



MHG

CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
LAND PLANNING

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June 27, 2025

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

Re: Bergfield Tract
MHG Project No. 23.242.11
F20241050

To Whom It May Concern:

On behalf of 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 ten specimen trees, as required by the Maryland Natural Resources Article, Title 5, Subtitle 16, Forest Conservation, Section 5-1611, and in accordance with Chapter 22A-21(b) of the Montgomery County Code. The proposed removal of ten trees thirty inches satisfies the variance application requirements.

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

The total property area subject to the associated forest conservation plan includes 9.93 acres with a total of 2.48 acres of forest. The property is developed with multiple buildings and several large antennas. A forest area is around the southern and western boundaries of the property. The property is proposed to be completely redeveloped and all of the forest and trees to be removed. The three antenna towers and one building are to remain requiring the proposed development to be placed around these structures. The building square footage and parking needs take up a significant area pushing the development out in all directions. The slope of the property drops to the west requiring entrances and parking to serve the lower levels of the buildings and the need for leveling areas behind the buildings for the parking, entrance to rear driveway and the downhill stormwater management facilities which pushes the grades out across the forest and specimen trees including trees 71, 72, 1, 3, 4 and 6. Tree 18 is along the northern property and within the building area for one of the proposed buildings. Trees 8, 9, and 10 are along the front right of way and are impacted by the required sidewalk and storm drain system, the requirements of the sidewalk and storm drain are such that they cannot be altered to save the trees. For all of the above reasons, not allowing the proposed removals and impacts would be a hardship that is not warranted.

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

The landowner's rights to develop their property as is done by others in similar areas would be deprived by not allowing the removal to the subject trees. The affected

specimen trees and/or their critical root zones are located within the developable area of the property. As detailed above, the removals are unavoidable in order to develop the property to meet the needs of the redevelopment. The inability to remove the subject trees 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 is being submitted for the proposed improvements. Stormwater treatment is provided by multiple bioretention planter box facilities. Currently there is no stormwater treatment on-site therefore the redevelopment offers an improvement in water quality leaving the site. The required ESD volume treatment is proposed to be met. The stormwater management concept plan confirms that the goals and objectives of the current state water quality standards are being met.

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

Mitigation will be provided for all specimen trees to be removed. A copy of the Forest Conservation Plan and a variance tree spreadsheet has been provided as part of this variance request. Please let us know if any other information is necessary to support this request.

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

Thank you,

Frank Johnson

Frank Johnson

VARIANCE TREE REMOVAL TABLE			
Tree ID#	DBH	Species	Condition
1	43	Tulip Poplar	Good
3	30	Tulip Poplar	Good
4	36	Tulip Poplar	Good/Fair
6	32	Tulip Poplar	Good
8	37	Tulip Poplar	Fair/Good
9	43	Tulip Poplar	Poor
10	35	Tulip Poplar	Poor
18	31	Tulip Poplar	Poor
71	43-38	Silver Maple	Poor
72	30	Cottonwood	Fair/Poor
Total:	398		

398" removed/4 = 99.5" to be met via 25 trees at 4"dbh