



Revised December 15, 2020

Maryland National Capital Park and Planning Commission (M-NCPPC)  
Development Review Division  
8787 Georgia Avenue, 2nd Floor  
Silver Spring, MD 20910

RE: Rochambeau - French International School  
Proposed Site: 9650 Rockville Pike  
Forest Conservation Variance Request  
Approved NRI/FSD: #420181200  
Special Exemption Amendment Application #: S-862-C

Dear Mr. Fuster:

On behalf of The French International School (FIS), this letter is provided as the basis of a Forest Conservation Variance Request in accordance with Section 22A-21 Variance Provisions of Montgomery County Forest Conservation Ordinance and State Forest Conservation Law enacted by S.B. 666, to allow impacts to or removal of, the following trees identified on the associated Forest Conservation Plan.

**Project and Variance Description**

The French International School seeks to purchase the subject property to relocate and consolidate their primary school and nursery school campuses from Rollingwood to the subject property, 9650 Rockville Pike. The Rollingwood campus, which is located at 3200 Woodbine Street, houses their primary school and is currently leased from MCPS and the lease ends in 2020. The primary school property at that location also does not meet the school's standards and requirements typical of its main 9600 Forest Road campus. The nursery school is currently located on the school's Bradley Campus, located at 7108 Bradley Boulevard. This campus has numerous limitations that do not make it ideal for nursery school operations. The existing structures and some new construction at the subject site will house the 700-total student population. The property's current occupants, the Federation of American Societies of Experimental Biology (FASEB) will continue to occupy the more recently constructed office building on site.

The applicant requests a variance to impact 11 trees (specimen #6, 7, 9, 17, 20, 59, 63, 64, 65, 67, 79) and remove 15 trees (specimen #1, 2, 16, 22, 24, 27, 38, 41, 46, 49, 52, 54, 55, 58, 62). A prefabricated aluminum fence comprised of a panel between 2.5-inch square posts spaced eight feet apart is proposed near specimen trees #9, 17 and replacement chain-link fence is proposed near tree 65, however, the fence is located beyond the proposed root pruning and therefore no additional impacts will occur. The following measures are proposed where the fence is located in CRZ of minor or significant trees: each post footing will be installed in a hole approximately 12 inches diameter that is filled with concrete; work inside the critical root zones will be performed by hand with hand tools; the route for delivery of materials and removal of dirt spoils through the critical root zones will follow a route where the root zone is protected from compaction; fence post locations will be adjusted to avoid tree roots

encountered 1 inch or greater; and some fence panels will be shortened if necessary to maintain a straight and continuous alignment.

Additionally, removal of existing sanitary pipe will occur within the right-of-way near tree #63. The pipe will be removed by using an air tool to excavate soil and pipe will be cut and removed from beneath the in-tact root system. A small area of roots 3-feet by 3-feet may need to be cut to gain access to cut the pipe. Otherwise, no roots greater than 1" will be removed and soil will be replaced within six hours. If more time is necessary, roots will be wrapped in burlap and kept moist to prevent dessication until the soil is replaced to existing grade. The work will be performed when temperatures are above freezing.

Trees within 100 feet beyond the proposed limits of disturbance were evaluated. This project is proposed to be completed as an amendment to an existing approved Special Exception. The subject property is 488,427 square feet (11.2086) acres and is zoned R-60. The existing use, a "Private Educational Institution," was confirmed in a 2004 Special Exception Modification.

There are multiple masonry and frame structures from one to five stories and a multi-story parking garage on site. Other portions of the site are in paved surface parking. In general, the site's structures are located on the western and northern parts of the property, with the center eastern and southern parts retained in tree shaded lawn. The site is bounded to the east by Rockville Pike and to the north, west and south by residences. The site contains no floodplains, wetlands, streams, nor corresponding buffers. There are no historic structures, nor any known rare, threatened, or endangered species. The NRI/FSD confirmed the prior NRI which found no forest stands on the subject property. The subject property contains 33 specimen trees and 35 significant trees within their boundary lines. Specimen tree 50 recently died, which was confirmed by M-NCPPC Planning comments received November 19, 2020. Specimen trees 29 (a County champion) and 80 (which was previously rated as Very Poor condition) were also recently removed by the owner following significant damage to both from severe weather. Based on these circumstances, these trees are not included in the variance replacement calculations. There are 7 specimen trees and 3 significant trees outside of the subject boundary, and 1 specimen and 1 significant tree that are shared with adjacent property. In addition, there are 2 current county champion trees as verified in March 2018 by the Forestry Board, they also indicated that a Japanese Yew on site listed in the 2017-18 Champion Register has been since superseded. There are zero state champion trees.

The tables that follows summarizes proposed impacts to and removals of variance trees. 7 of 15 trees, or 47%, of variance trees proposed for removal are in fair, poor, condition (condition is based on the approved NRI).

TREE	COMMON NAME	SCIENTIFIC NAME	DIAMETER (IN)	OFF PROP-ERTY?	COUNTY CHAMPI-ON?	W/IN 75% of County Champ	DECLARED CRZ IMPACT (%)	PROPOSED STATUS	TREE TYPE	HEALTH
6	Purple Beech	<i>Fagus sylvatica f 'Purpurea'</i>	64.6	-	YES	-	16.0%	PRESERVE	SPECIMEN	GOOD
7	White Pine	<i>Pinus strobus</i>	37.2	-	-	NO	8.0%	PRESERVE	SPECIMEN	GOOD
9	Sugar Maple	<i>Acer saccharum</i>	48.0	-	-	YES	7.6%	PRESERVE	SPECIMEN	VERY POOR
17	Black Walnut	<i>Juglans nigra</i>	30.2	-	-	NO	28.1%	PRESERVE	SPECIMEN	FAIR-GOOD
20	White Pine	<i>Pinus strobus</i>	33.0	-	-	NO	57.8%	PRESERVE	SPECIMEN	FAIR
59	Mulberry	<i>Morus sp.</i>	35.1	-	-	NO	30.6%	PRESERVE	SPECIMEN	POOR
63	White Pine	<i>Pinus strobus</i>	28.0	-	-	NO	37.2%	PRESERVE	SPECIMEN	GOOD
64	White Pine	<i>Pinus strobus</i>	36.8	-	-	NO	17.3%	PRESERVE	SPECIMEN	GOOD
65	Deodar Cedar	<i>Cedrus deodara</i>	30.2	-	-	YES	37.5%	PRESERVE	SPECIMEN	GOOD
67	Willow Oak	<i>Quercus phellos</i>	30.1	-	-	NO	13.0%	PRESERVE	SPECIMEN	GOOD
79	Silver Maple	<i>Acer saccharinum</i>	53.1	-	-	NO	16.0%	PRESERVE	SPECIMEN	FAIR

## 7A SCHEDULE OF VARIANCE TREE IMPACTS

Figure 1

TREE	COMMON NAME	SCIENTIFIC NAME	DIAMETER (IN)	OFF PROP-ERTY?	COUNTY CHAMPI-ON?	W/IN 75% of County Champ	DECLARED CRZ IMPACT (%)	PROPOSED STATUS	TREE TYPE	HEALTH
1	Red Maple	<i>Acer rubrum</i>	43.5	-	-	NO	100.0%	REMOVE	SPECIMEN	GOOD
2	English Elm	<i>Ulmus procera</i>	58.7	-	-	NO	100.0%	REMOVE	SPECIMEN	GOOD
16	Silver Maple	<i>Acer saccharinum</i>	35.0	-	-	NO	100.0%	REMOVE	SPECIMEN	GOOD
22	Red Cedar	<i>Juniperus virginiana</i>	36.0	-	-	NO	100.0%	REMOVE	SPECIMEN	POOR
24	Southern Magnolia	<i>Magnolia grandiflora</i>	30.3	-	-	NO	100.0%	REMOVE	SPECIMEN	GOOD
27	Purple Beech	<i>Fagus sylvatica 'Atropunicea'</i>	47.0	-	-	YES	100.0%	REMOVE	SPECIMEN	POOR
38	Eastern Hemlock	<i>Tsuga canadensis</i>	42.7	-	-	YES	100.0%	REMOVE	SPECIMEN	FAIR-GOOD
41	Littleleaf Linden	<i>Tilia cordata</i>	32.0	-	-	NO	100.0%	REMOVE	SPECIMEN	FAIR
46	Eastern Hemlock	<i>Tsuga canadensis</i>	31.3	-	-	NO	100.0%	REMOVE	SPECIMEN	GOOD
49	White Pine	<i>Pinus strobus</i>	31.9	-	-	NO	100.0%	REMOVE	SPECIMEN	POOR
52	Red Oak	<i>Quercus rubra</i>	34.8	-	-	NO	100.0%	REMOVE	SPECIMEN	GOOD
54	Red Maple	<i>Acer rubrum</i>	53.8	-	-	YES	100.0%	REMOVE	SPECIMEN	POOR
55	White Pine	<i>Pinus strobus</i>	35.2	-	-	NO	100.0%	REMOVE	SPECIMEN	FAIR
58	Post Oak	<i>Quercus stellata</i>	34.0	-	-	YES	100.0%	REMOVE	SPECIMEN	GOOD-FAIR
62	White Pine	<i>Pinus strobus</i>	35.0	-	-	NO	100.0%	REMOVE	SPECIMEN	FAIR

## 7B SCHEDULE OF VARIANCE TREE REMOVALS

Figure 2

### Requirements for Variance Application:

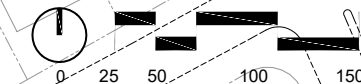
Section 22A-21(b) of Forest Conservation Law identifies four requirements that this variance application must address. The applicant must:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.
2. Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas.
3. Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance.



# LEGEND

- 31 EXISTING SPECIMEN TREE & TREE NUMBER
- 41 EXISTING SIGNIFICANT TREE & TREE NUMBER
- 6 EXISTING CHAMPION TREE & TREE NUMBER
- 77 FORMER CHAMPION TREE & TREE NUMBER, SEE TREE TABLE NOTE
- EXISTING MINOR TREE
- PROP. MINOR TREE REMOVAL
- PROP. SIGNIFICANT OR TREE REMOVAL
- PROP. SPECIMEN OR CHAMPION TREE REMOVAL
- TREE PROTECTION FENCING
- ROOT PRUNING WITH TREE PROTECTION FENCE
- LIMIT OF DISTURBANCE (LOD)
- PROPERTY BOUNDARY
- EXISTING FENCE (TYP AT PROP LINE)
- 100' STUDY AREA
- SANITARY SEWER IN R.O.W. TO BE REMOVED
- SIGNIFICANT TREE IMPACTED WITHIN PROPERTY
- SPECIMEN OR CHAMPION TREE IMPACTED WITHIN PROPERTY
- TREE NOT IMPACTED





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

**Justification for the Variance:**

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

**Response:** The existing site was originally a residential estate. It was redeveloped in multiple phases, over many years, but generally done in a way that retained the central open space that extends from Rockville Pike to the original home located nearer the western property line. For example, subsequent space developed was up to five stories and parking was housed in an enclosed garage. This encouraged the survival of a number of now large trees planted as part of the original home, or trees added in subsequent development phases. As a result, the site has a higher proportion of large ornamental trees than encountered in a commercial site of similar density. In keeping with this appearance, the FIS proposal seeks to retain the same basic site layout and minimize, to the greatest extent possible, the need to impact these trees. FIS proposes to utilize existing structures and construct new facilities largely within the footprint of existing structures or paved areas. However, the efficient reutilization of the existing structures will require modifications to site vehicular circulation to ensure safe access by students to the school, make the site ADA compliant, and to minimize traffic impacts by providing space on campus for bus queuing. With the site not currently ADA compliant, drop off, pickup and pedestrian circulation on campus must change substantially. Also, the site must be improved to meet current stormwater management requirements. Both of these efforts will require the removal of some trees.

2. Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas.

**Response:** If the county required that all improvements remain outside the critical root zones of the onsite and adjacent offsite specimen/significant trees, the property would not be able to be redeveloped in any reasonable manner to accommodate the proposed use or other uses. Current storm water management requirements and required ADA and adequate vehicular and pedestrian access to serve the school use could not be accommodated. In addition, the school seeks to provide some open space for outdoor recreation and physical education, as required by the State for educational institutions, that can only occur in open space that is open and unencumbered. The FIS proposal seeks to carefully integrate this largely in an already disturbed area, but some tree impacts will result. Landowners throughout Montgomery County enjoy the right to redevelop their property when the existing development becomes obsolete or outdated. Enforcement of this Chapter would deprive the redevelopment of an already approved use, a 'Private Educational Institution' to current standards on this property. See the attached exhibit showing the critical root zones overlaid on the property as a visual representation of the limited area onsite that would support redevelopment.

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

**Response:** The subject properties are currently developed with multiple buildings and supporting infrastructure such as sidewalks and parking lots. The existing properties are 42% percent covered in impervious surface with little stormwater management onsite. The majority of the existing impervious on the property is untreated. There are presently no Environmental Site Design stormwater management practices onsite. The limited existing stormwater management is a structural underground facility underneath the front parking lot. A facility of this type would not be acceptable to DPS for proposed improvements to the site of any kind.

The proposed development is 47 percent impervious and will fully comply with current state and county water quality standards by meeting full Environmental Site Design requirements. There will be no degradation in water quality because of this project. There will be benefits to water quality through the implementation of several stormwater best management practices. The project area within the limits of disturbance was designed using ESD criteria per the Maryland Stormwater Design Manual and Montgomery County Stormwater Regulations and in compliance with the Stormwater Management Act of 2007 to the Maximum Extent Practicable (MEP). The stormwater management design strategy for this project was to replicate the natural hydrology of the site by utilizing eight small-scale bioretention facilities and infiltration under the synthetic turf field to minimize the impact of land development on downstream water resources.

Eight micro bioretention areas comprise the majority of the stormwater management facilities. Other types of practices that may not have required as much surface area and tree impacts were not viable solutions for various reasons. The existing buildings were not designed with the loading of a green roof, therefore, green roofs were not a treatment option for this project. Pervious pavements were considered for this project, however the extensive traffic loads of the parent and bus drop-offs did not make these areas practical options for pervious pavement. The small areas of proposed parking where pervious pavement would be an option is likely to not be maintained satisfactorily and the areas are quite small. These small areas would only provide a token and relatively trivial amount of pervious pavements and additional infiltration to the site. As a result, pervious pavement was not proposed in these areas. The synthetic turf field is treated as “pervious pavement” for the purpose of ESD computations and provides much more extensive infiltration capabilities than these small areas would have provided.

The Stormwater Management Concept was approved by MCDPS on April 3, 2018.

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

**Response:** The proposed development plans are the result of continual efforts among the design team, County staff and the applicant to minimize tree impacts. The site design was based on continuing to utilize the site in the same manner as prior redevelopment efforts – retaining the large central open space and the majority of significant vegetation related to it and concentrating redevelopment efforts on the current development footprint. The FIS has limited and revised its desired programming at this new campus to limit impacts. Playground areas have been limited and the majority of the open lawn area containing a large number of trees has been preserved. The back area around the existing mansion house is largely to remain undisturbed. The frontage improvements have been expanded to include a dedicated turn lane into the property as requested by SHA and MCDOT. The existing north entrance will also be closed. The frontage sidewalk will be relocated

behind the proposed turn lane. These required frontage improvements will require additional impacts to the trees along the SR-355 property line. The involved regulatory agencies have requested these improvements to maintain public safety and the safety of the French School community. The new access drive around the north and west of the site is required for fire access because the existing drive is not wide enough and cannot be widened due to existing utilities, retaining walls, limited property width and grade changes. The parent drop-off and separate bus loop are required for student safety.

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

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

**Response: The subject property is already developed. The proposed project is a redevelopment which would allow the subject properties to comply with current standards that include ADA, stormwater management and other current standards such as building codes. This would not be a special privilege that would be denied other applicants.**

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

**Response: The applicant, FIS has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The property is currently approved for a 'Private Educational Institution' and FIS's use is consistent with that purpose. The site's constraints, specifically the quantity and size of significant trees are the result of prior planning which the applicant intends to continue in this reuse application.**

3. Arises from a condition related to the land or building use, either permitted or nonconforming, on a neighboring property; or,

**Response: The surrounding land uses (residential) do not have any inherent conditions that have created or contributed to the need for a variance.**

4. Will violate state water quality standards or cause measurable degradation in water quality.

**Response: Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. As described above, the proposed project will enhance water quality, by upgrading the site with current stormwater best management practices that meet current regulations for stormwater management.**

### **Conclusion:**

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Norden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dave Norden