

GENERAL NOTES

1. THE PROPERTY IS 3.29 ACRES.
2. THE PROPERTY IS LOCATED ON WSSC MAP 211NE01.
3. THE SUBJECT PROPERTY IS LOCATED ON TAX MAP JP61.
4. THE SUBJECT PROPERTY COMPRISES THE FOLLOWING:
LOT/PARCEL NO. BLOCK TAX ACCT. NO. LIBER & FOLIO
PARCEL N935 00975711 L. 18598, F. 779
5. SUBJECT PROPERTY ADDRESS IS 8860 PINEY BRANCH ROAD.
6. THE SUBJECT PROPERTY IS ZONED R-H (RESIDENTIAL HIGHRISE).
7. SITE BOUNDARY WAS DONE BY CHARLES P. JOHNSON & ASSOCIATES ON NOVEMBER 15, 2019.
8. SITE TOPOGRAPHY WAS DONE BY CHARLES P. JOHNSON & ASSOCIATES ON NOVEMBER 15, 2019 WITH 2' CONTOURS.
9. THE SUBJECT PROPERTY IS LOCATED IN THE NORTHWEST BRANCH WATERSHED OF THE ANACOSTIA RIVER.
10. SOILS INFORMATION WAS OBTAINED FROM WWW.WEBSOILSURVEY.NCRS.USDA.GOV ON MAY, 2020.
11. THERE ARE NO MAPPED FEMA OR MNCPPC 100 YEAR FLOODPLAIN LOCATED WITHIN THE SITE.
12. PER U.S. FISH & WILDLIFE SERVICES NATIONAL WETLANDS INVENTORY ON-LINE MAPPER (HTTP://WWW.FWS.GOV/WETLANDS/DATAMAPPER.HTML) AND MARYLAND'S ENVIRONMENTAL RESOURCES AND LAND INFORMATION NETWORK (MERLIN/HTTP://WWW.MDMERLIN.NET), THERE ARE NO WETLANDS LOCATED ON THE SITE.
13. THIS SITE CONTAINS NO SPECIAL PROTECTION (SPA) OR PRIMARY MANAGEMENT (PMA) AREAS.
14. THE SUBJECT PROPERTY IS NOT IDENTIFIED IN THE MONTGOMERY COUNTY HISTORIC PRESERVATION ON-LINE MAPPER.
15. THERE ARE APPROXIMATELY 12,876 SQ. FT. OF EXISTING FOREST AS DEFINED BY MONTGOMERY COUNTY FOREST LEGISLATION LOCATED ON THE SUBJECT PROPERTY AS DESCRIBED IN THE FOREST STAND CLASSIFICATION AND DESCRIPTION (CHAPTER 22A).
16. THERE ARE STEEP SLOPES (25% OR GREATER) LOCATED ON THE SUBJECT PROPERTY (SHOWN ON PLAN).
17. SEE THE SIGNIFICANT AND SPECIMEN TREE TABLE AND PLAN FOR LOCATIONS AND INFORMATION ABOUT SIGNIFICANT AND SPECIMEN TREES WITHIN THE NRI STUDY AREA.
18. FIELD WORK WAS CONDUCTED BY CHARLES P. JOHNSON & ASSOCIATES. STAFF: MARK STANIFORD AND CHRIS SHIPLEY ON AUGUST 19, 2020. A 1" TAPE WAS USED TO MEASURE TREES. TREE LOCATIONS SHOWN WERE EITHER SURVEYED OR FIELD LOCATED BY VISUAL OBSERVATIONS. NO SEPARATE FIELD DATA SUMMARY SHEETS WERE PREPARED WITH THIS PLAN.
19. NRI/USD 420210430 WAS APPROVED BY MNCPPC ON OCTOBER 20, 2020.

SOILS CHART					
SYMBOL	NAME	HYDRIC	SLOPE	SOIL GROUP	COMMENTS
1C	Gala silt loam	No	8-15%	B	Well drained

FOREST STAND ANALYSIS

The subject property is located at 8860 Piney Branch Road and is located on Tax Map JP61-Parcel 935. The parcel has an existing 14 story Residential Apartment building with surface parking and parking garage. There is also a small playground near the northeast corner of the parcel. The site slopes from west to east with steep slopes from the edge of the surface parking to Piney Branch Road and off-site east to the adjacent parcel.

The site has a small forest of approximately 12,876 sqft, east of the surface parking lot and is contiguous with the forest on the adjacent parcel. There is one forest stand which consists of Red Maple and various Oaks as the dominant species and Green Hawthorn and Black Locust as co-dominant species. The forest should be considered third stage forest, well established. Due to the very heavy canopy and deer browsing, there is not much understory with limited regeneration. What understory is first stage Red Maple and Green Hawthorn with honeysuckle sprinkled about. There is approximately 20-25% downed woody material with 50% canopy overhead. The herbaceous coverage is limited due to the deer browsing and thick canopy, also approximately 15% invasive species. The overall forest structure is fair due to the limited regeneration, some trees choked with ivy and dead limbs that come with the age of certain trees.

No critical habitats or endangered species were observed during the site visit. There are no trees designated by the state or county as a State, County, or National Champion tree, or a tree that is 75% or more of the current state champion on site. There are no Historic or Cultural sites located within or adjacent to this site. There are no Wetland, Floodplain, Stream Valley Buffer, or Special Protection areas located within the site.

NOTE:
SEE SHEET 2 FOR FOREST
CONSERVATION WORKSHEET,
SPECIMEN TREE LIST, MITIGATION
TREE LIST AND DETAILS.

CERTIFICATE OF COMPLIANCE

I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, THAT ALL OF THE INFORMATION AND DATA PROVIDED WITH THIS APPLICATION IS ACCURATE, AND ALL OF THE FEATURES AND ELEMENTS PROVIDED ON THE PLANS IS CONSISTENT WITH THE STANDARDS OF THE APPLICABLE ZONE. THE CERTIFICATION INCLUDES, BUT IS NOT LIMITED TO, BOUNDARY INFORMATION, PROPERTY INFORMATION AND OWNERSHIP, TOPOGRAPHY, HISTORIC RESOURCES, ETC. I AGREE THAT THE SUBMITTED PLANS MAY BE REJECTED OR RETURNED BY THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION IF THE PLANS ARE FOUND TO BE INACCURATE, FALSE OR MISLEADING.

DEVELOPER'S CERTIFICATE

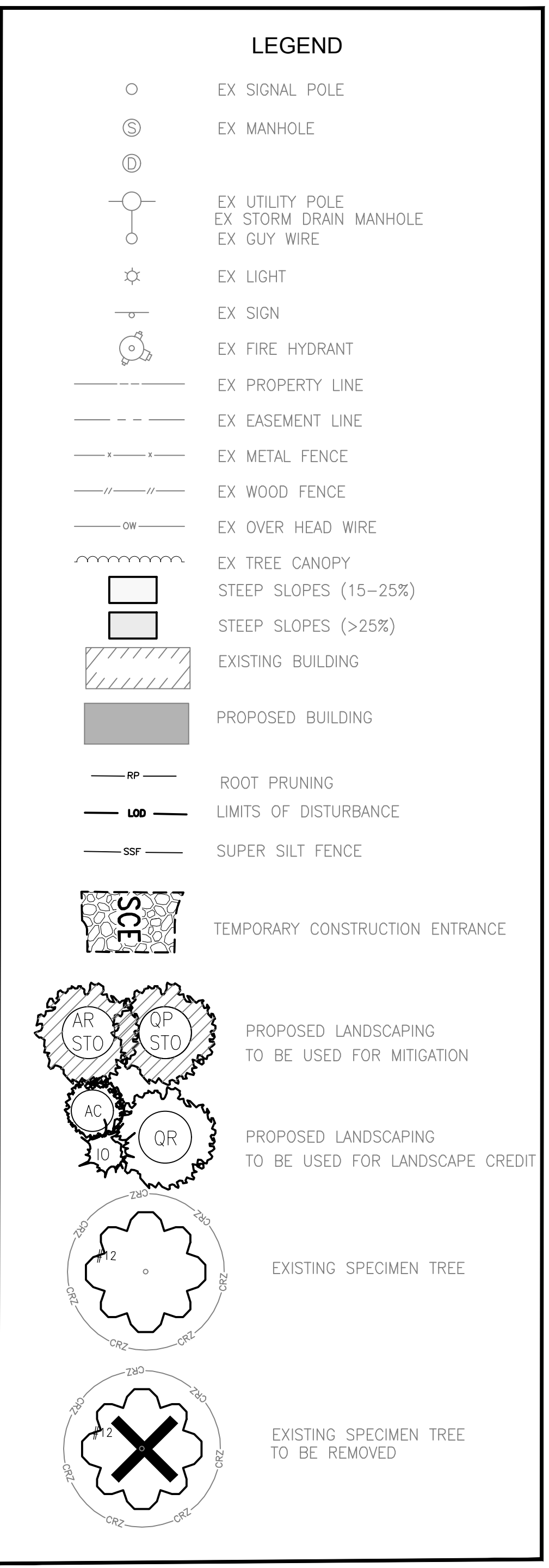
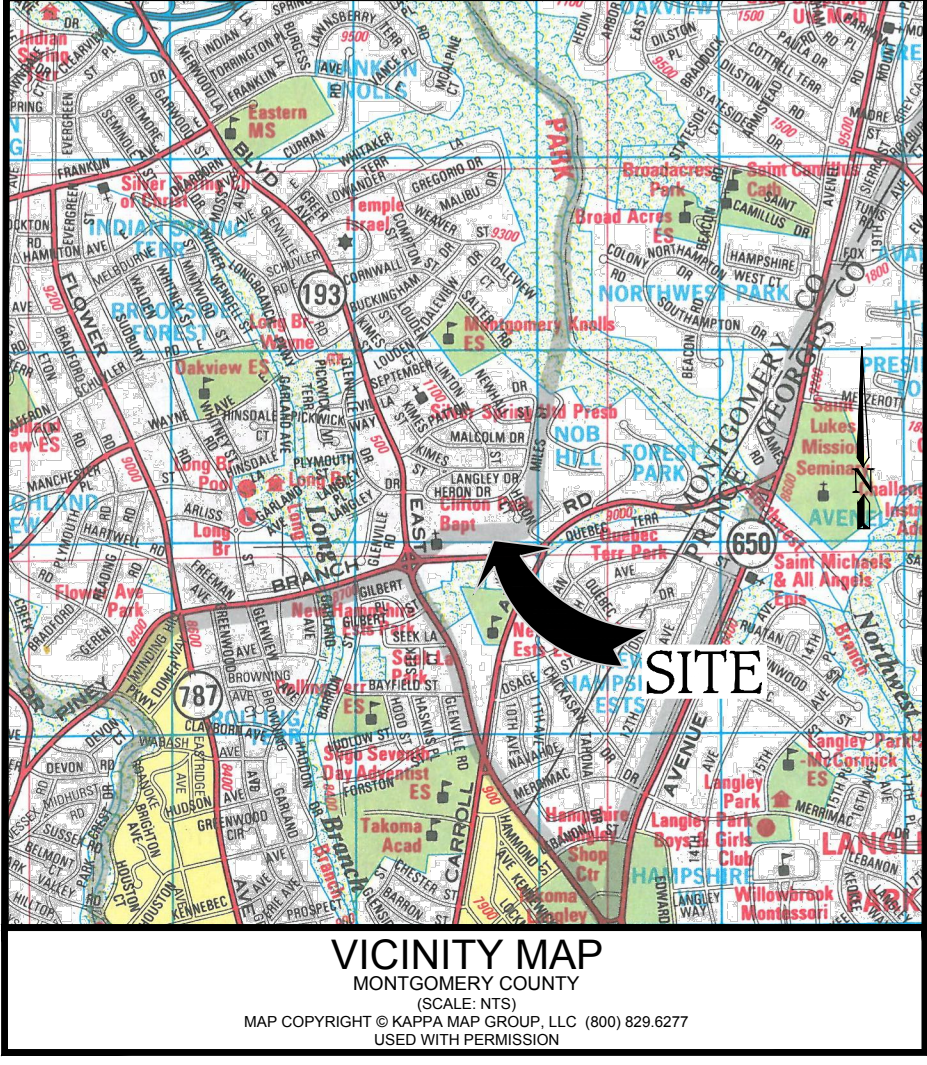
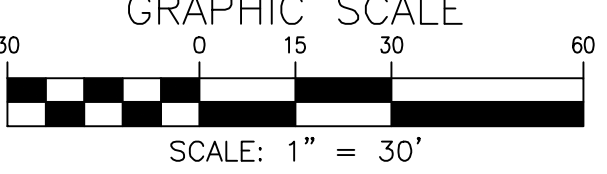
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. _____ including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: Enterprise Community Development, Inc.
Printed Company Name
Contact Person or Owner: Louis Kiang
Printed Name
Address: 875 Hollins Street, Suite 202, Baltimore, MD 21201
Phone and Email: 410-230-2132 kiang@enterprisecommunity.org
Signature: _____

LANDSCAPE ARCHITECT CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE PLANS AND RECORDS.

MICHAEL J. LOE
REGISTERED LANDSCAPE ARCHITECT
MD #3822
EXPIRES: 3/16/2021
DATE _____ Seal not valid without signature



UPDATES/REVISIONS:
REV. 1 (11-18-20) ADDRESS MNCPPC COMMENTS
REV. 2 (01-29-21) ADDRESS MNCPPC COMMENTS

PRELIMINARY/FINAL
FOREST CONSERVATION PLAN
PARK MONTGOMERY
FIFTH (5TH) DISTRICT
MONTGOMERY COUNTY, MD

CPJ Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: Enterprise Community Development, Inc. 875 Hollins Street, Suite 202 Baltimore, MD 21201	WSSC GRID: 201NE01	TAX MAP: JP61
DESIGN: MIL	SHEET: 1	OF: 2
DRAFT: MES	DATE: Oct. 2020	FILE NO.: 2019-1296-26D
COPYRIGHT © LATEST DATE HEREON CHARLES P. JOHNSON & ASSOCIATES, INC. ALL RIGHTS RESERVED. UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED.	SCALE: 1" = 30'-0"	



Sequence of Events for Properties Required to Comply With Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

Pre-Construction

- An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
- The property owner must arrange for the meeting and following people should must participate at the pre-construction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist/Maryland Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector.
 - Typical tree protection devices include:
 - Chain link fence (four feet high)
 - Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
 - 14 gauge, 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
 - Typical stress reduction measures may include, but are not limited to:
 - Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest Conservation Inspector
 - Crown Reduction or pruning
 - Watering
 - Fertilizing
 - Vertical mulching
 - Root aeration systemsMeasures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.
- A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including

photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.

- Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.

- Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
 - Parking or driving of equipment, machinery or vehicles of any type.
 - Storage of any construction materials, equipment, stockpiling, fill, debris, etc.
 - Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainder, trash, garbage, or debris of any kind.
 - Felling of trees into a protected area.
 - Trenching or grading for utilities, irrigation, drainage, etc.

- Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

During Construction

- Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
- The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

Post-Construction

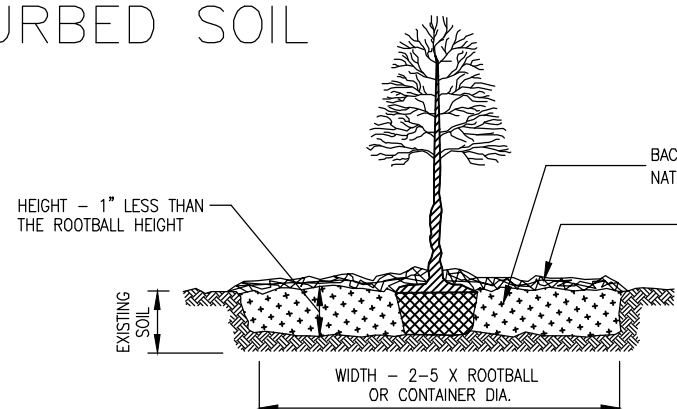
- After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
 - Removal, and possible replacement, of dead, dying, or hazardous trees
 - Pruning of dead or declining limbs
 - Soil aeration
 - Fertilization
 - Watering
 - Wound repair

- Clean up of retention areas, including trash removal

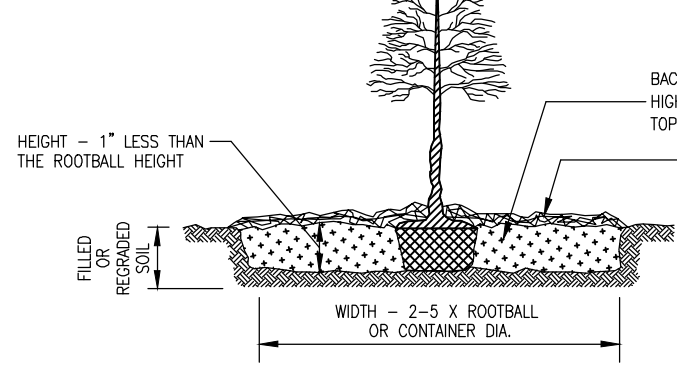
- After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

- Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

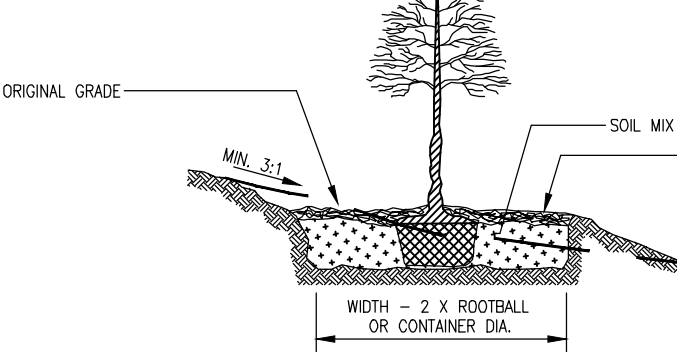
UNDISTURBED SOIL



DISTURBED SOIL



PLANTING ON SLOPE



NOTE:

TREE PIT TO BE FIVE TIMES THE ROOTBALL IS PREFERRED, PARTICULARLY IN POOR SOIL.

MITIGATION TREES						
CODE	QTY	COMMON NAME	SCIENTIFIC NAME	CONT	CAL/DPH	TOTAL CALIPER
AR-STO	5	October Glory Maple	Acer Rubrum	B&B	3"	15"
QP-STO	6	Willow Oak	Quercus Phellos	B&B	3"	18"
					TOTAL	33"

LANDSCAPE CREDIT						
CODE	QTY	COMMON NAME	SCIENTIFIC NAME	CONT	CAL	SIZE
AR	10	October Glory Maple	Acer Rubrum	B&B	3"	
QA	7	White Oak	Quercus alba	B&B	3"	
QR	6	Red Oak	Quercus rubra	B&B	3"	

CF	14	Cornus florida	Flowering Dogwood	B&B		8'-10'
AC	7	Canadian Serviceberry	Amelanchier canadensis	B&B		8'-10'
IO	15	Ilex opaca	American Holly	B&B		6'-8'

Forest Conservation Data Table

Number of Acres	
Tract	3.3
Remaining in Agricultural Use	-
Road & Utility ROWs ¹	-
Total Existing Forest	0.3
Forest Retention	-
Forest Cleared	0.1

Land Use & Thresholds ²	
Land Use Category	HDR
Conservation Threshold	15%
Afforestation Threshold	20%

Total Channel Length (ft.)		Average Buffer Width (ft.) ¹	
Stream(s)	-	-	-
Acres of Forest in			
Retained	Cleared	Planted	
Wetlands	-	-	-
100-Year Floodplain	-	-	-
Stream Buffers	-	-	-
Priority Areas	-	-	-

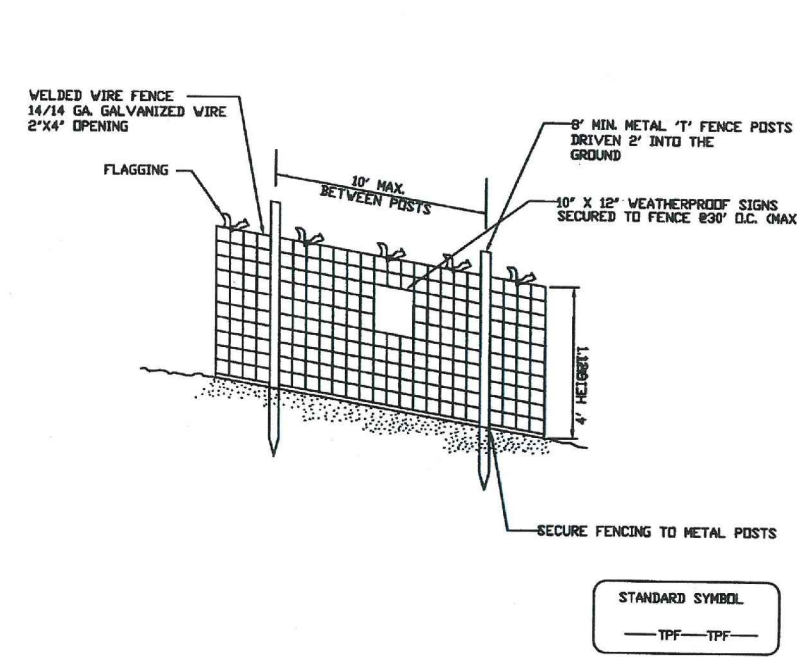
¹ Only Road or Utility ROWs not to be improved as part of development application.

² Information from FC Land Use Categories & Thresholds document.

³ Measured from stream edge to buffer edge.

Tree Protection Fence Detail

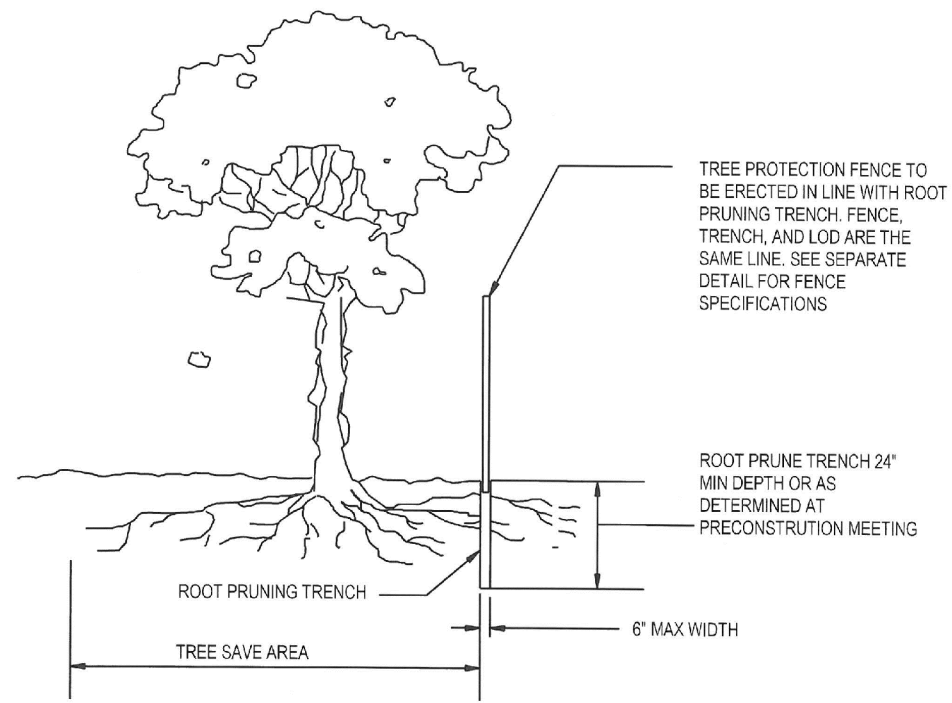
Not to scale



NOTES

- Practice may be combined with sediment control fencing.
- Location and limits of fencing should be coordinated in field with arborist.
- Boundaries of protection area should be staked prior to installing protective device.
- Root damage should be avoided.
- Protection signage is required.
- Fencing shall be maintained throughout construction.

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MontgomeryPlanning.org



NOTES:

- RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING.
- BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING.
- EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INSPECTOR.
- TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR.
- ROOTS SHALL BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.
- ALL PRUNING MUST BE EXECUTED WITH LEO SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY THE FC INSPECTOR.

ROOT PRUNING DETAIL

NTS

FOREST CONSERVATION WORKSHEET PARK MONTGOMERY

NET TRACT AREA:

- Total tract area ... 3.29
- Additions to tract area (Off-Site Work, etc.; construction required by this plan) ... 0.00
- Land dedication acres (parks, county facility, etc.) ... 0.00
- Land dedication for roads or utilities (construction not required by this plan) ... 0.00
- Area to remain in commercial agricultural production/use ... 0.00
- Other deductions (specify) 0.00
- Net Tract Area 3.29

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 =	0.49		
H. Conservation Threshold ...	20%	x G =	0.66		

EXISTING FOREST COVER:

- Existing forest cover 0.30
- Area of forest above afforestation threshold 0.00
- Area of forest above conservation threshold 0.00

BREAK EVEN POINT:

- Forest retention above threshold with no mitigation 0.00
- Clearing permitted without mitigation 0.00

PROPOSED FOREST CLEARING:

- Total area of forest to be cleared 0.08
- Total area of forest to be retained 0.22

PLANTING REQUIREMENTS:

- Reforestation for clearing above conservation threshold ... 0.00
- Reforestation for clearing below conservation threshold ... 0.16
- Credit for retention above conservation threshold 0.00
- Total reforestation required 0.16
- Total afforestation required 0.00
- Credit for landscaping (may not exceed 20% of "S") 0.03
- Total reforestation and afforestation required 0.13

worksheet date 5/13/2019

Mitigation 119" x 0.25 = 29.75 or 30" cut/pier mitigation required.
Reforestation to be fulfilled at a Tree Bank.

SPECIMEN TREE REMOVAL									
TAG NO	COMMON NAME	SCIENTIFIC NAME	DBH	HEALTH	RP	TF	CA	SP	COMMENTS
6	Red Maple	Acer rubrum	24	Fair					To be removed
10	White Oak	Quercus alba	34	Fair					To be removed
12	Red Maple	Acer rubrum	28	Fair					To be removed
13	Scarlet Oak	Quercus coccinea	33	Fair					To be removed

SPECIMEN TREE IMPACT									
TAG NO	COMMON NAME	SCIENTIFIC NAME	DBH	HEALTH	RP	TF	CA	SP	COMMENTS
1	Willow Oak	Quercus phellos	27						Off-site
2	Scarlet Oak	Quercus coccinea	30	Good					To remain
3	Scarlet Oak	Quercus coccinea	40	Good	X			X	To remain
4	Scarlet Oak	Quercus coccinea	36	Good	X			X	To remain
5	Scarlet Oak	Quercus coccinea	33	Good	X			X	To remain
7	White Oak	Quercus alba	33	Fair	X			X	To remain
8	White Oak	Quercus alba	35						Off-site
9	Red Maple	Acer rubrum	24						Off-site
11	White Oak	Quercus alba	32						Off-site
14	Red Maple	Acer rubrum	29	Fair		X		X	To remain
15	Red Maple	Acer rubrum	27	Good				X	To remain
16	Red Maple	Acer rubrum	33	Fair		X		X	To remain
17	White Oak	Quercus alba	37	Fair		X		X	To remain
18	Tulip Poplar	Liriodendron tulipifera	49	Fair		X		X	To remain
19	Willow Oak	Quercus phellos	26	Good		X		X	To remain
20	Bradley Pear	Pyrus communis	24	Good				X	To remain
21	Bradley Pear	Pyrus communis	25	Good				X	To remain
22	Bradley Pear	Pyrus communis	25	Good				X	To remain

Notes:

(RP)-Root Pruning
(TF)-Topical Fertilizer Biostimulant such as Mycor Tree Saver or equivalent product. Apply with high-pressure injection probe during construction.

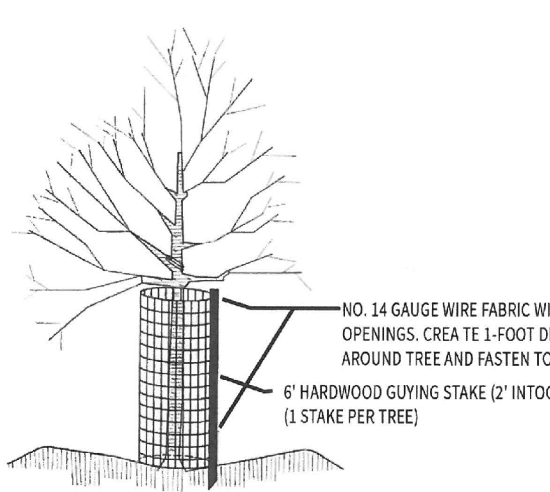
(CA)-Core Aeration/Vertical Mulching using 2" auger bit. Space holes 2' apart in grid pattern in the CR2 to the dripline.

(SP)-Sanitary pruning is the removal of dead/dying limbs on a tree to improve its health and appearance. Pruning may be needed to raise the crown for construction.

119" of total tree calipers to be removed and replaced at a quarter, or 25%, of the total tree calipers. 30" of tree caliper to be replaced. Trees to be removed will be replaced with trees from the Plant Schedule.

119" x 0.25 = 29.75 or 30" of tree caliper to be replaced.

Deer Protection Fencing



Notes:

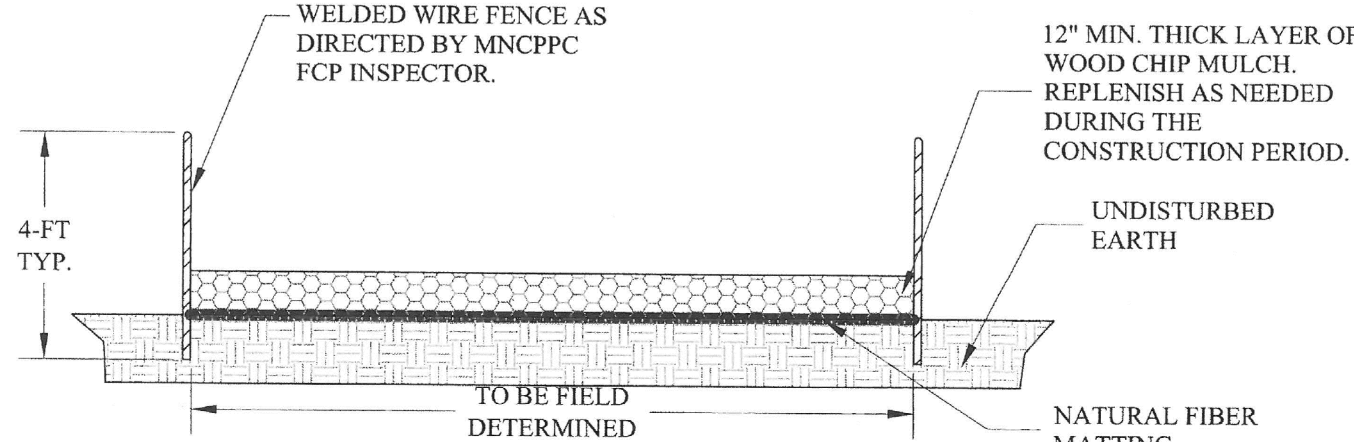
- Height of cage shall be 4 feet (min).
- Cage shall be fastened to stake with two (min).
- 11-inch releasable cable ties (one at top and one 6" (min) above the ground).
- Do not damage tree during installation.
- Substitution must be approved by Forest Conservation Inspector.
- Cages to be removed at direction of Forest Conservation Inspector.

Montgomery Planning

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

https://montgomeryplanning.org/wp-content/uploads/2018/08/Tree-Protection-Fence-Deer-eeked.jpg

12



NOTES:

- Mulch root protection to be installed as indicated on the approved forest conservation or tree save plans in critical root zones of trees to be saved.
- Access routes to be verified by the MNCPPC Forest Conservation Program (FCP) Inspector at the preconstruction meeting. Revisions to the alignment that minimize tree disturbance are encouraged and require review and approval by the MNCPPC FCP Inspector.
- Natural fiber matting shall be placed with seams parallel to the flow of traffic. Overlap fabric by 18" minimum at seams.
- Natural fiber matting may be eliminated by the direction of the MNCPPC FCP Inspector.
- Contractor shall maintain mulch mat throughout the construction period.
- Upon completion of the project mulch can remain in place at a maximum depth of 2".
- Sanitization of compacted mulch to occur upon removal of haul road at direction of the MNCPPC FCP Inspector.
- The root protection system is designed to prevent the compaction of existing soils and tree roots using low pressure equipment which exerts no more than 8 psi. If the contractor intends to use any equipment with higher loads additional protection measures must be provided.

MULCH ACCESS ROOT PROTECTION DETAIL

NTS

1 DEC 2011

CERTIFICATE OF COMPLIANCE

I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, THAT ALL OF THE INFORMATION AND DATA PROVIDED WITH THIS APPLICATION IS ACCURATE, AND ALL OF THE FEATURES AND ELEMENTS PROVIDED ON THE PLANS IS CONSISTENT WITH THE STANDARDS OF THE APPLICABLE ZONE. THE CERTIFICATION INCLUDES, BUT IS NOT LIMITED TO, BOUNDARY INFORMATION, PROPERTY INFORMATION AND OWNERSHIP, TOPOGRAPHY, HISTORIC RESOURCES, ETC. I AGREE THAT THE SUBMITTED PLANS MAY BE REJECTED OR RETURNED BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IF THE PLANS ARE FOUND TO BE INACCURATE, FALSE OR MISLEADING.

DEVELOPER'S CERTIFICATE

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. _____, including financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: Enterprise Community Development, Inc.
Printed Company Name

Contact Person or Owner: Louis Kiang, Development Director
Printed Name

Address: 875 Hollins Street, Suite 202, Baltimore, MD 21201

Phone and Email: 410-230-2132, kiang@enterprisecommunity.org

Signature: [Signature]

LANDSCAPE ARCHITECT CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE PLANS AND RECORDS.

MICHAEL J. LOE
REGISTERED LANDSCAPE ARCHITECT
MD #38522

EXPIRES: 3/16/2021

DATE: _____ Seal not valid without signature

UPDATES/REVISIONS:
REV 1 (11-18-20) - ADDRESS MNCPPC COMMENTS
REV 2 (01-29-21) - ADDRESS MNCPPC COMMENTS

PRELIMINARY/FINAL FOREST CONSERVATION PLAN PARK MONTGOMERY FIFTH (5TH) DISTRICT MONTGOMERY COUNTY, MD

CPI Associates Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394
www.cpiass.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: Enterprise Community Development, Inc.
675 Hollins Street, Suite 202
Baltimore, MD 21201

DATE: Oct 2020
SCALE: N/A

FILE NO: 2019-1296-28D

January 25, 2021

Mr. Aaron Savage
Senior Planner
M-NCPPC – Montgomery County Planning Dept.
2425 Reedie Drive
Wheaton, Maryland 20902

**Re: Forest Conservation Variance Request
Park Montgomery
FCP #pending
CPJA Project # 2019-1296**

Dear Mr. Savage:

On behalf of our client, Enterprise Community Development, Inc. ("the Applicant"), the owner of approximately 3.29 acres of land located at 8860 Piney Branch Road, Silver Spring, MD ("the Property"), we hereby request, pursuant to Section 22A-21(b) of the Montgomery County Code ("the Code"), approval of a tree variance from the provisions of the Maryland Code, Natural Resources Article §5-1607(c)(2)(ii) and §5-1607(c)(2)(iii) to allow the removal of trees on the Property that are 30" diameter at breast height (DBH) or greater, and trees that are 75% the diameter of the state champion for that species. As explained more fully below, retention of the trees proposed to be removed or impacted, identified on the plan attached hereto as Exhibit "A" (the "Subject Trees"), would result in undue hardship to the Applicant, and the peculiar conditions of the Property and the nature of the proposed improvements justify the granting of the requested Variances pursuant to Section 22A-21 (b) of the code.

This variance request is submitted as an attachment to the Preliminary Forest Conservation Plan (FCP) for the property known as "Park Montgomery". A Natural Resources Inventory Plan (NRI) for "Park Montgomery" was approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC) on October 20, 2020 (NRI# 4-20210430). Approval of this variance would allow the removal of two (2) trees with a DBH greater than 30 inches, as noted on the FCP (see the attached Exhibit A-Specimen Tree List for Park Montgomery).

TAG NO	COMMON NAME	SPECIMEN REMOVAL		TREE		HEALTH	RP	TF	CA	SP	COMMENTS	IMPACT
		SCIENTIFIC NAME	DBH									
6	Red Maple	Acer rubrum	24	Fair							To be removed	45%
10	White Oak	Quercus alba	34	Fair							To be removed	60%
12	Red Maple	Acer rubrum	28	Fair							To be removed	67%

13	Scarlet Oak	Quercus coccinea	33	Fair					To be removed	41%
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SPECIMEN TREE IMPACT										
TAG NO	COMMON NAME	SCIENTIFIC NAME	DBH	HEALTH	RP	TF	CA	SP	COMMENTS	IMPACT
1	Willow Oak	Quercus phellos	27						Off-site	24%
2	Scarlet Oak	Quercus coccinea	30	Good					To remain	0%
3	Scarlet Oak	Quercus coccinea	40	Good	X			X	To remain	21%
4	Scarlet Oak	Quercus coccinea	36	Good	X			X	To remain	41%
5	Scarlet Oak	Quercus coccinea	33	Good	X			X	To remain	17%
7	White Oak	Quercus alba	33	Fair	X			X	To remain	12%
8	White Oak	Quercus alba	35						Off-site	1%
9	Red Maple	Acer rubrum	24						Off-site	26%
11	White Oak	Quercus alba	32						Off-site	16%
14	Red Maple	Acer rubrum	29	Fair		X		X	To remain	0%
15	Red Maple	Acer rubrum	27	Good				X	To remain	0%
16	Red Maple	Acer rubrum	33	Fair		X		X	To remain	17%
17	White Oak	Quercus alba	37	Fair		X		X	To remain	43%
18	Tulip Poplar	Liriodendron tulipifera	49	Fair		X		X	To remain	66%
19	Willow Oak	Quercus phellos	26	Good		X		X	To remain	49%
20	Bradley Pear	Pyrus communis	24	Good				X	To remain	46%
21	Bradley Pear	Pyrus communis	25	Good				X	To remain	3%
22	Bradley Pear	Pyrus communis	25	Good				X	To remain	22%

Notes:

1. Trees #4, #7, #17, #18, and #19 Best practices will be used to retain. Their survival is not 100% guaranteed.

(RP)-Root Pruning

(TF)-Topical Fertilizer Biostimulant such as Mycor Tree Saver or equivalent product. Apply with high-pressure injection probe during construction.

(CA)-Core Aeration/Vertical Mulching using 2" auger bit. Space holes 2' apart in grid pattern in the CRZ to the dripline.

(SP)-Sanitary pruning is the removal of dead/dying limbs on a tree to improve its health and appearance. Pruning may be needed to raise the crown for construction.

119" of total tree calipers to be removed and replaced at a quarter, or 25%, of the total tree calipers. 30" of tree caliper to be replaced.

Trees to be removed will be replaced with trees from the Plant Schedule.

119" x 0.25 = 29.75" or 30" of tree caliper to be replaced.

EXHIBIT A

As detailed below, existing conditions, site constraints and the nature of the proposed project justify the granting of the variance pursuant to Section 22A-21(b) of the Code. Additionally, the variance is in conformance with Section 22A-21(d) of the Code because the granting of the variance (i) will not confer a special privilege on the Applicants that would be denied to others (examples – Strathmore, Grovesnor, Heart House, Mateny Hill Road Property) ; (ii) is not based on conditions or circumstances which result from the action of the Applicants; (iii) is not based on a condition related to land or building use, either permitted or nonconforming, on a neighboring property; and (iv) will not violate State water quality standards or cause measurable degradation in water quality.

Pursuant to Section 22A-21(b) of the Forest Conservation Law, the Variance request must provide the following:

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.

The Applicant provides the following to address the above criteria:

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

The subject property is located at 8860 Piney Branch Road (Parcel N935 Tax Map JP61). It is currently developed with a Residential Single Family High-Rise with on-site parking and a two-story parking structure along the west property line. The proposal to develop the property in accordance with the existing zoning (R-H) will result in the addition of second Residential Single-Family Mid-Rise with parking garage underneath it. The existing Single Family High-Rise will remain and a new single family Mid-Rise will be built where the existing two-story parking structure is located, for a total of approximately 217 units on 3.29 acres.

The proposed disturbances to trees greater than 30" DBH is needed to allow the proposed residential development for Park Montgomery. The project is not seeking any special privilege - only the minimal amount of relief necessary to allow the project to be built through the established variance process under the Forest Conservation Law.

The impacts to the trees are due to the need to provide additional parking for the new Mid-Rise building along with providing an approved fire access hammerhead on the site. We looked at different ways to reduce or provide other areas of parking and storm water management. Unfortunately, permeable pavement was not allowed due to the existing soils and steep slopes and green roofs would not provide adequate treatment.

Numerous parking options were looked at to reduce the parking spaces. An additional level of structured parking did not work due to the size of the building which does not allow enough room a ramp and vehicular circulation inside the building. It would also impact our height limit along the 45 degree setback. The parking quantity reduction was looked at, but client research for marketability of similar projects requires approximately 1 space per unit.

As you can see, every effort was made to reduce the impact of the parking and storm water management on the site to protect as many existing trees as possible, but due to the requirements for parking, fire access, storm water management, and steep slopes makes impacting the existing trees unavoidable. (See Exhibit B)

The site design is driven by the challenges to make the grading and drainage work given the existing topography, small size of the site, desired drainage for storm sewer and newer storm water recharge requirements, in addition to trying to attain required perimeter setbacks. The proposed environmental elements such as micro bio-retention areas are designed to improve rainwater management and to provide a visual, amenity. The variance request is not the result of conditions or circumstances from action taken by the Applicants and the Applicant has gone to great lengths with the site design and layout to save as many existing trees as possible.

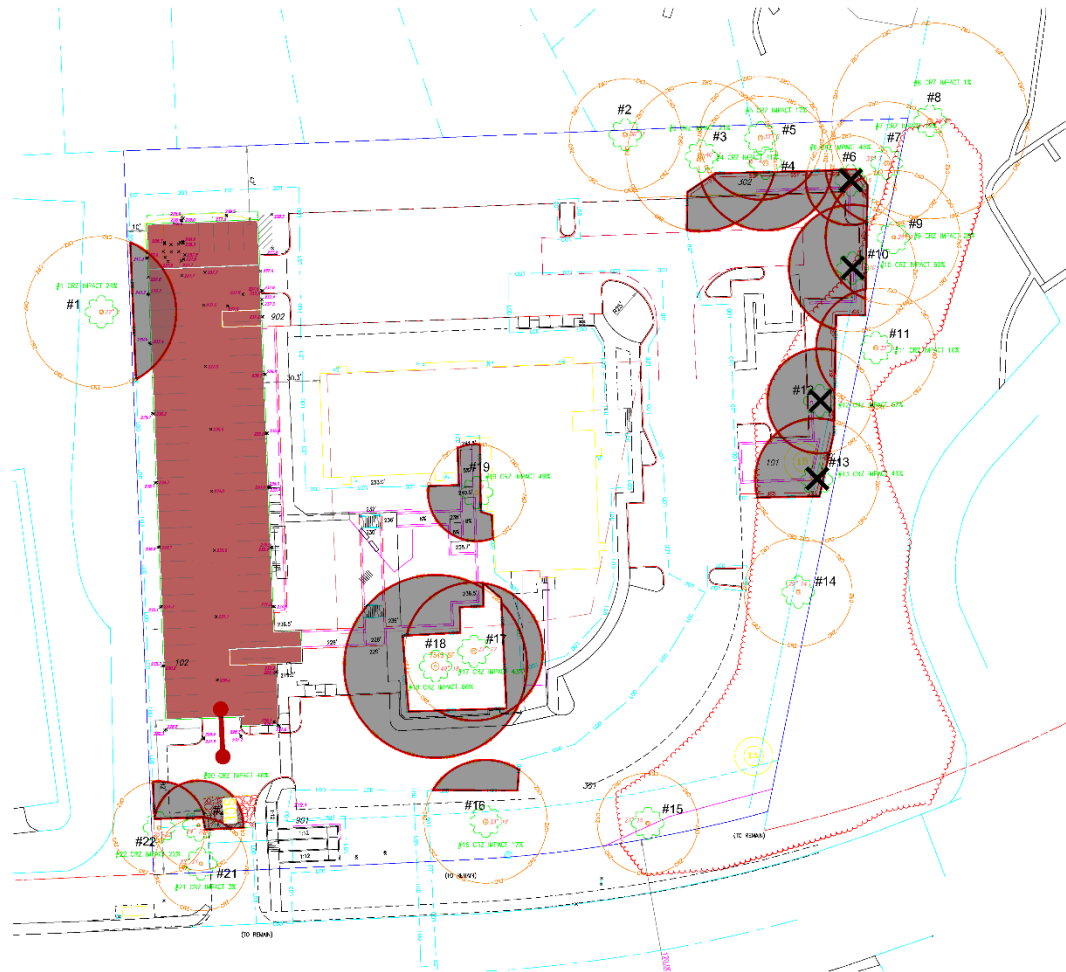


EXHIBIT B

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

The inability to remove/impact the subject trees would prevent this Applicant from developing this site which would provide much needed affordable housing to the area with close access to the future Purple Line. The code requirements for fire access, ADA access, parking and SWM makes the development of the site impossible if the existing trees are not allowed to be impacted or removed. The required grading for the site makes the impacts to the trees unavoidable without subjecting this property owner to unfair treatment. Tree removal for similar projects is common and a denial of the variance would deprive this owner of a right enjoyed by others (examples – Strathmore, Grovesnor, Heart House, Mateny Hill /road Property).

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 Project will meet all applicable water quality resource protection requirements. The Applicant will submit a Stormwater Management Concept Plan for the Project to the Montgomery County Department of Permitting Services (DPS), Water Resources Section. The Project will also meet the required water quality treatment and water quantity control needs through use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). Proposed stormwater management quantity control and quality improvement techniques include micro-biofilter

facilities in open spaces including planter boxes and possible green roofs. Therefore, the removal of the noted specimen trees will not adversely affect water quality in any measurable way.

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

The applicant met with staff on several occasions to review the proposed development plan and existing forest save areas along the boundary with adjacent subdivisions of Nob Hill Apartments and Clifton Park Village. At that time, staff indicated that although the on-site mitigation was being met, they preferred the applicant obtain reforestation off-site. Furthermore, the best practices will be used to retain trees #3, #4, #5, #7, #16, #17 and #19. It must be noted that while the Applicant will do their best to retain these trees their survival is not 100% guaranteed. As we progress through the design process, we will work with an Arborist to determine if any of these trees will need to be removed.

In accordance with Section 22A-21 (d) of the Code, the granting of this request would not confer on the Applicant a special privilege that would be denied to other applicants (examples – Strathmore, Grovesnor, Heart House, Mateny Hill Road Property). This request is typical for an application of this type. The request is not based on a condition related to land or building use on a neighboring property, and the granting of this request will not violate State water quality standards or cause measureable degradation in water quality.

Thank you for your consideration of this variance request. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,

Michael Loe, PLA, ASLA
Senior Landscape Architect
Charles P. Johnson & Assoc., Inc.

Attachments

Attachment A – Specimen Tree List(s)
Attachment B– Impact Exhibit