



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

Item #
 MCPB 7-8-10

MEMORANDUM

DATE: June 23, 2010
TO: Montgomery County Planning Board
VIA: Mark Pfefferle, Acting Chief, Environmental Planning *MP*
FROM: Josh Penn, Senior Planner, Environmental Planning *JP*
PLAN NAME: Norwood School (S-285-E)
PLAN NUMBER: 119980150
REVIEW TYPE: Final Forest Conservation Plan
APPLYING FOR: Amendment to a Final Forest Conservation Plan (FCP)
PLAN TYPE: Final Forest Conservation Plan
REVIEW BASIS: Forest Conservation Regulations, COMCOR 22A.00.01.13.A.(2)
ZONE: RE-2
LOCATION: Located at River Road, at the northeast corner of the intersection with Bradley Boulevard, in Potomac.
APPLICANT: The Norwood School
ATTORNEY: Todd Brown
HEARING DATE: July 8, 2010

STAFF RECOMMENDATION: Staff recommends approval of the Amendment to the Final Forest Conservation Plan for Norwood School with the following conditions:

1. Applicant must record a new record plat within nine (9) months of the mailing of the Planning Board Resolution that reflects the revised conservation easement boundaries and references the standard easement description as recorded at Liber13178 Folio 412 (Category I) and Liber13178 Folio 421(Category II) in the Montgomery County Land Records.

SITE DESCRIPTION

The 38.76-acre property is located at 8821 River Road, at the northeast corner of the intersection with Bradley Boulevard, in Potomac. The property is bounded by single family residential development to the north, east, and west. The property is bounded by River Road and Congressional Country Club to the south. This plan proposes a special exception amendment for the increase of enrollment, staff, and facilities associated with the private educational institution.

BACKGROUND

Norwood School has operated under a special exception (CBA-2879) originally granted in 1970. School facilities and operations have subsequently been altered in varying degrees over the last 40 years in order to accommodate the growing educational needs of its students and those of the greater community. In 1996 a preliminary plan of subdivision was required as a condition of approval of S-285-B. The applicant filed for a preliminary plan in 1998 (119980150): the final

forest conservation plan was first approved on June 25, 1998. This final forest conservation plan is the plan proposed to be amended with special exception case S-285-E.

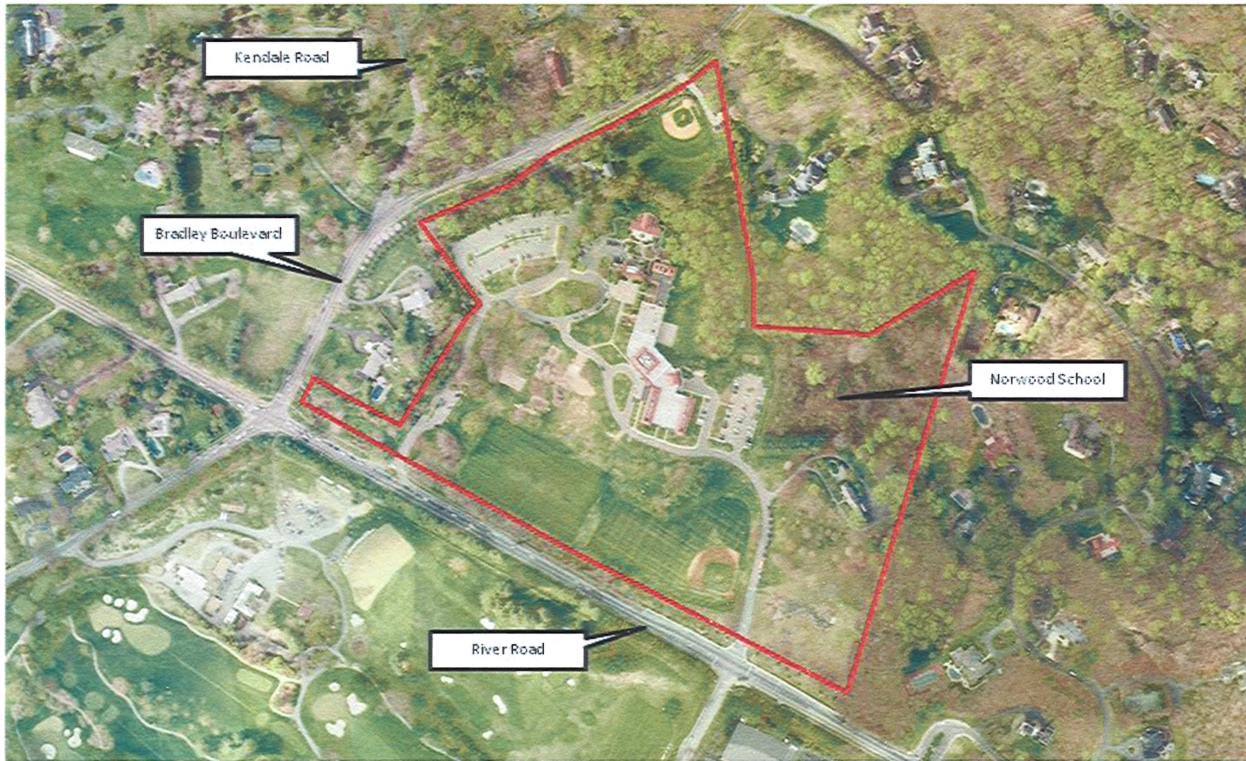


Figure 1: 2008 Aerial Photograph

PROPOSED AMENDMENT

On February 9, 2010 the applicant submitted an application proposing to amend the Final Forest Conservation Plan 119980150 by relocating and adding to the existing on-site conservation easements. The applicant suggests the proposed layout of conservation easements will work better with the proposed master plan build out of the school and provide fewer conflicts with the existing school configuration. The applicant's proposal increases in the on-site conservation easements by 0.11 acres.

PLANNING BOARD REVIEW AUTHORITY

The Forest Conservation Regulations requires Planning Board action of certain types of modifications to an approved FCP. Section 22A.00.01.13 of the Forest Conservation Regulation states:

Minor amendments which do not result in more than a total of 5000 square feet of additional forest clearing may be approved by the planning director on a case by case basis...

Although the total modification is below the 5000 square foot threshold of additional forest loss, staff believes that the removal of or significant change to the conservation easement warrants consideration in a public forum with a final decision from the Planning Board. In prior cases of a similar nature, the Planning Board requested that they would like changes to conservation

easements be brought before them. The applicant's plan requires changes to recorded easements and only the Planning Board can authorize changes to recorded easements.

Notification and Outreach

The subject property was signed with notification of the upcoming Special Exception amendment prior to the February 9, 2010 submission. All adjoining and confronting property owners will be notified of the proposed amendment. Any comments received will be forwarded to the Board.

As of the date of this report, staff had received no inquiries concerning the forest conservation plan.

Environmental Guidelines

There are streams, wetlands, floodplains, and associated buffers on the property. The property contains 4.68 acres of environmental buffers. There are highly erodible soils present. There are pockets of steep slopes onsite, generally towards the northeast side of the property. The property is within the Cabin John Creek watershed, a Use I/IP watershed. The Countywide Stream Protection Strategy (CSPS) rates the tributaries in this watershed as good. This property is not located within a Special Protection Area or Primary Management Area.

Forest Conservation

This property is subject to the Chapter 22A Montgomery County Forest Conservation Law and has an approved Final Forest Conservation Plan (FCP) dated June 25, 1998. The applicant has submitted an amendment to the final forest conservation plan.

The subject property totals 38.76 acres and is identified as parcel N700. The approved FCP contains 9.8 acres of conservation easement areas. The proposed amendment shows a total of 9.91 acres of conservation easement area. The applicant is proposing to reconfigure 1.04 acres of existing conservation easement on-site and to address an area of conservation easement that was inadvertently overlapped with required River Road frontage improvements. The applicant's plans shows that 8.76 acres of conservation easement are exactly the same as the originally approved FCP.

The on-site reconfigurations of reforestation areas have previously been allowed and were mitigated at a 1:1 ratio. The proposed FCP amendment will have no net forest loss from the approved FCP: in point of fact, an additional 0.11 acre of planted forest will be incorporated into the protected forest on the site.

The proposed amendment meets all the requirements of the original plan and further compensates for the new right-of-way improvements. The new plan meets the requirements of the law and will also provide a more harmonious configuration. The new configuration provides better protection of the easements by relocating some easements out of highly used areas of the site to less active areas, helping to minimize accidental impacts within the conservation easements.

Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, MD Ann. Code, identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or any disturbance within a tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the Montgomery County Code. The law requires no impact to any trees that measure 30" diameter at breast height (DBH) or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; trees associated with a historic site or structure; and rare, threatened and endangered species. Since this project did not obtain approval of this Forest Conservation Plan amendment prior to October 1, 2009 and the applicant is proposing to remove one tree greater than 30 inches DBH and affect/impact four trees greater than 30 inches DBH, a variance is required. The applicant's variance request is provided in Attachment A.

Section 22A-21(c) of the County Code requires the Planning Board to refer a copy of each request to the County Arborist in the Montgomery County Department of Environmental Protection and other appropriate officials or agencies for a written recommendation prior to acting on the request. The County Arborist has 30 days to comment. The variance request was referred to the County Arborist on May 13, 2010. In a letter dated May 27, 2010, the County Arborist elected not to review the variance request (see Attachment B).

Section 22A-21(e) of the County code states that the Planning Board must make certain findings that the applicant has met all requirements of this section before granting a variance. The four findings are listed below, each followed by information and recommendations offered in support of the specific finding.

1. *Will confer on the applicant a special privilege that would be denied to other applicants.*

The proposed FCP amendment will remove one 36" Tulip poplar in poor condition and impact four other specimen trees, a 40" Red Maple, 42" Tulip Poplar, 45" Red oak, and a 47" Tulip Poplar. The four trees being impacted are to remain and will only need minor tree save measures such as tree protection fencing and root pruning. The one tree to be removed is in poor condition and declining health and may become a hazard to existing school structures. Additionally, this tree could be removed at any time under the existing approved FCP without any prior notice. For these reason no special privilege would be granted to the applicant that would not be granted to others.

2. *Is 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 specific actions by the applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The requested variance is based on the proposed site layout and a design to achieve a reasonable layout given an existing school that is to remain.

3. *Arises 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 site design and layout on the subject property in accord with zoning and subdivision requirements and not as a result of land or building use on a neighboring property.

4. *Will violate State water quality standards or cause measurable degradation in water quality.*

The applicant has prepared a stormwater management concept plan which will improve water quality measures on the subject property and in the surrounding area. Additionally, the applicant confirms that the loss of this one tree will cause no degradation in water quality associated with the proposed development as a result of the granting of the requested variance.

As a result of documentation provided in support for the above findings, Environmental Planning staff recommends Board approval of the applicant's request for a variance as required per Section 1607(c) of the Natural Resources Article, MD Ann. Code. The variance approval is a necessary component of the Planning Board's approval of the forest conservation plan.

CONCLUSION

Staff recommends that the Planning Board approve this amendment to the Final Forest Conservation Plan for Norwood School.

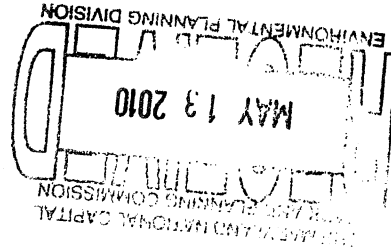


Loiederman
Soltesz Associates, Inc.

Attachment A:

May 12, 2010

Mark Pfefferle
M-NCPPC
Environmental Planning Division
8787 Georgia Avenue
Silver Spring, MD 20910



Re: Norwood School FCP#1-98015 and Special Exception # S-285-E
Revised request for a Variance to remove one specimen tree, 30 inches or greater and to impact the critical root zone of four specimen trees, 30" or greater
LSA No: 1790-00-00

Dear Mark,

On behalf of The Norwood School, Loiederman Soltesz Associates, Inc. is requesting a variance for the removal of one specimen (30 inches or greater dbh) tree under Section 22A-21 of Montgomery County's Forest Conservation Law. We are also requesting a variance for disturbing the critical root zones of four additional specimen trees proposed to remain.

The site is located at the corner of River Road and Bradley Boulevard in Potomac, Montgomery County, Maryland. It is approximately 38.06 acres, is zoned RE-2, and is owned by Norwood School. There is a stream valley buffer to the north for an unnamed tributary off the property that leads to Cabin John Creek Use I. There is also a stream valley buffer in the southeastern portion of the property for another unnamed tributary off the property that also leads to Cabin John Creek Use I. The natural resource inventory plan showed approximately 7 acres of existing forest on the site. The site currently has approximately 10 acres of existing forest conservation easement encumbering the property.

The special exception request S-285-E, proposes a new classroom building, a performing arts center, a swimming pool, a parking lot, and a new maintenance building. The improvements include associated utilities, stormwater management, paved driveways, and walkways. The proposed limit of disturbance is approximately 6.85 acres. No disturbance is proposed to the stream valley buffer.

The specimen tree #40, as shown in Appendix 'A', proposed to be removed. It is not in the stream valley buffer or any forest conservation easements. Tree #40 was listed in the NRI-FSD plan with no description and was listed on the previous Final Forest Conservation Plan with a note requiring special construction methods including topical fertilizer and sanitary pruning. This tree is described in the proposed Final Forest Conservation Plan as follows:

Table 1. Specimen Trees to be removed on Norwood School Property

Tag #	Common Name	Scientific Name	Size (dbh)	Condition	Comments
40	Tulip Poplar	Liriodendron tulipifera	36	Poor	Crown dieback

The location of the classroom building and adjacent accessible parking lot is well situated connecting two existing buildings and minimizing the impact to the existing forest conservation easements. Preservation of the tree listed above to be removed would result in a significant hardship to the applicant if required to be saved. Tree #40 is failing and is a potential hazard being located close to the existing and proposed classrooms as well as adjacent to the existing entrance walk and drop off for the lower school. An arborist verified the poor condition of the tree during a field visit on May 10, 2010. This tree is not located within any of the forest easements on the site. As such, the removal of it will not result in a measurable degradation of water quality. The proposed parking lot and accessible walk which is impacting this tree is required for handi-cap accessibility to the new classroom building and is being constructed almost entirely on top of an existing asphalt parking lot, providing minimum disturbance to the environment verses locating it elsewhere.

The specimen trees #30, #41, #42, and #101 are proposed to remain, however construction work will impact their critical root zone area. All proposed impacts to these trees were reviewed by an arborist during a field visit on May 10, 2010. The arborist determined all four trees could be saved with fertilizing and root pruning where necessary and that the impacts would not cause major stress to the trees. None of the trees are within the stream valley buffer or a wetland area on-site. The Final Forest Conservation Plan describes the trees as follows:

Table 2. Specimen Trees to be disturbed on Norwood School Property

Tag #	Common Name	Scientific Name	Size (dbh)	Condition	Comments
30	Twin Maple	Acer rubrum	40	Good	Root Prune, Tree Fence
41	Tulip Poplar	Liriodendron tulipifera	47	Good	Root Prune, Tree Fence
42	Tulip Poplar	Liriodendron tulipifera	42	Good	Root Prune, Tree Fence
101	Red Oak	Quercus rubra	45	Good	Tree Fence

Of the four specimen trees to remain, but be impacted, only tree #42 is in a forest conservation easement. Tree #42, as shown in Appendix 'B', will be impacted on one side with the construction of a pool/backwash surge tank with a connection to an existing sewer manhole and four drywells to treat the run-off for the pool building. About 22% or 2200 s.f. of the 10207 s.f. will be disturbed, however only 108 s.f. of disturbance is within the forest conservation easement area for the connection to the existing sewer manhole. All other work for the pool building and utilities is outside the forest conservation easement. The tree will be root-pruned and will receive root growth bio-stimulants prior to construction. Any location for the pool building would result in impacts to this tree in

Mr. Pfefferle
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May 12, 2010

order to connect to the existing sewer, however the pool location was chosen to provide the least amount of impact to the environment. The pool building is also almost entirely covered with a green roof to minimize run-off due to additional impervious.

Tree #30, as shown in Appendix 'C', will be impacted with the construction of a re-graded parking lot to the north. About 11% or 1200 s.f. of the 11,310 s.f. critical root zone area will be disturbed. The parking lot will be located in the current location minimizing changes from the existing condition; however the grade of the parking lot on the south end will be raised about 1' causing some fill within the critical root zone of the tree. Tree #30 will be root pruned and will receive root growth bio-stimulant prior to construction to help minimize any stress to the tree as a result of the construction.

Tree #41, as shown in Appendix 'A', will be impacted with the construction of a grass swale for stormwater management. About 8% or 1200 s.f. of the 15,615 s.f. critical root zone area will be disturbed. The grass swale provides a more natural approach to stormwater management and will help with groundwater recharge on the site. An alternative stormwater management feature would possibly cause more impact to the environment. Tree #41 will be root pruned and will receive root growth bio-stimulant prior to construction to help minimize any stress to the tree as a result of the construction.

Tree #101, as shown in Appendix 'A', will be impacted with the construction of a sidewalk where currently there is a lot of foot traffic and the grass has been eroded away to create a dirt path. The entire area under construction is about 2925 s.f. of 14,314 s.f. or 20% of the critical root zone. However, to minimize disturbance to this tree, the proposed sidewalk will be built on top of the existing roots with minimal excavation. Tree #101 will receive root growth bio-stimulant prior to construction to help minimize any stress to the tree as a result of the construction.

For these reasons we believe it is appropriate to grant this request for a variance. Should you have any questions or require further clarification, please do not hesitate to contact me. Thank you.

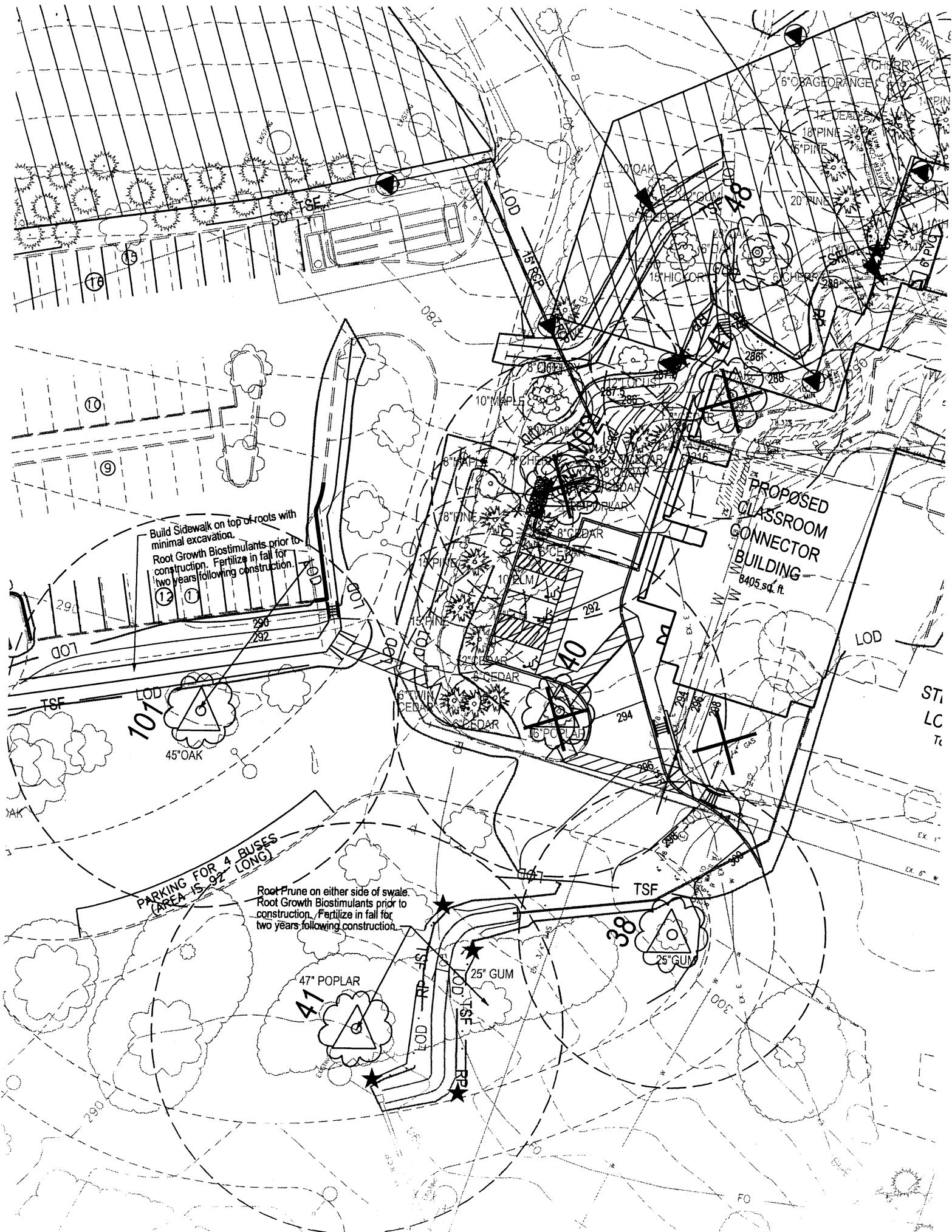
Sincerely,

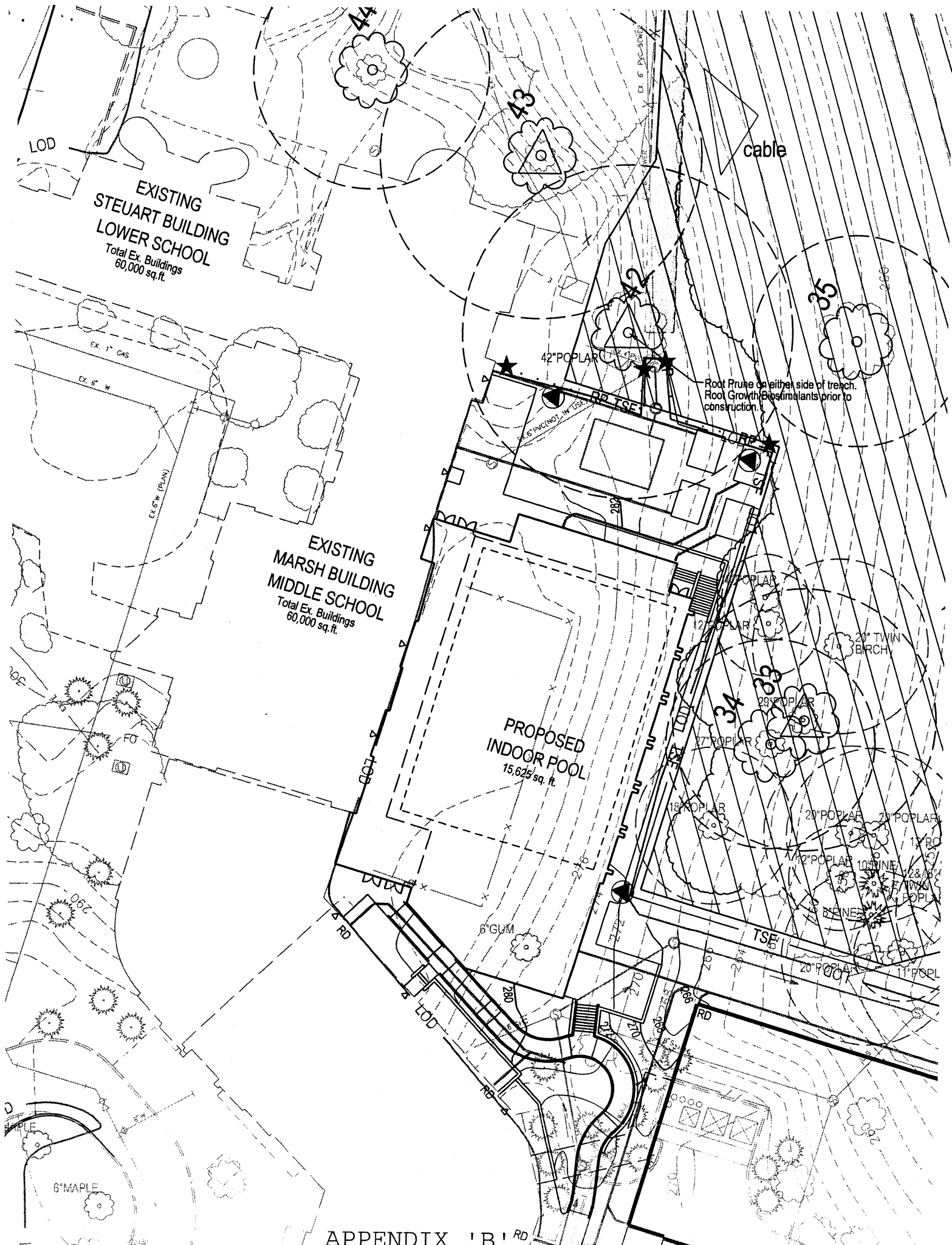
LOIEDERMAN SOLTESZ ASSOCIATES, INC.



Keely D. Lauretti, RLA
Assistant Project

Cc: Josh Penn
Pat Morrison
Todd Brown
Steve Tawes





LOD

EXISTING STEUART BUILDING LOWER SCHOOL
 Total Ex. Buildings
 60,000 sq.ft.

cable

EXISTING MARSH BUILDING MIDDLE SCHOOL
 Total Ex. Buildings
 60,000 sq.ft.

PROPOSED INDOOR POOL
 15,625 sq. ft.

Root Prune on either side of trench.
 Root Growth Disinfectants prior to construction.

LY &

SCENIC EASEMENT

122



22' MAPLE

22' PINE

8' TRIPLE CHERRY

6' OAK

280

278

8' SWEETWOOD

15' MAPLE

14' MAPLE

18' PINE

8' DOGWOOD

8' DOGWOOD

278

276

6' MAPLE

276

274

274

276

5

274

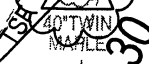
276

272

100'

100'

20' POPLAR



Root Growth Biostimulants prior to construction.

LOD

TIE INTO EXISTING RAMP

19

18

16' OAK

24' OAK

18' OAK

18' OAK

10' P.U.E.

RIVER ROAD
MD RTE. 190
(S.R.C. PLAT CNR)
(60' RW)

LOD

LOD

LOD



176



Attachment B:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

May 27, 2010

Royce Hanson, Chairman
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Norwood School, S-285-E and DAIC 119980150, original NRI/FSD applied for on 6/27/1997

Dear Dr. Hanson:

As stated in a letter to you from Bob Hoyt, dated October 27, 2009, the County Attorney's Office has advised me that the new provisions of the Forest Conservation Act do not apply to any application required by Chapter 22A of the Montgomery County Code submitted before October 1, 2009. Since the application for the above referenced request is required to comply with Chapter 22A based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC) but was submitted after this date, I will not provide a recommendation pertaining to this request for variance.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief