

December 21, 2020

Mr. Tsaiquan Gatling

The Maryland-National Capital Park and Planning Commission
Environmental Planning Division
8787 Georgia Avenue
Silver Spring, MD 20910

Subject: Variance Request

Project: Forest Conservation Plan Audubon Naturalist Society Woodend Sanctuary Project # SC2020007

Dear Mr. Gatling

On behalf of the Audubon Naturalist Society (ANS) we are submitting this variance request in accordance with Section 22A-21(b) of the Montgomery County Forest Conservation Law, for the above referenced property. On the historic property, 3 large trees will be potentially impacted by the construction of a parking lot. Protection measures will be put in place to protect the 3 trees and therefore a variance is only being requested in case removal is deemed necessary by the forest conservation inspector and/or certified arborist at the time of construction.

A. Background

The Applicant is planning to file an application for Sediment and Erosion Control permit for the construction of a small parking lot to allow access to a new foot trail, this project will provide access to the trail which being built to accommodate visitors with disabilities. The property, known as the Woodend Sanctuary (the "property") is in the North Chevy Chase neighborhood approximately 0.25 miles south of I-495. The project provides safe access to the wheelchair accessible trail which is open to the public.

The ANS project is partially located on a historic site. The parcel on the west side of Jones Mill Road contains the Woodend Mansion designed by John Russell Pope and built in 1927 which has a historic designation.

There are three forest stands on the site, as delineated in the approved FCP (SC2020007). Forest Stand 1 is located along the southern edge of the property. Forest Stand 2 is located in the northwest corner along Brierly Rd. Forest Stand 3 is located on the east side of Jones Mill Road and extends to the Rock Creek Trail. This project is occurring in a field and has no impact on the Forest Stands.

B. Tree-by-tree Analysis Removals

The Applicant has located the project to avoid forest and non-forest tree impacts, as such there are no planned forest tree removals.

C. Tree-by-tree Analysis-Disturbed/Retained

Impacts are all to non-forest trees due to the impact of grading on their critical root zones, however those impacts are minimal and being mitigated using tree protection measures

Tree LG-211

Tree LG-211 is a 25" DBH black walnut (*Juglans nigra*) in fair condition with 41% CRZ impact due to grading for the parking lot. Tree roots should be pruned at the edge of the proposed parking lot prior to construction. The tree is located outside the LOD however tree protection planking should be installed prior construction to prevent any damage to the trunk during construction activities.

Tree LG-210

Tree LG-210 is a 26" DBH yellow poplar (*Liriodendron tulipifera*) in good condition with 21% CRZ impacts due to minor grading in LOD. The tree is located outside the LOD but root pruning along extent of the parking lot excavation will ensure all tree roots are pruned.

Tree SP-207

Tree SP-207 is a 34" DBH black walnut (*Juglans nigra*) in excellent condition it with 27% CRZ impacts due to grading in the LOD. The tree is located outside the LOD but root pruning should be conducted along a portion of the access drive lane impacting approximately 13% of the CRZ. The remaining impacts to the CRZ are associated with minor cut or fill.

Non-Specimen Trees

There are 13 mature trees between 8-15" along the north fenceline in the vicinity of the proposed parking: 8 Japanese cedars (*Cryptomeria japonica*), 3 black walnut (*Juglans nigra*), 1 pin oak (*Quercus palustris*), and 1 crab apple (*Malus sp.*). None are located within the LOD. Impacts to the CRZ are limited to minor grading (mostly fill). ANS also planted 37 small native trees in the past year (eastern red cedar, flowering dogwood, American holly) along the north fenceline, none of which are impacted.

D. Requirements for the Granting of a Variance

The requirements for the granting of variance are below, followed by the applicant presentation of how those requirements are met.

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

The project objective is to develop a permeable pavement parking lot close to the nature trail. The project limits of disturbance (LOD) were designed to avoid impacts to trees as much as possible while still providing sufficient access for construction. While there are no removals and impacts could not be completely avoided because of the need to excavate for the permeable paver parking lot system.

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

Woodend sanctuary is open to the public year-round. To make the property more accessible to visitors with the Audubon Naturalist Society is currently constructing a nature trail that is designed to be usable by visitors with physical handicaps. This parking lot will allow individuals safe, direct access to the trail and does not require the removal of any trees.

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.

The variance will not violate state water quality standards or cause measurable degradation in water quality as there are no planned tree removals. The project includes the use of permeable pavers to reduce stormwater impacts and substantial additional tree and shrub planting. The proposed project will have an approved sediment and erosion control plan and will not violate any state water quality standards.

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

The applicant is minimizing tree impacts by utilizing an existing meadow area. Critical root zone impacts were calculated according to desktop data. Tree protection fencing and tree planking will be installed where necessary, as shown on the Forest Conservation Plan. Root pruning will occur under the supervision of the certified arborist.

Please contact me at 41.461.8323 or bts@cwpa.org, if any additional information is required.

Respectfully,
Center for Watershed Protection, Inc.



Bryan T. Seipp
Maryland Licensed Professional Forester (Lic. #670)

