

August 10, 2021

Maryland National Capital Park and Planning Commission (M-NCPPC)
2425 Reedie Drive,
Wheaton, Maryland 20902

Re: Woodlin Elementary School
Request for Specimen Tree Variance
MR# - MR2021029
NRI# - 420210250
Norton# 20-032

Dear Intake Division,

On behalf of the Montgomery County Public Schools and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and recent revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to or the removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation for the above-named County construction project:

Project Description:

The proposed school is going to replace the existing Woodlin Elementary, located at 2101 Luzerne Avenue, in Silver Spring, Montgomery County, Maryland. This is a 10.40-acre site that is owned by the Montgomery County Board of Education. The site currently hosts an existing school, associated parking, athletic fields and play areas. The site is bordered by residential properties on the north, and south sides, commercial property to the west, and school property to the east. The site has vehicle access from Luzerne.

Proposed construction consists of a new building to replace the existing, new parking circulation, updates to the athletic fields, and stormwater management.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states that the applicant must:

- (1) Describe the special conditions peculiar to the property or other conditions 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 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.

Justification of Variance:

- (1) Describe the special conditions peculiar to the property or other conditions which would cause the unwarranted hardship;

Response: For MCPS to implement the full program, ensuring equity among students, a usable site area of approximately 10 acres is desirable. After protecting stream buffer, steep slopes and observing extensive network of easements, the buildable area is much reduced.

With regards to the stream buffer protection, the proposed condition within most of the buffer is the reshaping of existing surface parking. Steps are being taken to improve the stream buffer area such as invasive species removal and supplemental plantings. The goal is for the applicant to improve this sensitive area to greatest extent the site conditions will allow.

As part of the program, the task is to provide the community with an updated school facility that includes safe access to the school by way of updated vehicle circulation. The school must be large enough to handle growing student capacity while working with site constraints.

This work will require disturbance of the root zones of a total of nineteen (19) specimen trees. Ten (10) of the impacted trees will be required to be removed. Impact justification for each variance tree is provided in the "Tree Variance Table" below. The limits of disturbance has been redesigned throughout the planning of this project to consider the proposed environmental impacts. Given the site area constraints, the LOD proposed has been minimized to the fullest extent to fulfill the needs of the growing student population while keeping the environmental impacts in mind. These trees will be mitigated for through landscape planting, and 0.50 acres of afforestation is being added to the site.

If MCPS is not allowed to impact the trees, the school will not be able to be constructed due to the close proximity of specimen trees to the proposed school, proposed utilities, and site grading. As such, this would cause an *unwarranted hardship* to the community that it serves.

- (2) Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;

Response: If the County were required to keep all improvements outside the root zones of the specimen trees, the building, safe access drive aisles, stormwater facilities, and parking would fail to be built due to the close proximity of specimen trees.

- (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;

Response: Tree removals have been minimized by compact design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. Additional improvements to the property includes relocating existing asphalt/impervious surfaces further away from the stream onsite. This reduces the amount of impervious surface within the existing stream buffer and will allow that area to achieve greater soil infiltration and reduce the amount of surface runoff from the parking lot to enter the stream. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*; alternatively, the relocation of impervious surfaces could help improve water quality of the onsite stream.

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

Response: Specimen tree mitigation will be required due to removals. Additional canopy planting, stream buffer planting, and overall site landscaping, will serve to create greater ecological quality onsite.

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 granting the request:

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

Response: The proposed school is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.

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

Response: Montgomery County Public Schools has taken no *actions leading to the conditions or circumstances* that are the subject of this variance request.

- (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or

Response: The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this particular 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 or cause measurable degradation in water quality.

| TREE VARIANCE TABLE | | | | | | | | | | | | | |
|---------------------|---------------------------|-----------------------|----------------|----------|-------------|-------------|----------------|--|--------------|----------|------------|-----------------------------------|--|
| Tree # | Species (Scientific Name) | Species (Common Name) | D.B.H (inches) | CRZ (SF) | IMPACT (SF) | IMPACTS (%) | Tree Condition | Comments | Status | Variance | Mitigation | Impact Comments | |
| 1 | QUERCUS PHELLOS | WILLOW OAK | 30 | 6362 | 3135 | 49 | FAIR | DEAD BRANCHES THROUGHOUT CANOPY | REMOVE | YES | YES | ASPHALT REMOVAL | |
| 8 | ROBINIA PSEUDOACACIA | BLACK LOCUST | 31 | 6793 | 6793 | 100 | FAIR | FUNGUS @ BASE. DEAD BRANCHES | REMOVE | YES | YES | PROPOSED PARKING AND GRADING | |
| 10 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 31,20 | 6793 | 6793 | 100 | GOOD | SPLIT @ 1' | REMOVE | YES | YES | STORMWATER MANAGEMENT | |
| 11 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 30 | 6362 | 6362 | 100 | GOOD | | REMOVE | YES | YES | STORMWATER MANAGEMENT | |
| 14 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 61 | 26302 | 5353 | 20 | GOOD | HEAVY VINE COVER | SAVE/PROTECT | YES | NO | STORMWATER MANAGEMENT | |
| 15 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 45 | 14314 | 793 | 6 | GOOD | MINOR VINE COVER | SAVE/PROTECT | YES | NO | STORMWATER MANAGEMENT | |
| 16 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 50 | 17671 | 822 | 5 | FAIR | HEAVY VINE COVER. DEAD SPLIT | SAVE/PROTECT | YES | NO | STORMWATER MANAGEMENT | |
| 19 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 40,33,31 | 11304 | 2879 | 25 | FAIR | MINOR ROT @ BASE. BIOTIC DAMAGE ON TRUNK | SAVE/PROTECT | YES | NO | UTILITY UPDATES | |
| 20 | CARYA GLABRA | PIGNOT HICKORY | 30,19 | 6362 | 6362 | 100 | FAIR | DEADSPACE IN CANOPY | REMOVE | YES | YES | UTILITY UPDATES | |
| 26A | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 35 | 8659 | 196 | 2 | GOOD | OFFSITE | SAVE/PROTECT | YES | NO | SIDEWALK UPDATES | |
| 28 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 33 | 7698 | 7698 | 100 | GOOD | MINOR MECHANICAL ROOT DAMAGE | REMOVE | YES | YES | PROPOSED DRIVE AISLE | |
| 31 | ACER SACCHARINUM | SILVER MAPLE | 42 | 12469 | 12469 | 100 | GOOD | MECHANICAL DAMAGE. EXPOSED ROOT FLARE. SPLIT @ 5' | REMOVE | YES | YES | PROPOSED DRIVE AISLE | |
| 33 | QUERCUS PHELLOS | WILLOW OAK | 42 | 12469 | 12469 | 100 | GOOD | EROSION NEAR ROOTS FROM FOOT TRAFFIC | REMOVE | YES | YES | STORMWATER MANAGEMENT | |
| 35 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 37 | 9677 | 9677 | 100 | GOOD | EROSION NEAR ROOTS FROM FOOT TRAFFIC | REMOVE | YES | YES | PROPOSED DRIVE AISLE AND SIDEWALK | |
| 37 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 49 | 16972 | 1136 | 7 | GOOD | OFFSITE | SAVE/PROTECT | YES | NO | GRADING AND SIDEWALK UPDATES | |
| 42 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 42 | 12469 | 12469 | 100 | GOOD | HEAVY VINE COVER | REMOVE | YES | YES | GRADING AND UTILITY UPDATES | |
| 44 | JUGLANS NIGRA | BLACK WALNUT | 31 | 6793 | 576 | 8 | GOOD | OPENING IN TRUNK UP TO 20', DOES NOT IMPACT HEALTH | SAVE/PROTECT | YES | NO | GRADING | |
| 46 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 60 | 25447 | 605 | 2 | FAIR | CO-OWNED. HEAVY VINE | SAVE/PROTECT | YES | NO | GRADING | |
| 49 | LIRIODENDRON TULIPIFERA | YELLOW POPLAR | 50 | 17671 | 322 | 2 | GOOD | OFFSITE | SAVE/PROTECT | YES | NO | GRADING | |

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, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this vital project.

The recommendations in this report are based on tree conditions noted at the time the NRI/FSD 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. 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 "M. Norton". The signature is fluid and cursive, with the first letter being a large, stylized "M".

Michael Norton