# Montgomery Planning

# CHEVY CHASE CLUB, FOREST CONSERVATION PLAN AMENDMENT NO. F20240150



Forest Conservation Plan Amendment application for disturbance associated with golf course renovations including stream naturalization, irrigation and storm drain improvements. Project includes the removal of existing Category I Easement areas with onsite mitigation.

No. F20240150

Completed: 3-22-2024

MCPB Item No. 6 04-04-2024

Montgomery County Planning Board 2425 Reedie Drive, Floor 14 Wheaton, MD 20902

Montgomeryplanning.org

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# LOCATION/ADDRESS

6100 Connecticut Avenue, Chevy Chase

# MASTER PLAN

1990 Bethesda Chevy Chase Master Plan

# ZONE

R-60

**PROPERTY SIZE** 

190 Acres

# APPLICANT

Chevy Chase Club

# ACCEPTANCE DATE

September 19, 2023

# **REVIEW BASIS**

Chapter 22A

# Summary:

- Staff recommends approval of the Forest Conservation Plan Amendment application for disturbance related to golf course renovations including stream naturalization, irrigation, and storm drain improvements.
- The original Forest Conservation Plan was approved in 1996. This FCP, No. F20240150 will amend all previous Forest Conservation Plans approved under Final Forest Conservation Plan No. SC1996001.
- Project includes the removal of 1.63 acres of Category I Forest Conservation Easement areas with onsite mitigation.
- Planning Board approval is required for Forest Conservation Plan Amendments that include the removal of conservation easements.
- The project is subject to a variance for impacts to trees ≥30" DBH per Section 22A-12(b)(3)(C) and, per Section 22A-12(b)(3)(D), the proposed forest clearing activity within the Stream Valley Buffer (SVB) is independently also subject to the variance provisions.
- As of the date of this Staff Report, no correspondence has been received.

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# SECTION 1: RECOMMENDATIONS AND CONDITIONS

# FOREST CONSERVATION PLAN F20240150

Staff recommends approval of Chevy Chase Club, Forest Conservation Plan Amendment No. F20240150 with the following conditions<sup>1</sup> which supersede all other conditions of approval under Final Forest Conservation Plan No SC1996001.

- 1. Before the start of any demolition, clearing, grading, or construction for this Application, whichever comes first, the Applicant must:
  - a. Record an Amended and Restated Category I Conservation Deed of Easement that: (1) amends and restates the Category I Conservation Deed of Easement, dated October 8, 2013 and recorded October 29, 2013 at Liber 47878 folio 429; and (2) reflects the entire easement area as shown on the Certified Final Forest Conservation Plan. Such new easement agreement must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed before the Deed of Release of Conservation Easement for the existing conservation easement can be recorded.
  - b. Submit a Deed of Release of Conservation Easement for the Category I Conservation Easement recorded among the County Land Records in Liber 47878, folio 429 in a form approved by the M-NCPPC Office of General Counsel. The Deed of Release must be recorded in the Montgomery County Land Records. The entirety of the existing easement remains in full force and effect until the Deed of Release has been approved and recorded in the Montgomery County Land Records. The Deed of Release cannot be approved by M-NCPPC until the new easement is recorded.
  - c. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the Forest Conservation Plan ("FCP"), or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - d. Record an Amended and Restated Forest and Tree Management Agreement that amends and restates the Forest and Tree Management Agreement, dated October 8, 2013 and recorded October 29, 2013 at Liber 47879 folio 001 ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation

<sup>&</sup>lt;sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor (s) in interest to the terms of this approval.

plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.

- e. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the approximately 1.79 acres (as the final acreage is determined and shown on the Certified Final Forest Conservation Plan) of new onsite forest planting, mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
- 2. Before certification of the FFCP the plans must be revised per the following:
  - a. Update the invasives control plan to address long term measures to control bamboo throughout the easement areas.
  - b. Perform minor corrections/clarifications in coordination with M-NCPPC Planning staff.
- 3. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- 4. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- 5. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- 6. The Applicant must control the invasive species throughout the conservation easement areas and address any onsite invasives outside of the easement setting as feasible, to among other things reduce the seedbank (and other propagative parts) that would otherwise continue to affect the easement areas.
- 7. The Forest Conservation Inspector may authorize or require alternate methods of invasive control to be implemented.
- 8. The Applicant must install the Afforestation/Reforestation plantings for areas outside of the limits of disturbance as shown on the approved FCP, within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County

Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

- 9. The Applicant must install the plantings located inside the LOD, as shown on the approved FCP, in the first planting season following the release of the sediment control permit.
- 10. The Applicant must install the variance tree mitigation plantings as shown on the approved FCP within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling at least 200.75" caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
- 11. The mitigation plantings must be at least five (5) feet away from any structures, paving, stormwater management facilities, PIEs, PUEs, ROWs, utility lines, and/or their associated easements.
- 12. Before acceptance of the plantings, the conservation easement boundary markers must be installed with unique numbers applied to each existing and new monument, and a corresponding map is to be provided to the Forest Conservation Inspector.

# VICINITY

The Subject Property (Property or Project) outlined in red below is home to the Chevy Chase Club and is approximately 190 acres in size, stretching from Connecticut Avenue to the east, to Wisconsin Avenue to the west. The Property is located at 6100 Connecticut Avenue at the southeast quadrant of the intersection of Wisconsin Avenue and Bradley Boulevard. The Property is primarily surrounded by single-family detached homes in the R-60 Zone.

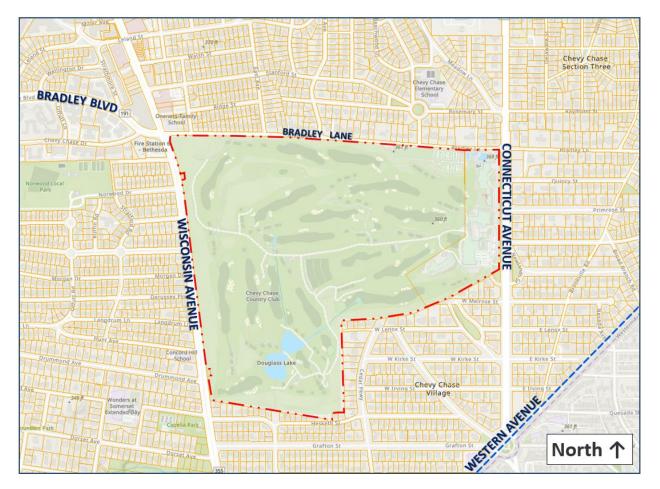


Figure 1 – Vicinity Map

# **PROPERTY DESCRIPTION**

The Subject Property is comprised of Parcel A, as recorded on December 12, 1997, on Plat No. 20566 (MNCPPC Number: 605-27) and Parcel B which was recorded on January 17, 2003, on Plat No. 22441 (MNCPPC Number 619-86). Both parcels are located within Block A and are in the R-60 zone.

The Property consists of approximately 190 acres and is within the 1990 *Bethesda-Chevy Chase Master Plan.* The Property is bordered on the east by Connecticut Avenue, on the north by Bradley Lane, to the west by Wisconsin Avenue, and to the south by the Chevy Chase Village. As shown below in Figure 2, the Property is developed with a golf course occupying most of the Property, and features a club house, pool, tennis courts, and other recreational facilities and ancillary buildings, all of which are generally concentrated within the eastern portion of the Property. Minor portions of the Property along Connecticut Avenue are within the Chevy Chase Village Historic District (Resource Number 35/013-000A).



# Figure 2 – Subject Property

The overall Property includes various forest settings and contains numerous significant and specimen trees throughout the site. Approximately 34.3 acres of existing Category I Forest Conservation

Easements comprised of 16 individual areas located throughout the Property (refer to Figure 3 further below).

There are multiple stream channels existing onsite which are generally located along the southern boundaries and within the western center of the site. The channels converge near the south center of the Site and then flow offsite into a culvert. There are pockets of wetland areas associated with some of the stream channels. Minor areas of platted 100-year floodplain occurs along portions of the southeast perimeter of the site (near Connecticut avenue).

The Property is mostly located within the Little Falls Watershed which is a Use Class I-P<sup>2</sup> watershed. However, a minor portion of the Property (along the Bradley Lane frontage) is located within the Lower Rock Creek watershed which is Use Class I watershed<sup>3</sup>.

The topography is gently rolling throughout, however there are pockets of steep slopes that are greater than 25 percent located along some of the stream banks or associated with man-made landforms within the golf course. No highly erodible or hydric soils are mapped on the Property, there are no known rare, threatened, or endangered species on the site.

# **SECTION 3: PROJECT DESCRIPTION**

# **PREVIOUS APPROVALS**

The Chevy Chase Club has existed on the Property for approximately 130 years. The first renovation that was subject to a Forest Conservation Plan (FCP) occurred in 1996 under the FCP SC1996001 which was administratively approved on April 30, 1996. The "SC" designation was assigned to projects that were applicable to the Forest Conservation Law under the trigger of requiring a Sediment Control Permit on a property that is 40,000 square feet or greater and not subject to another type of regulatory review such as Preliminary Plan or Site Plan. The FCP has been administratively amended several

<sup>3</sup> Use I:

<sup>&</sup>lt;sup>2</sup> Use I-P:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE, AND PUBLIC WATER SUPPLY Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply, industrial water supply, and use as a public water supply.

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.

times since the original approval for other renovations and/or updates to the facilities and grounds. The approval memos for the original approval and subsequent amendments are found in Attachment C. The amendment memos are dated November 6, 1997, March 12, 2002, October 10, 2008, July 17, 2013, which was followed up with a subsequent amendment shortly thereafter on December 17, 2013, to fine-tune the previously approved design to address minor design changes and utility work. The last amendment occurred on November 16, 2017, for new maintenance facility site and other renovations. All previous FCPs are under the same plan number SC1996001.

## PROPOSAL

The current amendment application is for golf course renovations including stream naturalization, irrigation, and storm drain improvements. The Project includes the abandonment of 1.63 acres of existing Category I Easement areas with onsite mitigation of 1.79 acres of new easement. As explained in more detail in the Forest Conservation analysis section, the new onsite easement areas will provide a net increase of the overall stream valley buffer (SVB) within protected easement and result in more contiguous and larger protected areas, expanding the overall shape and filling in gaps between previously separated areas of the existing Conservation Easements. The easement modifications are necessary to implement the proposed improvements across all 18 holes including restoration and redesign to tees, fairways, and greens as well as the naturalization of two existing water features. A course wide irrigation improvement plan will also be implemented to replace the Club's failing irrigation system. The proposed improvements will provide sustainable playing conditions and result in an overall enhancement of the environmental features of the site.

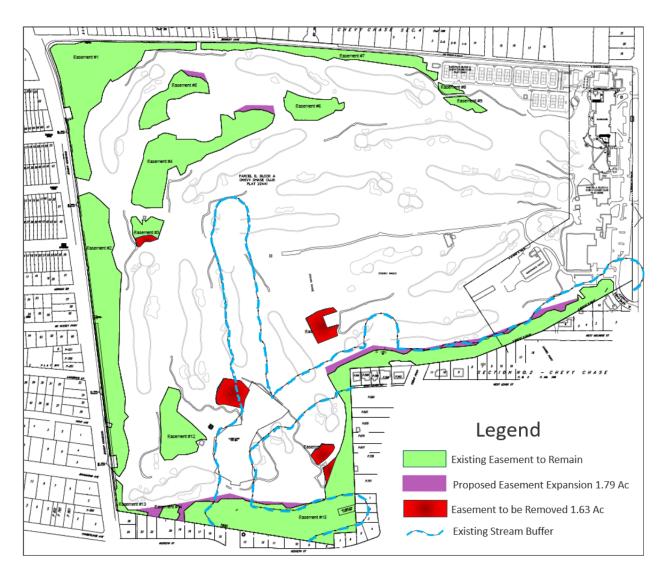


Figure 3 – Proposed Easement Areas

# SECTION 4: COMMUNITY OUTREACH

The Applicant has met all proper signage and noticing requirements for the submitted Application. As of the date of this Staff Report, Staff has not received any correspondence related to this Application.

# SECTION 5: FOREST CONSERVATION PLAN F20240150 FINDINGS AND ANALYSIS

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Forest Conservation Plan complies with

the Montgomery County Environmental Guidelines and the Forest Conservation Law<sup>4</sup>, as conditioned and described further below. Included with the Forest Conservation Plan is a request for a tree variance for impacts to subject trees greater than 30" DBH per Section 22A-12(b)(3)(C), and impact to forested stream valley buffer per 22A-12(b)(3)(D), since the proposed clearing activity within the SVB is independently also subject to the Variance provisions.

# Natural Resource Inventory/Forest Stand Delineation Plan

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) # 419960570 was originally approved for the Subject Property on October 31, 1995, and later updated on January 16, 2007, under NRI/FSD #420062580.

# **Forest Conservation Plan**

The Property is zoned R-60, however, as reflected in the previously approved plans, is classified as Commercial Development Area ("CIA") as defined in Section 22A-3 of the FCL and specified in the Trees Technical Manual. The current Forest Conservation Plan, No. F20240150 proposes removal of 1.63 acres of Category I Forest Conservation Easement and replacement with 1.79 acres of new Category I Conservation Easement. The new easement areas will contain a mix of existing vegetation and proposed plantings that are located in settings which are generally comparable or in more desirable locations than the areas to be removed. Furthermore, the new footprint/layout will result in a net increase of the overall protection of the stream valley buffer. Of the 1.63 acres of Category I Forest Conservation Easement being removed, approximately 0.16 acres of the of the removal and clearing is within the stream valley buffer. Whereas an additional 0.92 acres of stream valley buffer will be planted and protected by a Category I Forest Conservation Easement, for a net increase of 0.76 acres of protected and planted stream valley buffer. The proposed FCP No. F20240150 results in more contiguous and larger easements within the stream valley buffer and expands the overall shapes while also consolidating the remaining Category I Forest Conservation Easements.

# Variance Requests

FCP No. F20240150 includes two variance requests. The first variance request is for clearing activity within a stream valley buffer which is subject to the variance provisions under 22A-12(b)(3)(D). furthermore, the variance provision under Sec. 22A-21.(f) requires a 2:1, or 2 ½:1 reforestation ratio for the removal of forest within a SVB. The reforestation ratio is based whether the replacement is occurring within the same 8-digit watershed as the project or a priority 8-digit watershed vs. a location outside of the same 8-digit watershed and outside of a priority 8-digit watershed. The 0.16 acres of forested SVB removal are fully addressed onsite by the new easement areas within the SVB (some of the additional SVB easement replacement will be credited toward the overall mitigation requirements). Approximately 0.16 acres of forested stream valley buffer removal is proposed.

<sup>&</sup>lt;sup>4</sup> Based on the initial acceptance date for the Subject Application, the Forest Conservation Plan is subject to the Forest Conservation Law in effect on April 4, 2023.

Whereas an additional 0.92 acres of stream valley buffer will be planted and protected by a Category I Forest Conservation Easement, which is more than a 5:1 replacement ratio.

The second variance request is for the impacts and removal of Protected Trees under Section 22A-12(b)(3)(C) which identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-21 ("Variance"). Otherwise, such resources must be left in an undisturbed condition.

This Application will require the removal of 21 Protected Trees as identified in Table 1 and impacts to the CRZ of 39 Protected Trees, as identified in Table 2. Additionally, some of the tree impacts/removals of otherwise subject trees were previously approved within the limits of disturbance and/or previous variance requests and are not included in the current variance request. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted. Staff has made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

TREE ID#	DBH	SPECIES	CONDITION	PROPOSED IMPACT %
46	35	Tulip Tree	Fair	N/A
47	31	American Beech	Poor	N/A
53	33	Tulip Poplar	Fair	N/A
65	39	Red Oak	Good	N/A
67	30	White Pine	Good	N/A
73	41	White Pine	Good	N/A
76	37	Tulip Poplar	Fair	N/A
77	37	Tulip Poplar	Fair/Poor	N/A
79	41	Tulip Poplar	Fair	N/A
82	45	White Pine	Good	N/A
83	33	White Pine	Good	N/A
90	32	Black Cherry	Fair	N/A
292	37	Red Oak	Good	N/A
353	42	Silver Maple	Good	N/A
367	50	Sycamore	Good	N/A
370	36	Red Maple	Fair	N/A
395	40	Sycamore	Fair	N/A
405	43	Silver Maple	Fair/Good	N/A
924	48	Silver Maple	Fair	N/A
925	37	Silver Maple	Good	N/A
965	36	Red Maple	Good	N/A

# Table 1 – Variance Tree Removals

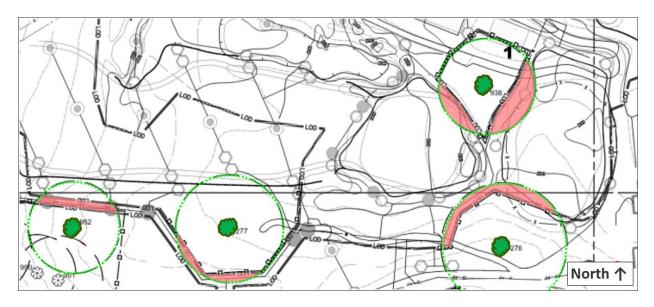
TREE ID#	DBH	SPECIES	% PROPOSED IMPACT	CONDITION
5	38	Red Maple	16%	Good
33	40	Cottonwood	3%	Dead
88	40	Red Maple	36%	Good
101	30	Sycamore	5%	Fair
104	36	Black Cherry	16%	Fair
107	36	White Pine	9%	Fair/Good
139	34	White Pine	5%	Good
143	34	Sycamore	15%	Good
144	40	Tulip Poplar	9%	Good
149	44	Tulip Poplar	16%	Good
160	37	Sycamore	2%	Good
172	39	Tulip Poplar	17%	Poor
189	49	Sycamore	7%	Good/Fair
229	45	Black Walnut	6%	Fair
239	40	Tulip Poplar	8%	Good
264	35.5	White Pine	5%	Fair
274	43	Red Maple	40%	Fair
275	36.5	White Pine	32%	Fair
291	38	Red Maple	22%	Fair
302	30	Ohio Buckeye	30%	Fair/Good
355	34	White Pine	6%	Good
361	50	Silver Maple	2%	Good
368	52	Red Maple	19%	Fair
382	44	American Beech	8%	Good
403	38	Silver Maple	15%	Fair
458	33	Black Gum	6%	Good
462	54	Silver Maple	51%*	Poor
464	37	White Pine	2%	Good
467	46	Silver Maple	42%	Poor
469	46	Red Oak	4%	Poor
481	42	White Oak	27%	Good
483	45	Silver Maple	33%	Poor
810	39	Willow Oak	17%	Good
842	33	Red Maple	15%	Good
847	30	White Pine	19%	Good
850	41	Tulip Poplar	6%	Good
860	31	Cottonwood	5%	Good
905	34	Red Maple	7%	Good
926	38	White Pine	8%	Good

# Table 2– Variance Tree Impacted but Retained

\* Tree #462: Although the impacts appear to be relativity high numerically, the impacts are generally towards the fringes of its CRZ, and the type of tree is tolerant of construction impacts. Furthermore, the tree will receive special care under the (direction of an arborist) including but not limited to deadwood pruning, growth regulator and watering as needed.

# **Unwarranted Hardship**

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment B). Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Property as a golf course and to allow for the renovations of the Subject Property without the Variance. The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship because the Property has a notable quantity of subject trees interspersed throughout the property as a result of the long-term continuous passive use of the site. Additionally, golf courses are typically associated with streams and other water features. Therefore, any significant renovation or expansion of the approximately 130-year-old golf course would not be possible without triggering a variance. Staff has reviewed the application and agrees that there is an unwarranted hardship.



*Figure 4 – Examples of site work designed to minimize tree impacts.* 

# Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

# 1. Will not confer on the applicant a special privilege that would be denied to other applicants.

The property is constrained by environmentally sensitive areas such as subject trees, historic resources, streams and associated buffers. Most institutional uses require occasional modernization, renovation or expansion resulting in some level of disturbance. The proposed

impacts and removals of subject trees have been reduced, and in some cases eliminated from this project. Therefore, the granting of this request is not a special privilege that would be denied to other applicants.

# 2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

The requested variances are based on the need to maintain a viable facility in balance with site constraints, and not based on conditions or circumstances which are the result of actions of the Applicant.

# 3. Is not based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

The requested variances are a result of the proposed improvements and not a result of land or building use on a neighboring property.

# 4. Will not violate State water quality standards or cause measurable degradation in water quality.

The overall project will result in a net increase of stream valley buffer that is protected within a Category I Conversation Easement, and also provides a larger, more contiguous easement footprint that fill in previous gaps that separated some of easement areas. As part of the project, additional forest plantings within the new easement areas will occur along with supplemental plantings and the control of invasive species within existing easement areas and stream valley buffers. Additionally, the project includes naturalization of stream areas which will also enhance water quality. Furthermore, the work will proceed under the direction of the Department of Permitting Services and also the Maryland Department of the Environment to ensure appropriate water quality standards are followed.

A Stormwater Management Concept was approved on December 7, 2022, and new Stormwater management devices are not required as part of the renovations due to the stormwater management goals being met by the existing wet pond with no change in the Runoff Curve Number or ultimate use, along with a decrease in impervious surfaces as well as the no net loss of forest areas on-site.

# Mitigation for Resources Subject to the Variance Provisions

The FCP amendment includes the removal of 803 inches of DBH of Protected Trees. Per Section 22A-21(e), the Applicant is planting mitigation trees at a ratio of 1 caliper inch replaced for every 4 of trunk diameter removed (in addition to other forest plantings). The Applicant is proposing to plant 51 native canopy trees, using a minimum size of 4-inch caliper tree which will total at least 204 inches and exceed the calculated mitigation requirement of 200.75 caliper inches.

The forested SVB impacts triggering the variance are fully addressed onsite by the relatively sizable increase of protected SVB. The Variance provision Sec. 22A-21.(f) requires a 2:1 (onsite) reforestation ratio for the removal of forest within a SVB. Approximately 0.16 acres of forested stream valley buffer removal is proposed. Whereas an additional 0.92 acres of stream valley buffer will be planted and protected by a Category I Forest Conservation Easement (which is more than a 5:1 replacement ratio). Notably, under this particular application, the land use does not change the and overall environmental land cover/features are ultimately enhanced rather than diminished. Furthermore, the proposal results in more contiguous and larger easements within the onsite priority areas, expanding the overall shapes and filling in gaps between previously separated areas of the Conservation Easements.

# **Recommendations on the Variances**

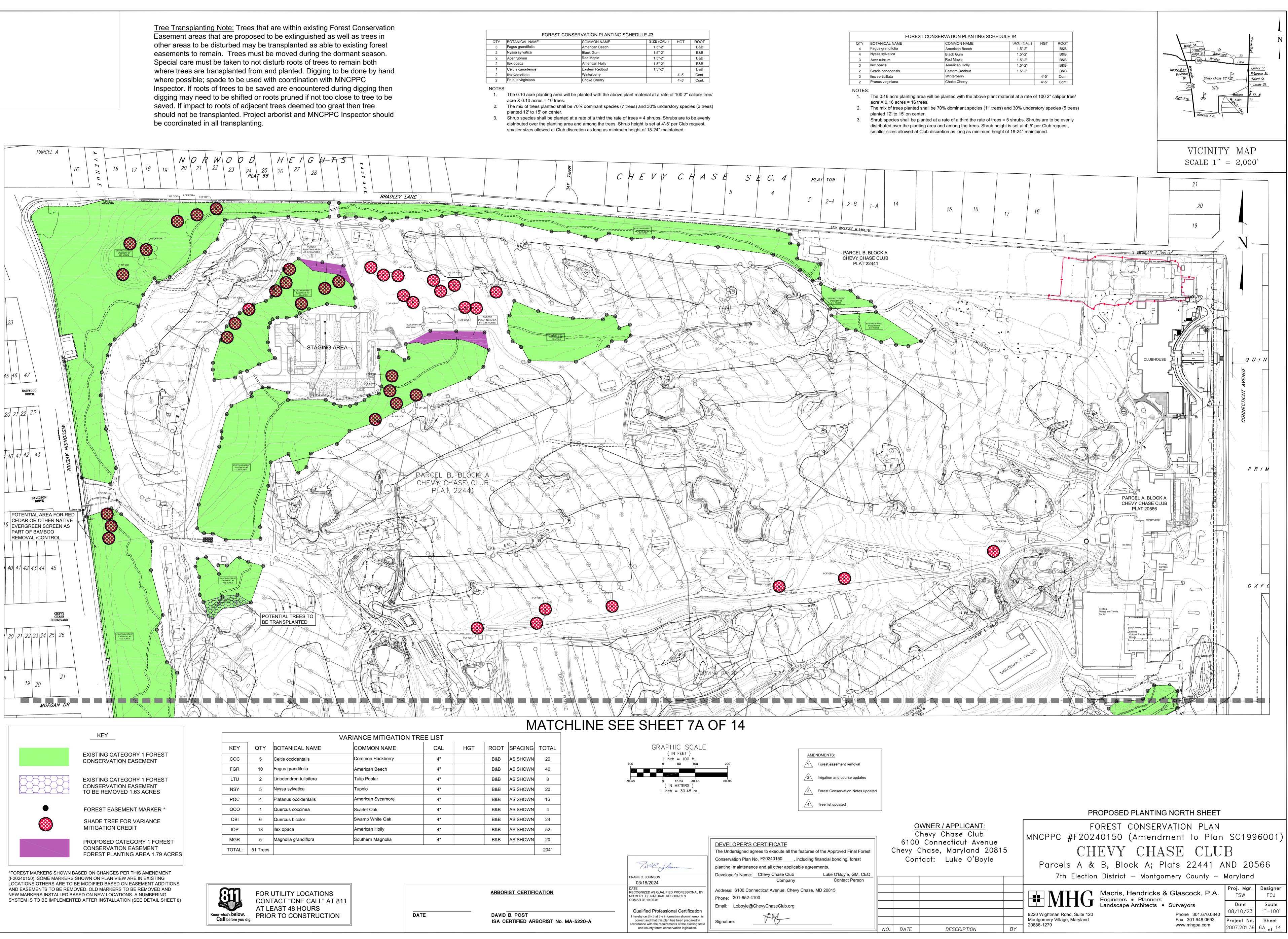
Staff recommends approval of the variances, with individual tree mitigation plantings as conditioned to address the removal of subject trees, and with the overall onsite and offsite easement mitigation as conditioned, to address the forest clearing within the SVB.

# SECTION 6: CONCLUSION

As conditioned, Forest Conservation Plan No. F20240150 satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. Therefore, Staff recommends approval of the Forest Conservation Plan and associated variances with the conditions specified at the beginning of this report.

# ATTACHMENTS

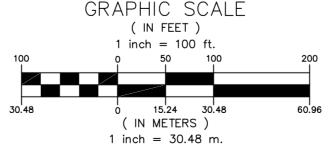
Attachment A: Forest Conservation Plan Attachment B: Variance Request (and SWM concept approval letter) Attachment C: Prior Approval Memos



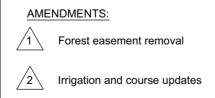
		VAR	IANCE MITIGATION TRE	E LIST				
KEY	QTY	BOTANICAL NAME	COMMON NAME	CAL	HGT	ROOT	SPACING	TOTAL
COC	5	Celtis occidentalis	Common Hackberry	4"		B&B	AS SHOWN	20
FGR	10	Fagus grandifolia	American Beech	4"		B&B	AS SHOWN	40
LTU	2	Liriodendron tulipifera	Tulip Poplar	4"		B&B	AS SHOWN	8
NSY	5	Nyssa sylvatica	Tupelo	4"		B&B	AS SHOWN	20
POC	4	Platanus occidentalis	American Sycamore	4"		B&B	AS SHOWN	16
QCO	1	Quercus coccinea	Scarlet Oak	4"		B&B	AS SHOWN	4
QBI	6	Quercus bicolor	Swamp White Oak	4"		B&B	AS SHOWN	24
IOP	13	llex opaca	American Holly	4"		B&B	AS SHOWN	52
MGR	5	Magnolia grandiflora	Southern Magnolia	4"		B&B	AS SHOWN	20
TOTAL:	51 Trees							204"



	FOREST	CONSERVATION PLANTING SC	HEDULE #3		
QTY	BOTANICAL NAME	COMMON NAME	SIZE (CAL.)	HGT	ROOT
3	Fagus grandifolia	American Beech	1.5"-2"		B&B
2	Nyssa sylvatica	Black Gum	1.5"-2"		B&B
2	Acer rubrum	Red Maple	1.5"-2"		B&B
2	llex opaca	American Holly	1.5"-2"		B&B
1	Cercis canadensis	Eastern Redbud	1.5"-2"		B&B
2	llex verticillata	Winterberry		4'-5'	Cont.
2	Prunus virginiana	Choke Cherry		4'-5'	Cont.

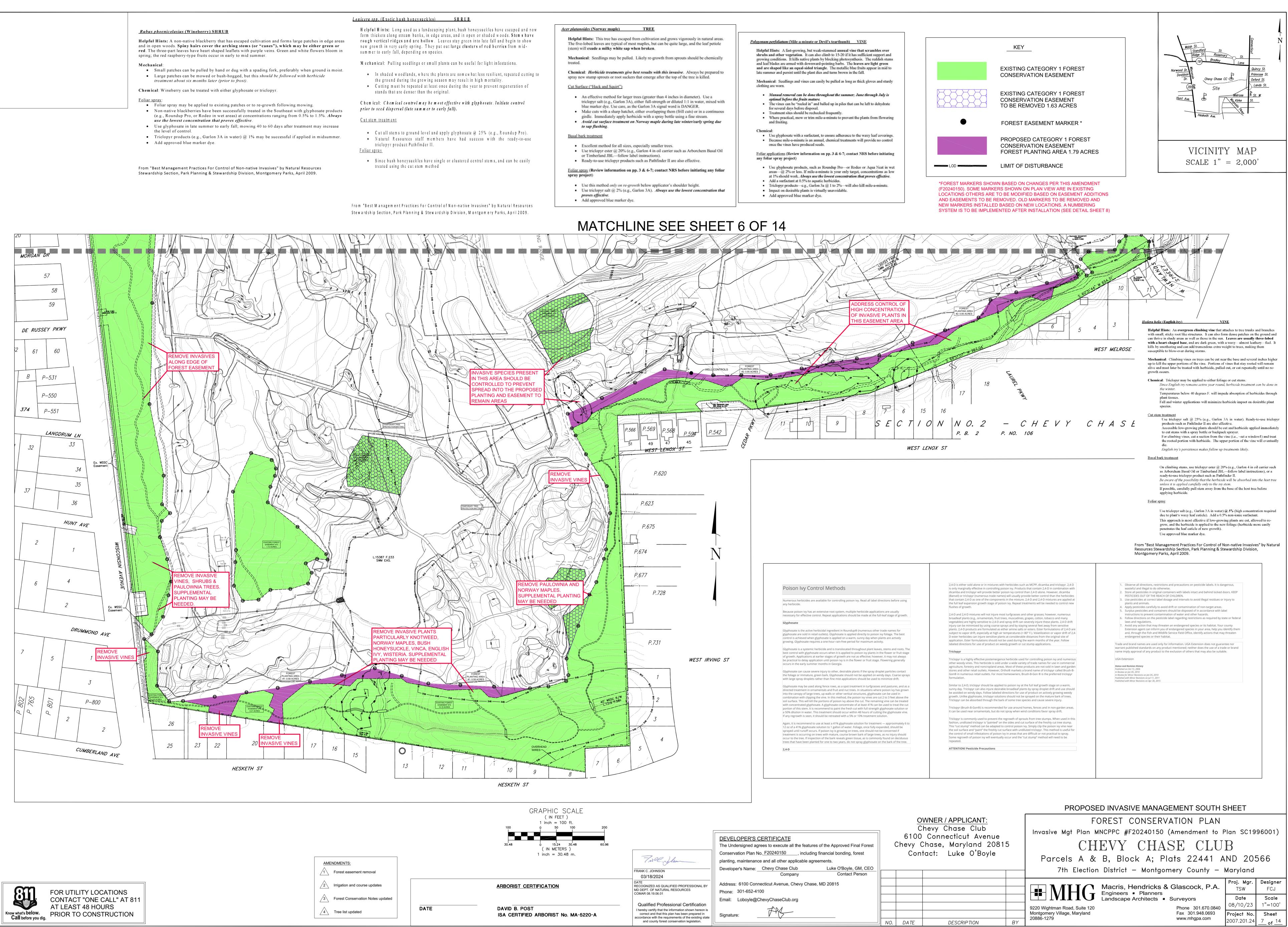


	FOREST	CONSERVATION PLANTING SC	HEDULE #4		
QTY	BOTANICAL NAME	COMMON NAME	SIZE (CAL.)	HGT	ROOT
4	Fagus grandifolia	American Beech	1.5"-2"		B&B
4	Nyssa sylvatica	Black Gum	1.5"-2"		B&B
3	Acer rubrum	Red Maple	1.5"-2"		B&B
3	llex opaca	American Holly	1.5"-2"		B&B
2	Cercis canadensis	Eastern Redbud	1.5"-2"		B&B
3	Ilex verticillata	Winterberry		4'-5'	Cont.
2	Prunus virginiana	Choke Cherry		4'-5'	Cont.



				Γ
10.	DATE	DESCRIPTION	BY	





		PROPOSED INVASIVE MANA
CTIFICATE         to execute all the features of the Approved Final Forest         20240150       , including financial bonding, forest         all other applicable agreements.         evy Chase Club       Luke O'Boyle, GM, CEO         Company       Contact Person	OWNER/APPLICANT: Chevy Chase Club 6100 Connecticut Avenue Chevy Chase, Maryland 20815 Contact: Luke O'Boyle	FOREST CONSER Invasive Mgt Plan MNCPPC #F20240150 CHEVY CHA Parcels A & B, Block A; F 7th Election District - Montgo
cut Avenue, Chevy Chase, MD 20815 yChaseClub.org		• Macris, Hendricks Engineers • Planners Landscape Architects
FRA		9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279



9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279

Phone 301.670.0840 Fax 301.948.0693

February 15, 2024

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

> Re: Chevy Chase Club FFCP Variance Justification MHG Project No. 07.201.39

To Whom It May Concern:

On behalf of Chevy Chase Club, 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 twenty one specimen trees and impact of thirty-nine, 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. We also request a variance from Section 22A-12.b(3)(D) of the Montgomery County Code, Chapter 22A for the removal of 0.157 acres of forest in a stream buffer. The proposed removal twenty one trees and impact of thirty nine trees over thirty inches and proposed removal of 0.157 acres of stream buffer forest satisfies the variance application requirements of section 22A-21(b).

The club has been in operation for over 125 years and the preservation of trees has been an important and significant part of that history. The current tree population on the property is approximately 7,100 trees with over 300 of those being of specimen tree size. Just over 34 acres of the property are in forest conservation easements. The property is 190 acres and although the Club has many different activities, the golf course occupies the largest part of the property, approximately 150 acres of the total property area. The holes are interrelated in terms of offering different distances, degrees of difficulty, views and settings, and other features that present an interesting and competitive course. The areas occupied by tees, fairways and greens were painstakingly established well before the enactment of the specimen tree variance legislation. This variance application is being submitted as part of the Club's plans to renovate and naturalize the golf course. The Club is proposing improvements across all 18 holes including restoration and redesign to tees, fairways, and greens as well as the naturalization of two existing water features on holes 10 and 13. A course wide irrigation improvement plan is also proposed to be implemented to replace the Club's failing irrigation system. The proposed improvements strive to provide sustainable playing conditions into the future as well as provide an engaging golf experience to keep with the evolving nature of golf. Although a beautiful setting, the golf course layout is an intricate system that presents development constraints which includes the protection of landscaping and specimen trees which are an integral part of the golf course and the Club.

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

The majority of the forest conservation easements and forest is along the perimeter of the property boundary with ten smaller easement areas more centrally located. The proposed

improvements have been designed to minimize impacts to forest and trees, consolidating development in the existing area of golf play as much as possible. Given the extent of the improvements to the course and the number of trees on-site, it is not possible to make the needed improvements without impacting the critical root zones of specimen trees. However, extensive efforts have been made to reduce the total amount of impact and removals, particularly the total number of tree removals.

The proposed 0.157 acres of forest removal in a stream buffer is within one of the ten smaller easements that are centrally located within the course. The 1996 Forest Conservation Plan approval SC1996001 allowed extensive areas of non-forested areas of tree canopy to be credited to meet the forest conservation requirement. This included an area that was adjacent to the area in question which was a grouping of White Pines and Maples. When this plan was amended in 2013 a reconciliation of these areas was done attempting to eliminate areas of conflict with golf play and prioritize actual forest for credit. Because existing trees existed in the buffer, the easement was expanded into the buffer despite not meeting the definition of forest allowing it to naturalize. This expansion shifted the easement closer into the line of play. As part of the current redesign of the course, fairways are needed to be expanded and shifted in order to provide engaging and challenging play as well as being competitive with the changes in golf play. This particular area of the course is particularly challenging from a design standpoint given the location of the pond and several greens and tees coming together in a small location. This results in the need to shift tee box 4 and 16 which have the line of play going over the pond. The angles for these fairways are important for golf play as well as maintaining safety between the areas of play. This shift moves tee 4 into the non-buffer trees and making the trees within the buffer directly in the line of play for hole 16. This shift is a critical part of the design change and requires the removal of the entire easement. This stand of trees is isolated and surrounded by play and as a result makes it difficult to naturalize and does not provide a high quality forest. A small easement that is isolated in the middle of golf play does not provide the same benefits of a larger easement that is outside the line of play. Mitigation of this area will be in a more bottomland buffer area that is contiguous with larger forested areas within other stream buffers. Although this 0.157 acre area is proposed to be removed, several of the larger trees are proposed to remain.

The planned disturbance within the critical root zones of the 60 tree impacts/removals fall into three categories: Irrigation improvements impact 50 trees (both main line and lateral lines serving the individual sprinkler heads), Grading and golf play improvements impact 38 trees (such as bunkers, tees, and greens), and storm drain improvements impact 4 trees. A total of 26 of these impacts include more than one type of impact. All tree impact percentages and reasoning for individual trees are listed in the attached Variance spreadsheet.

### a. Tree Impacts for Irrigation Improvements:

The Club's current irrigation system is failing and is in need of replacement. The goal of this improvement is to be able to more efficiently use water and reduce the overall need for fertilizer, pesticides and other chemicals. Because of the extensive needs of maintaining and irrigating an entire golf course, the most significant number of trees fall into this category. Of the 60 impacts/removals, there are 50 trees impacted by the proposed irrigation system. Most of the impacts from irrigation are from the sprinkler heads and provide minimal disturbance. The lateral lines that come off the main line for the sprinkler heads will be tunneled, minimizing the disturbance. The laterals will be 24"-30" deep and the sprinkler heads will be hand dug at 18" diameter holes approximately two feet deep, pruning any impacted roots. Sprinkler heads have been positioned outside of the structural roots of all specimen trees and as needed can be

adjusted in the field in coordination with the project arborist and the MNCPPC forest conservation inspector to minimize impacts to the subject trees or other smaller trees. Other trees are impacted by the main line which due to size is unrealistic to be tunneled resulting in larger disturbance. Only one tree (#405) out of the twenty-one removals is being removed due to the irrigation system impacts alone. This tree is close to the edge of the fairway and the main water line needs to run outside of the fairway putting it in close proximity of tree #405. This makes the impact to the tree to be too much and is an impact to the structural roots of the tree. Several trees have significant impacts due to the main water line construction including trees #467, 483 and 462. These impacts have been reduced as much as possible but the impacts are on more than one side of the trees. Impacts have been kept out of the structural roots and additional stress reduction measures will be provided to save the trees.

### b. Tree Impacts for Grading:

The most integral part of the restoration and redesign of the golf course involves the regrading and shifting of the course features, particularly improvements to greens, bunkers, and tees. The goal is to protect and enhance the enjoyable nature of the current design while enhancing the golf experience for members. These improvements are a necessary part of a golf course to both stay current and provide a quality experience to its golfers. By adjusting the course width and angles as well as providing a range of shots, it allows golfers of all skill level to be challenged. To accomplish this, significant grading is necessary and with a course with over 7,100 trees, impacts to trees cannot be avoided. The majority of the removals and some of the largest impacts that are necessary are due to grading. A total of 38 trees have impacts from grading including the remaining 20 removals. Part of the improvements include updating the driving range. Trees #367, #370, and #395 are between the 3<sup>rd</sup> and 6<sup>th</sup> fairways and in the middle of proposed fairway and golf features that are essential to improving the experience for golfers on both of these fairways resulting in its removal. Fairways 3 and 6 merge together here and if these trees were to remain they would be in the middle of the fairway and would obstruct play. The shape of the fairways and location of these new features are not random but designed to provide a needed challenge to enhance the experience of this fairway. The 6<sup>th</sup> fairway is being lengthened to increase the distance of play. Not many fairways have the space to be lengthened and the 6<sup>th</sup> is moved back as much as possible and therefore the hole is being pushed north. The lengthening change results in the need to remove trees #965 and #353. Proposed features along the 14<sup>th</sup> fairway impact and cause the needed removal of tree #292 and are also placed according to specific calculations to provide needed improvements to the play of this hole.

Fourteen of the trees to be removed and several of the tree impacts are in the southwest corner of the property. The removals include #53, 65, 46, 47, 79, 77, 76, 82, 67, 925, 924, 83, 73, and 90. This section of the property is where the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> tees come together with the 4<sup>th</sup>, 15<sup>th</sup>, and 14<sup>th</sup> greens and fairways around the existing pond. This area is the most consolidated areas of play on the course and its restoration and redesign is fundamental to the renovation. Two short holes (4 & 15) in combination with the movement of play across and around the pond and the close proximity of the other tees and greens result in a significant amount of disturbance in one location resulting in the inability to shift the improvements to provide areas of tree save. Where in other course holes and tees that are more spread out grading was able to be shifted to save trees. In this location because the features are so close together we were not able to reduce the tree impacts while meet the needs of renovation. The majority of these trees are White Pines and Tulip Poplars. Because of the uniqueness of this part of the course, its redesign is crucial to the overall improvement plan and the close nature of the features here give little room for adjustment resulting in the largest concentration of tree impacts on the course.

### c. Tree Impacts for Storm Drain:

Part of the overall redesign and naturalization of the course includes updating the stormwater flow across the site. Although no specimen trees are directly impacted by the naturalization of the stream sections that are in man-made structured swales, the entire drainage system improvement plan is interconnected and has the same goal to both naturalize and improve the flow of water across the course and improve on drainage failures that impact golf play. The Club has many areas of poor drainage across the course that need to be rectified to prevent ponding. Combined with overland flow from grading improvements, some areas require additional storm drain structures to create proper drainage across the course and avoid conflicts with the golf course. Four variance trees are impacted by storm drain construction. This includes trees #5, 368, 370, and 367 with most having minor impacts. The storm drainage improvements occur in the low elevation areas of drainage pathways as they are the natural location for water flow. These impacted trees are growing in close proximity to the drainage ways and therefore cannot be avoided by improvements to the drainage. The trees with larger impacts have both storm drain and grading impacts. Tree #367 is to be removed, has 48% impact mostly due to grading but because it is near an existing swale. Tree #370 is also to be removed, it is impacted by the storm drain and grading but also for irrigation and golf play needs. To shift the storm drainage elsewhere would only create more disturbance to this tree and surrounding trees. Impacts have been reduced as much as possible and are outside the structural roots of all the trees.

For all impacted trees, as detailed on the plan, necessary stress reduction measures will be provided by an arborist to promote their survivability. In light of the above described reasons that influence the Club property 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 and forest. The trees and forest to be removed and trees to be impacted are centrally located within the existing course. As detailed above, both the removals and the root zone impacts are unavoidable in order to develop the property to meet the needs of the Club as has been done at other golf courses. The inability to remove and impact the subject trees and forest would limit 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 and approved for the proposed improvements. Stormwater management devices are not being required as part of the renovations due to the stormwater management goals being met via the existing wet pond with no change in the Runoff Curve Number or ultimate use and a decrease in impervious surfaces as well as the no net loss of forest areas on-site and due to no impacts on existing onsite microscale stormwater management practices. Approval of this 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 for all specimen trees and forest to be removed and stress reduction measures provided for all of the impacted trees. The forest planting includes 0.92 acres of buffer area that will be planted and placed into a conservation easement as well as significant removal of invasive species. A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. As shown in the attached Specimen tree impact table, a number of trees that are 30" and greater are impacted but do not need a variance due to these impacts being approved per previous Forest Conservation approval SC1996001 and subsequent amendments. Necessary protection measures will also be in place to protect all trees to be saved as part of this proposed development. Please let us know if any other information is necessary to support this request.

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

Thank you,

Frank Johnson

Frank Johnson

	Exhibits List
Exhibit No.	Description
1	Tree Variance Spreadsheets and Specimen Tree Impact table
2	Combined Stormwater Management Concept/Site Development Stormwater Management Plan Approval dated December 07, 2022

				VAR	IANCE TREE IMPA	CTS		
Tree Number	Species	DBH	CRZ (s.f.)	Condition	Location	Reason	Amount of Impact (s.f.)	Amount of Impact (%)
5	Red Maple	38	10207	Good	3rd fairway	SD, sprinkler, water line	1585	16%
33	Cottonwood	40	11310	Dead	10th	grading, sprinkler	371	3%
88	Red Maple	40	11310	Good	4 tee	grading, sprinkler, waterline	4043	36%
101	Sycamore	30	6362	Fair	8th fairway & tee 2	water line	346	5%
104	Black Cherry	36	9161	Fair	8th fairway & tee 2	water line, sprinkler	1461	16%
107	White Pine	36	9161	Fair/Good	, 8th fairway	waterline, sprinkler	858	9%
139	White Pine	34	8171	Good	8th fairway & tee 2	water line, sprinkler	410	5%
143	Sycamore	34	8171	Good	11th	sprinkler, grading	1219	15%
144	Tulip Poplar	40	11310	Good	10th	grading	1032	9%
149	Tulip Poplar	44	13685	Good	10th	sprinkler, grading	2126	16%
160	Sycamore	37	9677	Good	8th fairway & tee 2	water line, sprinkler	191	2%
172	Tulip Poplar	39	10751	Poor	10th	grading	1825	17%
189	Sycamore	49	16972	Good/Fair	10th	sprinkler, waterline	1186	7%
229	Black Walnut	45	14314	Fair	6th fairway	water line, sprinkler	880	6%
239	Tulip Poplar	40	11310	Good	6th fairway	water line, sprinkler	888	8%
264	White Pine	35.5	8908	Fair	13th fairway	water line	401	5%
274	Red Maple	43	13070	Fair	near 11th tee	water line	5258	40%
275	White Pine	36.5	9417	Fair	13th fairway	water line, sprinkler	2994	32%
291	Red Maple	38	10207	Fair	11th green	grading, sprinkler, waterline	2227	22%
302	Ohio Buckeye	30	6362	Fair/Good	near 9 tee	water line	1922	30%
355	White Pine	34	8171	Good	8th fairway	waterline, sprinkler	455	6%
361	Silver Maple	50	17671	Good	6th tee	grading	392	2%
368	Red Maple	52	19113	Fair	between 3 & 6	grading, sprinkler, SD	3713	19%
382	American Beech	44	13685	Good	between 3 & 6	grading, sprinkler	1147	8%
403	Silver Maple	38	10207	Fair	behind 18th tee	water line, sprinkler	1569	15%
458	Black Gum	33	7698	Good	tee 2	water line, sprinkler	435	6%
462	Silver Maple	54	20612	Poor	behind 18th tee	water line	10593	51%
464	White Pine	37	9677	Good	8th fairway	grading, sprinkler	208	2%
467	Silver Maple	46	14957	Poor	behind tee 18	water line	6330	42%
469	Red Oak	46	14957	Poor	8th fairway	grading	640	4%
481	White Oak	42	12469	Good	8th green	water line, sprinkler	3428	27%
483	Silver Maple	45	14314	Poor	behind 18th tee	water line	4674	33%
810	Willow Oak	39	10751	Good	10th/11th	water line, sprinkler	1869	17%
842	Red Maple	33	7698	Good	ood 6th tee grading, sprinkler		1174	15%
847	White Pine	30	6362	Good	6 fairway	water line, sprinkler	1231	19%
850	Tulip Poplar	41	11882	Good	6th fairway	water line	760	6%
860	Cottonwood	31	6793	Good	7th tee	grading	319	5%
905	Red Maple	34	8171	Good	10th	grading	589	7%
926	White Pine	38	10207	Good	14th & driving range	grading, sprinkler	806	8%

					VARIANCE TR	EE REMOVALS			
Tree Number	Species	DBH	CRZ (s.f.)	Condition	Location	Reason	Amount of Impact (s.f.)	Amount of Impact (%)	Mitigation
46	Tulip Poplar	35	8659	Fair	5&6 tee	grading, sprinkler	8659	100%	35
47	American Beech	31	6793	Poor	5&6 tee	grading, sprinkler	6793	100%	31
53	Tulip Poplar	33	7698	Fair	near ex 16 tee	grading	7698	100%	33
65	Red Oak	39	10751	Good	5&6 tee	grading, sprinkler	10751	100%	39
67	White Pine	30	6362	Good	4 tee	waterline, grading	6362	100%	30
73	White Pine	41	11882	Good	4 tee	grading	11882	100%	41
76	Tulip Poplar	37	9677	Fair	5 tee	grading, sprinkler	9677	100%	37
77	Tulip Poplar	37	9677	Fair/Poor	5 tee	grading, sprinkler	9677	100%	37
79	Tulip Poplar	41	11882	Fair	5 tee	grading, sprinkler	11882	100%	41
82	White Pine	45	14314	Good	4 tee	waterline, grading	6321	44%	45
83	White Pine	33	7698	Good	4 tee	grading	2007	26%	33
90	Black Cherry	32	7238	Fair	4 tee	grading	7238	100%	32
292	Red Oak	37	9677	Good	14th fairway	grading, waterline, sprinkler	9677	100%	37
353	Silver Maple	42	12469	Good	6th green	grading	9161	73%	42
367	Sycamore	50	17671	Good	between 3 & 6	grading, sprinkler, SD	8418	48%	50
370	Red Maple	36	9161	Fair	between 3 & 6	grading, sprinkler, SD	2405	26%	36
395	Sycamore	40	11310	Fair	etween 3 & 6 fairway	grading, sprinkler	11310	100%	40
405	Silver Maple	43	13070	Fair/Good	behind tee 18	water line	6015	46%	43
924	Silver Maple	48	16286	Fair	4 tee	waterline, grading	16286	100%	48
925	Silver Maple	37	9677	Good	4 tee	waterline, grading	9677	100%	37
965	Red Maple	36	9161	Good	6th green	grading	9161	100%	36
								Total:	803
03/4 = 200	.75" to be met via 51	L trees	at 4" dbh						



### DEPARTMENT OF PERMITTING SERVICES

Marc Elrich County Executive Mitra Pedoeem Director

December 7, 2022

Mr. Ken Jones Macris, Hendricks & Glascock, PA 9220 Wightman Road Suite 120 Montgomery Village, MD 20886

Re: COMBINED STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN for Chevy Chase Club Address: 6100 Connecticut Avenue MNCPPC #: None required SM File #: 288655 Tract Size/Zone: 189.2 Ac./R-60 Total Concept Area: 75.2 Ac. Parcel(s): A, B Watershed and Class: Little Falls Branch/I Type of Development: Golf Course Renovation

Dear Mr. Jones:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via an existing wet pond, due to no change in Runoff Curve Number or ultimate use, with the proposed renovations.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

- 1. An engineered sediment control plan must be submitted for this development.
- 2. A Floodplain District Permit will be required for this development.
- 3. Drainage area to tarp and wattle sediment control measure, as presented by the engineer, is to be limited to between 10 and 15 acres.
- 4. Sediment Control inspector may require perimeter controls if tarp and wattle are not working. The tarp and wattle is to be installed in one area first, on a trial basis.
- 5. All stabilization is to be with sod. Sod must be onsite before land disturbing activity begins.
- 6. Ongoing stabilization is to be provided before any new area is disturbed.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311 www.montgomerycountymd.gov/permittingservices Mr. Ken Jones December 7, 2022 Page **2** of **2** 

- 7. Storm drain outfalls must be designed with non-erosive velocities.
- 8. Access to each phase must be clearly shown on the sediment control plan.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Sherryl Mitchell at 240-777-5206 or sherryl.mitchell@montgomerycountymd.gov.

Sincerely,

Mark Cheridge Mark C. Etheridge, Manager

Mark C. Etheridge, Manager Water Resources Section Division of Land Development Services

MCE: scm

cc: SM File # 288655

ESD: Required/Provided N/A PE: Target/Achieved: N/A STRUCTURAL: N/A cf WAIVED: N/A ac.

### MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOREST CONSERVATION PLAN RECOMMENDATIONS

- TO: <u>Brooks Robinson/Steve Cary</u> Development Review Division
- SUBJECT:
   Final Forest Conservation Plan # SC-96001

   Sediment Control Plan Chevy Chase Club

   Date Recd. 4/16/96

   NRI/FSD # 4-96057

A Forest Conservation Plan has been reviewed by the Environmental Planning Division to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

### SUBMISSION ADEQUACY

X Adequate as submitted Inadequate for evaluation

### FINDINGS

- Existing forest, significant tree stands, individual specimen trees and priority retention areas have been accurately identified on the plan.
- Forest clearing within priority forest retention areas (stream buffers, steep slopes, wetland, floodplain, etc.) has been avoided when possible.
- The area of forest that will be retained exceeds the break-even point for the property and, therefore, there are no planting requirements.
- The proposed limits of disturbance, as revised 4/12/96, adequately address the preservation of key specimen trees which were field identified by MNCPPC staff and the applicant's consultant.
- Grading will be further adjusted in the field as the project progresses to preserve additional existing large trees wherever possible.

### RECOMMENDATIONS

	Revise according to the comments specified below. Approve subject to the following conditions: <u>X</u> Required site inspections by M-NCPPC monitoring staff (as specified in "Trees
	Technical Manual")
	X Approval of the following items by M-NCPPC staff prior to DEP issuance of the sediment and erosion control permit:
	X Tree Protection Plan(see comments)
	Afforestation/Reforestation Planting Plan
	Submittal of financial security to M-NCPPC prior to clearing or grading.
	Record plat to show appropriate notes and/or easements. Agreements must be approved by M-NCPPC staff prior to recording plats.
	Maintenance agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.
	X Other A revision to this forest conservation plan must be approved prior to
	any future tree clearing beyond what is shown on this plan.
_	Comments: Specific tree protection measures for individual specimen trees located
	along the edge of the limits of disturbance will be determined by the MNCPPC
	inspector as part of the preconstruction meeting.

# cc: Chevy Chase Club c/o Jim Morris, CEM, Inc.

FCPR

### MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: <u>Plan Enforcement Staff</u> Development Review Division

The subject Forest Conservation Plan has been reviewed by the Environmental Planning Division to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

### SUBMISSION ADEQUACY

 X
 Adequate as submitted

 Inadequate for evaluation. The following items must be submitted:

 Forest Conservation Plan Drawing \_\_\_\_\_ Forest Conservation worksheet

 Approved NRI/FSD Map
 \_\_\_\_\_ Development Program

 Justification for afforestation/reforestation method

 Qualifications of Preparer(s)
 Long term protection methods

### RECOMMENDATIONS

	_ Disapprove for reasons cited in comments below.
	_ Revise according to the comments specified below.
X	_ Approve subject to the following conditions:
	X Required site inspections by M-NCPPC monitoring staff (as
	specified in "Trees Technical Manual")
	Approval of the following items by M-NCPPC staff prior to DEP
	issuance of the sediment and erosion control permit:
	Tree Protection Plan
	Afforestation/Reforestation Planting Plan
	Submittal of financial security to M-NCPPC prior to clearing or
	grading.
	Record plat to show appropriate notes and/or easements.
	Agreements must be approved by M-NCPPC staff prior to recording
	plats.
	Maintenance agreement to be reviewed and approved by M-NCPPC
	staff prior to first inspection of planted areas.
	X Other 1) Replacement tree planting for the stream buffer on the
	south edge of the limit of disturbance adjacent to the parking
	lot. 2) No disturbance within wetland area, limit improvements to
	the edge of the existing parking lot pavement.
V	
Δ	_ Comments: <u>Proposed planting plan (submitted 10/29/97 by BGA) does</u>
	not show the correct limit of disturbance of existing trees and should
	be amended to reflect this, and to show tree planting to include all
	of the area between the edge of the parking lot and the clearing line.
	The trees to be planted need to include native forest species
	typically found in the overstory of forest canopy.
	$() \land \land$
CTON	

Environmental Planning Division cc: Jim Morris, CEM for the applicant MCDPS, Sediment Control DATE: <u>11/6/97</u>

FCPR r 1/16/97

### MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION FOREST CONSERVATION PLAN RECOMMENDATIONS

- TO: <u>Plan Enforcement Staff</u> Development Review Division
- SUBJECT:
   Final Forest Conservation Plan # \_SC-96001\_\_\_\_\_

   Sediment Control/Special Exception Plan \_\_Chevy Chase Club Maintenance Building Addition

   Date Recd \_\_\_\_\_\_ NRI/FSD # \_4-96052\_\_\_\_\_

The subject Forest Conservation Plan has been reviewed by the Environmental Planning Division to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

SUBMISSION ADEQUACY

- X Adequate as submitted
- Inadequate for evaluation. The following items must be submitted:
- \_\_\_\_ Forest Conservation Plan Drawing \_\_\_\_ Forest Conservation worksheet
- \_\_\_\_ Approved NRI/FSD Map \_\_\_\_ Development Program
- \_\_\_ Qualifications of Preparer(s) \_\_\_ Long term protection methods
- \_\_\_ Application
- \_\_\_\_\_Justification for afforestation/reforestation method
- Other

### RECOMMENDATIONS

- Disapprove for reasons cited in comments below.
- Revise according to the comments specified below.
- X Approve subject to the following conditions:
  - X Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual")
    - \_\_\_\_ Approval of the following items by M-NCPPC staff prior to DPS issuance of the sediment and erosion control permit:
      - \_\_\_\_ Tree Protection Plan
      - \_\_\_\_ Afforestation/Reforestation Planting Plan
      - \_ Submittal of financial security to M-NCPPC prior to clearing or grading.

Fees

- \_\_\_\_ Record plat to show appropriate notes and/or easements. Agreements must be approved by M-NCPPC staff prior to recording plats.
- \_\_\_\_ Maintenance agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.
- \_\_\_ Other

X Comments: <u>The proposed limits of disturbance conform to the limits of the approved forest conservation plan</u> and the required tree protection plan for the maintenance building and vicinity has been submitted and approved. MNCPPC field inspector should be contacted to approve the installation of the tree protection fencing prior to the start of any clearing or grading.

SIGNATURE:

DATE: <u>3/12/02</u>

Cathy Conlon, Environmental Planning Division

cc: Don Rohrbaugh, SSI for the applicant Dave Kuykendall, MCDPS (Fax 240-777-6339)

FCPRinWord 4/13/00 rev



# MONTGOMERY COUNTY PLANNING DEPARTMENT THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 10, 2008

Dean Graves Chevy Chase Club 6100 Connecticut Avenue Chevy Chase, MD 20815

Re: Final Forest Conservation Plan Amendment Chevy Chase Club Plan #SC 1996001

Dear Mr. Graves:

Based on the review by Environmental Planning staff of the Montgomery County Planning Department, the amended Final Forest Conservation Plan submitted on date October 3, 2008 for the Chevy Chase Club is approved with the following conditions:

- 1. This amendment is applicable to only sheets 2A, 3A, 7A, 14A, 15A, 16A, 29, and 30. All other sheets remained unchanged.
- 2. All conditions of the original forest conservation plan remain valid unless expressly changed by this amendment.
- 3. Inspections must occur consistent with Section 110 of the Forest Conservation Regulation.
- 4. Coordinated with the Forest Conservation Inspector to evaluate the adequacy of the 2,993 square foot area shown as new forest on sheet 3A. Perform invasive species control and/or supplemental native plantings if required based on field determination.

This letter must appear on all reproduced copies of the approved amended Final Forest Conservation Plan. Any changes from the approved plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring. Future amendments to the approved forest conservation plan will require a complete revision to the forest conservation plan and recordation of conservation easements on all forest saved and forest planted areas. If you have any questions regarding these actions, please feel free to contact Marco Fuster at 301-495-4521.

Sincerely,

Mark Pfefferic, Forest Conservation Program Manager Environmental Planning, Countywide Planning

Cc: FCP File SC1996001 Frank Johnson (MHG)



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

July 17, 2013

Mr. Luke O'Boyle 6100 Connecticut Avenue Chevy Chase, MD 20815

Re: Final Forest Conservation Plan Amendment # SC1996001 Chevy Chase Club

Dear Mr. O'Boyle:

Based on the review by Area 1 Planning Staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan amendment submitted to M-NCPPC on June 14, 2013 for the project identified above, is approved.

M-NCPPC Staff finds, based on the following justifications, that the Applicant has met all criteria required to grant the variance for the impact to 42 trees and the removal of four trees, affecting a total of 46 trees subject to the variance provision. In addition to the required findings outlined below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

The site has a notable quantity of subject trees interspersed throughout the property. Most of the subject trees are associated with sizable critical root zones. Due to the historic setting associated with some of the buildings there also relativity minor landscape plantings that are also subject to variance requirements. Therefore any significant renovation or expansion of the 100 year plus year old golf course or the associated cluster of buildings would not be possible without triggering a variance. Staff has reviewed the application and agrees that there is an unwarranted hardship.

Staff finds as follows:

a) *The variance will not confer on the Applicant a special privilege that would be denied to other applicants.* The property is constrained by environmentally sensitive areas, historic resources and subject trees. Most institutional uses require occasional modernization, renovation or expansion resulting in some level of disturbance. The proposed impacts and removals of subject trees have been reduced, and in some cases eliminated from this project. The resulting impacts are diminished with specialized tree protection measures and the subject tree removals are mitigated by the supplemental forest plantings. Therefore, staff believes that is not a special privilege that would be denied to other applicants.

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- b) The variance is not based on conditions or circumstances which are the result of the action by the Applicant. The requested variance is not based on conditions or circumstances which are the result of actions of the applicant. The variance is based on the need to maintain a viable golf facility and club that has been operating for over 100 years.
- *c)* The variance does not arise from a condition relating to land or building use, either *permitted or nonconforming, on a neighboring property.* The requested variance is a result of the proposed improvements and not a result of land or building use on a neighboring property.
- d) *The variance will not violate State water quality standards or cause measurable degradation in water quality.* The requested variance will not violate State water quality standards or cause measurable degradation in water quality for the following reasons:
  - The project will provide new onsite storm water management facilities to address the increase in storm water run-off that would otherwise be associated with the proposed site modifications.
  - The Montgomery County Department of Permitting Services ("DPS") has approved two SWM concept approvals for the project. The January 24, 2013 SWM concept approval for the fitness and winter center expansion proposes to meet the SWM requirements by the use of planter boxes and micro-biofilters. The May 29, 2013 SWM concept approval for the maintenance center includes microbioretention, bio-swales, sheet flow to buffer, and landscape infiltration.
  - The subject tree removals and most of the impacts are not associated with stream valley buffers (SVB).
  - Some of the impacts within the SVB are for stream stabilization work and for a potential supplemental SWM facility, both of which are designed to improve water quality.
  - Additional forest plantings within stream valley buffers will be provided in newly established protective easements.
  - Furthermore, the work will proceed under the direction of the Department of Permitting Services and also the Maryland Department of the Environment to ensure appropriate water quality standards are followed.

The plan approval is subject to the following conditions:

- 1. The Applicant must appropriately record the required Conservation Easements in the land records prior to any clearing, grading or demolition occurring onsite.
- 2. Submission and approval of financial security for any planting requirements which are specified on the FFCP, is required prior to any land disturbing activities occurring onsite.

- 3. The sediment and erosion control plan and storm water management plan must be consistent with the Limits of Disturbance and the associated tree/forest preservation measures of the Final Forest Conservation Plan (FFCP).
- 4. Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
- 5. The maintenance and management agreement must be submitted by the applicant and then approved by the M-NCPPC Associate General Counsel Office. The final document must be recorded in the land records prior to acceptance of the plantings.
- 6. The conservation easement(s) boundary markers shall be installed in the field (with unique numbers stamped on each monument) and a corresponding map is to be provided to the forest conservation inspector prior to acceptance of the plantings.
- 7. If the flush monuments (as specified on the plans) do not prove to be effective delineation of the easement areas [based on the occurrence of any future violation(s) of the easement areas] then as part of the restoration requirements, the forest conservation inspector may require alternative means to permanently identify the easement areas. The alternative means of delineation may include the installation of posts, signs, split-rail fence or other measures to be determined.

Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this site, a separate amendment must be submitted to the M-NCPPC for review and approval prior to those changes occurring.

Please contact Mr. David Wigglesworth at <u>David.Wigglesworth@montgomeryplanning.org</u> or at 301-495-4581 to schedule all necessary forest conservation inspections. If you have any questions regarding these actions, please feel free to contact Marco Fuster at 301-495-4521.

Sincerely,

hart Toney 2. Robert Kronenberg

Acting Chief Area 1

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MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Luke O'Boyle 6100 Connecticut Avenue Chevy Chase, MD 20815

December 17, 2013

Re: Final Forest Conservation Plan Amendment # SC1996001 Chevy Chase Club

Dear Mr. O'Boyle:

Based on the review by Area 1 Planning Staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan amendment submitted to M-NCPPC on December 4, 2013 for the project identified above, is approved.

M-NCPPC Staff finds, based on the following justifications, that the Applicant has met all criteria required to grant the variance for the impact to, and retention of a 32" tree (#323), affecting a total of one tree subject to the variance provision (beyond the impacts/removals of the previously approved variance). In addition to the required findings outlined below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

The site has a notable quantity of subject trees interspersed throughout the property. Most of the subject trees are associated with sizable critical root zones. Due to the historic setting associated with some of the buildings there also relativity minor landscape plantings that are also subject to variance requirements. Therefore any significant renovation or expansion of the 100 year plus year old golf course or the associated cluster of buildings would not be possible without triggering a variance. The current amendment proposes minor design changes which includes shifting a small portion of the previously approved LOD into an area affecting 6% of the CRZ of tree #323. The design change will allow the preservation of an existing rose garden and also facilitate necessary utility work. Staff has reviewed the application and agrees that there is an unwarranted hardship.

Staff finds as follows:

a) The variance will not confer on the Applicant a special privilege that would be denied to other applicants. The property is constrained by environmentally sensitive areas, historic resources and subject trees. Most institutional uses require occasional modernization, renovation or expansion resulting in some level of disturbance. The proposed impacts and removals of subject trees have been reduced, and in some cases eliminated from this project. The current amendment is needed to fine-tune the

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previously approved design. Tree protection measures will be implemented and only minimal impacts will occur relative to the subject tree. Therefore, staff believes that is not a special privilege that would be denied to other applicants.

- *b)* The variance is not based on conditions or circumstances which are the result of the action by the Applicant. The requested variance is not based on conditions or circumstances which are the result of actions of the applicant. The variance is based on the need to maintain a viable facility.
- *c)* The variance does not arise from a condition relating to land or building use, either *permitted or nonconforming, on a neighboring property.* The requested variance is a result of the proposed improvements and not a result of land or building use on a neighboring property.
- d) *The variance will not violate State water quality standards or cause measurable degradation in water quality.* The requested variance will not violate State water quality standards or cause measurable degradation in water quality for the following reasons:
  - The project will provide new onsite storm water management facilities to address the increase in storm water run-off that would otherwise be associated with the proposed site modifications.
  - DPS has approved SWM concept approvals for the project. The January 24, 2013 SWM concept approval for the fitness and winter center expansion proposes to meet the SWM requirements by the use of planter boxes and micro-biofilters. (The May 29, 2013 SWM concept approval for the maintenance center includes micro-bioretention, bio-swales, sheet flow to buffer, and landscape infiltration).
  - The subject tree impact is not associated with a stream valley buffers (SVB).

The plan approval is subject to the following conditions:

- 1. The sediment and erosion control plan and storm water management plan must be consistent with the Limits of Disturbance and the associated tree/forest preservation measures of the Final Forest Conservation Plan (FFCP).
- 2. Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
- 3. The conservation easements boundary markers shall be installed in the field (with unique numbers stamped on each monument) and a corresponding map is to be provided to the forest conservation inspector prior to acceptance of the plantings.

4. If the flush monuments (as specified on the plans) do not prove to be effective delineation of the easement areas [based on the occurrence of violation(s) of the easement areas] then as part of the restoration requirements, the forest conservation inspector may require alternate forms of permanently identifying the easement areas. The alternate forms of delineation may include the installation of posts, signs, split-rail fence or other measures to be determined.

Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this site, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring.

Please contact Mr. David Wigglesworth at <u>David.Wigglesworth@montgomeryplanning.org</u> or at 301-495-4581 to schedule all necessary forest conservation inspections. If you have any questions regarding these actions, please feel free to contact Marco Fuster at 301-495-4521.

Sincerely, Robert Kronenberg Acting Chief

Area 1

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MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Luke O'Boyle 6100 Connecticut Avenue Chevy Chase, MD 20815

November 16, 2017

Re: Final Forest Conservation Plan Amendment # <u>SC1996001</u> Chevy Chase Club

Dear Mr. O'Boyle:

Based on the review by Area 1 Planning Staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan amendment submitted to M-NCPPC on October 12, 2017 for the project identified above, is approved.

In addition to the favorable recommendation from the County Arborist dated October 30, 2017, M-NCPPC Staff finds, based on the following justifications, that the Applicant has met all criteria required to grant the variance for the impact of four trees and the removal of one tree, affecting a total of five trees subject to the variance provisions. In addition to the required findings outlined below, Staff has determined that the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

The site has a notable quantity of subject trees interspersed throughout the property. Most of the subject trees are associated with sizable critical root zones. Therefore, any significant renovation or expansion of the nearly 125-year-old golf course would not be possible without triggering a variance. Staff has reviewed the application and agrees that there is an unwarranted hardship.

Staff finds as follows:

a) The variance will not confer on the Applicant a special privilege that would be denied to other applicants. The property is constrained by environmentally sensitive areas such as subject trees, historic resources, streams and associated buffers. Most institutional uses require occasional modernization, renovation or expansion resulting in some level of disturbance. The proposed impacts and removals of subject trees have been reduced, and in some cases eliminated from this project. The resulting impacts are further diminished with specialized tree protection measures and the subject tree removal are mitigated by the replacement trees specified on the plan.

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Furthermore, the one tree removed under this plan amendment had declining health and issues and decay at the base. Therefore, staff believes that granting this request is not a special privilege that would be denied to other applicants.

- b) The variance is not based on conditions or circumstances which are the result of the action by the Applicant. The requested variance is based on the need to maintain a viable facility in balance with site constraints, and not based on conditions or circumstances which are the result of actions of the applicant.
- c) The variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. The requested variance is a result of the proposed improvements and not a result of land or building use on a neighboring property.
- d) The variance will not violate State water quality standards or cause measurable degradation in water quality. The requested variance will not violate State water quality standards or cause measurable degradation in water quality for the following reasons:
  - The project will provide new onsite storm water management facilities to address the increase in storm water run-off the would otherwise be associated with the proposed site modifications.
  - DPS has approved the SWM concept approval for the project. The March 22, 2017 SWM concept approval for the Golf Instruction Facility proposes to meet required SWM goals via ESD using a bio-swale.
  - The subject tree removal and the impacts are not associated with a stream valley buffer (SVB).

The plan approval is subject to the following conditions:

- 1. The sediment and erosion control plan and storm water management plan must be consistent with the Limits of Disturbance and the associated tree/forest preservation measures of the revised Final Forest Conservation Plan (FFCP).
- Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
- The Chevy Chase Club shall coordinate with the Forest Conservation inspector for recommendations to implement a long-term plan to control problematic invasive species that currently exist within the conservation easement areas, such as bamboo and Japanese knotweed.

Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this site, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring.

Please contact Mr. David Wigglesworth at <u>David.Wigglesworth@montgomeryplanning.org</u> or at 301-495-4581 to schedule all necessary forest conservation inspections. If you have any questions regarding these actions, please feel free to contact Marco Fuster at 301-495-4521.

Sincerely, Robert Kronenberg Chief, Area 1

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