44	Tree of Heaven	10.0	Poor	Remove	1			
45	Tree of Heaven	12.0	Poor	Remove	1			
46	Tree of Heaven	34.0	Poor	Retain, Root Pruning				
47	Eastern Red Cedar	10.0	Fair	Remove	1			
48	Princess Tree	28.0	Fair/Poor	Retain, Root Pruning				
51	Boxelder	16.0	Fair	Remove	1			
53	Boxelder	10.0	Poor	Remove	1			
54	White Mulberry	11.0	Poor	Remove	1			
55	Boxelder	10.0	Poor	Remove	1			
56	Boxelder	20.0	Poor	Remove	1			
58	Sassafras	8.0	Poor	Remove	1			
59	Sassafras	8.0	Poor	Remove	1			
60	Princess Tree	20.5	Poor	Remove	1			
61	American Elm	16.0	Poor	Remove	1			
62	American Elm	14.0	Poor	Remove	1			
63	Black Gum	17.0	Poor	Remove	1			
64	Black Gum	8.0	Fair	Remove	1			
65	Black Gum	12.0	Fair	Remove	1			
66	Black Gum	12.0	Fair	Remove	1			
67	Black Gum	10.0	Fair	Remove	1			
68	Black Cherry	12.0	Fair	Remove	1			
69	American Elm	16.0	Poor	Remove	1			
70	Princess Tree	35.0	Poor	Remove	1	1		
71	Common Hackberry	7.0	Fair	Remove	1			
8/19/2020								
PP	Black Locust	4.0	Fair	* Remove	1			1
QQ	Tree of Heaven	2.5	Poor	* Remove	1			1
					31	1	1	9

Specimen Tree
Significant Tree
* Trees Impacted within the historic district

Variance Justification

1. Montgomery County DOT wishes to build a transit center to serve the residents of Boyds, MD and provide a bus connection to the adjacent Marc Station Platform. The on-site facilities required for the transit center include a bus stop, bus circulation, passenger motor vehicle

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circulation, parking lot, bicycle and pedestrian access, and stormwater mitigation using pervious paving.

Due to the preservation of existing buildings, the spatial requirements for a bus station, parking, clear zones for motor vehicle turning movements, and topography; the site elements are tied to the grades of the existing building to maintain accessibility. Parking has been efficiently laid out, while standards for safe and accessible access restrict preservation of 1 of the 2 specimen trees T-06. The trees are in fair to poor condition and potentially subject to grading to accommodate parking necessary for the transit center.

Specimen Tree T-05 is located at the top of a steep slope and less than 30% of its critical root zone is impacted by the grading operations for a safe and accessible parking area. This tree preserved and be protected with root pruning and tree protection fencing.

Trees in the adjacent historic district are subject to temporary impacts for grading operations to provide a safe and accessible site and preserve and existing buildings on site including the historic property-Hoyles Mill. Temporary impacts within the historic district also allow for the site to be cleared of unstable and unsafe structures that straddle the property lines. It is proposed to reduce impacts to trees in the temporary construction easement (TCE) and trees within the TCE by a narrowing area in which a future contractor can work and expanding the tree preservation to avoid root impacts. *Please note that trees within the historic CSX right of way may be subject to cutting and removal by the Owner due to maintenance of the rail line and clear zones for the dynamic envelope of the trains running in this active rail corridor.*

Without a variance, the project will be unable to move forward. Due to the specimen trees' central location on site and being adjacent to existing buildings to remain, a design solution that preserves all trees at the edges of the development site while meeting all other requirements and regulations is infeasible. Due to grading requirements for a safe and accessible site, impacts to trees within the historic district are anticipated, the variance will facilitate a significant upgrade to the facility and transit access to the public.

2. Granting this variance will not confer a special privilege that would be denied to others. Due to challenges presented by the site topography, existing building and historic building to be preserved, accessibility needs and safe sight lines on Barnesville Road, several options were explored to minimize impacts. Elimination of parking would make the project not viable, nor meet the requirements of ADA.

3. Pursuit of the variance request is not based on conditions or circumstances which are the result of actions of the applicant, nor does it arise from a condition relating to land or building use on a neighboring property. Based upon preliminary water quality computations, it is proposed to meet water quality standards through permeable paving. State and County water quality standards will not be violated, and degradation in water quality will not occur because of the granting of the variance.

4. The proposed impacted Specimen tree is of poor quality and not priority tree species in or preferred trees species native to Montgomery County. The proposed impacted to one significant tree is of poor quality and not a priority tree species in or preferred trees species

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native to Montgomery County. The proposed impact to trees within the historic district and the temporary construction easement are trees of fair to poor quality and not priority tree species in or preferred trees species native to Montgomery County. The proposed project offers important transit access to Montgomery County residents and proposes planting trees in the project development area that are native and urban tolerant.

Your kind consideration of the variance through the four requirements of justification for a variance is greatly appreciated.

If additional information is needed or any questions arise, I welcome the opportunity to assist.

Sincerely,
MAHAN RYKIEL ASSOCIATES INC.



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Enclosures: Approved NRI
Preliminary Forest Conservation Plan
Forest Conservation Application