



April 1, 2021

CNDSX20002

Ms. Gwen Wright
Planning Director
Maryland-National Capital Park and Planning Commission
Montgomery County
2425 Reedie Drive, 4th Floor
Wheaton, MD 20902

**RE: JOHNS HOPKINS MEDICAL OFFICE AND
 SURGERY CENTER AT BELWARD
 SITE PLAN 820210120
 SPECIMEN TREE VARIANCE**

Dear Ms. Wright:

Submitted in conjunction with the Site Plan and Final Forest Conservation Plan for this project, please see enclosed a Specimen Tree Variance for impacts associated with this project. On behalf of the Applicant, Johns Hopkins Health System - Facilities, we are requesting a tree variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code from Section 22A-12(b)(3) for significant impacts to specimen trees. More specifically, Section 22A-12(b)(3) provides for the non-disturbance of “any tree with a diameter, measured at 4.5 feet above the ground, of: (i) 30 inches or more; or (ii) 75% or more of the diameter, measured at 4.5 feet above ground, of the current State champion tree of that species.”

This initial development of the Belward Farm includes a single building and surface parking. Associated stormwater and utility improvements are provided. Road improvements along Darnestown Road and the construction of the first portion of the Darnestown Promenade are also provided. This project will access MD Route 28 at the existing signalized intersection of Darnestown Road and Key West Avenue. Construction of the first 500' +/- of Road B-4 will be provided with this plan to provide access to the building. Future plans for the campus will require the construction of the rest of Road B-4 and Belward Campus Drive, north of this site.

The Final Forest Conservation for this project shows forest retention and afforestation consistent with the approved Preliminary Forest Conservation Plan (File # 11996110A). The Final Forest Conservation plan also shows the specimen trees located on the site. Pennoni Associates visited the site on April 16, 2020, and March 11, 2021 to confirm the current condition of the trees.

The subject property contains a total of 109 specimen trees on and adjacent to the property, most of which are located along the north and east boundaries of the site, and along the stream corridors. There are approximately 14 isolated specimen trees located in the general vicinity of this first building, along the eastern edge of the limits of disturbance. 3 specimen trees will be required to be removed due to impacts associated with this project. Critical Root Zones (CRZ) for all specimen trees have been shown based on the formula of 1.5' of CRZ radius for each 1" of tree diameter at 4.5' above the ground. The specimen trees to be impacted are further described below.

Specimen Tree Descriptions

The proposed disturbance of trees 24" DBH or greater (specimen trees) is being requested to allow the development of this facility. The site plan has been designed in an effort to significantly minimize CRZ impacts to existing specimen trees by minimizing limits of disturbance and limiting the construction of infrastructure.

For reasons described in the justification below, the Applicant respectfully requests the approval of the variance for the trees listed, in order to construct specifically Road B-4 and the work associated with this road.

Tree #97, is a White Oak (*Quercus alba*) with a diameter of 39.5" DBH. The tree is listed in fair condition based on recent site visits by Pennoni Associates. The tree has some dead branches in its crown. The crown has been heavily pruned over the years, in part due to the proximity of overhead utility lines, and large sections of bark are flaking from tree. Due to the proposed road improvements, including paving, curbing, stormwater management required for the road, sidewalks, and associated grading, there is an impact of 100% to the critical root zone. Due to the location of this tree within the pavement of the proposed road, it will have to be removed at the time of construction. There is no reasonable possibility of saving this tree.

Tree #96, is a White Oak (*Quercus alba*) with a diameter of 34.6" DBH. The tree is listed in fair to poor condition based on recent site visits by Pennoni Associates. The tree shows signs of some suckering on the trunk and large limbs. The tree has been heavily pruned over the years for overhead powerlines. The tree is heavily impacted by an existing driveway and the associated grading. There are also dead limbs throughout the crown. Due to the proposed road improvements, including paving, curbing, stormwater management required for the road, sidewalks, and associated grading, there is an impact of 47% to the critical root zone. Due to the location of this tree near the edge of the proposed road, there would only be a limited possibility of saving this tree. We are recommending its removal.

Tree #88, is a White Oak (*Quercus alba*) with a diameter of 35.3" DBH. The tree is listed in good condition based on recent site visits by Pennoni Associates. The tree has some large dead limbs and is heavily impacted by the existing driveway. Due to the proposed road improvements, including paving, curbing, stormwater management required for the road, sidewalks, and associated grading, there is an impact of 40% to the critical root zone. Due to the location of this tree near the edge of the proposed road, there would only be a limited possibility of saving this tree. We are recommending its removal.

Tree #74, is a White Oak (*Quercus alba*) with a diameter of 31.6" DBH. The tree is listed in good condition based on recent site visits by Pennoni Associates. The tree has some minor dead limbs and is heavily impacted by the existing driveway. Due to the proposed grading, there is an impact of 15% to the critical root zone. Impacts to this tree are minimal, with minimal grading relatively far from the trunk and canopy so it will be retained at this time.

Tree #76, is a twin White Oak (*Quercus alba*) with a diameter of 24.1" DBH. The tree is listed in good condition based on recent site visits by Pennoni Associates. The tree has some large dead limbs and is heavily impacted by the existing driveway. Due to the proposed grading, there is an impact of 2% to the critical root zone. Impacts to this tree are minimal so it will be retained at this time.

Tree #77, is a White Oak (*Quercus alba*) with a diameter of 39.7" DBH. The tree is listed in good condition based on recent site visits by Pennoni Associates. The tree has some minor dead limbs, a thin crown and the trunk splits about 10' off the ground. Due to the proposed grading, there is an impact of 3% to the critical root zone. Impacts to this tree are minimal so it will be retained at this time.

Specimen Tree Impact Table						
No.	Common Name	Botanical Name	DBH (in)	Condition	Comments	Impacts
74	White Oak	<i>Quercus alba</i>	31.6	Good	some minor dead limbs, tree heavily impacted by existing driveway	LOD encroaches on 15% of CRZ.
76	White Oak	<i>Quercus alba</i>	24.1 (twin)	Good	some minor dead limbs, tree splits about 4 feet up	LOD encroaches on 2% of CRZ.
77	White Oak	<i>Quercus alba</i>	39.7	Good	some minor dead limbs, thin crown trunk, trunk splits about 10 feet up	LOD encroaches on 3% of CRZ.
88	White Oak	<i>Quercus alba</i>	35.3	Good	some large dead limbs, heavily impacted by existing driveway	LOD encroaches on 40% of CRZ.
96	White Oak	<i>Quercus alba</i>	34.6	Fair-Poor	some suckering on trunk and large limbs, heavily pruned for powerlines, heavily impacted by existing driveway some dead limbs	LOD encroaches on 47% of CRZ.
97	White Oak	<i>Quercus alba</i>	39.5	Fair	some dead branches in crown, crown heavily pruned, large sections of bark flaking off	Tree will be removed - 100% impacts to CRZ

Justification

Section 22A-21(b) of the Montgomery County Code provides the criteria for the granting of the variance requested herein. The following demonstrates how the requested variance is justified under the set of circumstances described above.

This Forest Conservation Plan variance request is for 3 on-site specimen tree to be impacted greater than 30% and removed and 3 Specimen trees to be impacted less than 30%.

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

The specimen tree impacts are a direct result of the alignment of the proposed road B-4. This road has been located per the approved Preliminary Plan Amendment to align with the existing signalized intersection at MD 28 (Darnestown Road) and Key West Avenue. This road has a divided median restricting the locations at which full movement access points can be provided. The existing traffic signal and road network have established where the proposed road connection must be located in order to maintain the safe and efficient flow of traffic to and from this site. This entrance will be one of the primary entrance points into this campus since it is a full movement entrance allowing for right and left turns across the divided roadway. Locating this entrance elsewhere along the southeastern frontage of the property to avoid impacts to Specimen Tree 96 and 97 is not an alternative, due to the location of the existing traffic signal and intersection, the existing median, the property boundaries, the historic farm to the west of the proposed building, and intersection spacing requirements.

The design of Road B-4 is based on County road standards. This is a private road located within a public use easement. The horizontal and vertical road alignment have been established based on the approved Preliminary Plan and preliminary road grade establishment plans. The road grades have also been set based on the grades needed to provide adequate access to the proposed building. Making small adjustments in the road location by steepening the road grade or changing the road alignment will still result in impacts to Specimen Trees 96, 97, and 88. The typical section for the proposed roads is based on what was approved in the Preliminary Plan.

The Preliminary Plan established the road alignments based on specific building massings and development objectives. The subject site within this campus is bordered to the west by a historic farmstead, and can't push farther in that direction. Realigning the private road B-4 to reduce the impacts to Specimen Tree 88, would result in a significant reduction in onsite parking, resulting in a hardship to the project. Such a realignment would also significantly impact the drop off sequence associated with this building by reducing the driveway at the front of the building. Due to the proposed use of the building, the ability to efficiently drop off patients of limited mobility at the front entrance is critical. The intersection of Road B4 with Darnestown Road has been shifted to the west approximately 12', but impacts to the trees at this intersection still remain. The intersection cannot be shifted any further and conform to County and State road design standards, and pedestrian crosswalk requirements.

Because this is a private road within a public use easement, stormwater management for the road is to be located within close proximity to the road itself and distinct from the other on-site facilities in order to comply with Environmental Site Design guidelines. The construction of stormwater facilities will impact Specimen Trees 96 and 97, and to a lesser extent Tree 88.

Utility connections for the campus and the proposed buildings also result in impacts to Specimen Trees 96, 97 88. Due to the location of existing utilities in MD Route 28 and sewer across MD Route 28, and the need for utilities to run under pavement and within easements, avoiding impacts associated with utilities would represent a hardship. The proposed building cannot reasonably obtain sewer or water service from any other location.

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

Strict enforcement of this chapter would do several things. First, it would eliminate the possibility of access along this portion of the site frontage. Based on the existing conditions described above, there

is one location where an access point can be sited along the site frontage of Darnestown Road relative to the proposed building. Not only would this impact the proposed building, but it would also negatively impact the future development of the campus as the proposed entrance at a full-movement, signalized intersection will be one of the primary means of access for the campus. Second, it would require the extension of a road in some other direction to provide access to the building, resulting in significant additional infrastructure costs to the project.

- (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; and*

This project will comply with County and State water quality standards through the submission and approval of stormwater management and sediment control plans. Stormwater management will be designed according to Environmental Site Design criteria, and will include devices such as green roofs, microbioretention facilities, and bioswales. Currently no stormwater management exists on the site. The stormwater management that is proposed will result in an improvement to water quality by meeting the “woods in good condition” standard required as part of Environmental Site Design. Removing the specimen trees will not affect the ability to achieve that goal.

Additionally, a large number of landscape plantings are proposed as part of this project. These will have a positive impact on water quality, providing nutrient uptake and shading of the site. The County’s tree canopy coverage requirements will be exceeded for this project. Tree canopy of 30% (64,393 sf) is required for the proposed development. Tree canopy of 30% (64,920 sf) is provided with the proposed development.

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

We feel that the information provided is adequate to justify this request. Please see attached an exhibit showing the impacts, as well as photographs of the existing trees.

The requested variance satisfies the conditions under which a variance must not be granted as follows:

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

The requested variance does not confer any special privileges. The applicant must still conform with all applicable County requirements and proposes to do so with this plan.

- (2) *is based on conditions or circumstances which result from the actions by the applicant;*

The requested variance is not as a result of actions by the applicant. The conditions on the property relative to specimen trees predate the acquisition of the property by the applicant. The existing road network was in place prior to the acquisition of the property.

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

The proposed variance is related solely to the subject property not to any neighboring properties.

- (4) *will violate State water quality standards or cause measurable degradation in water quality.*

As noted above the proposed development will result in an improvement to water quality providing stormwater management where none currently exists.

Please contact us with any further questions or comments on this request.

Sincerely,

PENNONI ASSOCIATES INC.



Peter J. Stone, RLA LEED AP B D +C
Project Manager



Tree 74-76



Tree 74-76



Tree 77



Tree 88



Tree 96



Tree 97