



May 24, 2023
Revised August 4, 2023

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

Re: Woodward High School Phase 2
Request for Specimen Tree Variance
Amended FCP# - F20230360
NLD# 19-049

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 Amended Final Forest Conservation Plan for the above-named County construction project:

Project Description:

The proposed amendment is for phase 2 of the school project. This phase is for the ballfields that are to be built in the rear of the property. The construction is for 1 baseball, 1 softball, 1 football field with track and bleachers. There are associated items on the plan such as shotput, batting cage, etc. that are associated with a high school. This project is sloping toward the southeast corner of the site. In order to achieve the necessary slopes for the facilities, there are retaining walls around the perimeter of the ballfields and impacts to an adjacent property owned by Montgomery County that is being treated as offsite impacts for the forest conservation plan.

Only the trees removed as part of phase 2 are included in this variance request.

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 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.

Justification of Variance:

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

Response: As part of the program, the task is to provide the community with an updated school facility that includes the new ballfields as described above. This is a unique school site in a suburban/urban condition that necessitates significant grading to achieve the requirements.

This work will require disturbance of the root zones of a total of twenty one (21) specimen trees. Eighteen (18) of the impacted trees will be required to be removed. Impact justification for each variance tree is provided in the “Tree Variance Table” below.

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

- (2) Describe how enforcement of these rules 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 ballfields, stormwater facilities, and athletic facilities 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: 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 include control of erosion and outfall stabilization. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

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

Response: A robust tree mitigation plan is proposed to provide both canopy coverage and evergreen screening. Additional canopy planting will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential).

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 (residences) 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.

VarianceTree Summary												
Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	CRZ (SF)	IMPACT (SF)	IMPACTS (%)	Tree Condition	Comments	Status	Variance	Mitigation	Impact Comments
14	ROBINIA PSEUDOACACIA	BLACK LOCUST	45	14314	14314	100	GOOD		REMOVE	YES	YES	PROPOSED SEWER UTILITY & GRADING
15	PRUNUS SEROTINA	BLACK CHERRY	30	6362	6362	100	GOOD		REMOVE	YES	YES	PROPOSED SEWER UTILITY & GRADING
16	ROBINIA PSEUDOACACIA	BLACK LOCUST	35	8659	8659	100	GOOD		REMOVE	YES	YES	GRADING
23	PINUS STROBUS	WHITE PINE	35	8659	8659	100	GOOD		REMOVE	YES	YES	GRADING
25	PINUS STROBUS	WHITE PINE	30	6362	6363	100	GOOD		REMOVE	YES	YES	GRADING
27	PINUS STROBUS	WHITE PINE	33	7698	7698	100	GOOD		REMOVE	YES	YES	GRADING
29A	PINUS STROBUS	WHITE PINE	31	6793	6793	100	GOOD		REMOVE	YES	YES	GRADING
29D	PINUS STROBUS	WHITE PINE	31	6793	6793	100	GOOD		REMOVE	YES	YES	GRADING
30	PINUS STROBUS	WHITE PINE	30	6362	6362	100	GOOD		REMOVE	YES	YES	GRADING
37	PINUS STROBUS	WHITE PINE	31	6793	6793	100	GOOD		REMOVE	YES	YES	MAJOR AMOUNT OF GRADING
38	PINUS STROBUS	WHITE PINE	31	6793	6793	100	GOOD		REMOVE	YES	YES	MAJOR AMOUNT OF GRADING
41	QUERCUS PHELLOS	WILLOW OAK	41	11882	11882	100	GOOD		REMOVE	YES	YES	GRADING
43	JUGLANS NIGRA	BLACK WALNUT	32	7238	1021	14	GOOD	OFFSITE	SAVE/PROTECT	YES	NO	GRADING
43A	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	35	8659	863	10	GOOD	CORRECTIVE LEAN	SAVE/PROTECT	YES	NO	GRADING
45	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	35	8659	8659	100	GOOD		REMOVE	YES	YES	GRADING
46	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	55	21382	21382	0	GOOD		REMOVE	YES	YES	GRADING
47	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	50	17671	17671	100	GOOD		REMOVE	YES	YES	GRADING
48	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	38	10207	10207	100	GOOD		REMOVE	YES	YES	GRADING
49	QUERCUS ALBA	WHITE OAK	41	11882	11882	100	GOOD		REMOVE	YES	YES	GRADING
64	PINUS STROBUS	WHITE PINE	30	6362	6362	100	GOOD		REMOVE	YES	YES	GRADING
14E	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	52	19113	2105	11	GOOD	SWELLS IN BASE	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", written in a cursive style.

Michael Norton