

Montgomery Planning

**NORTHWEST BRANCH DISC GOLF COURSE
FOREST CONSERVATION PLAN F20250260**



Forest Conservation Plan No. F20250260 was submitted to allow for the Montgomery County Parks Department to install an 18-hole disc golf course on the Northwest Branch Recreation Park.

COMPLETED: 1/13/2025

PLANNING BOARD HEARING DATE: 1/23/2025

MCPB ITEM NO. 7

Planning Staff



Amy Lindsey, Planner III, Midcounty Planning, Amy.Lindsey@montgomeryplanning.org, 301-495-2189

Matthew Folden, Supervisor, Midcounty Planning, Matthew.Folden@montgomeryplanning.org, (301) 495-4539

Carrie Sanders, Chief, Midcounty Planning, Carrie.Sanders@montgomeryplanning.org, 301-495-4653

LOCATION/ADDRESS

1313 Bonifant Road, Silver Spring

MASTER PLAN

1994 *Aspen Hill Master Plan*

ZONE

RE-2 and R-200

PROPERTY SIZE

200.25 acres

APPLICANT

Montgomery County Parks Department

ACCEPTANCE DATE

11/12/2024

REVIEW BASIS

Chapter 22A

Summary:

- Staff recommends approval of Forest Conservation Plan (FCP) No. F20250260 with conditions.
- FCP No. F20250260 proposes to replace FCP No. SC2008004 and FCP No. SC2022013.
- FCP No. F20250260 allows for the creation of a disc golf course within the Northwest Branch Recreation Park.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

FOREST CONSERVATION PLAN F20250260

Staff recommends approval of Forest Conservation Plan (FCP) F20250260 with the following conditions:

1. 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.
2. 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.
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. 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 Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of three caliper inches totaling nine 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.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property or “Property” (Figure 1) is a part of the Northwest Branch Recreational Park. It is located on Layhill Road (MD 182) and bisected by the Inter County Connector MD 200 (ICC) in Silver Spring. To the north is the Northwest Branch Golf Course, to the east is single family residential development, to the south is Bonifant Road, and to the west is Layhill Road. The surrounding area is a suburban mix of single-family residential development, commercial centers, and institutional uses.

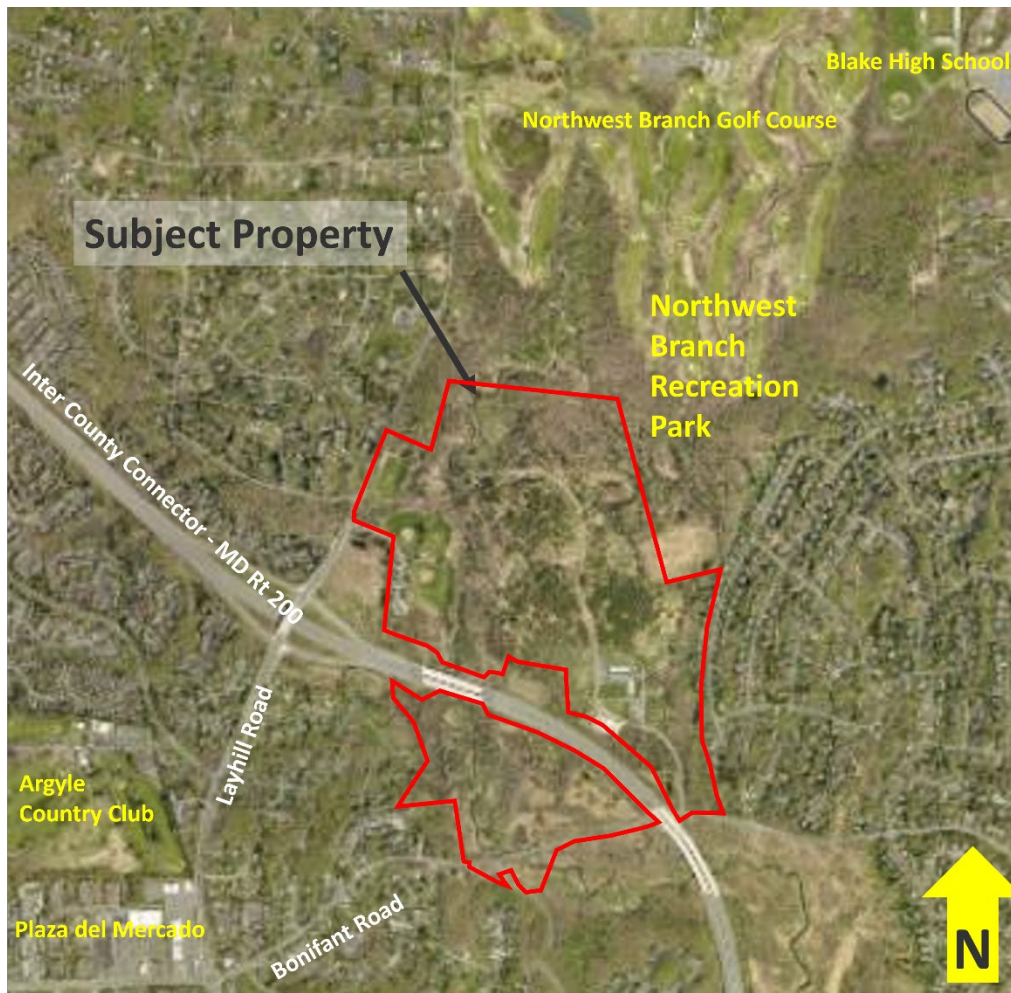


Figure 1 – Vicinity Map

PROPERTY DESCRIPTION

The Subject Property is approximately 200.25 acres and includes three parcels owned by the Montgomery County Parks Department – Parcels 606, 229, and 250 (Figure 2). The Property includes the entirety of the three parcels, regardless of division by roadways, as Forest Conservation Law is applied to the extent of a legal property boundary, as defined by deed or record plat.

Parcel 606 is located north of the ICC and includes Layhill Local Park. Layhill Local Park is developed with a playground, soccer field, two (2) softball fields, a baseball field, and a picnic area with a shelter. Vehicular access is from Layhill Road. Parcel 229 is divided into three pieces by the right-of-way for the ICC and extends through and across Bonifant Road. Parcel 250 is bisected by the ICC and includes vehicular access from Bonifant Road and a maintenance yard. The Property south of the ICC is undeveloped and is primarily forested stream valley buffer.

The National Capital Trolley Museum (NCTM) is located on the Property, crossing all three parcels, and includes a museum, a demonstration railway, and associated parking and infrastructure. The NCTM is owned and operated by a nonprofit organization and is open to the public.

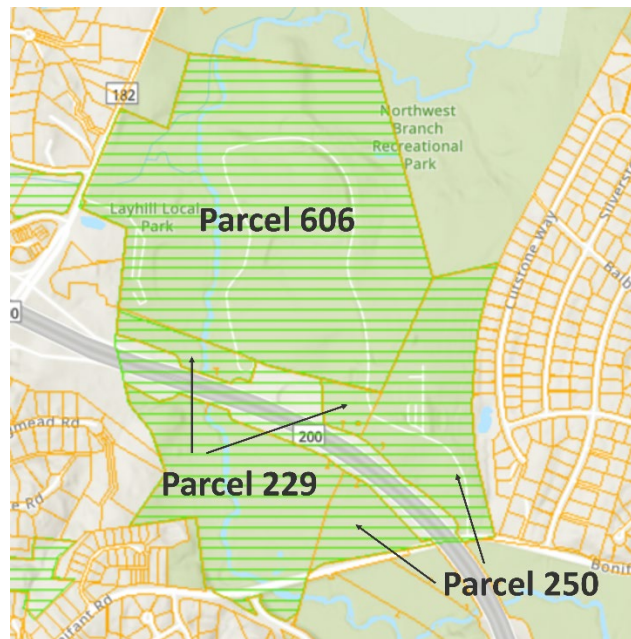


Figure 2 - Parcel Diagram

The main stem of the Northwest Branch of the Anacostia River runs through the Property, with associated stream valley buffers, wetlands, and floodplains. There are 114.96 acres of forest on the Property, which includes fifteen (15) different forest stands, including riparian and upland forests.

Numerous specimen trees are located throughout the Property, including two (2) American Sycamores that are within 75% of the size of the County Champion tree.



Figure 3 – Subject Property

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

FCP No. SC2008004 was approved on August 24, 2007 and allowed for the construction of the National Capital Trolley Museum. FCP No. SC2022013 was approved on September 19, 2022 and covered adjustments to the Limits of Disturbance (LOD) associated with the construction of a concrete pad and a fenced equipment compound including pole barns for a Parks Department maintenance yard.

PROPOSAL

The M-NCPPC Montgomery County Parks Department (Montgomery Parks) is planning to create an 18-hole disc golf course within the Northwest Branch Recreational Park. This will be the first disc golf course on a Montgomery Parks property. The disc golf facility will be laid out like a “traditional” golf course with tees and fairways, but instead of a putting green with a hole/cup, there is a basket into which the disc is thrown to complete each hole. Disc golf courses are “designed with nature”, which is to say they do not require much land development. Each hole has two tee boxes, measuring twelve (12) feet by six (6) feet, for different skill levels, a fifty-foot mowed or cleared fairway, and a basket (with options for multiple placements). Natural surface pathways guide players from hole to hole. Aside from tee boxes, fairways, and areas near each basket, the rest of the course will be natural and lightly maintained. A plaza and series of walkways are also included in the disc golf course.

The disc golf course will be designed around, and complement, the NCTM. The existing parking lot will be available to disc golfers, but the building will remain for museum activities only. The course will be at least 100 feet from the trolley tracks, to minimize stray discs from landing on them or striking trolley cars.



Figure 4 - Example of a Disc Golf Course

Forest Conservation Plan No. F20250260 was submitted to allow for the minimal disturbance required to install the disc golf course. The course will be installed in phases, with a detailed and specific sequencing plan. Montgomery Parks has worked closely with Montgomery County Department of Permitting Services to maximize tree retention by minimizing land disturbance. The Forest Conservation Plan (FCP) delineates areas that are being disturbed for the installation, as well as areas that are allowed to be mowed and maintained for the functioning of the facility. These areas are considered forest clearing for forest conservation purposes as the forest will not be undisturbed but will instead be maintained.

SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. A pre-submittal meeting was not required but signs were posted as required. Additionally, Montgomery Parks conducted outreach and community engagement for the project, culminating with a community meeting at the National Capital Trolley Museum on June 20, 2023, with more than 50 residents and stakeholders attending.

SECTION 5: FOREST CONSERVATION PLAN F20250260 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, as conditioned and described below.

FOREST CONSERVATION PLAN

FCP No. F20250260 will replace FCP No. SC2008004 and FCP No. SC2022013. FCP No. SC2008004 was approved prior to the construction of the ICC and included the area that was dedicated for the right-of-way of the ICC. FCP No. SC2022013 was approved to address disturbance necessary for the construction of a maintenance yard.

There are 114.96 acres of existing forest on the Property. FCP No. F20250260 shows the removal of 8.88 acres of forest and the retention of 106.08 acres of forest. The proposed development generates no forest planting requirements. While most of the trees within the forest clearing will not be removed, the forest is counted as cleared due to the proposed mowing and maintenance associated with the disc golf course. Areas that will be mowed or maintained are shown as being within Limits of Work but not within Limits of Disturbance, as the areas will not be disturbed and require sediment control measures.

Sec.22A-12(e)(1)(b) requires all unforested stream valley buffers to be planted with forest, regardless of forest conservation planting requirements. However, the Planning Board (or Planning Director) can remove this requirement if the Applicant demonstrates that:

- (i) afforestation or reforestation in the stream valley buffer would be in conflict with allowable uses as established in the latest version of the environmental guidelines;
- (ii) the stream valley buffer is located on park property stewarded by the Department of Parks, and the afforestation or reforestation would conflict with the mission and established stewardship practices of the Department of Parks; or
- (iii) the stream valley buffer is not suitable to establish and retain required planting materials, in which case a substitute environmental protective measure must be implemented.

In this case, there are areas of stream valley buffer on the Northwest Branch Recreational Park and Layhill Park that are being used for active recreation purposes. FCP No. F20250260 does not include the removal of athletic fields and planting of forest in the stream valley buffer because doing so would conflict with the established mission and use of this Property by Montgomery Parks. No new facilities or forest clearing are within stream valley buffers, wetlands, or floodplains.

VARIANCE REQUEST

Section 22A-12(b)(3) of the Forest Conservation Law 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 as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require the removal of one (1) Protected Tree and will impact fifteen (15) Protected Trees, as identified in Table 1. 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.

Table 1: Impacted/Removed Protected Trees

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Impact (%)	Tree Condition	Status
13	<i>Salix nigra</i>	Black Willow	36”	100%	Fair	Remove
17	<i>Prunus serotina</i>	Black Cherry	35”	12%	Poor	Save
19	<i>Prunus serotina</i>	Black Cherry	35”	26%	Fair	Save
21	<i>Acer rubrum</i>	Red Maple	36.5”	59%	Good	Save
23	<i>Prunus serotina</i>	Black Cherry	34”	13%	Good	Save
36	<i>Liriodendron tulipifera</i>	Tulip Poplar	80”	14%	Good	Save
56	<i>Liriodendron tulipifera</i>	Tulip Poplar	36”	5%	Poor	Save
57	<i>Liriodendron tulipifera</i>	Tulip Poplar	75”	11%	Fair	Save
59	<i>Acer negundo</i>	Box Elder	36”	18%	Fair	Save
60	<i>Carya glabra</i>	Pignut Hickory	48”	73%	Good	Save
61	<i>Acer saccharinum</i>	Silver Maple	38”	10%	Good	Save
70	<i>Acer rubrum</i>	Red Maple	33”	41%	Good	Save
86	<i>Platanus occidentalis</i>	American Sycamore	30.5”	37%	Good	Save
89	<i>Platanus occidentalis</i>	American Sycamore	31”	7%	Good	Save
92	<i>Platanus occidentalis</i>	American Sycamore	31”	7%	Good	Save
100	<i>Platanus occidentalis</i>	American Sycamore	34”	0%	Good	Save

Unwarranted Hardship

In accordance with Section 22A-21(a), the Applicant requested a Variance (Attachment C). Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use for the use of the Subject Property as a public recreation park.

Without the ability to impact the Protected Trees, the Applicant would not be able to develop a disc golf course on this existing recreation park. Disturbance and forest clearing has been minimized, with the disc golf course designed to work with the natural resources on the Property.

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.

Granting the Variance will not confer a special privilege on the Applicant as the disturbance is the minimum necessary to add a disc golf course on an existing recreation park. The Property is currently in use as a recreation park and the new facility is located outside of stream valley buffers, wetlands, and floodplains. The disc golf course has been designed to minimize disturbance and tree removal. If the Applicant were not able to impact the Protected Trees, the Applicant would not be able to construct the disc golf course.

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

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant but is based upon the existing site conditions and the locations of the Protected Trees. The disc golf course has been designed to work with the natural features on the Property and minimize disturbance.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is a result of the location of trees and the proposed construction 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 proposed development includes no disturbance or impacts to any trees located in stream valley buffers. Additionally, three (3) new 3-inch caliper trees will be planted to replace the

water quality functions of the one tree being removed. Given this, granting the variance will not adversely impact water quality.

Mitigation for Trees Subject to the Variance Provisions

The tree proposed for removal will be mitigated at a rate that approximates the form and function of the tree being removed. Variance trees will be replaced at a ratio of approximately 1-inch caliper for every 4 inches removed using trees that are a minimum of 3-inch caliper in size. This results in a mitigation of nine (9) inches, with a minimum at installation of three (3) 3-inch caliper trees.

Recommendation on the Variance

Staff recommends approval of the Variance for impacts to Protected Trees associated with Forest Conservation Plan No. F20250260.

SECTION 6: CONCLUSION

As conditioned, Forest Conservation Plan No. F20250260 satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. Therefore, Staff recommends approval of the Forest Conservation Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

Attachment A: FCP Plan

Attachment B: Prior Approvals

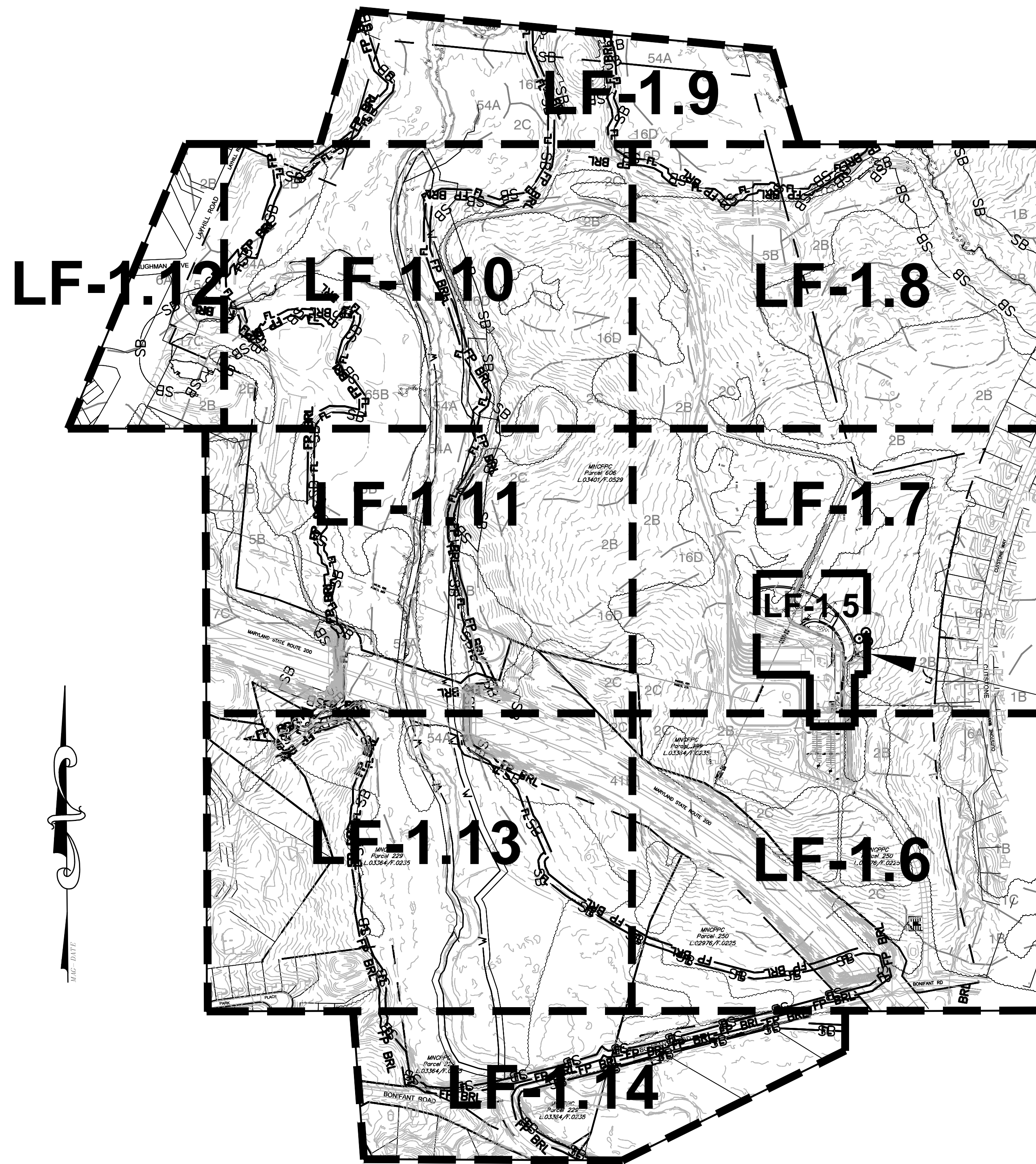
Attachment C: Variance Request

NORTHWEST BRANCH PARK DISC GOLF COURSE AMENDED FINAL FOREST CONSERVATION PLAN MNCPPC # F20250260

LIST OF AMENDMENTS

- ▲ AMENDMENT A (SC2022013) – CONCRETE PAD & POLE BARNs. SEE SHEETS LF1.2, LF1.4.
- ▲ AMENDMENT B (F20250260) –
 1. INSTALLATION OF DISC GOLF COURSE
 2. INSTALLATION OF GATHERING SPACE
 3. INSTALLATION OF ADA ACCESS
 SEE SHEETS LF1.1, LF1.5–LF1.15

NOTE: SEE SHEETS LF-1.5 – LF-1.15 FOR PLAN VIEW OF THE DETAILED PROPOSED CONDITION. SHEET LF-1.4 IS FROM THE PREVIOUSLY APPROVED PLAN.



LEGEND

---	EXISTING PROPERTY BOUNDARY
---	ADJACENT PROPERTY BOUNDARY
---	BOUNDARY
--- 284 ---	EX. CONTOUR
---	PROPOSED CONTOUR
284	TOP OF STREAM BANK
SB-SB-SB-SB	STREAM VALLEY BUFFER
FL-FL-FL	FLOODPLAIN (FEMA)
FP BRL	FLOODPLAIN 25' BRL
V-V-V-V	WETLAND BOUNDARY
WB-WB-WB	WETLAND 25' BUFFER
~~~~~	LIMIT OF FOREST
[Light Gray Box]	STEEP SLOPES 15% - 25%
[Dark Gray Box]	STEEP SLOPES ≥ 25%

NOTE: TREE INVENTORY IS LIMITED TO THE EAST SIDE OF THE TRAIN TRACKS. ANY FUTURE WORK OUTSIDE OF THIS AREA WILL REQUIRE ADDITIONAL INVENTORY.

**DETAILED PLAZA AREA AND PATH SEE LF-1.5**

SHEET INDEX		
SHEET #	DESCRIPTION	
** LF-1.1	COVER SHEET	
* LF-1.2	AMENDED COVER SHEET	
** LF-1.3	RESOLUTION PAGE	
* LF-1.4	AMENDED FCP SHEET 4	
** LF-1.5	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.6	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.6	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.7	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.8	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.9	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.10	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.11	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.12	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.13	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.14	AMENDED FCP - PROPOSED CONDITIONS	
** LF-1.15	AMENDED FCP - PROPOSED CONDITIONS	

* PREVIOUSLY APPROVED FCP SHEETS BEING AMENDED.  
** SHEET ADDED AS PART OF AMENDMENT

**CERTIFICATION OF QUALIFIED PROFESSIONAL**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNCPPC, AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

12.11.2024  
DATE  
MICHAEL A. NORTON  
MDNR / COMAR 08.19.06.01  
QUALIFIED PROFESSIONAL

CALL "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF WORK. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

**DEVELOPER'S CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. **F20250260** including, financial bonding, forest planting, maintenance, and all other applicable agreements.

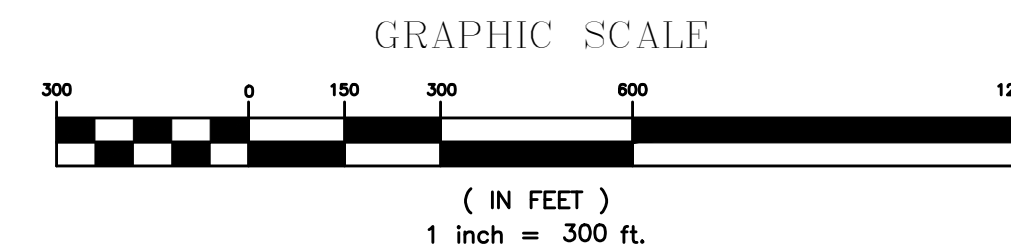
Developer's Name: **MNCPPC**  
Printed Company Name

Contact Person or Owner: **Evan Dintaman**  
Printed Name

Address: **2425 Reedie Drive, 11th Floor, Wheaton, MD 20902**

Phone and Email: **301-495-2595 evan.dintaman@montgomeryparks.org**

Signature: _____



**nld** NORTON LAND DESIGN  
LANDSCAPE ARCHITECTURE & ENVIRONMENTAL PLANNING  
5146 DORSEY HALL DRIVE  
2ND FLOOR  
ELLCOTT CITY, MD 21042  
O 443.542.9199  
NORTONLANDDESIGN.COM

DESIGN		
Landscape Architect	Date	Checked By:
Architect	Date	Checked By:
Engineer	Date	Checked By:
Drawn by	Date	Checked By:

**Professional Certification.** I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional landscape architect under the laws of the State of Maryland.

License No. **PLA 3310**  
Expiration Date **09.07.2025**

**The Maryland-National Capital Park and Planning Commission**  
Montgomery County Department of Parks  
2425 Reedie Drive, 11th Floor  
Wheaton, Maryland 20902  
(301) 495-2595

REVIEW AND APPROVAL	
Project Manager	Date
Construction Manager	Date
Park Manager	Date

ISSUED FOR PROCUREMENT ON _____		
REVISIONS		
Rev. No.	Date	Description

**Northwest Branch Park Disc Golf Course**  
1313 Bonifant Road, Colesville, Maryland 20905  
AMENDED FINAL FOREST CONSERVATION PLAN  
MNCPPC #F20250260  
SCALE: AS SHOWN  
ELECTION DISTRICT: 14  
SUBDIVISION: LAYHILL  
PARCEL 250.606.229; LOT/BLOCK: N/A  
LIBER/FOLIO: 0022; 0020; 0023; 0024; 0025

DWG. # **LF-1.1**  
SHT. # **1** of **50**  
FCP 1 OF 15

FINAL SCANNED:

PLAN SCANNED:

PARK CODE: E08

Plotted By: Cad 2, 12/11/2024, 3:12 PM, _NCS-fulcib

K:\NLD PROJECTS\23-112\Drawings\23-112_FFCPP.dwg LF-1.1

# Attachment B



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

Date: August 24, 2007

National Capital Trolley Museum  
C/o Ken Rucker  
1313 Bonifant Road  
Silver Spring, MD 20905

Re: Final Forest Conservation Plan SC20080040  
Property Name: National Capital Trolley Museum  
Tract size/Zone 160.50/RE-2

Dear Mr. Rucker:

Based on the review by Environmental Planning staff of the Maryland National Capital Park and Planning Commission, the final forest conservation plan mentioned above is approved. The final forest conservation plan consists of 37.19-acres of forest saved, 0.07-acres of forest removed, and 0.00-acres of afforestation required. The following items will need to be addressed prior to recording of any plats or any clearing or grading occurring on-site:

1. Inspections consistent with Section 110 of the Forest Conservation Regulation..

This letter must be attached to all reproduced copies of the approved final forest conservation plan. 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 modifications planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring. If you have any questions regarding these actions, please feel free to contact Amy Lindsey at (301) 495-2189.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Federline".

Stephen Federline, Supervisor  
Environmental Planning  
Countywide Planning



**September 19, 2022**

**Mr. Matthew Weir**

Montgomery County Department of Parks  
2425 Reedie Drive, 12th Floor  
Wheaton, MD 20902

Re: Final Forest Conservation Plan  
Property Name: Northwest Branch Recreation Park  
Plan Number: SC2022013 (amending SC2008004)  
Tract area: 160.60 acres  
Land Use Category: Institutional

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**Dear Mr. Weir,**

The Montgomery County Planning Department has reviewed Final Forest Conservation Plan (FFCP) No. SC2022013, Northwest Branch Recreation Park. This FFCP amends SC2008004 – National Capital Trolley Museum. FFCP Plan No. SC2022013 covers adjustments to the Limits of Disturbance (LOD) associated with the construction of a concrete pad and a fenced equipment compound including pole barns.

Based on the review by the Midcounty Planning Staff of the Maryland-National Capital Park and Planning Commission (M-NCPPC), the Final Forest Conservation Plan (FFCP) referenced above is approved.

The FFCP is approved subject to the following conditions:

1. The Applicant must install the 0.25 acres of forest as shown on the approved FCP, in the first planting season following stabilization of the applicable disturbed area.
2. The Applicant must schedule inspections consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
3. Limits of disturbance shown on the Sediment Control Plan must match the limits of disturbance shown on the Final Forest Conservation Plan.
4. The Applicant must comply with all tree protection and tree save measures shown on the FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.
5. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel.

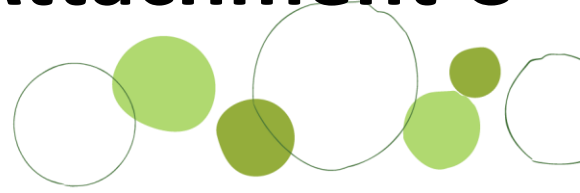
Any changes from the approved FFCP may constitute grounds to rescind and require amendments to any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modifications proposed for this development, a separate amendment must be submitted to the M-NCPPC for review and approval prior to those changes occurring. Please contact Kara Farthing at (240) 777-6453 to schedule your pre-construction meeting. If you have any questions regarding these actions, please feel free to contact Amy Lindsey at (301) 495-2189 or [amy.lindsey@montgomeryplanning.org](mailto:amy.lindsey@montgomeryplanning.org).

Sincerely,

A handwritten signature in cursive script that reads "Carrie Sanders".

Carrie Sanders  
Chief  
Midcounty Planning Division





October 10, 2024

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

Northwest Branch Park Disc Golf Course  
Request for Specimen Tree Variance F20250260  
Amendment to Approved FCP SC2022013

On behalf of the property owner and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to, or the removal of, the following trees identified on the approved Forest Conservation Plan F20250260 for the above-named park construction project.

**Project Description:**

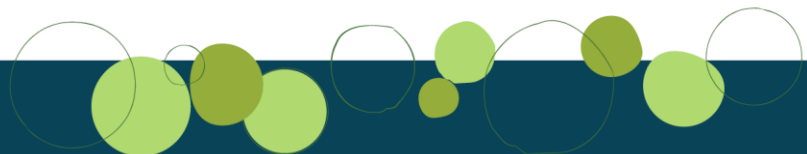
**The Subject Properties**

The subject property is 153.49 acres. The site is currently park property. The site is bordered by residential property to the east, park property to the north and west, and Route 200 to the south of the property.

**Forest Conservation**

A Final Forest Conservation Plan has been approved for the Subject Property. An amendment to the that plan is filed with this application. There is 86.63 acres of forest on the Subject Property. There are 8.88 acres of additional clearing to the previously approved FCP. The afforestation requirement for the property is met with onsite preservation.

There are forty-five (45) specimen trees located on and around the area to be developed. There is one (1) specimen trees to be removed that were not designated to be removed on the previously approved plan and fifteen (15) specimen tree impacted by mowing and clearing that were not designated to be impacted on the previously approved plan.



The following specimen trees require a variance:

VARIANCE TREES						
Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	C.R.Z. Impact %	Tree Condition	Disposition
13	SALIX NIGRA	BLACK WILLOW	36	100%	FAIR	REMOVE
17	PRUNUS SEROTINA	BLACK CHERRY	35	12%	POOR	TO BE SAVED
19	PRUNUS SEROTINA	BLACK CHERRY	35	26%	FAIR	TO BE SAVED
21	ACER RUBRUM	RED MAPLE	36.5	59%	GOOD	TO BE SAVED
23	PRUNUS SEROTINA	BLACK CHERRY	34	13%	GOOD	TO BE SAVED
36	LIRIODENDRON TULIPIFERA	TULIP POPLAR	80	14%	GOOD	TO BE SAVED
56	LIRIODENDRON TULIPIFERA	TULIP POPLAR	30	5%	POOR	TO BE SAVED
57	LIRIODENDRON TULIPIFERA	TULIP POPLAR	75	11%	FAIR	TO BE SAVED
59	ACER NEGUNDO	BOX ELDER	36	18%	FAIR	TO BE SAVED
60	CARYA GLABRA	PIGNOT HICKORY	48	73%	GOOD	TO BE SAVED
61	ACER SACCHARINUM	SILVER MAPLE	38	10%	GOOD	TO BE SAVED
70	ACER RUBRUM	RED MAPLE	33	41%	GOOD	TO BE SAVED
86	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	30.5	37%	GOOD	TO BE SAVED
89	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	31	7%	GOOD	TO BE SAVED
92	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	31	7%	GOOD	TO BE SAVED
100	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	34	0%	GOOD	TO BE SAVED

**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:** This work will require disturbance of the root zones of a total of sixteen (16) specimen trees. One (1) of the impacted trees will be required to be removed. The tree to be removed lies within an area of grading due to topographic conditions. The fifteen (15) trees to be impacted only lie near areas of mowing or clearing. The tree that require removal to develop the site is the only obstacle to providing improved public access to the park

Unwarranted hardship is demonstrated, for the purpose of obtaining a Specimen Tree Variance, when an applicant presents evidence that denial of the Variance would deprive the Applicant of the reasonable and substantial use of the property. The construction of a gathering space and recreational use in a public park is a reasonable use of park property. If the requested Variance were denied the Applicant would be precluded from developing the Subject Property for a reasonable and significant use commonly enjoyed by other parks in the county.

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

**Response: If the requested Variance were denied, the Applicant would suffer unwarranted hardship and would be deprived of rights commonly enjoyed by other park properties.**

- (3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;

**Response: Tree removals have been minimized by careful design of the layout ensuring the preservation of as many specimen trees as possible. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.**

**Specimen tree removal is proposed to be mitigated for onsite through new plantings as depicted on the FCP. Additional canopy planting will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential and agricultural).**

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

**Response: The Approved and Adopted Trees Technical Manual lists several factors for consideration when reviewing applications for clearing that now require the approval of a Specimen Tree Variance. Generally, the Technical Manual recognizes that clearing is appropriate for street and driveway construction to provide access to new development and to create a building envelope for development. Among the development factors that the Technical manual considers appropriate for consideration when a Variance request is before the Planning Board is whether an urban form of development is desired at a particular location**

**The Technical Manual also acknowledges that well planned clearing balances the public policies of preserving forest and funneling development into appropriate locations. The Technical Manual provides that one factor to be considered.**

**“The extent to which the actual or intended use of the property, as developed or as proposed to be developed in accordance with the regulations of the Zoning Ordinance and/or area master plans, require clearing of trees.”**

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 construction of the gathering space and disc golf course onsite is in conformance with the subdivision regulations and zoning code. 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: The Applicant has taken no actions leading to the conditions or circumstances that are the subject of this variance request.**

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

**Response: The surrounding land uses do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.**

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

**Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree removal is further proposed to be mitigated through the installation of 3 – 3” caliper trees.**

**Conclusion:**

For the above reasons, the applicant respectfully requests that the MNCPPC Staff 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 to allow the construction of this 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 'Michael Norton', written in a cursive style.

Michael Norton