

PLANNING DEPARTMENT USE ONLY (E-PLANS)

LEGEND:

- SPECIMEN TREE (GREATER THAN OR EQUAL TO 30" DBH)
- SIGNIFICANT TREE (BETWEEN 24-29.9" DBH)
- TREE TO BE REMOVED
- TREE LABEL - SIZE, TYPE, (T) TAG NUMBER
- EXISTING SOIL LINE
- EXISTING HEDGEROW
- EXISTING FOREST LINE
- EXISTING FOREST CONSERVATION EASEMENT (TO BE RELEASED AND RE-RECORDED)
- LIMIT OF DISTURBANCE
- LIMIT OF WORK
- LIMITS OF FOREST STAND
- WETLAND
- WETLAND BUFFER
- FLOODPLAIN
- STREAM VALLEY BUFFER
- EPHEMERAL STREAM
- INTERMITTENT STREAM/PERENNIAL STREAM
- EXISTING FOREST TO REMAIN *
- EXISTING FOREST TO BE REMOVED
- PLANTING AREA
- EXISTING FOREST TO BE REMAIN BUT COUNTED AS CLEARED
- AREAS IN SVB THAT CANNOT BE FORESTED TO BE PLANTED WITH NATIVE MEADOW

* EXISTING FOREST TO REMAIN AND PROTECTED IN DEDICATION TO M-NCPPC DEPARTMENT OF PARKS

FOREST COUNTED AS CLEARED 0.96 AC

POTENTIAL FOREST BANKING 3.58 AC

EX. FOREST TO REMAIN 1.74 AC

FOREST COUNTED AS CLEARED 2.13 AC

MITIGATION PLANTING 0.31 AC

DRIVEWAY TO BE REMOVED AND RESTORED TO A PERVIOUS CONDITION (REFER TO STANDARD NOTES FOR RESTORATION OF THESE AREAS)

REQUIRED SVB PLANTING AREA 2 10.57 AC

EX. FOREST TO REMAIN 7.57 AC

FOREST TO BE REMOVED 0.33 AC

EX. FOREST TO REMAIN 0.29 AC

FOREST TO BE REMOVED 0.28 AC

REQUIRED SVB PLANTING AREA 1 4.72 AC

EX. FOREST TO REMAIN 0.79 AC

REQUIRED SVB PLANTING 0.02 AC

POTENTIAL FOREST BANKING 0.13 AC

EX. FOREST TO REMAIN 7.48 AC

EX. FOREST TO REMAIN 3.35 AC

MATCHLINE - SEE SHEET 3



ROCKVILLE OFFICE
2 Research Place, Suite 100
Rockville, MD 20850
P. 301.948.2750 F. 301.948.9067

Rockville
Lanham
Waldorf
Leonardtown
Frederick
Soltesz DC, LLC

NO.	DATE	REVISIONS
3	10-06-2020	REVISED PRELIMINARY PLAN SUBMITTAL
2	09-04-2020	REVISED PRELIMINARY PLAN SUBMITTAL
1	12-15-2019	PRELIMINARY PLAN SUBMITTAL
NO.	DATE	BY
DESIGNED:	OCTOBER 2020	CAO STANDARDS VERSION: 18 - NCS
TECHNICIAN:	S.C.	G.M.M.
CHECKED:	K.D.L.	

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DRIVING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT THE UTILITY AT 1-800-261-7777. 48 HOURS PRIOR TO THE START OF EXCAVATION, IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHICHEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

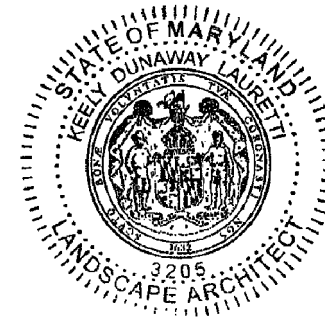
OWNER

MATLYN ENTERPRISES LLC
PO BOX 178
CLARKSBURG MD 20871-0178
240-375-7279
BOB EGAN

DEVELOPER/APPLICANT

ASHFORD WOODS, LLC
505 MAIN ST, SUITE 300
GAITHERSBURG, MD 20878
301-670-4020
MICHAEL NATELLI

MAP	9	GRID	B-3
TAX MAP	EW122	ZONING CATEGORY:	R-90
WESC 200 SHEET	233NW14		
SITE DATUM			
HORIZONTAL:	NAD 83/95		
VERTICAL:	NGVD25		



OVERALL PLAN - EAST

PRELIMINARY FOREST CONSERVATION PLAN
ASHFORD WOODS
FORMERLY KNOWN AS EGAN PROPERTY
#120200110
CLARKSBURG (2ND) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND



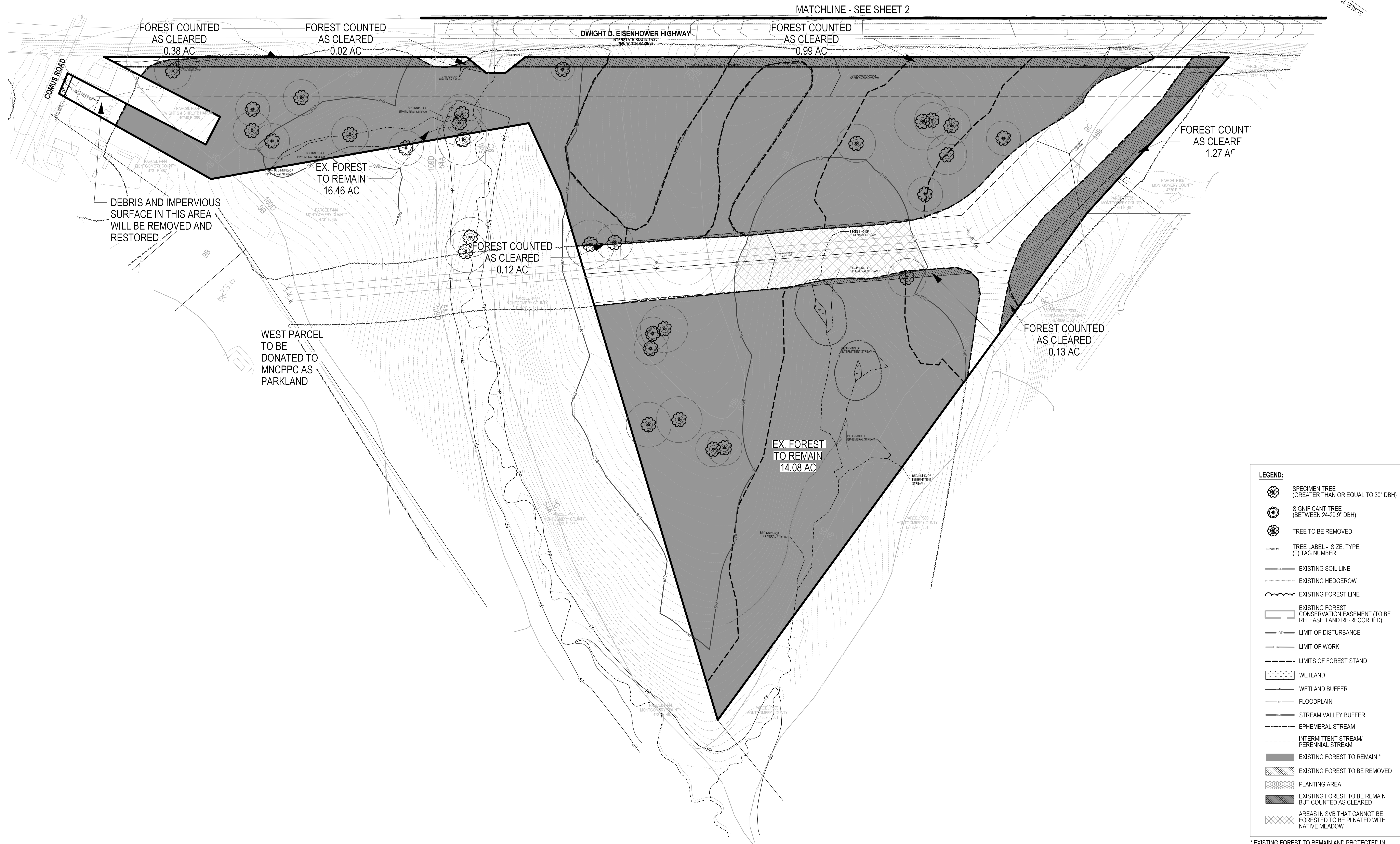
1" = 100'

SHEET 2 OF 42

PROJECT NO. 0775-90-00

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* EXISTING FOREST TO REMAIN AND PROTECTED IN DEDICATION TO MNCPPC DEPARTMENT OF PARKS
NOTE: WEST PARCEL TO BE DONATED TO MNCPPC AS PARKLAND



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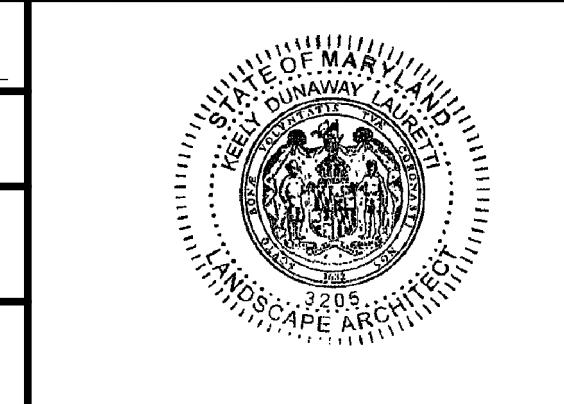
NO.	DESCRIPTION	BY	DATE
3	REVISED PRELIMINARY PLAN SUBMITTAL	KDL	10-06-2020
2	REVISED PRELIMINARY PLAN SUBMITTAL	KDL	09-04-2020
1	PRELIMINARY PLAN SUBMITTAL	KDL	12-19-2019
REVISIONS			
DATE:	OCTOBER 2020	CAD STANDARDS VERSION:	V8 - NCS
DESIGNED:	S.C.	TECHNICIAN:	G.M.M.
		CHECKED:	K.D.L.

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GATHERSBURG, MD 20878
301-670-4020
MICHAEL NATELLI

MAP 9	GRID B-3
TAX MAP EW122	ZONING CATEGORY: R-60
WSBC 200' SHEET 233NW14	
SITE DATUM: HORIZONTAL: NAD 83/91 VERTICAL: NSVD28	



OVERALL PLAN - WEST		
PRELIMINARY FOREST CONSERVATION PLAN ASHFORD WOODS FORMERLY KNOWN AS EGAN PROPERTY #120200110 CLARKSBURG (2ND) ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND		
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SHEET 3 OF 42		
PROJECT NO. 0775-90-00		



October 6, 2020

Mary Jo Kishter, Environmental Planner Coordinator Area 3
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Egan Property – Ashford Woods
Preliminary Forest Conservation Plan - Variance Request
Preliminary Plan #120200110

Dear Ms. Kishter,

On behalf of Mattlyn Enterprises, LLC, and Ashford Woods, LLC, Soltesz is requesting a variance for the critical root zone (CRZ) impact to eleven (11) trees 30 inches or greater in DBH, as required under Section 22A-21 of Montgomery County's Forest Conservation Law as well as recent revisions to the State Forest Conservation Law enacted by State Bill 666, where it notes the variance pertains to "trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department." The impact to these trees results from a proposed residential project located in Clarksburg. These trees are affected by the existing demolition limit of disturbance (LOD) and/or proposed LOD and will be impacted or removed due to conflicts with existing element removal, grading, infrastructure, and building envelope.

Project Information

The site is bifurcated by Dwight D. Eisenhower Highway (I-270), resulting in two areas. One area is located east of I-270 and west of Frederick Road (MD 355) in Clarksburg, Maryland. The second area is located directly to the west of I-270, and has approximately 60 feet of frontage on Comus Road. The gross tract area is approximately 142.2924 acres, including offsite disturbance. The Preliminary Plan proposes 364 dwelling units to be located east of I-270, and will include townhomes, 2 over 2 units, internal public roads, and improvements to Frederick Road. 80% of the area under application for development will be provided as rural open space.

Critical Root Impacts

A NRI-FSD (#420191590) has been approved for the property site by MNCPPC. The trees below that will be removed as a result of this Plan are shown on the NRI/FSD and are numbered accordingly for reference purposes. For this variance request, ten (10) specimen trees are proposed for removal and one tree is proposed to be impacted but saved.

ASHFORD WOODS SPECIMEN TREE ($\geq 30"$ DBH) LIST TO BE IMPACTED BUT SAVED				
TREE ID #	BOTANICAL NAME	COMMON NAME	DBH	CONDITION
T1	<i>Prunus serotina</i>	Black Cherry	30	Fair

ASHFORD WOODS SPECIMEN TREE ($\geq 30"$ DBH) LIST TO BE REMOVED				
TREE ID #	BOTANICAL NAME	COMMON NAME	DBH	CONDITION
T27	<i>Catalpa speciosa</i>	Southern Catalpa	32.9	Fair
T28	<i>Quercus alba</i>	White Oak	30.1	Good
T32	<i>Robinia pseudoacacia</i>	Black Locust	46	Very Poor
T33	<i>Catalpa speciosa</i>	Southern Catalpa	44.2	Very Poor
T40	<i>Prunus serotina</i>	Black Cherry	36.6	Fair
T41	<i>Liriodendron tulipifera</i>	Tulip poplar	36.6	Poor
T42	<i>Liriodendron tulipifera</i>	Tulip poplar	32.3	Fair
T43	<i>Malus spp.</i>	Apple species	39.5	Fair
T54	<i>Juniperus virginiana</i>	Eastern Red Cedar	31.6	Fair
T55	<i>Morus rubra</i>	Red Mulberry	32.7	Fair

Mitigation

All ten (10) of the trees listed above to be **removed** are located outside of forest stand areas and equate to a conglomerated DBH of 362.5". At a replacement rate of 1" DBH for every 4" removed, this equates to a requirement of 91 inches, or thirty one (31) 3" caliper trees for mitigation (3" x 31 trees = 93"). These replacement trees will be located on-site in a planting area outside of the stream valley buffer (SVB). This forest-type planting area will be established **in addition to** any other required plantings. The requirement will be fulfilled through planting 0.31 acres at a density of one hundred (100) 3" caliper trees per acre, as directed by the Planning Board (91" needed at a rate of 300" per acre = $91"/300" = 0.31$ acres).

Additional Application Requirements

Per Montgomery County's Forest Conservation Law Section 22A-21(b) of the *Application Requirements* states that the applicant must:

- (1) describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) verify that state water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) provide any other information appropriate to support the request.

Pursuant to "(1) describe the special conditions peculiar to the property which would cause the unwarranted hardship":

The site is subject to several regulations and constraints that restrict development on the property. These regulations and constraints include a 15% impervious area recommendation east of I-270 (6% west of I-270) and a requirement for 80% rural open space. Such restrictions constitute **special conditions peculiar to the property** as they significantly limit the potential development envelope and configuration of the site. In addition, the site is abundant in natural resources such as existing forest stands, wetlands, and a perennial stream. As a result, great caution has been taken to respect these existing natural resources by proposing development in the areas that have already been disturbed to the fullest extent possible. Furthermore, the proposed development conforms to the density recommendations for the Ten Mile Creek Limited Area Amendment. The above constitute special conditions peculiar to the Property and necessitate the removal of ten specimen trees, nine of which are in poor, very poor, or fair condition.

As a part of the redevelopment of the site, the existing buildings and other impervious features must be removed and, within the SVB, restored to a pervious condition. The demolition of the existing site elements causes significant impacts to seven of the ten trees proposed for removal, as well as the tree that will be impacted but saved. The below chart details the percentage of impact from existing impervious removal. Tree 43 has a 3.8% CRZ impact from demolition; however, the close proximity of the existing gazebo which must be removed will cause too much damage to feasibly save this tree. Tree 1 will be impacted 9.1% by the existing demolition, but will ultimately be able to be preserved.

SPECIMEN TREES IMPACTED BY EXISTING DEMOLITION					
TREE ID #	BOTANICAL NAME	COMMON NAME	DBH	IMPACT FROM EXISTING DEMOLITION	TOTAL % IMPACTED
1	<i>Prunus serotina</i>	Black Cherry	30	9.1%	9.1%
27	<i>Catalpa speciosa</i>	Southern Catalpa	32.9	48.8%	100.0%
28	<i>Quercus alba</i>	White Oak	30.1	52.9%	100.0%
32	<i>Robinia pseudoacacia</i>	Black Locust	46	53%	100.0%
33	<i>Catalpa speciosa</i>	Southern Catalpa	44.2	11.3%	100.0%
40	<i>Prunus serotina</i>	Black Cherry	36.6	56.3%	100.0%
41	<i>Liriodendron tulipifera</i>	Tulip Tree	36.6	1.2%	100.0%
42	<i>Liriodendron tulipifera</i>	Tulip Tree	32.3	-	100.0%
43	<i>Malus spp.</i>	Apple Species	39.5	3.8%	100.0%
54	<i>Juniperus virginiana</i>	Eastern Red Cedar	31.6	37.6%	100.0%
55	<i>Morus rubra</i>	Red Mulberry	32.7	100%	100.0%

Considering the configuration of the property, the Development Plan design recommendations, and the location and condition of the specimen trees being impacted, it would cause **unwarranted hardship** to the Applicant if the variance request were to be denied. Significant efforts have been taken by the Applicant to avoid disturbance of the natural resources onsite and propose development, where possible, within a previously-disturbed envelope. All but one of the trees are in fair, poor, or very poor condition. Therefore, to restrict impacting the critical root zone of the specimen trees in question would unreasonably deprive the landowner of rights commonly enjoyed by others, as it would require extraordinary measures with questionable efficacy not typically required.

The single tree in good condition, T28, is one of seven trees that is requested for removal primarily due to demolition of the existing site elements.

Pursuant to “**(2) describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas**”:

Enforcement of a prohibition of impacting the specimen trees would **deprive the applicant of the rights commonly enjoyed by others** who are in similar areas that have many of the same features as the subject property. For example, the residential communities within a mile of the project site, Clarksburg Town Center and Woodcrest, were both approved for site improvement under the Forest Conservation Law regulations regarding afforestation, reforestation, and the removal of specimen trees.

Pursuant to “**(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 specimen trees to be removed will be mitigated in a 0.31-acre Mitigation Planting area, located on the northeast portion of the site between Frederick Road and the stream valley buffer. Along with 15.31 acres of required planting in the SVB and 3.71 acres of potential forest banking areas, the proposed plan will result in a 122% increase in forest area for the project site. These plantings will enhance the overall water quality on the site, due to the future formation of a cohesive forest stand that protects the on-site tributaries from runoff. Consequently, state water quality standards will be satisfied and **no measurable degradation in water quality will occur as a result of granting this variance.**

Pursuant to “**(4) provide any other information appropriate to support the request**”:

The Applicant believes the information set forth above is adequate to justify the requested variance to remove the specimen trees on the subject property. Furthermore, the Applicant’s request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

- (1) this Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant;*
- (2) the request is not made based on conditions or circumstances that are the result of actions by the Applicant;*
- (3) the requested variance is not related in any way to a condition on an adjacent, neighboring property; and*
- (4) removal of the impacted trees will not violate State water quality standards or cause measurable degradation in water quality in fact a vegetated buffer is proposed along both of the streams on the site to further filter and enhance the water quality.*

For the reasons listed above, we believe it is appropriate to grant Applicant’s request for a variance. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

SOLTESZ

A handwritten signature in cursive script, reading "Keely D. Lauretti". The signature is written in dark ink and is positioned above the printed name.

Keely D. Lauretti
Landscape Architect

cc: Tom Natelli
Michael Natelli
Krista Davisson
Barbara Sears