



## Montgomery County Humane Society Campus, Preliminary Plan 120190100



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Staff Report Date: 10/5/20

### Description

Request to create one lot for 16,000 square feet of uses related to the Montgomery County Humane Society and associated parking.

Location: Southwest corner of the intersection of Georgia Avenue and Aspen Hill Road.

Master Plan: 1994 *Aspen Hill Master Plan*.

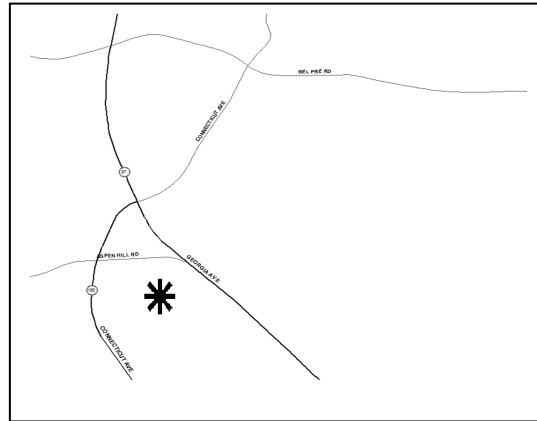
Zone: R-60.

Property size: 7.79 acres.

Application Accepted: February 4, 2019.

Applicant: Montgomery County Humane Society, Inc.

Review Basis: Chapter 50, Subdivision Regulations.



### Summary

- Staff recommends approval of Preliminary Plan No. 120190100 and the Final Forest Conservation Plan (FFCP), with conditions.
- The proposed lot is being reviewed per the Development Standards of Section 59.4.4.9, as an R-60 Zone Standard Method Development project.
- The Applicant will meet all requirements in Chapter 22A, Forest Conservation Law with a FFCP.
- Staff has received correspondence about the potential displacement of pet remains.

## **PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Preliminary Plan No. 120190100 subject to the following conditions:

1. This Preliminary Plan is limited to one lot and 16,000 square feet of uses associated with the Montgomery County Humane Society for a campus, which will include a U-shaped complex incorporating and connecting the existing house and kennel with a community services building for a veterinary clinic and other animal services.
2. Any additional non-historic uses or programming that generates additional peak-hour trips should be within the scope of this approval or the uses or programming may require an amendment.
3. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 16, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated July 9, 2020 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated September 17, 2020 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

### **Forest Conservation/Environment**

8. The Limits of Disturbance (LOD) on the Final Forest Conservation Plan must be consistent with the LOD on the Sediment and Erosion Control Plan.
9. No clearing, grading, or any demolition may occur prior to receiving approval of the Sediment and Erosion Control Plan.

10. Prior to the start of any clearing, grading, or demolition occurring on the Property, the Applicant must receive approval from the M-NCPPC Office of the General Counsel of a Certificate of Compliance to use an off-site forest mitigation bank for mitigation credit as shown on the Final Forest Conservation Plan submitted with the Certified Preliminary Plan.
11. The Certificate of Compliance must be recorded in the Montgomery County Land Records prior to any clearing, grading, or demolition occurring on the Property.
12. Mitigation for the removal of 150 trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 330.5 caliper inches, with a minimum planting stock size of three (3) caliper inches, as shown on the FFCP. The trees must be planted on the Subject Property, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector. The trees must be planted within six months of forest conservation inspector approval of tree protection fencing.

### **Transportation**

13. Dedicate and show on the record plat:
  - a. Five (5) feet of Right-of-Way (ROW) on Aspen Hill Road.
  - b. Public Improvement Easement along Georgia Avenue for the shared-use path.
14. Construct a 12-foot wide sidepath along Georgia Avenue from Aspen Hill Road to Wendy Lane.
15. Prior to approval of additional uses such as a camp or substantial educational programming, update the traffic impact statement (TIS) in order to reflect the additional trips. Provide the relevant Local Area Transportation Review, if applicable per the findings of the TIS.
16. Provide a median extension on the southern leg of the Georgia Avenue and Aspen Hill Road intersection to protect pedestrians crossing Georgia Avenue, or provide an alternate form of refuge, subject to the review and approval of the State Highway Administration.
17. Remove the detectable warning strips in the median on the western leg of the Georgia Avenue and Aspen Hill Road intersection if the median is less than six feet wide, to be compliant with ADA best practices, subject to the review and approval of the State Highway Administration.
18. Provide hardscaping at the southwest corner of Georgia Avenue and Aspen Hill Road to ensure that the new proposed sidewalk and sidepath facilities can tie into the existing curb ramp with ample room for bicycle and pedestrian transitions, including the ability to turn around and dismount, subject to the review and approval of the State Highway Administration.
19. If the turnaround area, internal to the Property, is not intended to be flush, provide ramps as necessary for pedestrian accessibility purposes.

## **Record Plats**

20. There shall be no clearing or grading of the site prior to recordation of plat(s).
21. The record plat must show necessary easements.
22. The record plat must reflect all areas under common ownership.

## **Certified Preliminary Plan**

23. The certified Preliminary Plan must show the following changes:
  - a. Reduction of curb radii at the entrance to 15'.
  - b. Include the interim cross-sections for Aspen Hill Road and Georgia Avenue.
24. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
25. The certified Preliminary Plan must contain the following note:

*Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*



## AREA AND SITE DESCRIPTION

The Subject Property (or the Property) is located at the intersection of Georgia Avenue and Aspen Hill Road and is addressed 13730 Georgia Avenue. The Property is located in the *1994 Aspen Hill Master Plan* area. The Property serves as a buffer and transition from the commercial area and residential development. To the north is Northgate Plaza and to the west is St. Mary Magdalene Episcopal Church and Aspen Hill Shopping Center. Across Georgia Avenue to the east, is Aspen Manor shopping center and Gate of Heaven Cemetery. To the south is a single-family housing development.



Figure 1: Area Map (Property outlined in red)



**Figure 2: Site Map (Subject Property outlined in red)**

The Property fronts on Aspen Hill Road to the north and Georgia Avenue to the east. Loyola Street dead ends on the south property line. There are two curbcuts on Aspen Hill Road but no pedestrian or vehicular access from Georgia Avenue or Loyola Street.

The Subject Property is a historic pet cemetery called “Aspin Hill Pet Cemetery”, currently owned by the Montgomery County Humane Society. In *Places from the Past: The Tradition of Gardez Bien in Montgomery County, Maryland (2001)*, the Aspin Hill Pet Cemetery is described as follows:

The Aspin Hill Pet Cemetery is one of the largest and earliest pet cemeteries in the country. Richard and Bertha Birney, breeders of Boston terriers, Scotties, and schnauzers, established a boarding kennel here in 1921. The business included care facilities, described in the 1930s as “the only authorized animal hospital south of New York”; and a four-acre pet cemetery. Cemetery records, dating back to 1922, document more than 50,000 animal burials. Notable pets buried in the cemetery include seven dogs that belonged to J. Edgar Hoover; Jiggs, from the Our Gang movie series; and Rags, mascot of the First Division in World War I “who risked life and limb in the Meuse-Argonne when he crossed enemy lines to deliver a note to Allied Forces.” President Lyndon Johnson’s dogs were cremated at Aspin Hill and the remains sent to Texas. The site includes a wide variety of gravestones, animal sculptures, and mature landscaping. Also on site are a frame chapel, a gable-roof kennel with decorative brickwork, and a 1930s brick [Tudor Revival dwelling]. The Birneys named their residence and business after a similar kennel in England named Aspin Hill (in contrast to the local neighborhood of Aspen Hill). Renaming the site Aspin Hill Memorial Park, the organization known as People for the Ethical Treatment of Animals (PETA) maintains and operates the cemetery. The site is used for education and animal care.



In 1994, the Property was designated in the *Master Plan for Historic Preservation*, with the entire site designated as the historic setting. The Maryland Historical Trust found the property eligible for the National Register of Historic Places in 1999.



**Figure 3: Pet Burial Grounds**

The Property is a combination of open field and poorly maintained treecover with overgrown bushes. The eastern section of the site consists of the 1930s Tudor Revival dwelling, garage, kennel, and non-historic sheds. The burial grounds with elaborate gravestones and statuary are primarily on the western half of the site. In addition to animal burials, there are 57 humans buried with or in proximity to their pets. The Applicant has used extensive research and archaeological methods to determine the name and location of each human remain.

The Property is predominately flat, but at a higher elevation than Georgia Avenue and Loyola Street and neighboring residential properties. There is no forest, streams, or environmental features on-site. The Property is located in the Middle Rock Creek Watershed, designated as a Use I watershed by the State.

## PROJECT DESCRIPTION

The Applicant proposes to plat the Subject Property to allow for new construction and development of the property as the corporate headquarters and activity center of Montgomery County Humane Society (MCHS). The two-story brick house and the kennel will be rehabilitated and will become the anchors for the new MCHS headquarters campus. New structures will also be built to support the outreach, education and adoption functions of MCHS. The plan calls for the historic structures and new buildings to be arranged around an expansive and open courtyard. An arcade both visually and physically links the separate buildings around the courtyard and mediates floor elevation changes.

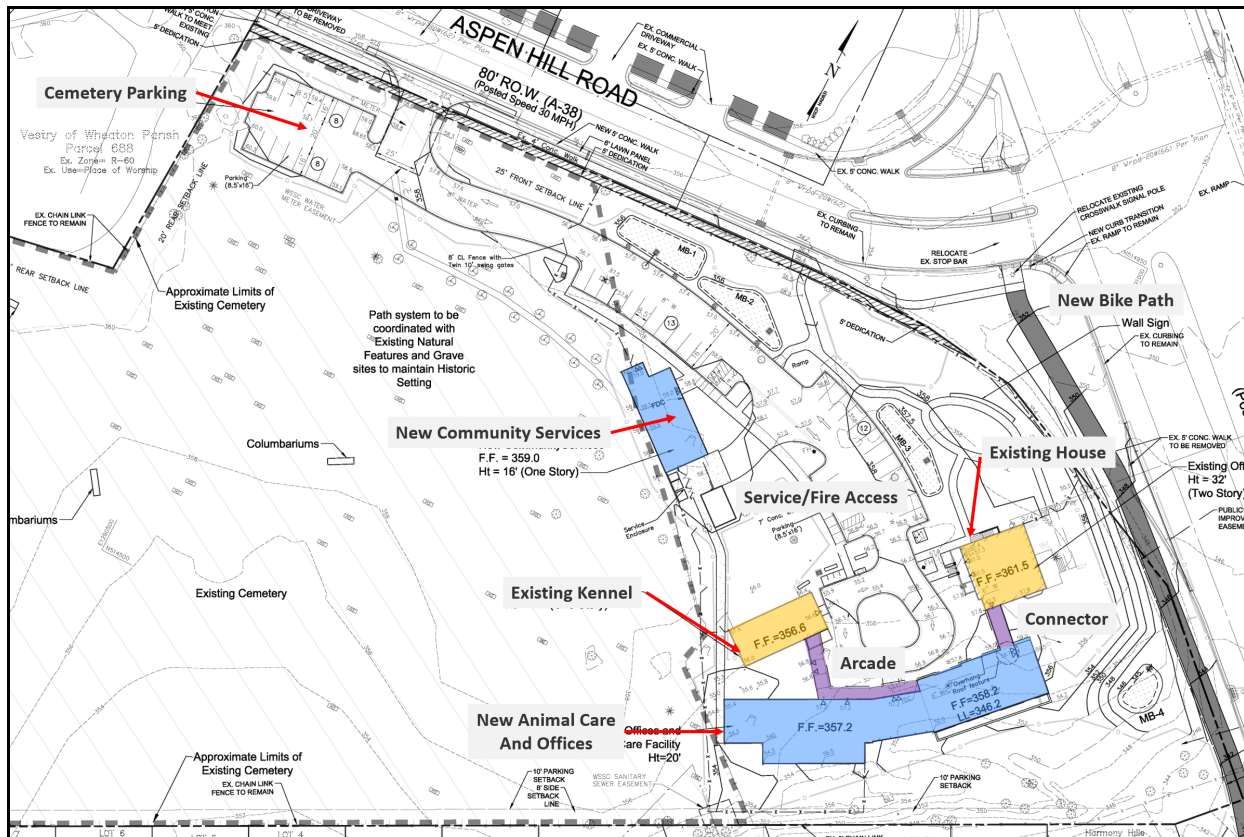


Figure 4: Proposed Development

The two historic buildings, the house and the kennel, will be fully rehabilitated on the exterior. The rehabilitation work will include new roofing to emulate the original rustic character; full restoration of the existing steel windows; and masonry cleaning and repainting. The interior of the house will be renovated to serve as administration offices for MCHS and will make the two stories and basement of the house ADA-compliant. The historic kennel will also be rehabilitated on the exterior with a new roof, restoration of the existing windows and masonry cleaning and repainting. The interior of the historic kennel will be rehabilitated to once again serve as an interim home to house animals seeking adoption.





**Figure 5: Historic Kennel**



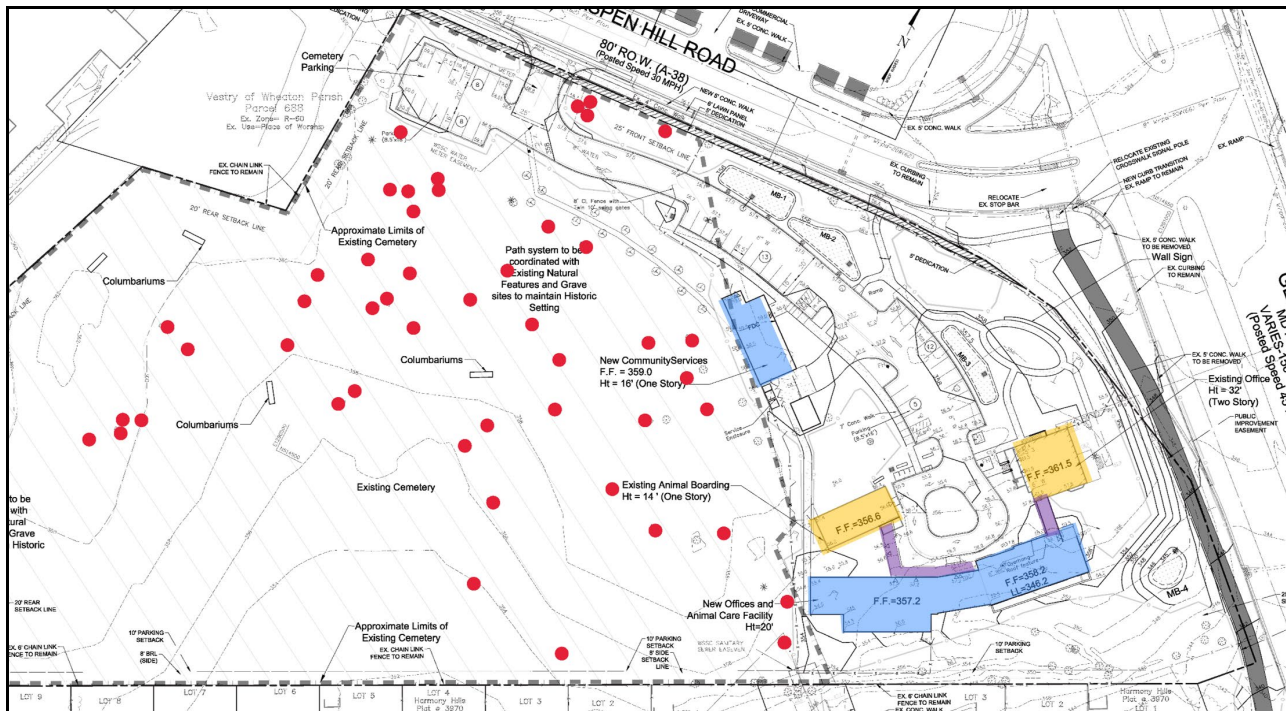
**Figure 6: Illustrative View from Georgia Avenue**

The historic burial ground area will be rehabilitated to enhance the historic nature of the cemetery and grounds and the trees and bushes will be restored to healthy conditions. Natural surface pathways will be field located to provide for access and circulation while avoiding existing gravesites and monuments. The burial ground area will be enclosed by a metal fence that complements the historic aspect and directs access to specific locations.

The proposed development has been designed to minimize disturbance of the Property. No human burial locations will be disturbed, and the impacts on animal remains has been minimized (Figure 5). The

Applicant has developed a maintenance plan to protect remains during construction activities and maintaining and preserving the burial sites moving forward (Attachment 7).

The Applicant has worked diligently with Historic Preservation staff and has gone to the Historic Preservation Commission (HPC) for two initial consultation sessions. The HPC supports the project goals and plan as presented and recommended that the Applicant return to the HPC to obtain a Historic Area Work Permit (HAWP) after Preliminary Plan approval from the Planning Board.



**Figure 7: Development Response to Human Remains (red dots)**

All access will be provided from a new curb cut on Aspen Hill Road, that is sited to avoid conflicts with traffic turning south onto Georgia Avenue and the entrance to St. Mary Magdalene Episcopal Church to the west. Parking for the cemetery is separate from the parking and circulation for the animal care and community services buildings. The Applicant will be constructing a sidepath along Georgia Avenue, from Aspen Hill Road to Wendy Lane, as well as a new sidewalk and green panel along Aspen Hill Road. This will improve pedestrian and cyclist safety along both frontages.





**Figure 8: Access along Aspen Hill Road**

#### **ANALYSIS AND FINDINGS, 50.4.2.D**

*1) The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The proposed lot was reviewed for compliance with the dimensional requirements for the R-60 Zone as specified in the Zoning Ordinance. The proposed lot dimensions, size, width, shape and orientation are appropriate for the location of the subdivision and this type of development and will meet all dimensional requirements for area, frontage, width, and setbacks in the zone. While the intent of the R-60 Zone is to provide for moderate density residential uses, the proposed uses have been historically associated with this Property. The Montgomery County Department of Permitting Services (MCDPS) has confirmed that the uses can be reestablished because the use is established with a historic site and the nonconforming use is consistent with the historic use of the Property, as documented in the Locational Atlas of Historic Sites and the Master Plan for Historic Preservation.

Pursuant to Section 59.4.4.8 of the current Zoning Ordinance, applicable development standards for a Standard Method development in the R-60 Zone are as follows:

R-60		Provided
Lot Area	6,000sf	Lot 1
		7.78 ac
Principal Building Placement		
Lot Width at Front Lot Line / Front Building Line	25' / 60'	≥ 60' / ≥ 60'
Front Setback (Minimum)		
Georgia Avenue – Existing building	25'	46'
Georgia Avenue – Animal care	25'	± 90'
Aspen Hill Road – Community services	25'	± 95'
Side Setback (West property line)	Side: 8' min.	≥ 8'
Rear Setback (South property line)	20'	± 35'
Building Height		
Existing building	35'	32'
Community services	35'	16'
Animal care	35'	20'
Lot Coverage	35% (max)	~ 5.4%

The proposed lot meets the requirements for the R-60 Zone with the continuation of a historic non-conforming use, as confirmed by MCDPS.

*2) The preliminary plan substantially conforms to the master plan.*

The 1994 *Aspen Hill Master Plan* (1994 Plan) chronicles the evolution of the Site from a veterinary office to a pet cemetery to a cemetery, educational and animal care facility. The 1994 Plan did not offer any specific recommendations for this site beyond recognizing the historical Aspen Hill Cemetery and a “covenant on the property specifies it be maintained and operated as a pet cemetery and be used as an educational and animal care facility.” (1994 Plan, pg. 158)

The Applicant, whose mission is to end animal homelessness through education, outreach and adoption, proposes to build a compound which will provide adoption, pet education and a community services clinic at the site. Their proposed development conforms with the 1994 Plan vision for the site. The 1994 Plan, the *Aspen Hill Vision Zero Study* (Study), and the *Bicycle Master Plan* (Bicycle Plan) stress the importance of improving the area for people walking and biking. The 1994 Plan lists among its transportation strategies improving sidewalks, access to transit routes, and bikeways (pg. 87) and recognizes the ability of redevelopment to improve pedestrian aspects of the State highway corridors and Aspen Hill's crossroads (pg. 81). The proposed widening of the sidewalk and landscape buffer along Aspen Hill and the new sidepath along Georgia Avenue contribute to the goals of improving pedestrian and bicycle connections. The new sidepath facility will improve connections from Aspen Hill Road and nearby shopping centers to an existing transit stop on Georgia Avenue and Wendy Lane.



The Study recommends restriping the crosswalks at Georgia Avenue and Aspen Hill Road as high visibility crosswalks (Study, pg. 27) as well as adding a median or other refuge facility (Study, pg. 32). The Applicant proposes to restripe the crosswalks connecting to the site in support of the Study recommendations. Condition number 16 requires the Applicant to provide a median nose or alternate refuge facility along the crosswalk at the southern leg of the Georgia Avenue and Aspen Hill Road intersection, to support the Study recommendation for median refuge.

#### Master Planned Roadways and Bikeways

*Georgia Avenue:* The site is adjacent to Georgia Avenue (MD-97), which is classified as major highway by the *Master Plan of Highways and Transitways*. The existing section of Georgia Avenue varies in width and includes six (6) lanes divided by a central median. The section adjacent to the site is 150' and greater; therefore, no additional right of way is required. The 2018 *Bicycle Master Plan* recommends a sidepath breezeway facility adjacent to the site. Generally, breezeway facilities are anticipated to facilitate bicycle traffic at higher speeds as well as provide greater paving depths to reduce short-term maintenance needs. The typical breezeway sidepath section is 16', which includes five (5) feet of space for pedestrian mobility, and eleven feet dedicated to bidirectional bicycle mobility. The applicant is not required to dedicate space based on the *Master Plan of Highways and Transitways*, but the planned bicycle facility cannot be accommodated in the existing right-of-way at sixteen feet assuming that at least six (6) feet of space are necessary to buffer the proposed bicycle facility from the right-of-way. Furthermore, the location of existing utility poles on Georgia Avenue require the Applicant to further push the sidepath into the site to avoid obstructions. This would require the Applicant to provide a retaining wall, which would impact the frontage and require the Applicant to take on maintenance responsibilities for the wall. As such, Staff coordinated with the Applicant and has agreed to accept a 12-foot breezeway. The proposed separation between the facility and the roadway varies but is generally nine feet or greater due to the location of the existing utility poles.

*Aspen Hill Road:* Aspen Hill Road extends along the northern site frontage. The *Master Plan of Highways and Transitways* classifies this roadway as a 90-foot arterial (A-38). The Applicant has agreed to dedicate an additional five (5) feet of right of way consistent with the master-planned width. The *Bicycle Master Plan* recommends bidirectional separated bicycle lanes on the northern side of Aspen Hill Road (opposite the site's frontage).

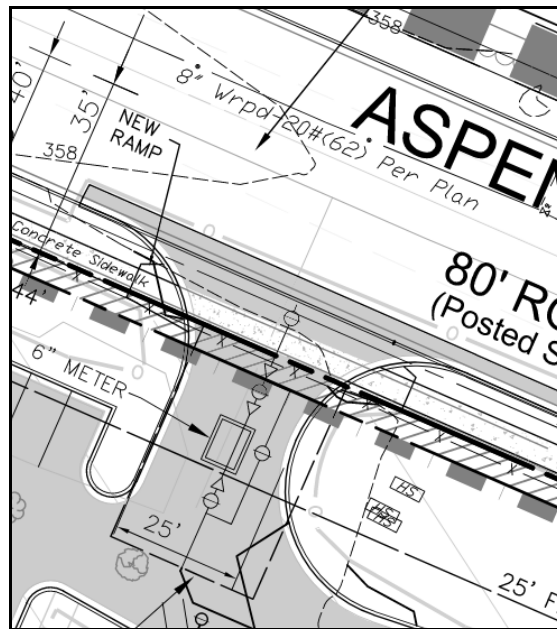
*3) Public facilities will be adequate to support and service the area of the subdivision.*

#### Site Access

The Applicant proposes to relocate its existing driveway on Aspen Hill Road slightly to the east. Initially, the Applicant proposed to position the driveway opposite to one (1) of the two (2) gas station curb cuts across Aspen Hill Road; however, the proposed location had the potential to create conflicts in a substandard-width center turn lane, which has not tapered out to a full ten feet opposite to the gas station. As such, the Applicant and staff collaborated to increase the distance between the respective curb cuts on either side of the roadway, as well as the adjacent lot's curb cut.

The proposed driveway curb cut is 25 feet wide at the drive aisle and 67 feet at the apron, suggesting the apron radii is excessive (see Figure 9). Staff noted these items in their coordination with the Applicant, beginning in February 2019, and coordinated with the Department of Permitting Services Fire Access team to determine whether the radii could be reduced. To improve pedestrian conditions and slow turning vehicles, staff recommends the Board condition the Applicant to reduce the driveway width

to be no greater than 22' wide and provide 15-foot curb radii at the driveway, subject to formal approval by the Department of Permitting Services' Fire Department and Access and Water Supply Division, which will need to review a revised plan prior to acceptance.

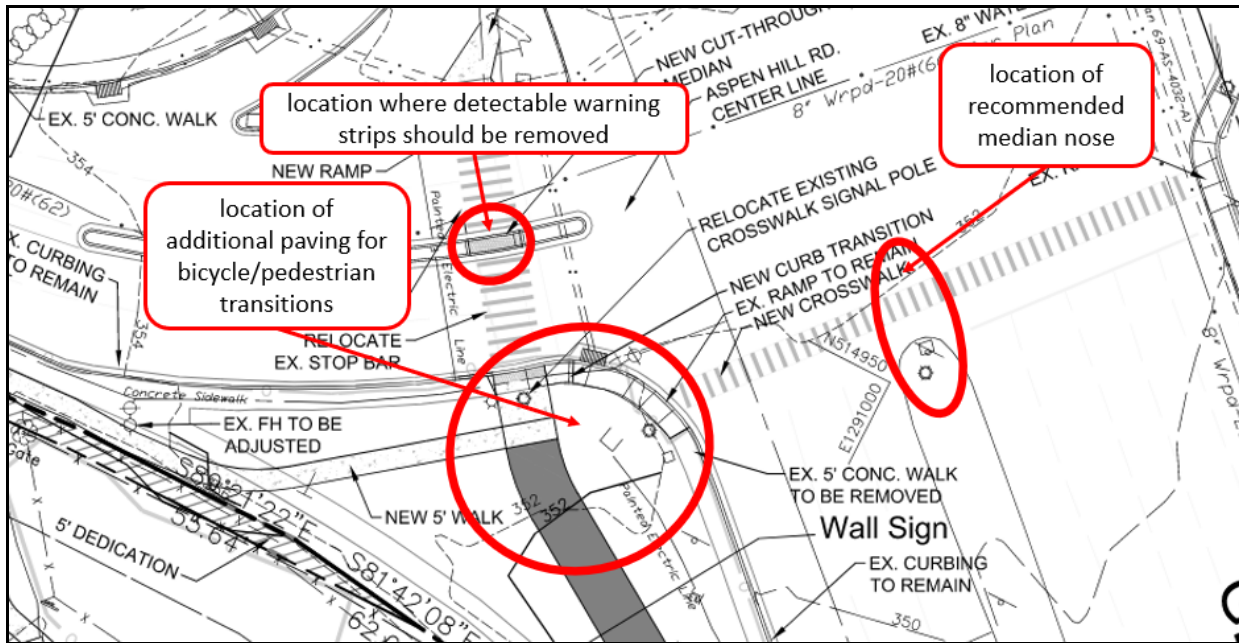


**Figure 9: Proposed Site Access and Wide Curb Radii**

#### Pedestrian Facilities

The Applicant proposes to improve the sidewalk along Aspen Hill Road to be five (5) feet wide with a six (6) foot landscape buffer. The 12-foot sidepath facility proposed along Georgia Avenue will facilitate pedestrian mobility with ample buffering along the Applicant's site frontage. The Applicant has agreed to extend the proposed sidepath past its frontage down to a logical termination point at Wendy Lane. The Applicant proposes to widen the curb ramps along the breezeway sidepath and widen the existing median break on the western leg of Georgia Avenue and Aspen Hill Road to the width of the sidepath. Because the median is less than six (6) feet wide, the existing detectable warning strips should be removed per Americans with Disabilities Act (ADA) best practices. This is because the strips indicate to an individual with visibility impairments that she or he has reached a safe location or refuge; however, the location does not provide adequate space to be considered a safe refuge (see Figure 10).

The Applicant proposes to restripe crosswalks connecting to the site as high-visibility continental crosswalks. Condition 17 requires the applicant to provide a median nose or alternate refuge facility along the crosswalk at the southern leg of the Georgia Avenue and Aspen Hill Road intersection (see Figure 10).



**Figure 10: Location of Recommended Improvements**

Based on the Applicant's plan, it is challenging to discern what treatment is proposed at the southwestern corner of Aspen Hill Road and Georgia Avenue. Condition 17 requires hardscape to provide ample room for bicycle and pedestrians to transition, dismount, turn, etc.

Internally, the site has an elongated parking lot. Sidewalks along the central portion of the site's parking lot provide access to the proposed facility. The portion of the surface parking lot on the western side of the site provides connections to the proposed facility through proposed paths in the cemetery. While staff would prefer a connection directly adjacent to the two portions of the parking facility, staff has accepted the Applicant's proposal as it reduces impacts to the site's existing cemetery and cemetery boundaries.

#### Trip Generation

The proposed use is anticipated to generate 22 morning and 21 evening peak-hour person trips. As such, no Local Area Transportation Review (LATR) was required. The Applicant provided additional justification in its Traffic Impact Statement (TIS) clarifying the adoption component's projected generated trips. The Applicant has indicated that it may wish to pursue additional uses in the future, such as day camps or planned education programs during the summer. The TIS provided does not account for any of these additional uses. As such, condition 19 of the report requires the Applicant to update its TIS and provide an LATR, if necessary, prior to the operation of these additional uses.

#### Bicycle Parking

County Code does not require the provision of bicycle parking at animal care facilities. The Applicant proposes to provide six short-term bicycle racks, which can accommodate twelve bicycles, external to the site.

### Transit Service

The site is within a ten-minute walk of bus stops on the Washington Metropolitan Area Transit Authority's (WMATA) Metrobus Y2, Y7, and Y8 lines, as well as the Ride On 26 Line. The Ride On 26 Line provides transit service between the WMATA Glenmont Metrorail Station and the Montgomery Mall Transit Center via points in Aspen Hill and Twinbrook with approximately 20-minute peak hour headways (per scheduling changes effective August 2, 2020). The Metrobus Y series provides service between the WMATA Silver Spring Metrorail Station and points north on Georgia Avenue, including the Intercounty Connector Park and Ride Route (Y7) and the Medstar Montgomery Medical Center (Y2, Y8). Each line provides approximately 20-minute peak hour headways. Because service is interspersed across the lines, Metrobus headways are effectively ten minutes.

### Other Public Facilities

The Subject Property is located within the W-1 and S-1 water and sewer categories. Therefore, there are adequate water and sewerage facilities to serve the Project. Additionally, the Project will be serviced by adequate police, fire, and health services.

*4) All Forest Conservation Law, Chapter 22A requirements are satisfied.*

### Environmental Guidelines

Staff approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420181850 on July 18, 2019. The approximately 7.79-acre Property is open with areas of treecover with no forest, stream, or environmental buffers. The proposed plan is in conformance with the *Environmental Guidelines*.

### Final Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan with the Preliminary Plan and will meet the forest conservation requirements of 1.25 acres in an off-site mitigation bank. As submitted, and including approval of the accompanying variance request, staff finds that the plan complies with Chapter 22A, Forest Conservation.

### Variance

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. As the entire Property has been designated as the historic setting for this site, all impacts and removals of any tree requires an approved variance. The Applicant submitted a variance request to remove 151 trees and impact but not remove 42 trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

### *Unwarranted Hardship for Variance Tree Impacts*

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. As the majority of the property is taken up with interments, the area for development is limited with no alternative location.

Because of this, the proposed development is primarily in the area of the existing buildings and parking lot. In order to develop the property in a manner that will meet the needs of the Humane Society while preserving the historic buildings and the cemetery, as well as avoiding burial sites, the tree removals and impacts are necessary.

The Property has been neglected with the buildings falling into disrepair and the vegetation has become overgrown. Many trees are not in good condition and have grown up in areas that were previously maintained as lawn and a large number have grown up between fences along the property line. Some of these trees have grown up next to the existing historic buildings and must be removed to protect the buildings and maintain the historic character of the buildings. The Property could not be developed or maintained without impacting and removing the requested protected trees.

#### *Variance Tree Tables*

Impacts				
ID #	Common Name	DBH	% Impacted	Conditions/Remarks
2	Red Oak	28	55%	Fair
11	Black Cherry	44	58%	Fair
13	Mulberry	34	32%	Poor
14	Silver Maple	28	3%	Fair
17	Weeping Willow	30	28%	Poor
21	Silver Maple	48	43%	Fair
22	Silver Maple	61	42%	Poor/Fair
34	Japanese Pagoda	32	29%	Good/Fair
35	Tulip Poplar	39	24%	Fair/Good
75	Red Oak	47	36%	Fair/Poor
77	Red Cedar	23	7%	Fair/Poor
80	Goldenraintree	13	2%	Fair
83	Mulberry	15 - 12	3%	Fair
86	Red Cedar	15	84%	Fair
87	Silver Maple	15 - 13	62%	Fair
88	Silver Maple	15 - 7	61%	Fair
96	Red Cedar	4	2%	Good
97	Mulberry	6	32%	Good
99	Goldenraintree	12	18%	Fair/Poor
100	Goldenraintree	13	20%	Fair/Good
106	Mulberry	2	29%	Good
108	Black Cherry	4	31%	Good
109	Mulberry	2	11%	Good
111	Black Cherry	4	27%	Good
112	Mulberry	2	11%	Good
116	Silver Maple	20	58%	Good
118	Red Cedar	8	28%	Poor
136	Red Cedar	23 - 21	45%	Good
138	Red Cedar	6	7%	Good

ID #	Common Name	DBH	% Impacted	Conditions/Remarks
191	Black Locust	3	14%	Good
207	Black Locust	3	25%	Good
215	Black Cherry	22	37%	Good
229	Black Locust	3	22%	Good
287	Boxelder	6 - 5	26%	Fair
290	Silver Maple	18	4%	Fair/Poor
297	Boxelder	2	14%	Poor
312	Tulip Poplar	22	4%	Good
320	Black Cherry	6	13%	Good
324	Boxelder	4	6%	Poor
325	Japanese Maple	6 - 6	7%	Good
327	Dogwood	7	7%	Good
328	Dogwood	10	25%	Good

#### Removals

ID #	Common Name	DBH	% Impacted	Conditions/Remarks
1	Silver Maple	32	100%	Fair/Poor
3	Silver Maple	40	100%	Fair
4	Red Maple	38	100%	Fair
5	Empress tree	28	100%	Fair
6	Red Cedar	32 - 20	100%	Good
7	Silver Maple	33	100%	Fair/Good
8	Silver Maple	34	100%	Good
9	Sycamore	38	100%	Fair/Good
10	Sycamore	34	100%	Poor
12	Silver Maple	38	100%	Dead
15	Silver Maple	31	100%	Good
16	Mulberry	32	100%	Fair/Poor
18	Silver Maple	39	100%	Fair
19	Silver Maple	40	100%	Fair/Poor
20	Silver Maple	28	100%	Fair/Poor
23	Silver Maple	46	100%	Fair
84	Red Cedar	15	100%	Fair/Good
85	Red Cedar	15	100%	Fair/Poor
89	Japanese Cherry	20 - 13	100%	Fair/Good
90	Horse chestnut	12 - 5	100%	Good
91	Dogwood	3 - 3	100%	Good
92	Dogwood	5 - 4 3	100%	Good
93	Dogwood	5 - 4	100%	Good
113	Red Cedar	16	100%	Good
115	Red Cedar	13	100%	Good
117	Mulberry	2	100%	Good
119	Dead tree	2	100%	Dead

ID #	Common Name	DBH	% Impacted	Conditions/Remarks
120	Red Cedar	15	100%	Good
121	Mulberry	2	100%	Good
122	Mulberry	6	100%	Poor
123	Black Cherry	8	100%	Poor
124	Mulberry	6	100%	Poor
125	Mulberry	5	100%	Poor
126	Mulberry	8	100%	Poor
127	Mulberry	8	100%	Poor
128	Black Cherry	15	100%	Poor
129	Black Cherry	15	100%	Poor/Fair
130	Mulberry	6	100%	Poor
131	Japanese Maple	8	100%	Good
132	Mulberry	14	100%	Fair
133	Red Cedar	18 - 15 14	100%	Good
134	Black Cherry	6	100%	Good
135	Mulberry	3	100%	poor
137	Red Cedar	18 - 17	100%	Good
139	Mulberry	6	100%	Poor
140	Cherry	2	100%	Good
141	Norway Maple	2	100%	Good
142	Mulberry	15 - 11 8 4	100%	Poor
143	Norway Maple	2	100%	Good
144	Norway Maple	2	100%	Good
145	Norway Maple	2	100%	Good
146	Norway Maple	2	100%	Good
147	Mulberry	2	100%	Good
148	Norway Maple	2	100%	Good
149	Black Cherry	15	100%	Fair
150	Black Cherry	3	100%	Good
151	Norway Maple	3	100%	Good
152	Mulberry	3	100%	Good
153	Mulberry	4	100%	Good
154	Norway Maple	2	100%	Good
155	Mulberry	8 - 8	100%	poor
156	Mulberry	2	100%	Good
157	Mulberry	8	100%	Poor
158	Red Cedar	4	100%	Good
159	Holly	2	100%	Good
160	Holly	2	100%	Good
161	Black Cherry	19 - 16	100%	Fair/Poor
164	Staghorn Sumac	2	100%	Good
165	Staghorn Sumac	2	100%	Good
166	Staghorn Sumac	2	100%	Good
167	Black Walnut	2	100%	Good
168	Norway Maple	2	100%	Good

ID #	Common Name	DBH	% Impacted	Conditions/Remarks
169	Staghorn Sumac	3	100%	Good
170	Dead tree	2	100%	Dead
171	Bradford Pear	1	100%	Poor
172	Red Cedar	3	100%	Poor
173	Mulberry	5	100%	Poor
174	Norway Maple	2	100%	Poor
175	Boxelder	2	100%	Fair/Poor
176	Mulberry	2	100%	Good
177	Mulberry	3	100%	Fair
178	Mulberry	5	100%	Poor
179	Black Locust	4	100%	Good
180	Black Locust	2	100%	Good
181	Black Locust	4	100%	Good
182	Mulberry	2	100%	Poor
183	Black Locust	2	100%	Good
184	Black Locust	3	100%	Good
185	Black Locust	3 - 2	100%	Good
186	Black Locust	3	100%	Good
187	Black Locust	3	100%	Good
188	Black Locust	3 - 3	100%	Good
189	Black Locust	1	100%	Good
192	Black Locust	2	100%	Good
193	Black Locust	1	100%	Good
194	Black Locust	1	100%	Good
195	Black Locust	4	100%	Good
196	Black Locust	2	100%	Good
197	Black Locust	3	100%	Good
198	Black Locust	3	100%	Good
199	Black Locust	2	100%	Good
200	Black Locust	1	100%	Good
201	Black Locust	1	100%	Good
202	Black Locust	1	100%	Good
203	Black Locust	2	100%	Good
204	Black Locust	3	100%	Good
205	Black Locust	3	100%	Good
206	Black Locust	3	100%	Good
230	Black Locust	3	100%	Good
233	Black Locust	3	100%	Good
239	Mulberry	23	100%	Fair
240	Black Cherry	23 - 21	100%	Poor
241	Black Cherry	10	100%	Fair/Good
242	Mulberry	12 - 11 8 8	100%	Poor
243	Paulownia	11	100%	Fair
244	Paulownia	18	100%	Poor/Fair
245	Paulownia	14	100%	Fair



ID #	Common Name	DBH	% Impacted	Conditions/Remarks
246	Paulownia	16	100%	Fair
247	Ailanthus	7 - 6	100%	Good
248	Mulberry	5	100%	Good
255	Dogwood	5 - 4	100%	Good
277	Black Locust	1	100%	Good
278	Black Locust	1	100%	Good
279	Silver Maple	21 - 12	100%	Fair
280	Black Locust	1	100%	Good
281	Black Locust	3	100%	Good
282	Sweet Cherry	3	100%	Good
283	Mulberry	2 - 2	100%	Good
284	Mulberry	5	100%	Fair
285	Mulberry	2 - 2	100%	Poor
286	Sweet Cherry	1	100%	Fair/Poor
293	Silver Maple	22	100%	Fair
294	Sycamore	18	100%	Poor/Hazard
295	Sweet Cherry	4	100%	Good
296	Sweet Cherry	3	100%	Fair/Poor
300	Black Cherry	12	100%	Fair
301	Mulberry	12	100%	Fair
302	Hawthorn	1 - 1	100%	Good
303	Mulberry	13 - 10	100%	Fair/Poor
304	Black Cherry	14	100%	Fair/Poor
305	Mulberry	2	100%	Good
306	Mulberry	3 - 2	100%	Fair
307	Mulberry	1	100%	Good
308	Black Cherry	9	100%	Poor
309	Boxelder	2	100%	Fair/Good
310	Bradford Pear	3	100%	Fair/Poor
311	Boxelder	2	100%	Fair/Poor
318	Mockernut Hickory	21	100%	Good
319	Mulberry	7 - 7	100%	Good/Fair
322	Black Walnut	5	100%	Fair
326	Dogwood	5	100%	Good

Staff has made the following determination based on the required findings that granting the requested variance:

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

The Applicant has minimized disturbance to the site and the tree removals are necessary to construct a safe entrance, restore the historic buildings and grounds, and construct the new buildings associated with the MCHS headquarters. The Property is constrained by the historic nature of the existing buildings, as well as the location of

human and animal remains. Granting the variance will not confer special privilege on the Applicant 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 based on the locations of the trees, rather than on conditions or circumstances which are the result of actions by the Applicant. The Applicant will be removing damaged trees so that the Property can be properly restored and maintained. The Applicant has minimized disturbance to the Property in order to construct a headquarters for the MCHS and continue the existing pet cemetery use.

*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 need to construct a headquarters for the MCHS and restore the historic buildings and site and not 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 Applicant will mitigate for the 150 trees proposed for removal as part of this development. The Applicant has proposed a planting plan that includes 83 4" caliper native canopy trees to mitigate for the loss of canopy coverage. This is based on Planning Department policy that requires replacement of variance trees at a rate of 1" replaced for every 4" removed, using replacement trees of no less than 3" caliper, to replace lost environmental functions performed by the trees removed. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance trees being removed. Therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

*5) All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on July 9, 2020 (Attachment 4). The concept meets required stormwater management goals using microbio retention areas. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

*6) Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M*

While the Subject Property is primarily an animal cemetery, there are 57 human burial sites interspersed with the animal interments. The Applicant has worked extensively to locate and

identify all human remains on the site and has developed a maintenance plan to ensure that burial sites are protected.

- a. *The Applicant must use the Montgomery County Planning Board Guidelines for Burial Sites to establish the location of the burial site. Unless Planning Department Staff believes that vandalism concerns dictate otherwise, the corners of the burial site must be staked in the field before preliminary plan submittal. If required, the stakes must be maintained by the applicant until Preliminary Plan approval.*

MCHS completed archaeological and historical investigations as required by the Montgomery County Burial Sites Guidelines to locate human burials within the parcel in August 2019. The human burials have been marked and mapped as required by Ordinance 18-31, and the single lot proposed will promote the long-term maintenance of the burial site and protection of existing elements. The results of that investigation show that burials are confined to fenced area of the site, and don't extend into the area where there are buildings. Proposed developments will not impact human burials.

- b. *An inventory, that may include photographs, of existing burial site elements (such as walls, fences, gates, landscape features, fieldstones, grave locations, and tombstones) and their condition must be submitted as part of the Preliminary Plan application.*

The Preliminary Plan drawings show the location of all human burial sites. These burial sites are interspersed with the interments of pets.

- c. *The placement of lot lines must promote long-term maintenance of the burial site and protection of existing elements.*

Based on the results of the field investigations summarized in the Management Summary, all existing elements associated with the burial site are contained within the existing cemetery fence. No subdivision of the land is proposed, and a Maintenance Plan has been submitted.

- d. *The burial site must be protected by arrangements sufficient to assure the Planning Board of its future maintenance and preservation, as specified in the Montgomery County Planning Board's guidelines for burial sites.*

The Applicant has submitted a Maintenance Plan (Attachment 7) to ensure that human grave sites will be protected and maintained during construction and future use. The Maintenance Plan includes plans for the care of the grounds, landscaping, trash removal, fencing, and gravestones, monuments, and statuary.

*7) Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions are applicable for approval of the subdivision.

## **COMMUNITY OUTREACH**

The Applicant has complied with all the submittal and noticing requirements. A community meeting was held on September 25, 2017, at the Aspen Hill Library. Staff has received phone calls of concern about animal remain relocations and one letter of support. Where documentation can be found in areas of future construction, the Applicant has responded by attempting to notify pet owners of remains in these areas.

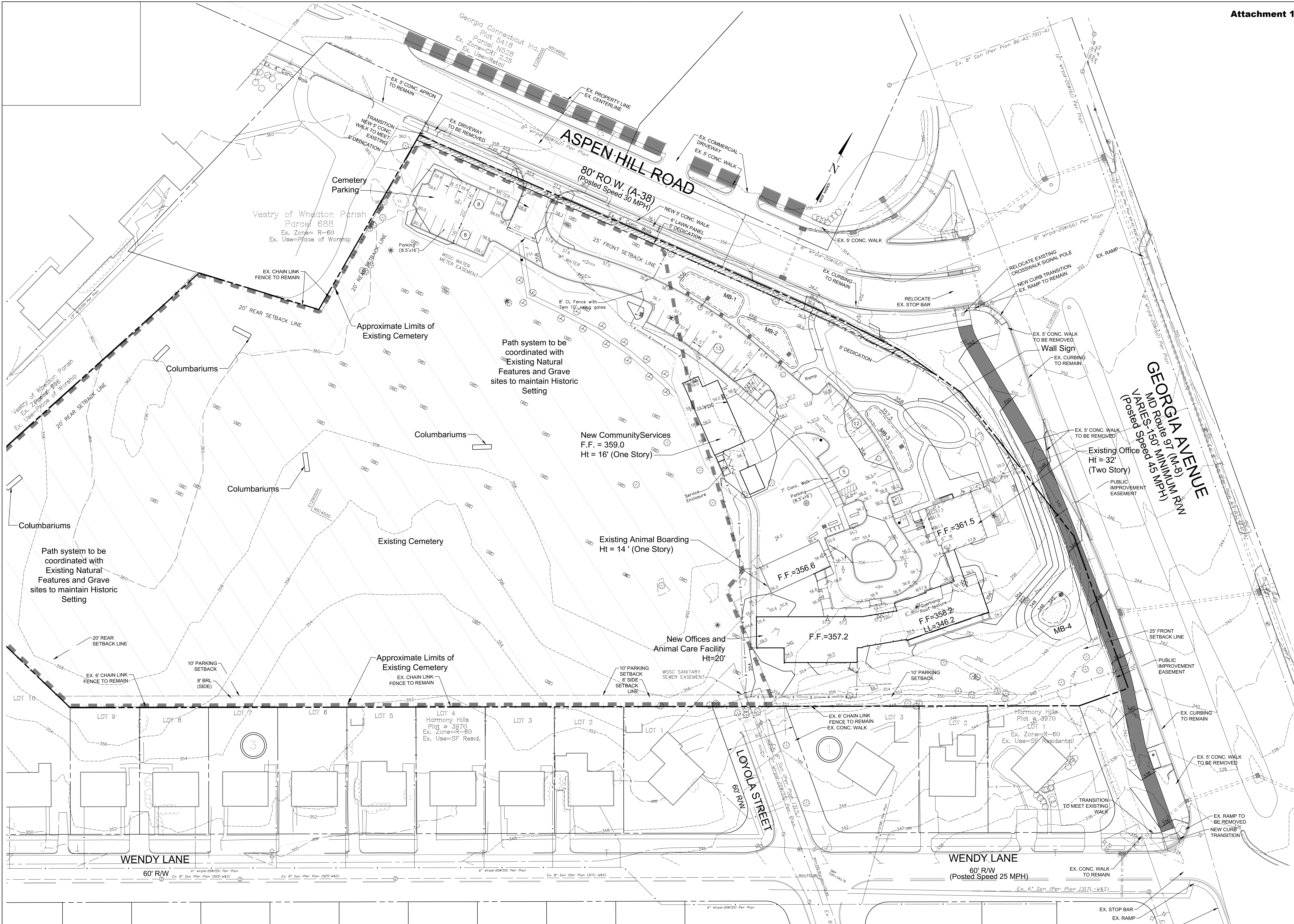
## **CONCLUSION**

Based on the review by Staff and other relevant agencies and the analysis contained in this report, the proposed Preliminary Plan meets the requirements and standards of all applicable sections of Chapter 50, the Subdivision Regulations, Chapter 59, the Zoning Ordinance, and of Chapter 22A, the Forest Conservation Law.

## **ATTACHMENTS:**

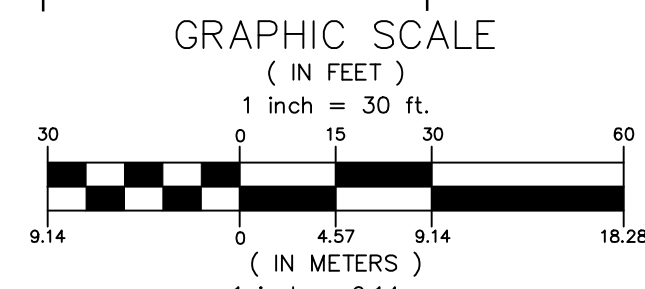
1. Preliminary Plan
2. Final Forest Conservation Plan
3. Applicant's Variance request letter
4. MCDPS Concept Plan acceptance letter
5. MCDOT Approval letter
6. Fire Department Access Approval letter
7. Maintenance Plan





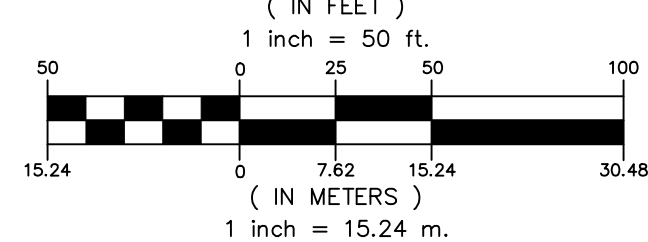
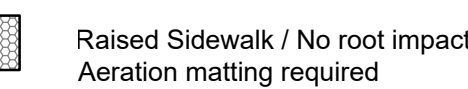
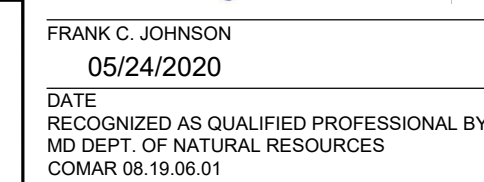
FOR UTILITY LOCATIONS  
CONTACT "ONE CALL" AT 811  
AT LEAST 48 HOURS  
PRIOR TO CONSTRUCTION

Pedestrian path system and Columbariums  
are shown for illustrative purposes only.  
The Final location and any future improvements  
will be reviewed as part of a Historic Work Permit  
application.



WNCPC Preliminary Plan Note  
Unless specifically noted on this plan drawing or in the Planning Board conditions of  
approval, the building footprints, building heights, on-site parking, site circulation, and  
sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings,  
structures and hardscape will be determined at the time of issuance of building permit(s)  
or site plan approval. Please refer to the zoning data table for development standards  
such as setbacks, building restriction lines, building height, and lot coverage for each lot.





SUBJECT PROPERTY:	PARCEL 719 L34247 F.703 13730 GEORGIA AVENUE, ASPEN HILL, MD TAX ACCOUNT #13-951987
ZONING CLASSIFICATION:	R-60
WATERSHED:	ROCK CREEK
SPECIAL PROTECTION AREA:	NA
PRIMARY MANAGEMENT AREA:	NA

FOREST CONSERVATION WORKSHEET  
MONTGOMERY COUNTY HUMANE SOCIETY CAMPUS #120190100

<b>NET TRACT AREA:</b>	
A. Total tract area ...	7.79
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan)...	0.53
C. Land dedication acres (parks, county facility, etc.) ...	0.00
D. Land dedication for roads or utilities (construction not required by this plan) ...	0.00
E. Area to remain in commercial agricultural production/use ...	0.00
F. Other deductions (specify) .....	0.00
G. Net Tract Area .....	8.32

**LAND USE CATEGORY:** (from Chapter 22A-3. Definitions)  
Input the number "1" under the appropriate land use,  
limit to only one entry.

	ARA	MDR	IDA	HDR	MPD	CIA	
	0	0	0	1	0	0	
G. Afforestation Threshold ...					15%	x G =	1.25
H. Conservation Threshold ...					20%	x G =	1.66

<b>EXISTING FOREST COVER:</b>	
I. Existing forest cover .....	0.00
J. Area of forest above afforestation threshold .....	0.00
K. Area of forest above conservation threshold .....	0.00

**BREAK EVEN POINT:**

L. Forest retention above threshold with no mitigation ....=	0.00
M. Clearing permitted without mitigation .....=	0.00

**PROPOSED FOREST CLEARING:**

N. Total area of forest to be cleared .....	=	0.00
O. Total area of forest to be retained .....	=	0.00

<b>PLANTING REQUIREMENTS:</b>	
P. Reforestation for clearing above conservation threshold ....=	0.00
Q. Reforestation for clearing below conservation threshold ....=	0.00
R. Credit for retention above conservation threshold .....=	0.00
S. Total reforestation required .....=	0.00
T. Total afforestation required .....=	1.25
U. Credit for landscaping (may not exceed 20% of "S") .....=	0.00
V. Total reforestation and afforestation required .....=	<b>1.25</b>

1.25 acres of Forest Conservation Credit to be met in an off-site forest mitigation bank

FOREST CONSERVATION DATA TABLE			
DESCRIPTION		SIZE	
Property Area		7.79 Acres	
Off-site Chance		0.53 Acres	
Total Tract Area		8.32 Acres	
Tract remaining in Ag use		0.00 Acres	
Road & Utility (Unimproved)		0.00 Acres	
Existing Forest		0.00 Acres	
Total Forest Retention		0.00 Acres	
Total Forest to be Cleared		0.00 Acres	
Land Use Category		R-60	
Reforestation Threshold		15%	
Reforestation Threshold		20%	
Stream Length			
		Average Buffer Width: NA	
Acres of Forest in:			
Wetlands	Retained	Cleared	Permitted
	0.00	0.00	0.00
100' Floodplain	0.00	0.00	0.00
Stream Buffers	0.00	0.00	0.00
Other Priority Areas	0.00	0.00	0.00

REVISIONS

NO.	DESCRIPTION	DATE

TAX MAP HR 42 WSSC 218 NW 1

LIBER 34247 / FOLIO 703

13TH ELECTION DISTRICT  
MONTGOMERY COUNTY  
MARYLAND

**MONTGOMERY COUNTY  
HUMANE SOCIETY  
CAMPUS- P719**

PROJ. MGR	B.I.
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DRAWN BY	50
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SCALE 1" = 5'

DATE	01-24-202
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**FINAL FOREST  
CONSERVATION PLAN  
MNCPPC#120190100**

L8.01

PROJECT NO.	2014.206.1
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SHEET NO. 1 OF 1



**Macris, Hendricks & Glascock, P.A.**  
Engineers ▪ Planners ▪ Surveyors ▪ Landscape Architects

9220 Wightman Road, Suite 120  
Montgomery Village, Maryland  
20886-1279



Phone 301.670.0840  
Fax 301.948.0693

May 24, 2020

Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Montgomery County Humane  
Society Campus PFCP  
MNCPPC No. 120190100  
MHG Project No. 14.206.21

To Whom It May Concern:

On behalf of The Humane Society, the applicant of the above referenced Forest Conservation Plan Amendment, we hereby request a variance for the impact of forty two trees and removal of one hundred fifty trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. The property is a historic site and therefore all trees impacted or removed require a variance. In accordance with Chapter 22A-21(b) of the Montgomery County Code, the proposed impact/removal of one hundred ninety two trees would satisfy the variance requirements.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

The Montgomery County Humane Society is proposing the development of the property as their new headquarters and activity center. The subject property is approximately 7.79 acres and does not include any forest but has significant amounts of tree cover on-site. The property is considered historic and is developed with a pet cemetery and includes a building and several outbuildings. The cemetery is one of the oldest pet cemeteries in the nation. In its prime, the cemetery was well manicured and landscaped. Because the majority of the property has a cemetery, the area for development is limited with no alternative location. Because of this the proposed development is primarily in the area of the existing buildings and parking lot. In order to develop the property in a manner that will meet the needs of the Humane Society while preserving the historic buildings and the cemetery, the tree removals and impacts are necessary.

Over the years the property has been neglected with the buildings falling into disrepair and the vegetation has become overgrown. A number of these trees are non-native and invasive species such as Paulownia, Sumac, Ailanthus, Norway Maple, and White Mulberry. Many trees are not in good condition and have grown up in areas that had been mowed lawn and a large number have grown up between fences along the property line. One tree has grown up in the middle of one of the sheds and another group of trees is on a

bamboo covered soil stockpile with several in poor and hazardous condition. Some of these trees have grown up next to the existing historic buildings and must be removed to protect the buildings and maintain the historic character of the buildings.

The site contains a number of significant and specimen trees and although many are being saved around the cemetery, others exist within the developable section of the property and must be removed in order to facilitate development. Thirteen of the total trees to be removed are specimen (30" and greater) and two are of significant tree size (24"-30"). The remaining one hundred and thirty five trees to be removed are under 24" DBH. Some of these trees were likely planted but others are volunteer growth and some are invasive species. A large number of these larger trees are in decline showing signs of decay and are in fair to poor condition. The majority of the trees are volunteer growth, invasive species, and detract from the historic nature of the property. About seventy-five of the total one hundred ninety-two trees are part of a grove of Black Locust approximately 2" typical DBH that have grown up in an un-manicured lawn area in the northeast corner of the property.

Forty two trees will also be impacted but saved. Extensive tree save measures will be used to enhance the survivability of surrounding trees. Including two large Silver Maple and one large Tulip Poplar just beyond the fence in the cemetery. Tree save methods will include but are not limited to root pruning, fertilization, tree fencing, sanitation pruning, and raised walkways. All tree stress reduction methods will be performed by a licensed arborist.

In order to restore the property and utilize the property to meet the needs of the Humane Society it is necessary to remove these trees. Preserving the existing historic buildings while positioning new buildings to meet the Humane Society operational requirements leaves minimal options for locating these buildings. The services and functions to be provided on-site within these new buildings include providing pet adoption, pet education, and a community services clinic at the site. The new buildings and the historic buildings will be framed in together to leave a courtyard in the middle to create an open space for community events. The parking and utility requirements including stormwater management within the given space outside the cemetery requires the needs to impact and remove these trees.

Given the needs of the Humane Society and the circumstances of the impacts as described above and the lack of reasonable alternatives, not allowing the impacts would be a hardship that is not warranted in light of the special conditions particular to the property.

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

The affected trees are located within the developable area on the property. The inability to impact/remove the subject trees would limit the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.



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;*

The Stormwater Management Concept has been submitted for the property. The approval of this plan will confirm that the goals and objectives of the current state water quality standards are being met.

4. *Provide any other information appropriate to support the request.*

Pursuant to Section 22A 21(d) Minimum Criteria for Approval.

(1) The Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available by any other applicants.

The variance will not confer a special privilege because the impact is due to the development of the site. The site constraints are explained above. The constraints constrict the development area of the property and do not leave a reasonable alternative for the Humane Society to meet its needs.

(2) The variance request is not based on conditions or circumstances which result from the actions of the applicant.

The property is developed and is constrained by site conditions and development constraints that already exist as detailed above. The requested variance is not based on conditions or circumstances which are the result of the applicant.

(3) The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.

The requested variance is a result of the proposed site design and layout on cemetery property and not a result of land or building on a neighboring property.

(4) Will not violate State water standards or cause measurable degradation in water quality. Full ESD stormwater management will be provided as part of the proposed development.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The trees being impacted are not within a special protection area. The Montgomery County Department of Permitting Services approval of the Stormwater concept for the improvements will confirm that the goals and objectives of the current state water quality standards are being met.

A copy of the Forest Conservation Plan which includes a variance tree spreadsheet have been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at [fjohnson@mhgpa.com](mailto:fjohnson@mhgpa.com), or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

*Frank Johnson*

Frank Johnson



## DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Mitra Pedoeem  
Director

July 9, 2020

Ms. Laura Searles  
Macris, Hendricks & Glascock, P.A.  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 2-886

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Montgomery County Humane Society Campus  
Preliminary Plan #: 120190100  
SM File #: 284343  
Total Concept Area: 101,250 SF / 2.32 Ac  
Parcel(s): 719  
Watershed: Lower Rock Creek

Dear Ms. Searles:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via microbio retention.

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. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not 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, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

*Ms. Searles*  
*July 9, 2020*  
*Page 2 of 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 Jean Kapusnick, P.E at [jean.kapusnick@montgomerycountymd.gov](mailto:jean.kapusnick@montgomerycountymd.gov).

Sincerely,

*Mark Etheridge*

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

MCE: jak

cc: N. Braunstein  
SM File # 284343

ESD: Required/Provided 5,306 cf / 5,430 cf  
PE: Target/Achieved: 1.20"/1.23"  
STRUCTURAL: 0.0 cf  
WAIVED: 0.0 ac.



## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher Conklin  
*Director*

September 11, 2020

Ms. Amy Lindsey, Planner Coordinator  
Mid-County Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 12190100  
Montgomery County Humane Society

Dear Ms. Lindsey:

We have completed our review of the revised preliminary plan uploaded to eplans on May 25, 2020. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on March 15, 2019. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. This letter and all other correspondence from this department should be included in the package.

### Significant Plan Review Comments

1. As part of the "Olney to Glenmont Breezeway" on Page 207 of the December 2018 Bicycle Master Plan, the applicant will be required to construct a 16-foot wide, asphalt breezeway along the Georgia Avenue (MD 97) site frontage. On the certified preliminary plan, revise the path dimension from a 12-foot wide path to a 16-foot wide path. A Public Improvements Easement may be necessary along Georgia Avenue (MD 97) in order to accommodate the required breezeway construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right-of-way to permit this breezeway construction. If not, the applicant will need either to dedicate additional right-of-way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
2. The applicant will be required to dedicate five (5) feet along the Aspen Hill Road site frontage in

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### Office of the Director

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

accordance with Page 1 of the April 30, 2019 Master Plan of Highways.

Standard Plan Review Comments

3. We defer to MSHA for all improvements to Georgia Avenue (MD 97).
4. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
5. In all underground utility installations, install identification tape or other "toning" device approximately two feet above the utility.
6. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certifications form is enclosed for your information and reference.
7. Provide a minimum five-foot continuous clear path (no grates) sidewalk along the Aspen Hill Road frontage.
8. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. If the proposed development will alter any existing street lights, signage and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. The spacing and species of trees in the County rights-of-way are to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
12. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
  - A. Street grading, paving, curbs, gutters, sidewalks, handicap ramps and street trees along Aspen Hill Road frontage.
  - B. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
  - C. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of

Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

- D. The developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov) or (240) 777-2173.

Sincerely,

*William Whelan*

William Whelan  
Development Review Team  
Office of Transportation Policy

SharePoint/transportation/directors office/development review/WhelanW/120190100 Humane Society - MCDOT Review Letter 091120.docx

Enclosures (1)

Sight Distances

cc: Plan letters notebook

cc-e:	Crispin Bombaugh	Mont. Co. Humane Society
	Brian Donnelly	Macris, Hendricks & Glascock
	Sam Farhadi	MCDPS RWPR
	Mark Terry	MCDOT DTEO





Civil Engineers  
Land Planners  
Landscape Architects  
Land Surveyors

9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886  
Phone: 301.670.0840  
www.mhga.com

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I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the Laws of the State of Maryland License No. 16956, Expiration Date: 12/31/2022

**OWNER**  
Montgomery County  
Humane Society, Inc.  
601 S. Stonestreet Avenue  
Rockville, MD 20850  
Attn: Crispin Bombaugh  
(240) 547-5304

**ATTORNEY**  
Miller, Miller & Canby  
200-B Monroe Street  
Rockville, MD 20850  
(301) 762-5212

**ARCHITECT**  
GBR Architects, LLC  
500 Montgomery Street, Suite 200  
Alexandria, VA 22314  
Attn: Gabriel Romero AIA, LEED® AP  
(703) 836-9775 ext 205

**TRAFFIC**  
Street Traffic Studies, Ltd  
400 Crain Highway, North  
Glen Burnie, Maryland 21061  
David A. Nelson, PE, PTOE, F. ITE  
(410) 590-5500

**MONTGOMERY COUNTY HUMANE SOCIETY, INC.**  
601 S. STONESTREET AVENUE, ROCKVILLE, MD, 20850

VICINITY MAP  
SCALE 1" = 2,000'

#### LEGEND

- FIRE DEPARTMENT APPARATUS ACCESS
- CLEAR AND WALKABLE GRADE AROUND EXTERIOR OF BUILDING
- SIDE-HINGED DOOR (PRIMARY ENTRANCE)
- FIRE HYDRANT
- HYDRANT COVERAGE
- HAND LINE LENGTH
- FIRE DEPARTMENT CONNECTION (FDC)

#### PROPERTY INFORMATION

**PROPERTY RECORD DATA:**

**TAX ACCOUNT NO.**

**PROPERTY ADDRESS:**

**OWNERS OF RECORD:**

**EXISTING NET PARCEL AREA:**

**ZONING CLASSIFICATION:**

**PROPOSED USE:**

**SEWER CATEGORY:**

**WATER CATEGORY:**

**ASPEN HILL PET CEMETERY-P 719**  
**LIBER 34274, FOLIO 703**  
**13-00951987**  
**13730 GEORGIA AVENUE, SILVER SPRING, MD, 20850**  
**MONTGOMERY COUNTY HUMANE SOCIETY, INC.**  
**601 S. STONESTREET AVENUE, ROCKVILLE, MD, 20850**  
**339,332 SF OR 7.791 ACRES**  
**R-60**  
**CEMETERY, CREMATORY/ANIMAL BOARDING**  
**S-1**  
**W-1 COMMUNITY SYSTEM**

#### NOTES

- ALL ON-SITE FIRE HYDRANTS TO BE LOCATED AND INSTALLED IN ACCORDANCE WITH WSSC STANDARD DETAIL W8.0 WHEN ADJACENT TO CURB AND GUTTER.
- ALL ON-SITE FIRE HYDRANTS TO BE SPACED AT NO MORE THAN 500 FEET CENTER TO CENTER ALONG THE ACCESS DRIVE.
- ALL PERSONNEL GATES SHALL REMAINED UNLOCKED AT ALL TIMES OR OWNER TO PROVIDE KNOX BOX TO ENSURE FIRE DEPARTMENT ACCESS.

#### FIRE CODE ENFORCEMENT

##### Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

BY: SML\* PM: 43 DATE: 9/17/2020

TAX MAP HR 42

WSSC 218 NW 04

LIBER 34271 / FOLIO 703

13TH ELECTION DISTRICT  
MONTGOMERY COUNTY  
MARYLAND

**MONTGOMERY COUNTY HUMANE SOCIETY CAMPUS**

**PROJ. MGR** BJD

**DRAWN BY** BJD

**SCALE** 1"= 30'

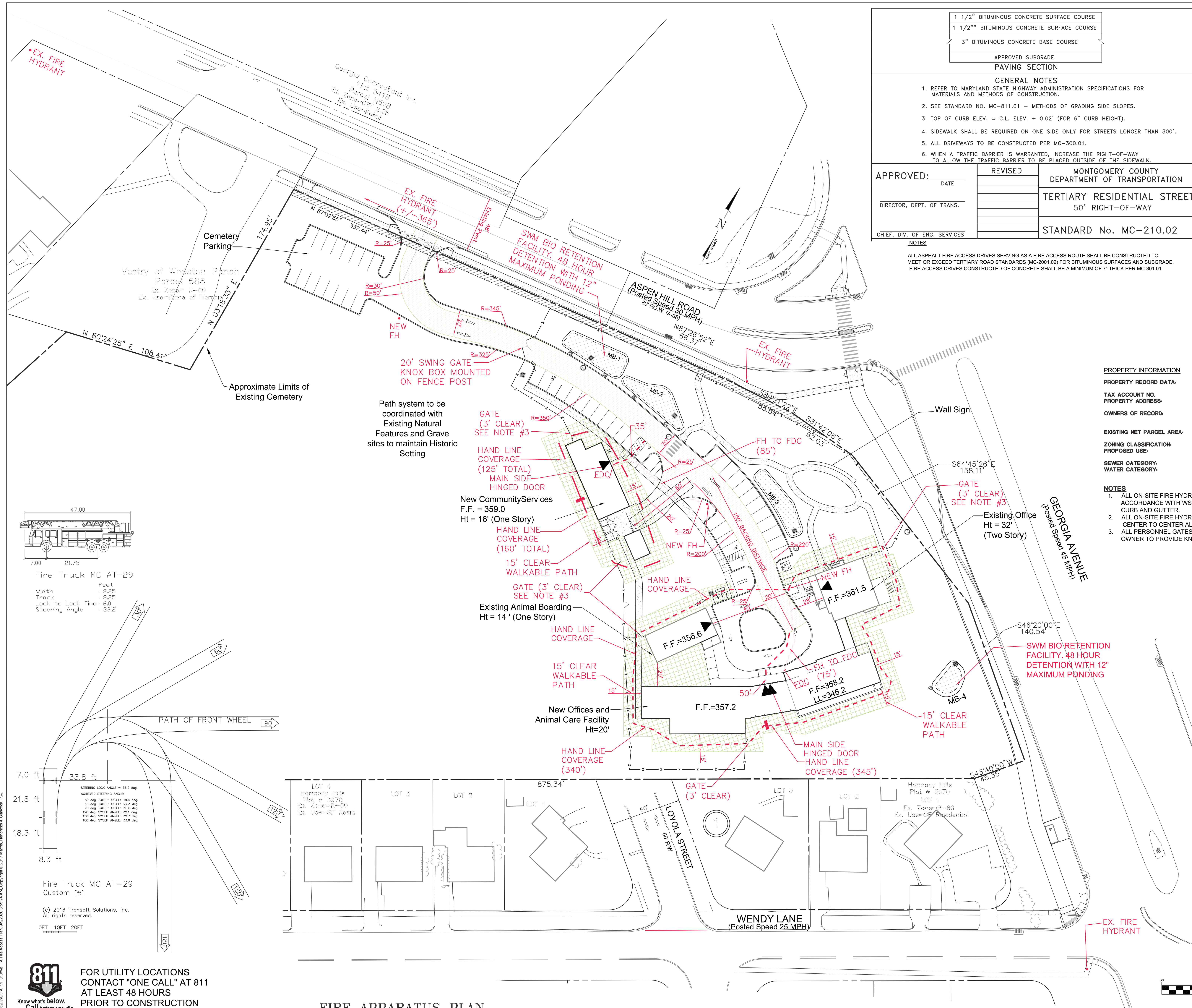
**DATE** 05-25-2020

**FIRE DEPARTMENT ACCESS PLAN**

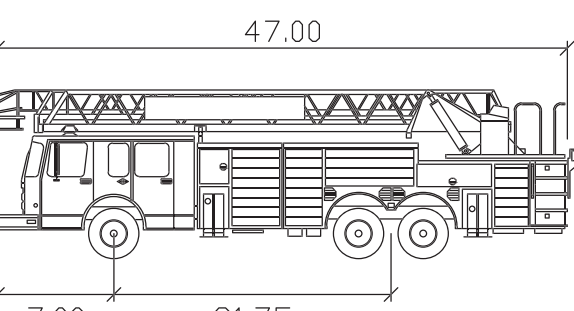
**PP 4.00**

**PROJECT NO.** 2014.206.11

**SHEET NO.** 1 OF 1



**FIRE APPARATUS PLAN**



Fire Truck MC AT-29

Width: 8.25  
Track: 8.25  
Lock to Lock Time: 6.0  
Steering Angle: 33.2°

PATH OF FRONT WHEEL

7.0 ft  
21.8 ft  
18.3 ft  
8.3 ft

STEERING LOCK ANGLE = 33.2 deg.  
ACHIEVED STEERING ANGLE:

30 deg. SWEEP ANGLE: 19.4 deg.  
60 deg. SWEEP ANGLE: 27.3 deg.  
90 deg. SWEEP ANGLE: 30.8 deg.  
120 deg. SWEEP ANGLE: 32.1 deg.  
150 deg. SWEEP ANGLE: 32.7 deg.  
180 deg. SWEEP ANGLE: 33.0 deg.

Fire Truck MC AT-29  
Custom [n]

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0FT 10FT 20FT



Know what's below.  
Call before you dig.

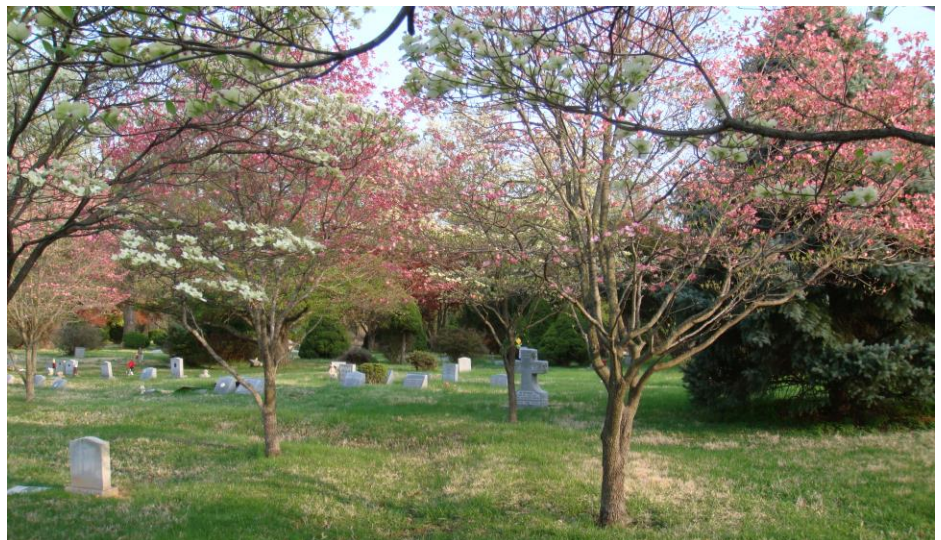
FOR UTILITY LOCATIONS  
CONTACT "ONE CALL" AT 811  
AT LEAST 48 HOURS  
PRIOR TO CONSTRUCTION



# **Maintenance Plan for Aspin Hill Pet Cemetery**

At the Montgomery County Humane Society Campus  
Silver Spring, Maryland

May 15, 2020





# **Maintenance Plan for Aspin Hill Pet Cemetery**

## **At the Montgomery County Humane Society Campus**

### **Introduction**

The Aspin Hill Pet Cemetery is a unique American treasure. Believed to be the second-oldest pet cemetery in the United States, it encompasses six acres of land in central Montgomery County, and is the final resting place of more than 50,000 pets and 57 pet owners.

It is the goal of the Montgomery County Humane Society, Inc. (MCHS), as owners and stewards of the historic Aspin Hill Pet Cemetery, to preserve, maintain and protect the cemetery in a manner deserving of this special place, as well as to provide an attractive amenity for MCHS patrons, cemetery visitors and the community.

Adjacent to the cemetery, MCHS plans to build an animal welfare campus, and the cemetery will do its part to serve the larger MCHS Campus goal of advancing animal welfare and promoting the bond between people and their pets.

### **A Phased Approach**

This plan includes two phases, beginning with care of the cemetery today and during construction, followed by Phase II, which will protect the property for the longer term.

Montgomery County Humane Society has worked closely with the Planning Board's Compliance Review Architect, our own archaeological consultant, and a local volunteer who is a historian, retired archivist and Aspin Hill Pet Cemetery enthusiast to understand the cemetery and its heritage. To date, MCHS has conducted historical research, burial record research and physical inventories of the site to locate all known human graves. As part of this work, the cemetery has been surveyed, human graves have been staked, and findings have been documented as part of the Preliminary Plan Submission. The result of this work has been the identification and location 57 human graves on the property.

### **Phase I – Protection During Construction**

Currently, MCHS is maintaining the cemetery with regular semi-monthly mowing during warm months, annual debris clean-up, and mitigation of invasive vines and

other growth and removal of dead trees, as needed.

Going forward, we are committed to protecting the cemetery as effectively as possible during Campus construction. Fortunately, the vast majority of the cemetery area is separated from the construction area of disturbance, and demarcated by an existing chain-link fence. In the limited areas where the cemetery must be disturbed by construction, ground-penetrating radar will be employed to identify anomalies under the surface that may cause concern, and these will be investigated if appropriate.

In addition, an archaeologist will be on call during construction, in the event that remains are uncovered which need to be investigated. Construction will cease until this investigation is complete.

Also during construction, hours of public access to the cemetery will be limited for the protection of the site and for public safety. The current level of maintenance will continue to be performed during construction, as much as possible.

## **Phase II – Comprehensive Care and Maintenance**

This phase of the Cemetery Maintenance Plan will begin implementation upon issuance of the last use and occupancy permit for new construction on the property, or two years from the date of record plat approval, whichever is earlier.

Phase II will include the maintenance described below, and is intended to maintain the cemetery's beauty and history, as well as to create a stable, public resource for the community in the long term.

### **A. Grounds Maintenance**

#### **Mowing and Trimming**

The following guidelines will be followed for turf maintenance and mowing:

- A walk-behind mower will be used in areas where there are stones (Biweekly or as needed in warm months)
- A riding mower will be used in open areas and areas without flat or vertical stones
- Bumpers will be used on mowers to protect stones, and avoid contacting stones with the mower
- Mowers will be equipped with discharge guards

- Weeds and invasive plant material will be removed annually
- A string trimmer will be used with lightest trim line, and the trimmer will be angled so as not to contact stones (monthly)
- Only organic fertilizer will be used, and only in granular form, to minimize impact to stone

### **Trash Removal**

- Litter and debris will be removed bi-weekly
- Trash receptacles will be provided near the parking area, and will be emptied bi-weekly, or as needed
- Trash will be collected and removed from elsewhere in the cemetery monthly

### **Trees and Shrubs**

- Inspection will be conducted for vines and invasive species annually, and these will be either cut off or removed
- Volunteer and weed trees will be removed before they attain 1" in diameter
- MCHS will work with M-NCPPC and HPC regarding the removal of larger, nuisance/volunteer trees and the trimming of other trees
- Inspection will be conducted to identify dead trees twice yearly, and removal, in coordination with a certified arborist and M-NCPPC/HPC.
- Inspection will be conducted annually to locate and remove fallen trees and branches and other underbrush
- Trees and shrubs adjacent to grave markers will be pruned annually to allow air circulation and light penetration
- Every five (5) years, trees will be inspected to ensure that the root system is not interfering with gravestones.
- If removal of a tree in proximity to a gravestone is necessary, it will be cut as close to ground as possible, and the stump allowed to decay naturally. Chemical herbicides will not be used.
- Replacement of trees and significant plantings will be addressed as needed
- Replacement trees will not interfere with grave markers, fences, paths, or roads

## **Other Long-term Maintenance**

- Landscaping will be assessed and updated to maintain the health of the plants and the integrity of the cemetery
- The property will be inspected for erosion, sinking headstones and other issues, and these issues addressed
- Driveways and parking areas will be inspected every five years for cracks and other wear, and repaired as necessary
- Fencing will be inspected for vines and damage annually, and damage addressed as it appears

## **B. Gravestones, Monuments & Statuary**

### **Maintenance**

MCHS is sensitive to the historic nature of the Aspin Hill Pet Cemetery, and as a final phase of the Montgomery County Humane Society Campus, it plans to provide appropriate maintenance per the following guidelines:

- In maintaining stones, the goal will be to slow the potential damage, but not aggressively clean and potentially change the patina or damage the stone's surface
- Whenever possible, stones that have been buried due to erosion, tree roots, grass or leaf litter, burrowing animals or fallen trees will be uncovered
- Significantly sunken or toppled stones will be re-set using professional guidelines approved by M-NCPPC/HPC.

### **Repairs and Conservation**

Longer-term conservation will be done with the overall goal of providing responsible stewardship, and with an added focus on stabilizing the older, more delicate and more historically significant features. Any repairs will be done in coordination with and approved in advance by M-NCPPC/HPC staff. All repairs will be performed by professionals or qualified, trained volunteers, using the following guidelines:

- Repair will not be as strong as the original material, otherwise it may cause the original material to crack.

- Repair will be reversible to allow for redoing in the future with better materials
- Repair will respect the original material.
- Repair will be historically accurate (e.g. appropriate mortar).
- Repair will not inhibit natural permeability/breath-ability of the stone (beware of sealants).
- Repair will only be conducted on sound stones.

The plan for maintenance of the Aspin Hill Pet Cemetery has been modeled after, and in some cases borrowed from the following guidelines and professional cemetery conservation resources:

*Preservation Brief 48: Preserving Grave Markers in Historic Cemeteries*  
*National Park Service*

*Montgomery County Planning Board Guidelines for Burial Sites (Adopted May 16, 2019)*

