



January 31, 2024

Maryland National Capital Park & Planning Commission
2425 Reedie Drive
Wheaton, MD 20902

Re: Springvale Terrace Forest Conservation Plan
MHG Project No. 20.315.21

To Whom It May Concern:

On behalf of Enterprise Community Development, the applicant of the above referenced Forest Conservation Plan, we hereby request a variance from Section 22A-12.b(3)(C) of the Montgomery County Code, Chapter 22A for the removal of three specimen trees and impact of two specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. The proposed removal of three trees and impacts to two trees over thirty inches satisfies the variance application requirements.

Enterprise Community Partners is a national nonprofit that exists to make a good home possible for the millions of families without one. Together with their partners, Enterprise focuses on the greatest need – the massive shortage of affordable rental homes. Enterprise has partnered with Seabury Resources for the Aging on the redevelopment of the Property. Seabury Resources for Aging's mission is to provide personalized, affordable services and housing options to help older adults in the greater Washington, DC area live with independence and dignity.

The Property is currently improved with a senior living facility known as Seabury at Springvale Terrace which is operated by Seabury Resources for Aging. The existing building currently provides 146 affordable, assisted living and independent living units. The vast majority of the living suites are small studio apartments that lack full kitchens and as such, the building is difficult to market. For all these reasons, the existing community is functionally obsolete and does not meet the needs of today's seniors. As such, Enterprise and Seabury have partnered together to redevelop the existing building with a modern, senior living community. Importantly, through this redevelopment, the number of units will be increased from 146 to approximately 237 and will remain 100% affordable. The Project also will provide residential amenities, generous common areas to be shared by residents, landscaping, associated parking, and other site improvements.

The property is within the bounds subject to the Silver Spring Downtown and Adjacent Communities Plan Design Guidelines, which influence the site layout as discussed below.

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

There are currently no sidewalks along the Cloverfield Road frontage, where trees #4, #6, and #8 are located. Cloverfield Road is classed as a Neighborhood Streets and, in accordance with the Silver Spring Downtown and Adjacent Communities Design Guidelines, a 6 foot wide sidewalk separated from the street by a buffer space is proposed. Additionally, because of the existing steep slopes along the Cloverfield Road frontage, substantial regrading is required for an accessible sidewalk and to provide a swale to channel stormwater runoff. The required sidewalk will necessarily run through the location of the three trees. Consequently, to meet these design requirements, the removal of the three trees is necessary.

Tree #7 is located offsite, but its critical root zone extends under Cloverfield Road. The proposed larger residential building will require increased sewer capacity, requiring connection to the sewer in the Cloverfield Road right-of-way. This sewer connection may minorly impact tree #7.

Tree #14 is located offsite, and its critical root zone extends under Springvale Road. The relocation of the existing gas main and the necessary sewer connections in the Springvale Road right-of-way may minorly impact tree #14.

For both impacted trees, necessary stress reduction measures will be provided by an arborist to promote their survivability. For all of the above reasons, not allowing the proposed removals and impacts would be a hardship that is not warranted.

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

The landowner's rights to develop their property as is done by others in similar areas would be deprived by not allowing the removal and impacts to the subject trees. As detailed above, both the removals and the root zone impacts are unavoidable in order to develop the property in compliance with Design Guidelines and to provide utility connections for future residents. The inability to remove and impact the subject trees would prevent the development of the property. This creates a significant disadvantage for the applicant and deprives the applicant of the rights enjoyed by the neighboring and/or similar properties not subject to this approval process.

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;*

A Stormwater Management Concept was submitted for the proposed improvements. Stormwater treatment is provided by seven micro-bioretenion planter box facilities and four standard micro-bioretenion facilities. Currently there is no stormwater treatment on-site therefore the redevelopment offers an improvement in water quality leaving the site. The required ESD volume treatment is 12,683 cu. ft., with the proposed micro-scale practices the ESD volume provided will be 13,820 cu. ft. (above the requirement). The

stormwater management concept plan confirms that the goals and objectives of the current state water quality standards are being met.

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

Mitigation will be provided with appropriate spacing from existing features for all specimen trees to be removed and stress reduction measures provided for both impacted trees. A copy of the Forest Conservation Plan and a variance tree spreadsheet have been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

Please contact me via email, at fjohnson@mhgpa.com, or by phone, at (301) 670-0840 should you have any additional comments or concerns.

Thank you,

Frank Johnson

Frank Johnson

VARIANCE TREE IMPACT TABLE

Tree ID#	DBH	Species	% Impacted	Condition	Mitigation
7	36	Silver Maple	15%	Good	Root pruning as necessary
14	50	Pin Oak	5%	Fair	Root pruning as necessary

VARIANCE TREE REMOVAL TABLE

Tree ID#	DBH	Species	% Impacted	Condition	Mitigation
4	30	Siberian Elm	100%	Good	Remove
6	31	Siberian Elm	100%	Good	Remove
8	30	Siberian Elm	100%	Fair	Remove

91" removed/4 = 22.75" to be met via 8 trees at 3" DBH