MCPB Item No.

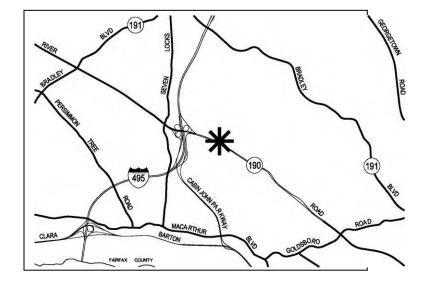
Date: 2-14-13

# Holton-Arms, Final Forest Conservation Plan Amendment, # CBA-1174C (in response to a violation)

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PAU	Robert Kronenberg, Acting Chief Area 1, Robert.Kronenberg@montgomeryplanning.org 301.495.2187
	Staff Report Date: 2-1-13

# **Description**

- 7303 River Road, Bethesda MD, 20817
- 58.5 acres in the R-200 & R-90 zones, within the Bethesda Chevy Chase master plan area.
- Proposed abandonment of forest conservation easement area, with 1:1 replacement onsite.
- Application submitted on 4/23/2012
- Applicant: Holton-Arms School



# **Summary**

- Staff Recommendation: Approval with conditions
- The application amends the previous forest conservation plans and corrects the associated encroachments.
- The application proposes the abandonment of approximately 21,124 sf of forest conservation easement area and 1:1 replacement onsite.
- The proposed plan will comprehensively address a variety of easement/forest conservation issues including existing violations, encroachments by others, access & maintenance conflicts and erosive conditions associated with Park runoff, by providing onsite mitigation, restoration measures and other enhancements.

**RECOMMENDATION:** Approval of the Final Forest Conservation Plan Amendment, subject to the following conditions:

- 1. Adjust the locations and increase quantities of the easement boundary posts on the plans to more appropriately delineate the easement areas, subject to Staff approval.
- 2. The restoration area for the easement encroachments behind 8233 Burning Tree Road shall consist of reforestation plantings rather than the natural regeneration method proposed. Plantings are to be shown on the amended Final Forest Conservation Plan ("FFCP") and approved by Staff.
- 3. Retain the existing vegetated buffer located near the synthetic turf field scoreboard within a Category I Easement. The easement area near the scoreboard and associated sightlines must be approximately 35' wide.
- 4. Timing of the plan approval and implementation shall be performed as follows:
  - a. A revised FFCP must be submitted by the applicant then approved by Staff prior to recordation of the easement.
  - b. The easement recordation must be completed no later than August 7, 2013 (six months after the hearing date).
  - c. The removal of encroachments within the ultimate easement areas must begin no later than May 7, 2013 (three months after the hearing date) and must be completed by August 7, 2013.
  - d. Installation of the fence and signage must begin no later than May 7, 2013 and must be completed by August 7, 2013.
  - e. The invasive control work must begin no later than May 7, 2013.
  - f. The tree and shrub plantings must be installed by December 1, 2013
  - g. Swale installation shall be completed prior to the pre-planting meeting for the trees and shrubs.
- 5. Submission and approval of financial security is required for the plantings, fence and signage specified on the FFCP; the security must be approved prior to any land disturbing activities occurring onsite.
- 6. The revised Category I Easement boundaries must be recorded prior to land disturbing activities occurring onsite.
- 7. The applicant must submit a maintenance and management agreement and have it approved by staff prior to the forest conservation inspector accepting any planting.

#### SITE DESCRIPTION

The subject property, shown in Image #1 below, is a platted parcel measuring approximately 58.5 acres. The property is located on the north side of River Road, and the main entrance is located approximately 1000 feet east of Burdette Road. The property contains a school and associated outbuildings and recreational facilities. The natural features onsite include Booze Creek stream which runs through and along the property. The stream is a major tributary of Cabin John Creek and is a use I-P watershed<sup>1</sup>. Forest areas, steep slopes, wetlands, floodplains and highly erodible soils occur within portions of the site. A number of rare, threatened and endangered plant species and watch-list species are also associated with the property (refer to appendix for details).

A local park borders the property on the east and an elementary school is located towards the southeast. The site is zoned R-200 on the north and west side of the stream, while areas south and east of the stream are in the R-90 zone.

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 public water supply.



Image #1 Subject property and vicinity NORTH ↑

# **PROJECT HISTORY**

The Holton-Arms school has been subject to numerous regulatory reviews including multiple final forest conservation plans. Onsite category I forest conservation easements have been established and consist of retained forest and reforestation plantings. (Refer to the appendix for a detailed outline of the project history). There are numerous issues associated with the easement areas which are comprehensively addressed by the current proposal. As recommended by staff all of the issues have been packaged under one application. The issues addressed are related to the following categories:

- Encroachments/excessive maintenance by the applicant within easement areas.
- Encroachments from adjacent residents.
- Lack of signage/fencing which appropriately delineates portions of the easements.
- Erosion within of easement area (near track bleachers).
- Access/maintenance issues for WSSC personnel.
- Unsuccessful reforestation plantings.
- Invasive plant species.

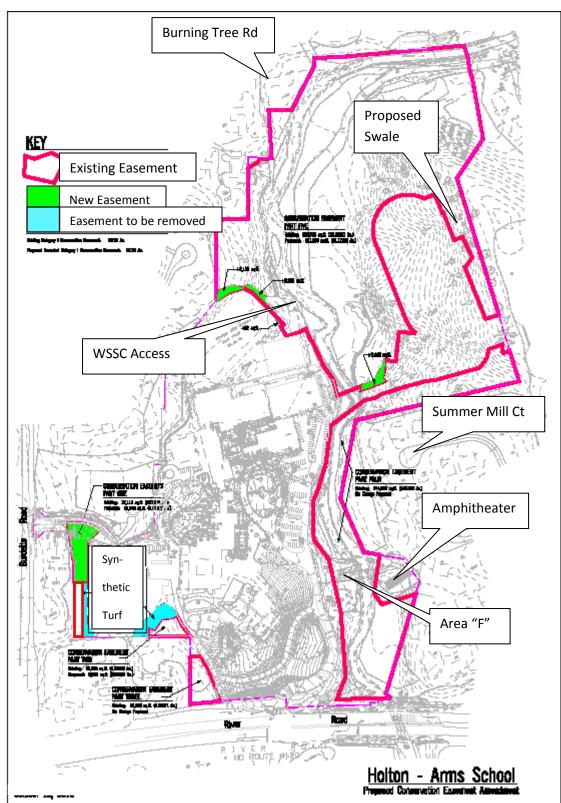


Image #2 Existing and proposed conservation easements

NORTH



#### **CURRENT PROJECT DESCRIPTION**

The applicant proposes a number of modifications to the existing plans and easement areas as described below:

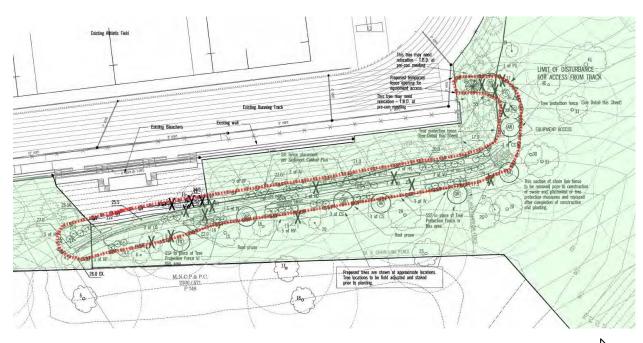


Image #3 Proposed plan for swale installation near track and bleachers



# 1. Proposed graded swale near bleachers:

The applicant is proposing approximately 10,000 sf of disturbance within the Category I Conservation Easement to install a drainage diversion swale as shown in Image #3 above. The area of disturbance is generally within the footprint of the previous LOD that was approved for site grading. The original disturbance of the area occurred approximately nine years ago for the track and field installation; therefore the currently proposed work does not have an adverse effect on trees of a substantial size. The area does contain numerous young native trees that have naturally regenerated among the reforestation plantings that had also been installed.

The area will remain in a Category I Conservation Easement and stabilized with top-soil and a bio-degradable erosion control matting. The area will also be restored with reforestation plantings. The drainage will be directed to an existing swale within the conservation easement area. The consultant has confirmed that no new erosion will result. The conveyed drainage will run through the valley below the ridge top where the sensitive plant populations were mapped.

# 2. Lower athletic field (synthetic turf area):

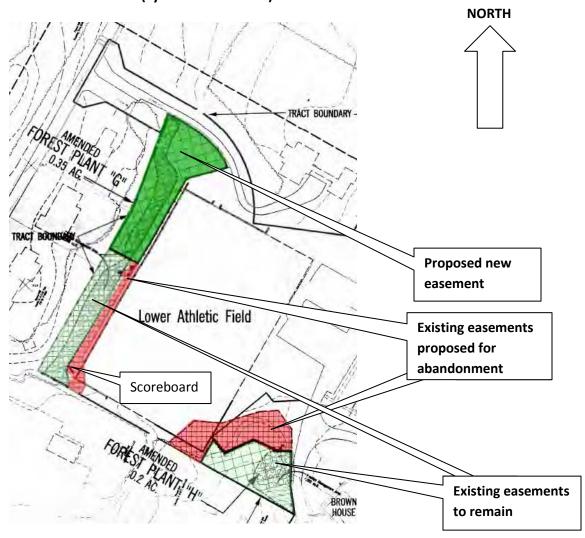


Image #4 Proposed easements area near synthetic turf field

The current proposal is to abandon areas of easement that overlap with the new turf field and abandon additional areas beyond the December 20, 2006 approval (see page 14 for exhibit of approved plan). The additional abandonment is proposed to allow a scoreboard and its associated sight lines to remain. The narrow strip of land along the southwest portion of the field (extending northeast from scoreboard) is proposed for exclusion from the easement area. The remaining easement area near the scoreboard would be less than 50' wide and no longer meet forest definition. Therefore, the entire southern end of easement is proposed for onsite replacement mitigation at a 1:1 ratio<sup>2</sup> (as if the entire easement near the scoreboard were removed). The onsite replacement

<sup>&</sup>lt;sup>2</sup> 1:1 replacement is the standard ratio for onsite mitigation.

will satisfy forest conservation purposes consistent with Planning Board policies. The approximate 35' wide portion of easement remain for compatibly purposes, thereby protecting the tree buffer that exists in the field today. Even though the southern buffer area will not meet forest definition, it will continue to provide the adjacent residents a buffer from the nearby field activity. Since the submitted plans show the entire lower easement areas to be removed, a condition is recommended to retain an approximately 35' wide swath of easement and allow an approximately 15' wide swath near the scoreboard and associated sightlines to be abandoned. No clearing or thinning of existing trees is proposed. Removal of invasive vines is proposed within the area.

The M-NCPPC forest conservation inspector had issued a citation on June 22, 2010 (Attachment C) for violation of the related easement area and the terms of the associated plan approval. The new field installation had occurred prior to the formal abandonment and recording of the easement areas, resulting in encroachments of recorded easements. Further encroachments were actually implemented beyond those allowed by the plan, resulting in additional conflicts (such as a scoreboard and associated sight lines). The citation items have been addressed by the applicant except for the formal abandonment/recording of the applicable easement areas. Staff agreed to defer the recordation so that the proposed easement changes could be comprehensively addressed by one plan and associated hearing.

The remaining easement boundaries near the turf field will be protected from encroachments by a permanent spilt rail fence with appropriate signage. Supplemental tree and shrub plantings and the control of invasive species is also proposed for the same general area.

# 3. Proposed WSSC access:

The previously approved FFCPs included overlapping WSSC easements within portions of the Category I Conservation Easements. Such overlap was standard practice at the time of approval but is occurring less frequently. Occasionally, WSSC personnel need to enter the property for inspection and maintenance of the underlying infrastructure. However, an approximate 200' section of the linear and narrow WSSC easement straddles portions of the stream channel and banks (refer to image 2 for general location). Although WSSC would have the authority to traverse the environmentally sensitive terrain, doing so would be difficult and unnecessarily disruptive. The forest conservation inspector has worked with WSSC and school personnel in the past to coordinate WSSC access through an existing pathway within the conservation easement and outside sections of the WSSC easement.

The current application proposes to formalize the bypass on the plans, within the existing conservation easement area to remain. The proposal includes a delineation of

the path with split-rail fence and bollards. A provision will be included to provide a woodchip/mulch cover installation over the WSSC access, and if needed to prevent excessive rutting and root compaction.

Allowing the access to continue will further protect the more environmentally sensitive stream banks and channel located immediately adjacent to the access route, while allowing WSSC personnel to appropriately access and maintain their infrastructure.

# 4. Amphitheater Access Area "F":

The existing easement language includes a provision for maintenance of path/trail and bridges (within the conservation easement) leading to an amphitheater on the east side of the stream (refer to Image 2 for locations). The maintenance zone for the access is limited to the original LOD and does not allow for general maintenance of easement outside of the access areas. However, some areas of excessive mowing have occurred beyond the access corridor. The area will now be restored with supplemental native plantings and protected by a new split-rail fence with signs.

## 5. Removal of easement area near north central sports field:

The applicant proposes the release of a portion of easement located in close proximity to a sport field. This area is used mainly for soccer and lacrosse. The area does not contain existing forest and is needed to appropriately maintain the sports facility. The amount proposed for removal is 0.01 acres (less than 500 sf) and will be replaced by an easement area of higher priority that contains existing forest in the stream buffer.

### 6. Easement encroachments by adjacent residents:

Residents on nearby Burning Tree Road and Summer Mill Court have encroached on the school property and associated easement areas. The encroachments generally consist of various landscape features, lawn areas, and dumping of debris. Restoration measures to be performed by the applicant are shown on the plans and include the following items:

- i. Removal of all landscape fabrics/weed control matting
- ii. Removal of furnishings such as hammocks, tables, chairs, benches
- iii. Removal of ash/debris piles from the bases of trees
- iv. Removal of minor trash/manmade debris such plastic pots, bottles etc.
- v. Removal of general yard waste debris
- vi. Removal of the exposed electrical wires that are protruding from tree trunks (portions of the wires have become embedded in the trees)

- vii. Removal of electrical wires from forest floor (to the extent possible without damaging tree roots).
- viii. Removal of guy lines/wires from plantings
- ix. Demolition of retaining walls and restoration of original grade (minor portions of the wall and fill closest to neighboring property may remain).
- x. Mulching and native plantings to restore, delineate and protect area.
- xi. Installation of split-rail fence and conservation signage to delineate easement areas which have experienced ongoing encroachment issues from adjoining neighbors.

# 7. Areas of invasive plant control and restoration plantings:

There are a number of areas where invasive species are enveloping some of the forest edges and stream channel areas within the conservation easement. The easement language generally provides for certain restrictions and provisions but does not require owners to actively maintain easement areas or remove invasive species once the maintenance and management period associated with forest conservation plantings has ended. However, as part of the mitigation for release of easement areas the applicant will provide for control of invasive species and reforestation of affected areas. The plans show six distinct areas where invasive species will be controlled.

# 8. Supplemental Plantings

There are a number of forest retention and reforestation areas approved on the previous plans which are sparsely vegetated due to a variety of factors (such as invasive species, encroachments and planting mortality). As part of the mitigation package, these areas will be replanted to meet appropriate reforestation/density standards. Approximately 147 trees and 88 shrubs will be planted.

## Master Plan, Environment and Forest Conservation

The Bethesda-Chevy Chase Master Plan makes specific land use and zoning recommendations for the subject property. On page 192 the Master Plan identifies the school site as a large land user and also shows the stream valley and associated forest as recommended conservation areas, which are further described on page 37 of the Plan.

22A-12(b)(2)(F) of the forest conservation law prioritizes the retention of "areas designated as priority save areas in a master plan or functional plan" in addition to areas of contiguous forests, areas associated with floodplains, stream buffers, steep slopes and critical habitats among others. The proposed easement swaps will result in a greater footprint of higher priority areas protected within a Category I Easement than the currently approved plans provide.

No variance is required since no subject trees are impacted or removed by the plans. The grading near the track is the only area of proposed construction activity and does not affect subject trees. The remaining work proposed by the plans is generally limited to the control of invasive species, plantings of supplemental native species, and the installation of fence and signs. The work will be coordinated with the forest conservation inspector and performed in a manner minimizing disturbance and impact to environmentally sensitive areas.

## Conclusion

Staff recommends approval of the application with conditions. Implementation of the proposal will address the existing violations associated with the property. Staff supports the easement abandonments because the most of the easement areas to be abandoned are associated with relatively small isolated forest areas. The abandonment areas are not connected with the highest priority areas associated with the stream valley buffer, contiguous forest, threatened species, steep slopes and other overlapping environmentally sensitive areas. The net easement footprint will increase the size of protected area identified within the Master Plans and prioritized by the forest conservation regulation and environmental guidelines. Additionally the applicant proposes a number of enhancements that will improve the quality of the existing forest.

**APPENDIX**: Outline of Project History

#### Attachments:

Attachment A – Proposed Plan

Attachment B – July 23, 2009 Staff Memo regarding proposed swale

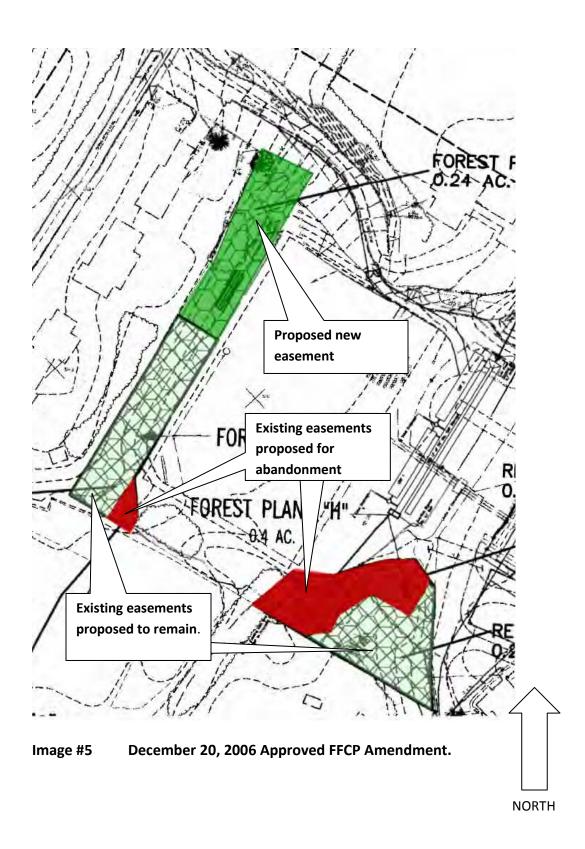
Attachment C - June 22, 2010 Citation

#### **APPENDIX: OUTLINE OF PROJECT HISTORY:**

- Preliminary Plan 119871710 hearing on December 3, 1987 (opinion mailed December 15, 1987)
  - Re-subdivision so that all of the schools facilities are contained within one recorded property.
  - Plan identified school expansion areas and new track and field.
  - 50' wide conservation easement on either side of stream (among other items). Which was recorded on plat
  - Reforestation and stream maintenance agreement.
- Plat # 573-92/17150 recorded on October 14, 1988
- NRI/FSD 419991320 approved on February 5, 2001
  - Mapped 21.0 acres of onsite forest.
  - Identified a State threatened plant population of narrow melic-grass (Melica mutica) and three state watch-list species, showy skullcap (Scutellaria serrata), shining bedstraw (Galium concinnum) and shingle oak (Quercus imbricaria).
- **FFCP for CBA 1174C approved** on December 20, 2002 (and partially revised on February 22, 2002) for updated plans of school expansion.
  - Forest conservation requirements met by an expanded conservation easement area (Category I) which included a combination of forest retention, on site reforestation. Landscape plantings outside of the easement areas were also credited toward forest conservation.
  - Track and field location shifted further south than previously requested to avoid sensitive plant populations.
  - A stream restoration plan was proffered to further offset adverse impacts associated with the disturbance for the track and field (which was to be constructed entirely within a forested area).
  - The associated May 29, 2002 special exception condition of approval (condition 12) required that the school obtain approval of a stream restoration plan and implement the plan prior to release of permits for proposed work (associated with school expansion).
- Stream restoration FFCP approved by staff on August 12, 2002
- Category I conservation easement recorded by deed on December 19, 2003 (Liber 26189 folio 600). Recordation was made to reflect the easement areas approved on the December 20, 2002/February 22, 2002 FFCP
- The track and field and other modifications were installed without prior implementation of the stream restoration plan occurring:
  - Notice of Violation regarding special exception was issued on November 8, 2005.
  - Applicant coordinated with DPS inspection staff regarding violation and proceeded to obtain pre-requisite approvals/permits to implement stream work.
  - Stream restoration work begins in the fall of 2006.
- **FFCP Amendment Synthetic Turf Field** administratively approved on December 20, 2006 for easement swaps at the southwest tip of the campus (among the areas identified in the plan exhibit in Image #5 below) to accommodate a new/reconfigured synthetic turf field and encroaching playset:

- Plans resulted in a net increase of easement area (0.02 acres or approximately 871 sf).
- However, the turf field installation proceeded without notification to M-NCPPC staff (in violation of forest conservation regulations).
- The work also occurred prior to the formal abandonment and recording of the easement areas, resulting in encroachments of recorded easements.
- Further encroachments/disturbance was actually implemented beyond those allowed by the plan, resulting in additional conflicts (such as a scoreboard and associated sight lines).
- Administrative Citation issued by M-NCPPC forest conservation inspector on June 22, 2010 for failure to comply with December 20, 2006 FFCP.
- \$500.00 citation paid June 30, 2010.
- o Citation issues resolved except for abandonment/recordation of easement areas.

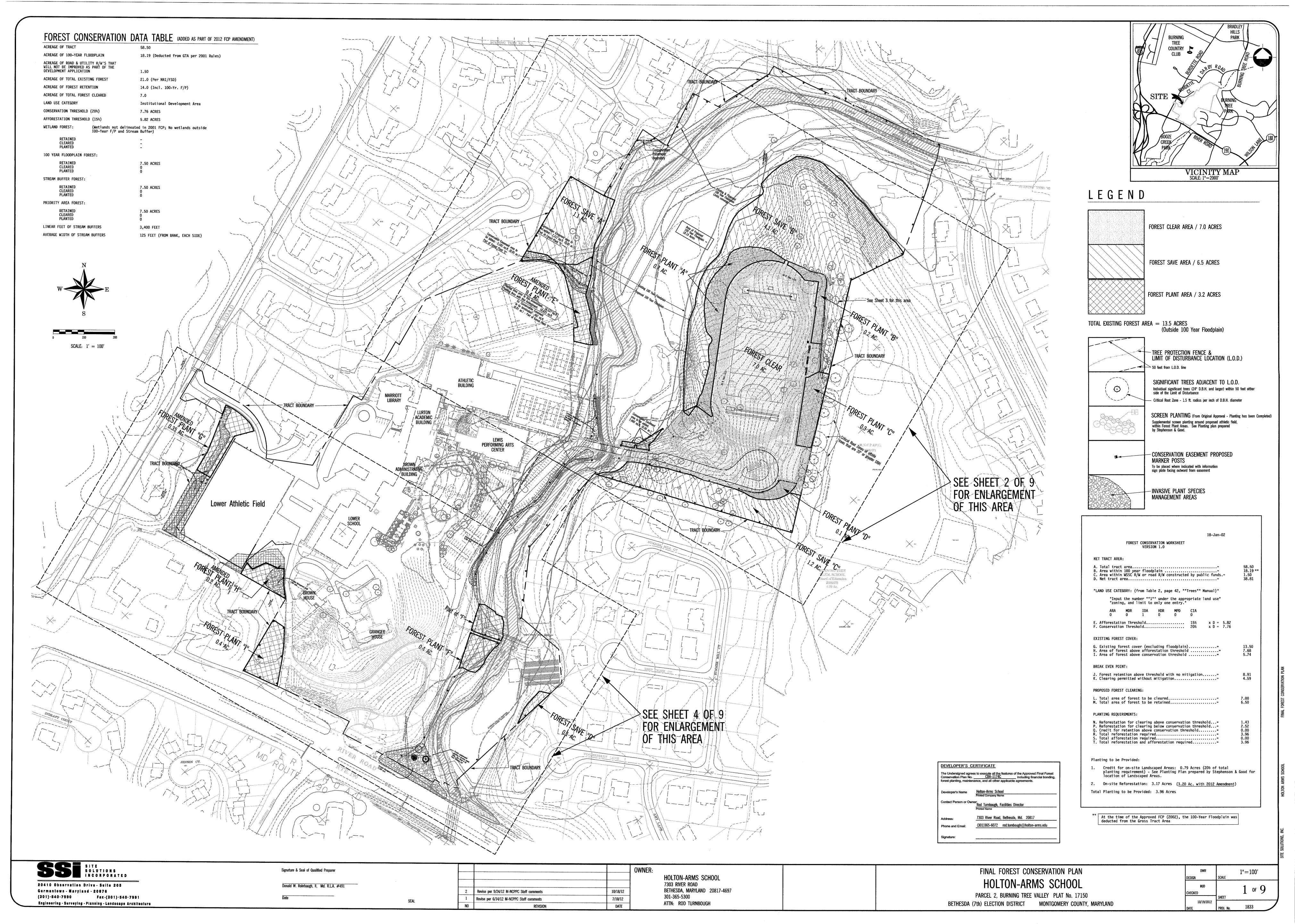
(Project History is continued on following pages)

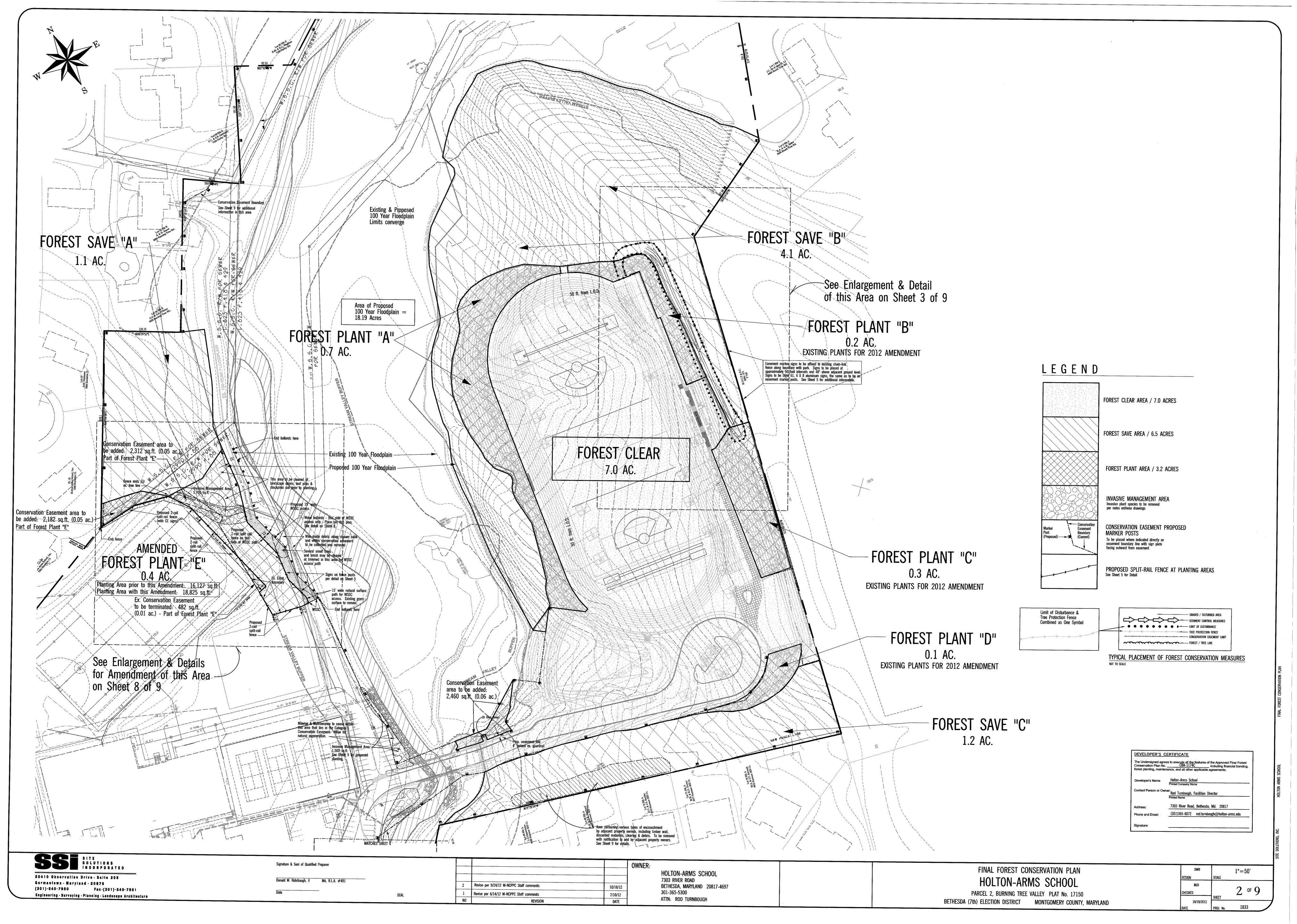


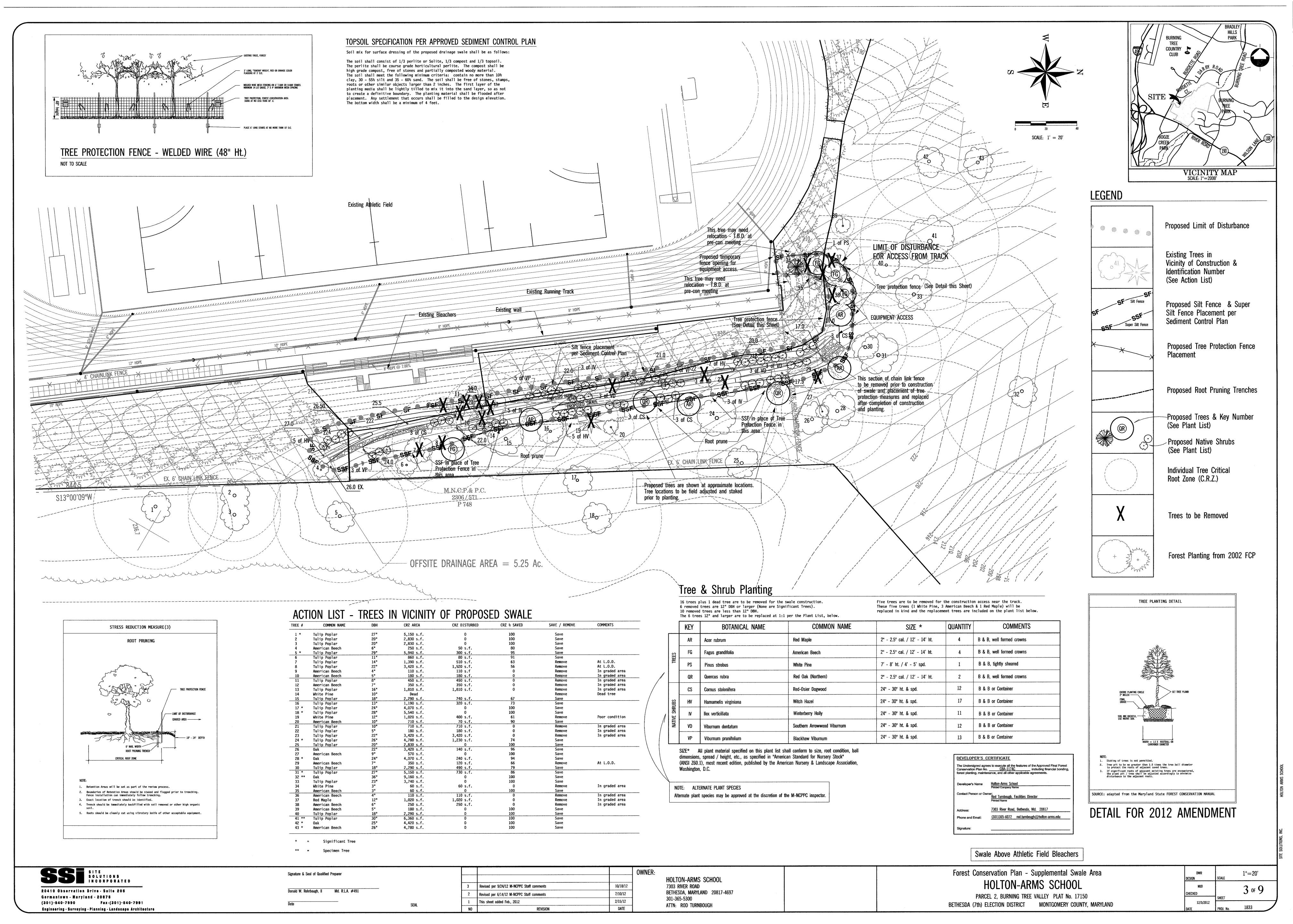
- Concurrent erosion issue at track/bleachers (within Category I Conservation Easement, near eastern center of boundary; Image #3).
  - Erosion associated with runoff from adjacent Park
  - Sediment deposits along school track
  - School staff in periodic contact with M-NCPPC Planning Department Staff regarding issue since 2005.
  - A pre-submission meeting for plans to address the erosion issue with a graded swale was memorialized in a July 23, 2009 memo from Staff.
  - o Required formal FFCP amendment and Planning Board hearing.
- 4/23/2012 comprehensive application received for current FFCP amendment to address the bleacher erosion area and the encroachments associated with turf field scoreboard (along with other modifications described further herein).

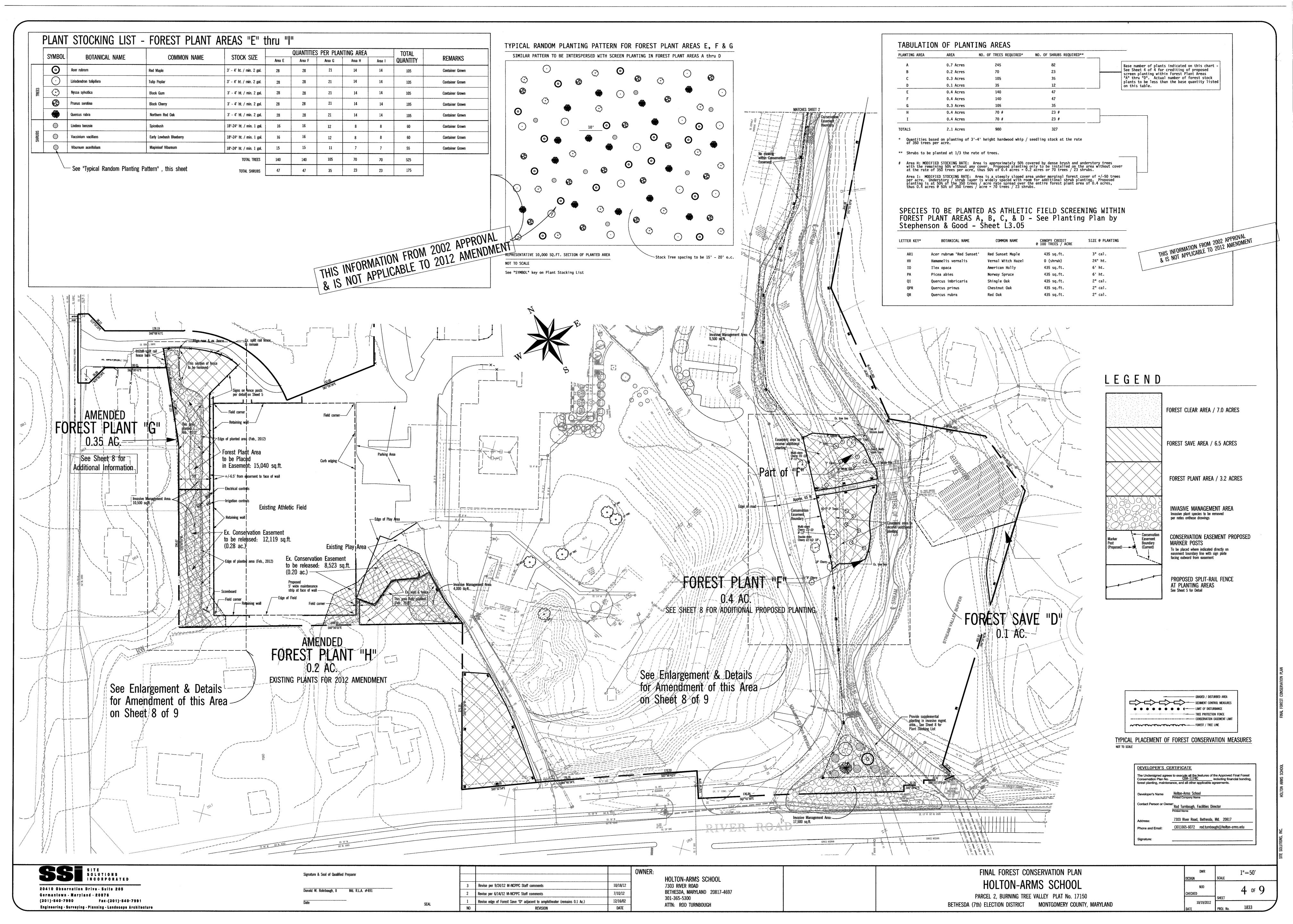
The following application numbers are also associated with the Holton-Arms School:

- 420063440
- S2467A
- \$2503 Petition to operate a co-educational summer camp for up to 645 children.
- S2503A
- CBA1174A
- CBA1174B
- **CBA1174D** Modification to a special exception for the operation of a private educational institution (increase enrolment from 650 to 665, among other changes).









**CAPPED POST OR BEVELED** 

POSITIVE DRAINAGE

-5 1/2"X8" METAL FOREST CONSERVATION

- COMPACT SOIL TO ADJACENT UNDISTURBED

SOIL DENSITY. ADD QUICK CRETE TO SOIL

MIXTURE AS NECESSARY TO CREATE FIRM

FOUNDATION. SLOPE TOP OF FOOTING FOR

-INSTALL GRAVEL SUMP PRIOR TO POST

INSTALLATION, OVER EXCAVATE POST

MONTGOMERY COLLECT BY AXIAMA DEEP BY COMO

CONSERVATION EASEMENT MARKER POST DETAIL See plan for proposed locations

NOTE: APPROX. 110 POSTS SHOWN ON PLAN

SIGNS (AS SPECIFIED BY M-NCPPC)

PERMANENT FOREST

**EASEMENT SIGNAGE** 

ALL WOOD SHALL BE PRESSURE TREATED

SOUTHERN YELLOW PINE OR CEDAR

ALL FASTENERS SHALL BE STAINLESS

ALL POSTS TO BE INSTALLED ALONG

AS SPECIFIED PER APPROVED FINAL

FOREST CONSERVATION PLAN OR

M-NCPPC FIELD INSPECTOR'S

FOREST CONSERVATION EASEMENT LINE

Signs to be installed DIRECTLY on conservation

easement boundary. Symbols on plan are offset

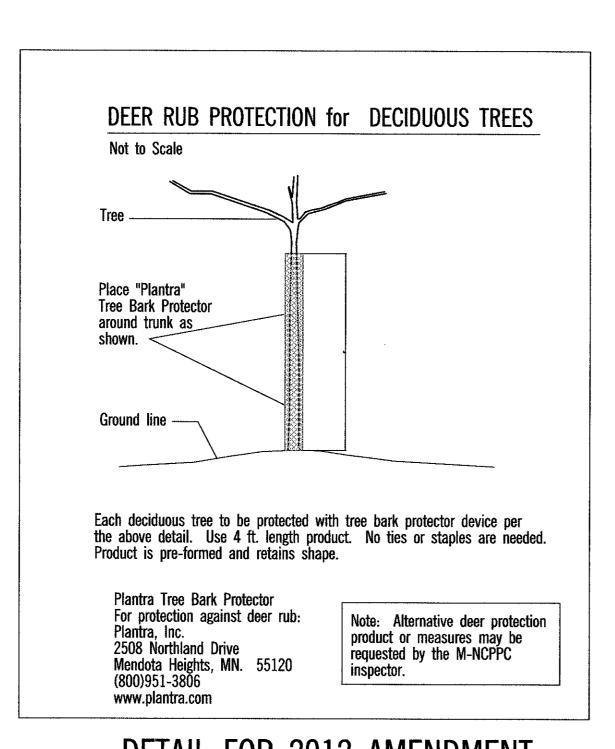
NOT TO SCALE

from boundary line for legibility purposes.

STEEL 1-1" IN LENGTH.

INSTRUCTIONS.

CONSERVATION



DETAIL FOR 2012 AMENDMENT

**FOREST** 

CONSERVATION

DO NOT DISTURB

UNDER PENALTY OF LAW

NO DUMPING

**NO MOTORIZED** 

VEHICLES

M-NCPPC Environmental Planning (301) 495-4540

Sign Style:

Description:

Marker Post Sign to be as follows:

SIGN FASTENING TO EX. FENCE AT PARK:

Approximately 16 signs required.

Tie signs to ex. chain link fence along park boundary

orientation facing toward park on park side of fence.

Triple twist wire through fence in back of sign face.

through top and bottom pre-drilled holes in sign plate.

with min. 24 ga. galvanized steel wire. Loop wire

Affix to fence fabric with sign in plumb vertical

SIGN TO FACE OUTWARD

FROM EASEMENT

The Tree Company

T: 800-880-6295

Nominal size 6 X 8

.032g aluminum

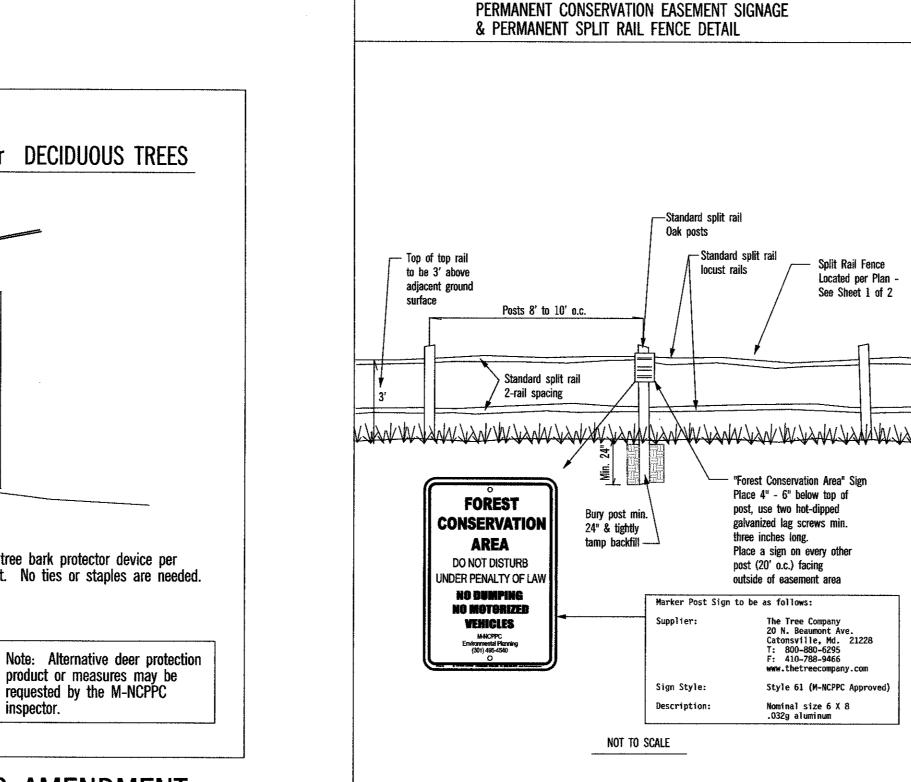
F: 410-788-9466

20 N. Beaumont Ave.

Catonsville, Md. 21228

www.thetreecompany.com

Style 61 (M-NCPPC Approved)



DETAIL FOR 2012 AMENDMENT

SOURCE: adapted from the Maryland State FOREST CONSERVATION MANUAL

1. Staking of trees is not permitted.

2. Tree pit to be no greater than 1.5 times the tree ball diameter

If significant roots of adjacent existing trees are encountered, the plant pit / tree shall be adjusted accordingly to minimize disturbance to the adjacent roots.

to protect the roots of adjacent saved trees.

TREE PLANTING DETAIL

# DETAIL FOR 2012 AMENDMENT SPLIT RAIL FENCE ON SHEET 8 OF 9



- See Sheets 2 and 4 for the locations of invasive species management areas.
- Management of the various invasive species found on the subject property shall be as described in the document entitled "Best Management Practices for Control of Non-Native Invasives", April, 2009, by Montgomery County Department of Parks. This document is available on-line at http://www.montgomeryparks.org/PPSD/Natural Resources Stewardship/veg management/ documents/nni-best mngmnt practices-april09.pdf
- The predominant invasive species found on the subject property is wild grape (Vitis spp.). Other species found in the proposed management areas include Poison Ivy, Wineberry, Japanese Honeysuckle, Porcelainberry, and English Ivy. Other invasives are present in smaller quantities. All invasive plant species shall be removed and managed within the outlined areas.
- Wild grape is not included in the above Department of Parks document. The technique for controlling Kudzu (see page 17 of the document) shall be employed for control of wild grape.
- THE TOTAL OUTLINED MANAGEMENT AREA IS APPROXIMATELY ONE ACRE.
- This management program shall be carried out for a period not to exceed THREE YEARS or three consecutive growing seasons.
- LEAF LITTER PLACEMENT: Leaf litter collected as part of the normal landscape maintenance operation shall be stockpiled then spread over the invasive management areas (where indicated on these plans). Create a dense leaf mat over the management areas to the maximum extent possible. The leaf mat will promote weed control and help control later invasive emergence.

# FOREST CONSERVATION NOTES

- After the Limits of Disturbance (LOD)have been staked and flagged, but before any clearing or grading begins, the applicant/owner must request a pre-construction meeting at the construction site. The attendees at this
- the developer, contractor and/or project manager - the on-site (subcontractor) foreman or superintendent in charge of land disturbing, clearing, sediment control
- the tree professional contracted by the applicant/owner (if applicable) the appropriate local inspectors

The purpose of the meeting will be to field verify the limits of clearing specified on the approved plans, authorize necessary adjustments, and approve installation of tree protection devices. Enforcement staff will also discuss the value and importance of the preservation areas and outline responsibilities and the possibility of violations and penalties. An additional inspection may be required after installation of protection devices and/or after initial clearing (if selective clearing is planned) BEFORE CONSTRUCTION IS AUTHORIZED TO BEGIN.

2. Stress Reduction Measures: Trees along the edges of forest retention areas shall be evaluated by a qualified tree care professional to determine if they will experience more than 30% disturbance to their critical root zones, altered natural conditions, potential damage by construction activities, or possibly suffer severe weather conditions.

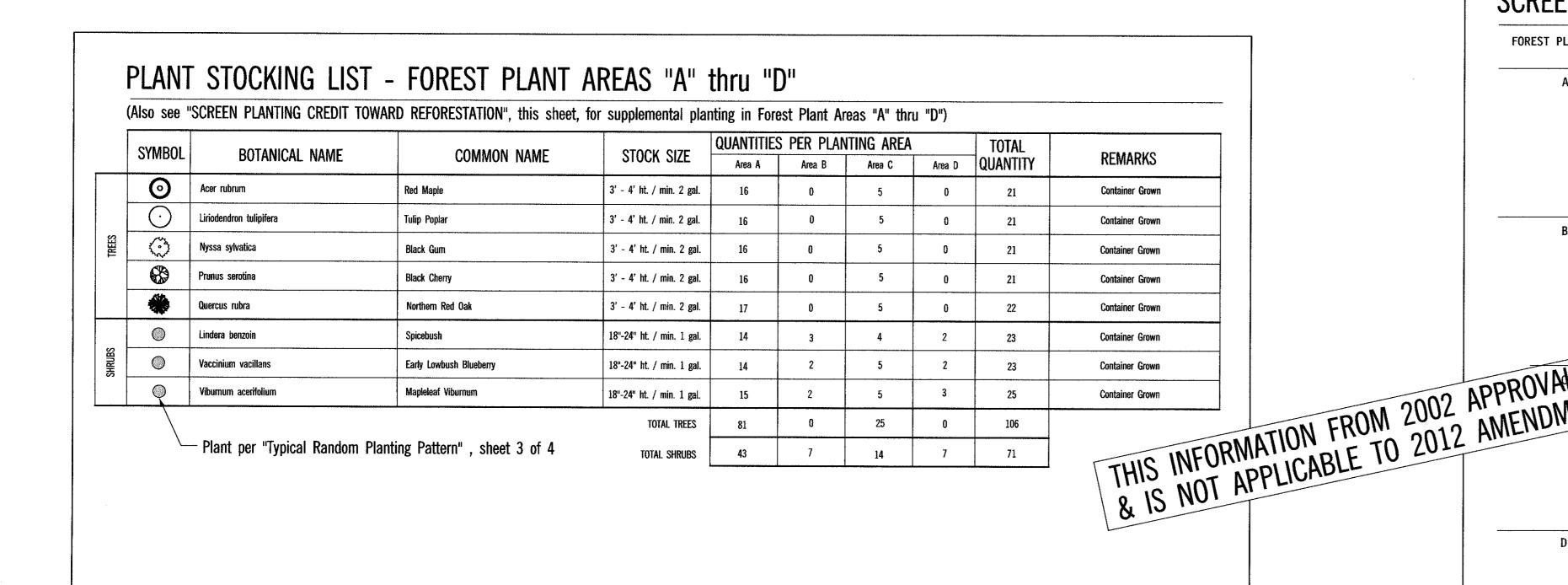
- Root pruning shall be as noted on the plan / additional if directed by tree care professional - Crown reduction, supplemental watering methods, additional fertilizing/feeding, and/or mulching (2-6 inches deep) shall be as recommended by tree care professional

- 3. The following activities shall NOT TAKE PLACE in forest retention areas: siting or construction of utility lines
- construction of temporary or permanent access roads
- material storage areas
- temporary parking
- stormwater management areas impervious surfaces
- encroachment of any grading activities 4. Tree protection devices shall be installed in accordance with the plan and details shown in these drawings.
- 5. Periodic Construction Inspections: During the life of the project, enforcement staff will perform periodic inspections. The inspections shall typically take place during and just after the clearing has taken place, after major storm events, during and after trees have been newly planted, and in response to complaints from citizens. Enforcement staff will give written notice of any problems to the project manager who will be required to correct them in a timely manner.

  Recommendations from a qualified tree care professional may be required if inspection staff determined that such advice is necessary. FAILURE TO RESPOND APPROPRIATELY TO WRITTEN NOTICE WILL CAUSE THE SITE TO BE PLACED
- IN NON-COMPLIANCE STATUS AND PENALTIES SHALL BE ASSESSED. Potential problems caused by construction impacts may include:
- Dead, dving or hazardous trees or tree limbs
- Protective barriers in need of replacement or repair - Storage of material, stockpiles or trash in retention areas
- Excessive flooding or siltation of the retention areas OVERCLEARING
- Project Completion:
- An inspection should be requested after construction has been completed. At this time, enforcement staff may require that a qualified tree professional be consulted to evaluate the remaining trees and suggest corrective actions. When the problem is DIRECTLY RELATED to damage or impacts which occurred during the construction process. corrective action must be taken. These measures, which must be carried out by a qualified tree professional, include the following:
- removal of dead or dying trees pruning of dead or declining limbs
- wound repair - clean up of retention areas
- soil aeration
- Following the completion of all corrective measures, the applicant/owner will request an inspection by staff. The project inspector will inspect the entire site for compliance with the Forest Conservation Plan. The limits of disturbance (LOD) will be measured against those of the original plan. If any portion of the retention areas are found to be damaged or destroyed, or if trees have died due to negligence, a NONCOMPLIANCE FEE will be assessed per square foot of damaged or destroyed forest area. Penalties shall not apply to trees which are destroyed by natural causes. Noncompliance will also apply to areas where the temporary structures have not been
- Certification that corrective measures have been undertaken and that the remaining areas are likely to survive may be required by a qualified tree care professional hired by the applicant/owner. Upon receipt of this certification, authorization will be given to remove temporary protection structures.

removed and where trash or excessive silt layers are left in the retention areas.

- After construction has been completed, it is necessary to remove all temporary structures such as roadways, short-term protection devices, and sediment control devices. During this stage, the following should be considered:
- no burial of discarded materials will occur on-site - no additional clearing or disturbance shall take place around the trees except by hand and as approved by a
- county official: hand removal of vines, excessive dead material and pre-existing trash may be permitted no clearing for the purpose of sodding or planting grass shall be permitted within the forest conservation area 9. Extended Maintenance Phase:
- The extended maintenance phase begins when afforestation or reforestation areas are planted, or as specified in the approved construction timetable. THE APPLICANT/OWNER WILL BE REQUIRED TO MAINTAIN PLANTED AREAS FOR A TWO YEAR PERIOD. Ptotection measures such as signage or fencing may be needed during this two year period. At the end of this maintenance period. a final inspection shall be requested. Enforcement staff will authorize release of financial security after confirming that the site meets the survival requirement. If the survival rate falls below the survival requirements, the financial security will not be released until reinforcement planting has
  - The criteria for release of the security after the two year maintenance period includes: 100 trees per acre or at least 75% of the total trees planted per acre (whichever is greater) must be alive
  - in areas of established forest cover, 75% of the shrubs must also be alive and in good condition after two years



FOREST PLANT AREA	SPECIES KEY (See Sheet 3 of 4)	QUANTITY	CANOPY CREDIT/TREE* (Square feet)	TOTAL CANOPY (Square Feet)		
А	AR1	4	435	1,740		
	10	15	435	6,525		
	PA O1	19	435	8,265		
	Q1	9	435	3,915		
	Total Planting Area	47 Required (0.7	ac. or 30,492 sq.ft.)	20,445 sq.ft.		
	Additional Pl 0.23 Ac. X 35	anting Req. ove	r Screen Planting = 81 additional trees requi	10,047 sq.ft. (0.23 Ac.) red		
В	10	7	435	3,045		
	PA	8	435	3,480		
	QPR	3	435	1,305		
	QR	3	435	1,305		
	Total	21		9,135 sq.ft.		
	Additional Pl Total of 21 t		ac. or 8,712 sq.ft.) r Screen Planting required	0		
ROVAL ENDMENT	HV	2	0 (shrub)	0		
KUVILLIT	10	10	435	4,350		
- NIDMENI	PA	5	435	2,175		
FINDIAIT	QPR	5	435	2,175		
	QR	3	435	1,305		
	Total		/ 2 shrubs ac. or 13,068 sq.ft.)	10,005 sq.ft.		
	Additional P1 0.07 Ac. X 35	anting Req. over O trees / acre	r Screen Planting = 25 additional trees requi s required (2 HV + 14 on pl			
D	10	11	435	4,785		
	PA	6	435	2,610		
	QPR	3	435	1,305		
	Total Planting Area	20 Reguired (0.1 a	ac. or 4,356 sq.ft.)	8,700 sq.ft.		
	Additional Pl		r Screen Planting	0		

DEVELOPER'S CERTIFICATE The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. <u>CBA-1174C</u> including financial bonding, forest planting, maintenance, and all other applicable agreements. Developer's Name Holton-Arms School
Printed Company Name Rod Turnbough, Facilities Director 7303 River Road, Bethesda, Md. 20817 (301)365-6072 rod.turnbough@holton-arms.edu

Germantown · Maryland · 20876 (301)-540-7990 Fax-(301)-540-7991 Engineering · Surveying · Planning · Landscape Architecture

Signature & Seal of Qualified Prepare Donald W. Rohrbaugh, II Md. R.L.A. #491

Revise per 9/24/12 M-NCPPC Staff comments Revise per 6/14/12 M-NCPPC Staff comments Add Marker Post Detail REVISION

HOLTON-ARMS SCHOOL 7303 RIVER ROAD BETHESDA, MARYLAND 20817-4697 301-365-5300 ATTN: ROD TURNBOUGH

7/10/12

7/9/12

FINAL FOREST CONSERVATION PLAN HOLTON-ARMS SCHOOL PARCEL 2, BURNING TREE VALLEY PLAT No. 17150

BETHESDA (7th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

1'' = 50'5 of 9 10/19/2012

BEFORE BEGINNING CONSTRUCTION

"MISS UTILITY"

1-800-257-7777

AT LEAST 48 HOURS PRIOR TO EXCAVATION



NOTE: Potential Wetlands include the Wetlands and Waters of the United States indentified by the Biohabitats 2001 Study, which is incorporated by reference and filed in Board of Appeals Case No. CBA-1174-C.

DEVELOPER'S CERTIFICATE Contact Person or Owner: Rod Turnbough, Facilities Director
Printed Name 7303 River Road, Bethesda, Md. 20817 Address: 7303 River Road, Bethesda, Md. 20817

Phone and Email: (301)365-6072 rod.turnbough@holten-arms.edu

SS SITE SOLUTIONS INCORPORATED 20410 Observation Drive - Suite 205 Germantown - Maryland - 20876 (301)·540·7990 Fax·(301)·540·7991 Engineering · Surveying · Planning · Landscape Architecture

Signature & Seal of Qualified Preparer Donald W. Rohrbaugh, II Md. R.L.A. #491

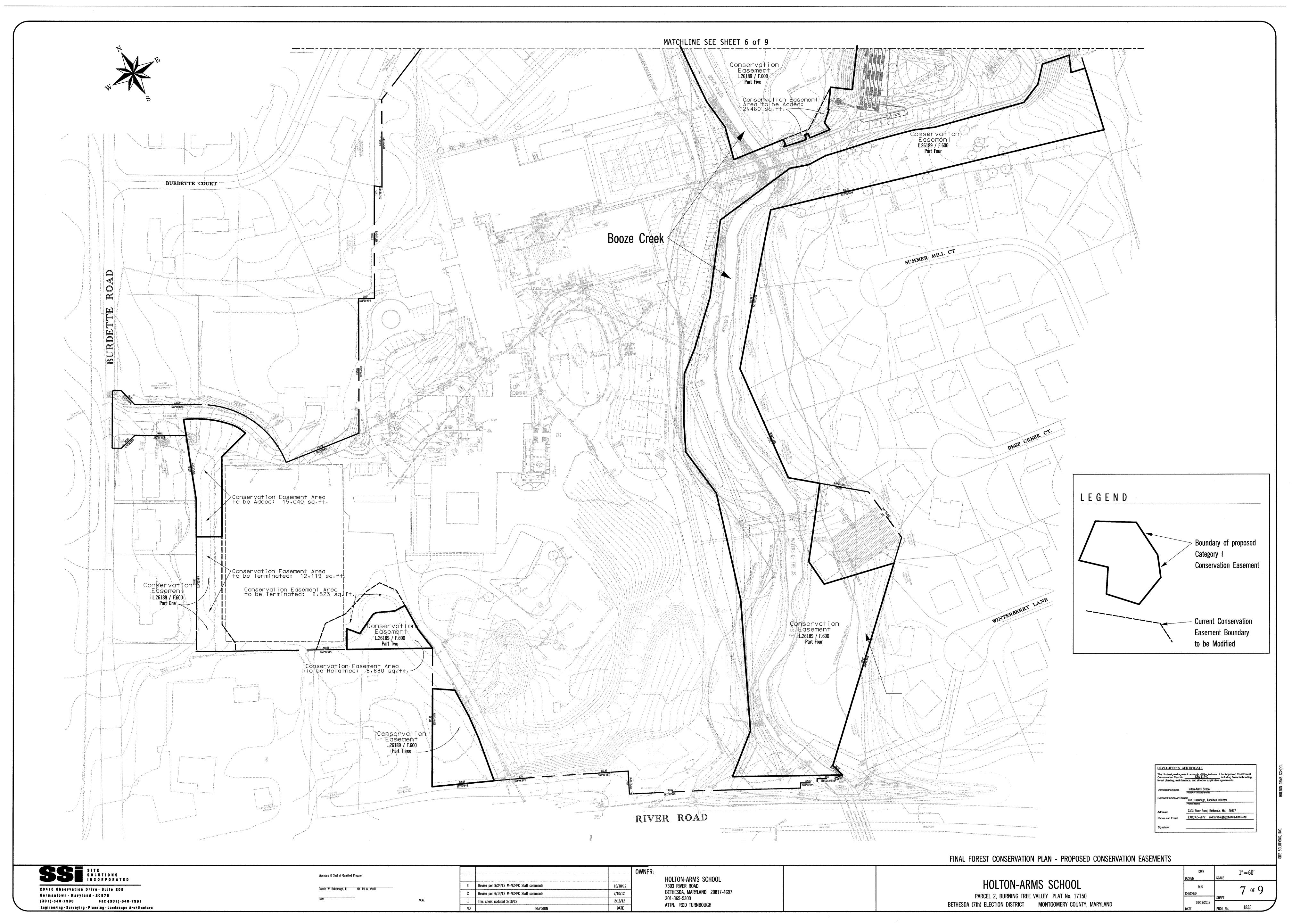
10/18/12 Revise per 9/24/12 M-NCPPC Staff comments 7/10/12 Revise per 6/14/12 M-NCPPC Staff comments 2/16/12 This sheet updated 2/16/12 REVISION

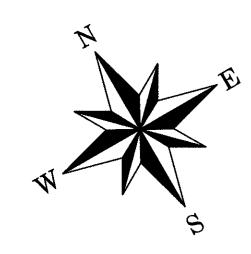
HOLTON-ARMS SCHOOL 7303 RIVER ROAD BETHESDA, MARYLAND 20817-4697 301-365-5300 ATTN: ROD TURNBOUGH

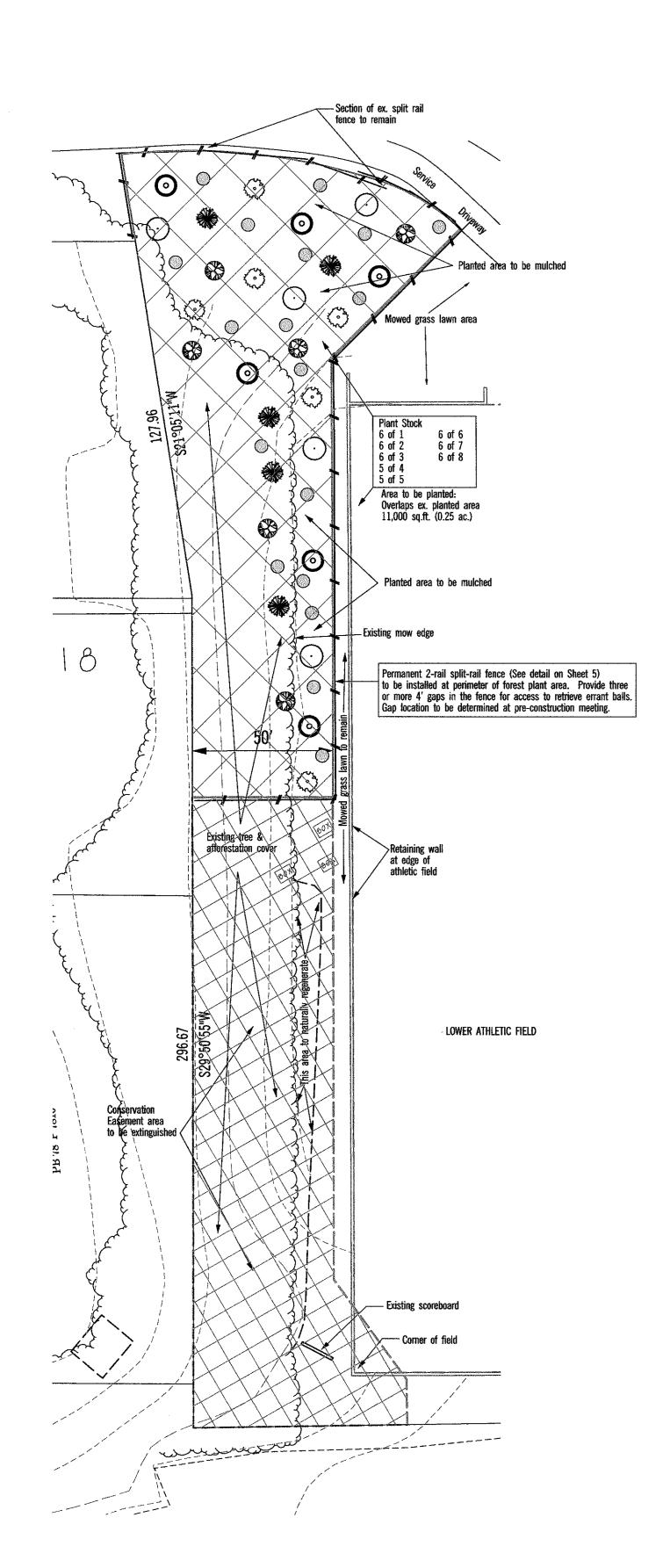
FINAL FOREST CONSERVATION PLAN - PROPOSED CONSERVATION EASEMENTS HOLTON-ARMS SCHOOL

PARCEL 2, BURNING TREE VALLEY PLAT No. 17150 BETHESDA (7th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

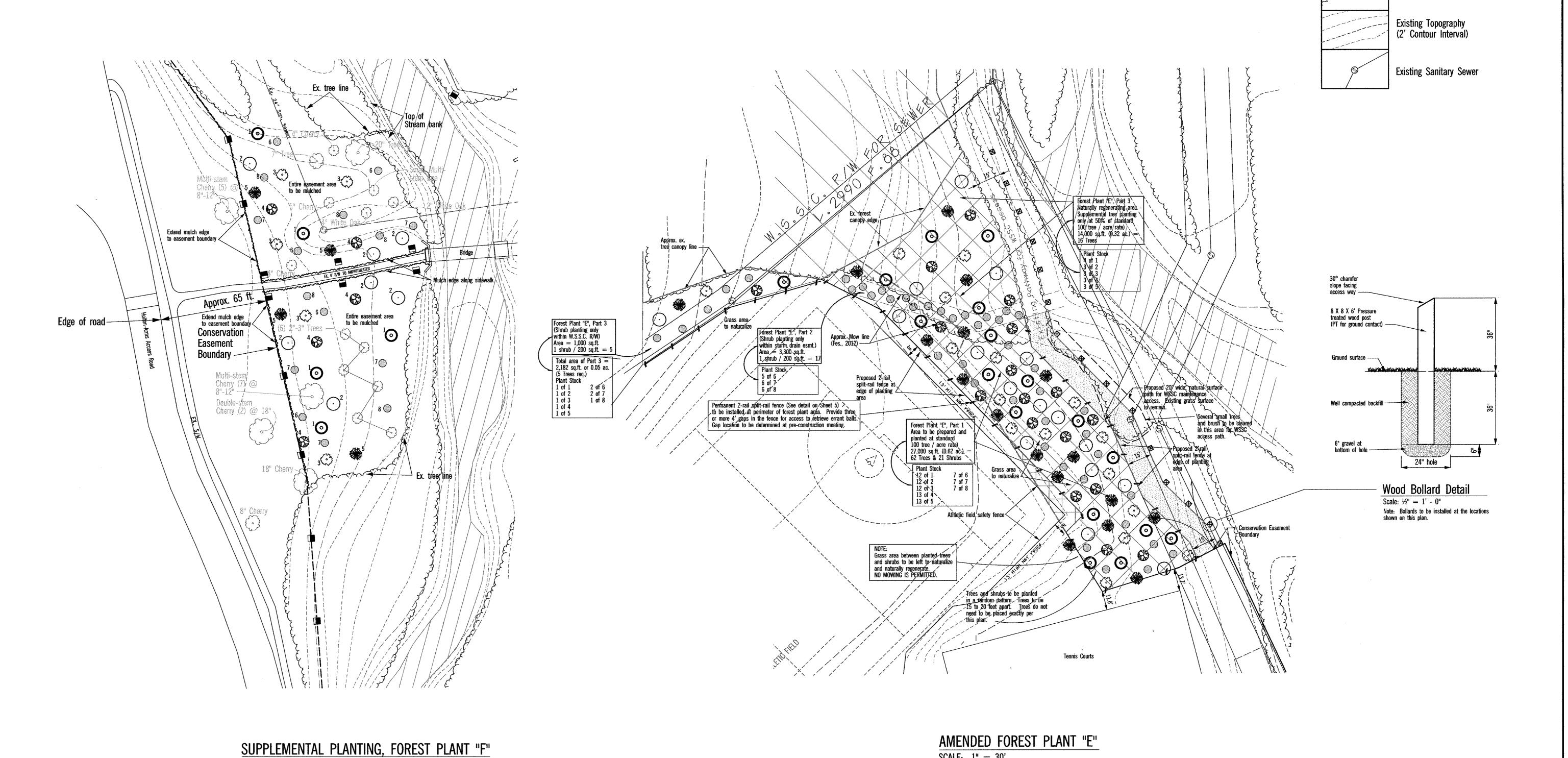
Diik		1"=60'
DESIGN	SCALE	
MJD		( 0
CHECKED		O of 9
10/10/2012	SHEET	
10/19/2012 DATE	PROJ. No.	1833







AMENDED FOREST PLANT "G"
SCALE: 1" = 30'



PLANT STOCKING LIST - FOREST PLANT AREAS "F", "F" & "G", Sheets 4 & 9 - 2012 Amendment

		VIV #	D/ # 0/400	2011101	07001/ 0175	QUANTITIES PER PLANTING AREA					TOTAL	DELLIDIO	
<u> </u>		KEY #	SYMBOL	BOTANICAL NAME	COMMON NAME	STOCK SIZE	Area E	Area F	Area G	Sheet 4	Sheet 9	QUANTITY	REMARKS
		1	0	Acer rubrum	Red Maple	1-1/2" - 2" cal.	17	5	6	1	5	34	B & B Only, Full crowns
		2	0	Liriodendron tulipifera	Tulip Poplar	1-1/2" - 2" cal.	16	7	6	1	0	30	B & B Only, Full crowns
	TREES	3	٥	Nyssa sylvatica	Black Gum	1-1/2" - 2" cal.	16	5	6	0	2	29	B & B Only, Full crowns
		4	€\$	Prunus serotina	Black Cherry	1-1/2" - 2" cal.	17	5	5	0	0	27	B & B Only, Full crowns
		5		Quercus rubra	Northern Red Oak	1-1/2" - 2" cal.	17	4	5	1	0	27	B & B Only, Full crowns
ALTERNATE PLANT SPECIES te plant species may be approved at the discretion of the M-NCPPC inspector.		6	0	Lindera benzoin	Spicebush	18"-24" ht. / min. 1 gal.	14	5	6	2	1	28	Container grown, well formed
a para operation and to opposite the control of the	SHRUBS	7	0	Vaccinium vacillans	Early Lowbush Blueberry	18"-24" ht. / min. 1 gal.	15	5	6	0	1	27	Container grown, well formed
		8	0	Viburnum acerifolium	Mapleleaf Viburnum	18"-24" ht. / min. 1 gal.	14	5	6	3	5	33	Container grown, well formed
						TOTAL TREES	83	26	28	3	7	147	
						TOTAL SHRUBS	43	15	18	5	4	88	

Developer's Name	Holton-Arms School Printed Company Name
Contact Person or Ow	Rod Turnbough, Facilities Director Printed Name
Address:	7303 River Road, Bethesda, Md. 20817
Phone and Email:	(301)365-6072 rod.turnbough@holton-arms.ed
Signature:	

DEVELOPER'S CERTIFICATE

Legend For All Plans, This Sheet

Easement Area to be Terminated

Individual Trees to be Planted (See Plant Stocking List, below)

Individual Shrubs to be Planted (See Plant Stocking List, below)

Existing Tree Canopy Edge

Forest Plant Area

SITE SOLUTIONS INCORPORATED

20410 Observation Drive - Suite 205

Germantown - Maryland - 20876

(301)-540-7990 Fax-(301)-540-7991

Engineering · Surveying · Planning · Landscape Architecture

Signature & Seal of Qualified Preparer

Donald W. Rohrbaugh, II Md. R.L.A. #491

Date SEAL

This sheet added Feb., 2012

Revise per 6/14/12 M-NCPPC staff comments

Revise per 9/24/12 M-NCPPC staff comments

10/18/12

NO REVISION

DATE

SCALE: 1'' = 30'

HOLTON-ARMS SCHOOL
7303 RIVER ROAD
BETHESDA, MARYLAND 20817-4697
301-365-5300
ATTN: ROD TURNBOUGH

FINAL FOREST CONSERVATION PLAN
HOLTON-ARMS SCHOOL
PARCEL 2, BURNING TREE VALLEY PLAT No. 17150
BETHESDA (7th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

DWR AS Noted

SCALE

MJD
CHECKED

SHEET

10/19/2012

DATE

DATE

DWR

AS Noted

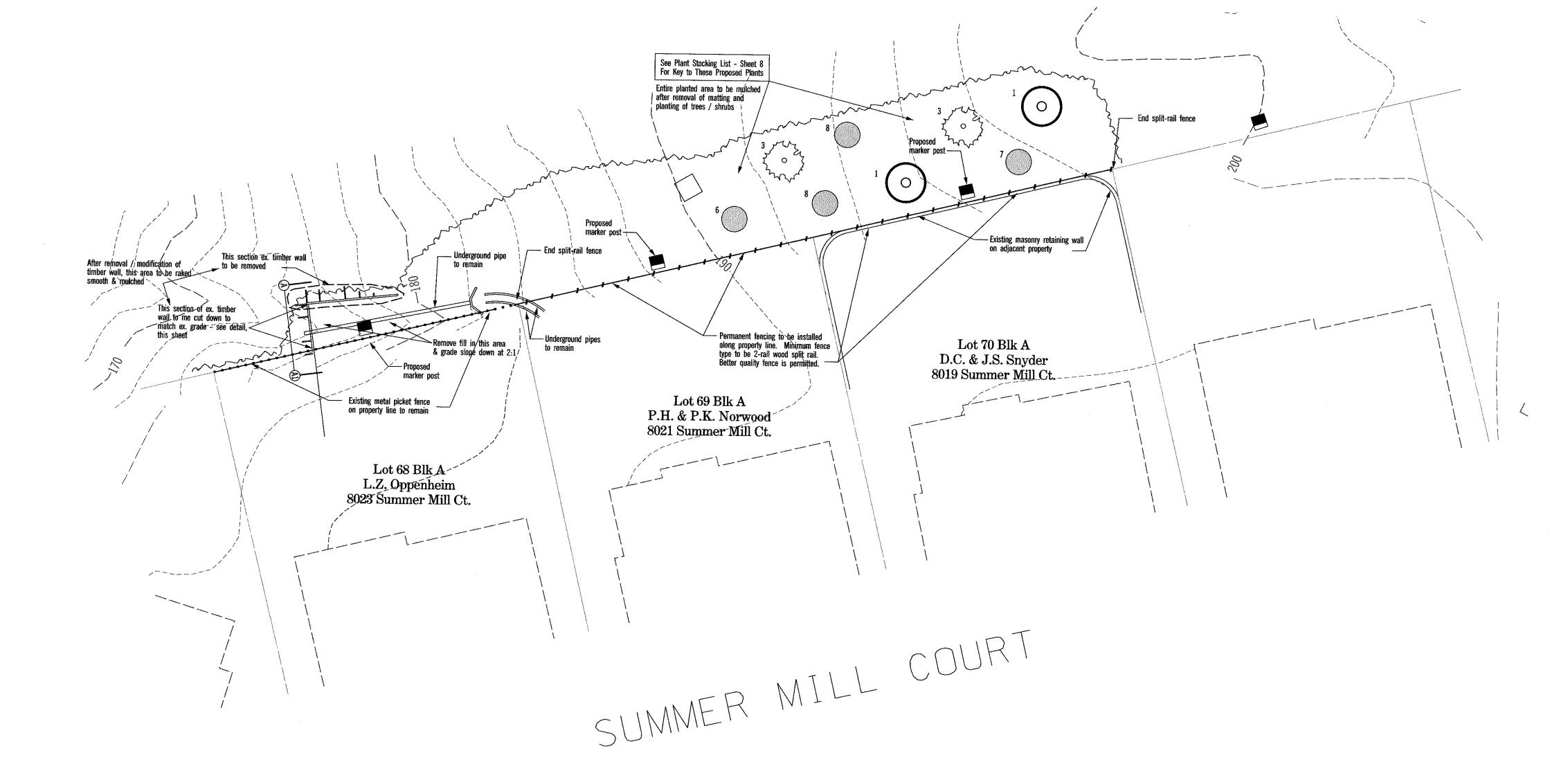
SCALE

8 0F 9

SHEET

PROL No. 1833

Ex. Timber Wall Removal & Slope Regrading Section A- A1 Scale:  $\frac{1}{8}$ " = 1' - 0"



The following restoration instructions apply to the area of the Category I Conservation Easement immediately abutting and to the rear of 8019, 8021 and 8023 Summer Mill Court. The following action shall be taken:

Detailed Instructions - 8019, 8021 & 8023 Summer Mill Court

Remove all landscape fabrics / weed control matting Remove furnishings such as hammocks, tables, chairs, benches

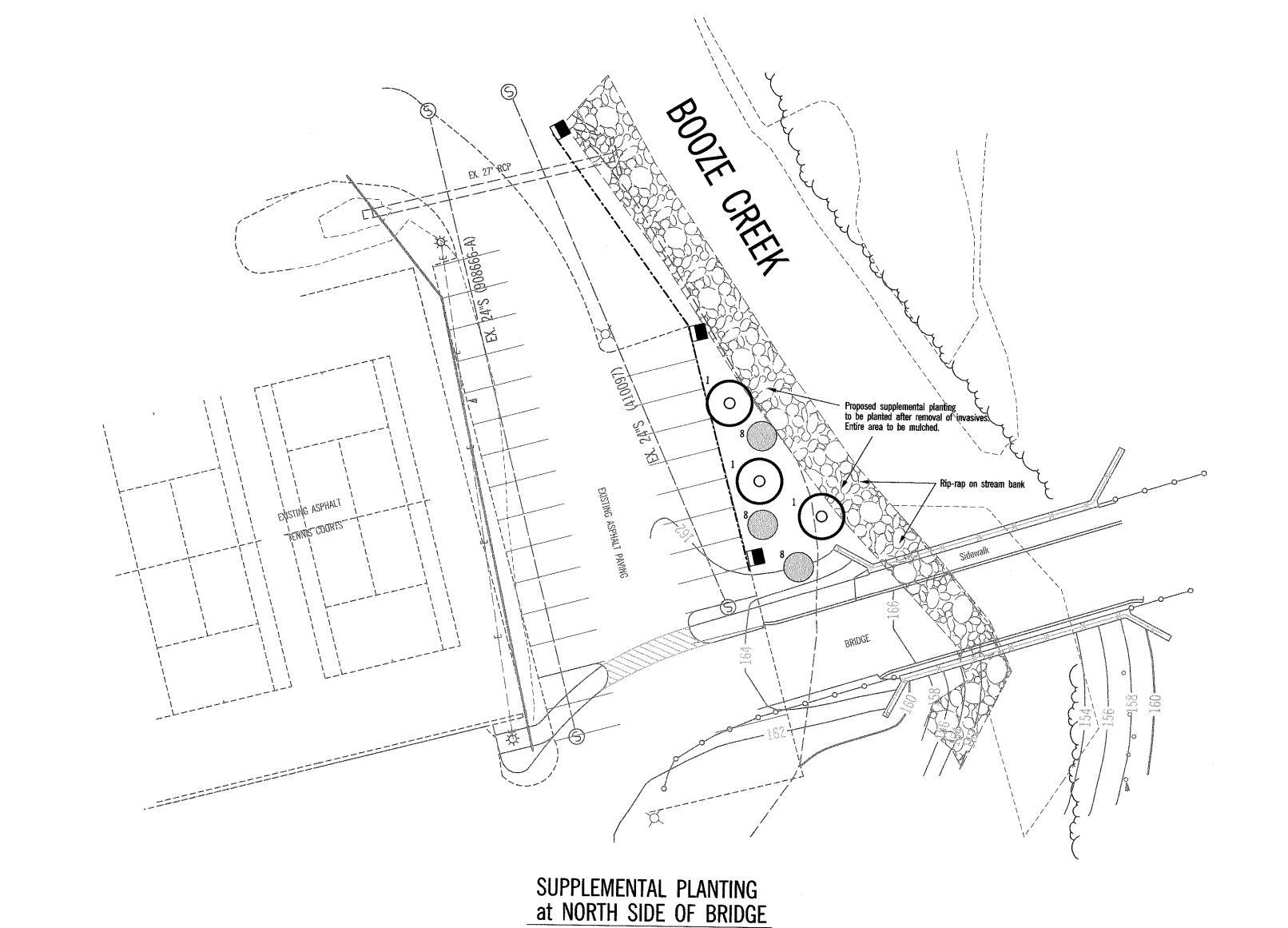
Remove ash / debris from bases of trees Remove minor trash / manmade debris such as plastic pots, bottles, etc.

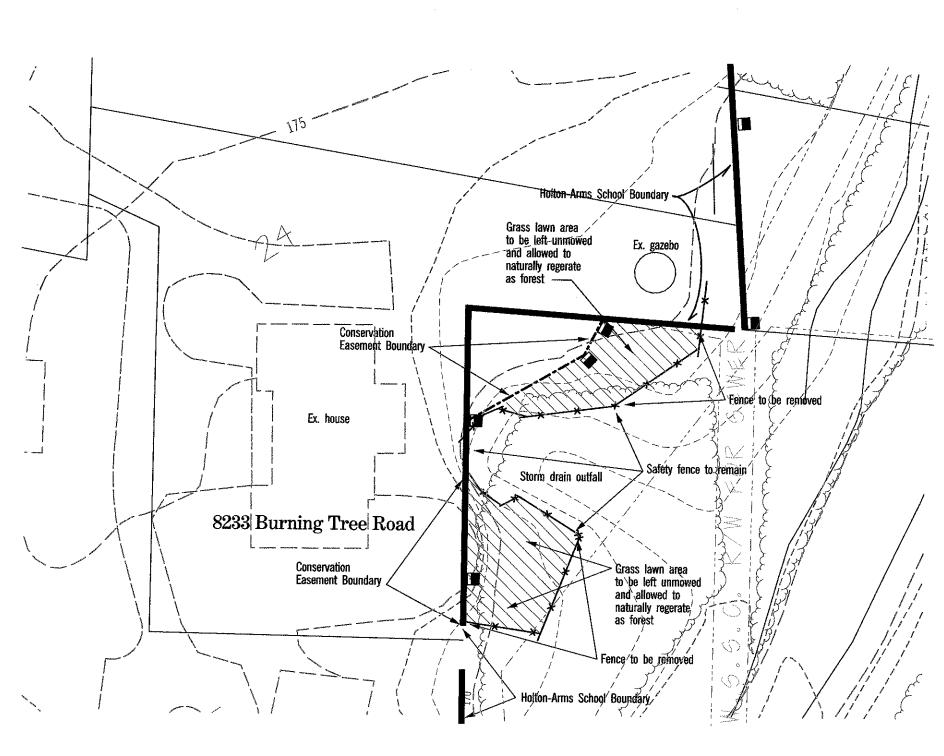
Remove yard waste piles Cut away the exposed wires that are protruding from tree trunks

Remove wires from forest floor (to the extent possible without

damaging tree roots) Remove guy lines / wires from plantings

RESTORATION OF CONSERVATION EASEMENT Rear of 8019, 8021 & 8023 Summer Mill Court Scale: 1" = 20'





RESTORATION OF CONSERVATION EASEMENT Rear of 8233 Burning Tree Road Scale: 1" = 20'

DEVELOPER'S CERTIFICATE The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. \_\_\_\_\_CBA-1174C \_\_\_\_ including financial bonding, forest planting, maintenance, and all other applicable agreements. Contact Person or Owner:
Rod Turnbough, Facilities Director
Printed Name 7303 River Road, Bethesda, Md. 20817 (301)365-6072 rod.tumbough@holton-arms.edu

AREAS OF CONSERVATION EASEMENT ENCROACHMENT 10/15/12 OWNER:

FINAL FOREST CONSERVATION PLAN HOLTON-ARMS SCHOOL PARCEL 2, BURNING TREE VALLEY PLAT No. 17150 As Noted 9 of 9

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Signature & Seal of Qualified Preparer Donald W. Rohrbaugh, II Md. R.L.A. #491

Scale: 1'' = 20'

SEAL

1 This sheet added to set of plans

HOLTON-ARMS SCHOOL 7303 RIVER ROAD BETHESDA, MARYLAND 20817-4697 301-365-5300 ATTN: ROD TURNBOUGH

BETHESDA (7th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

Citation No. EPD 00001

# Administrative Citation Forest Conservation

# The Maryland-National Capital Park and Planning Commission vs.

Name: Rodrey	lurnbough
Company/Position: First Holton - Arms School Middle Director	of facilities Last
Address: 3303 River Road Rethesda MD 10811  Phone Number: 301-365-6072 Fax Number:	Email: raditurnbough @ hot on-ams
Location and Description of Violation:	0 1000 0000
Address/location of site:	hoad rethesda IIIU 2081)
Pursuant of the M-NCPPC's authority under Chapter 22A of the Montgomery County Code, it is formally charge	d that the above named defendant on 06/33/10
(date) at the stated site location did commit the following:	10161
Failure to comply with the conditions of cevi	sed traitcrest conservation plan
#CBA-11946 Signed and approved by mileti	C or 19/30/300P
In violation of:  Montgomery County Code, Chapter 22A  Other:	
Montgomery County Code, Chapter 22A Approval of Plan No. Plan No.	·
Civil Fine and Compliance:	remedial action listed below
	date). The daily fine shall accrue (until the original
	leted. This fine shall be paid within 15 days of
Checks should be made payable to M-NCPPC and shall be paid during normal business hours at the information	on Counter of M-NCPPC's Montgomery Regional
Office located at 8787 Georgia Avenue, 2 <sup>nd</sup> Floor, Silver Spring, MD 20910, 301-495-4610. Failure to comply w proceedings and/or issuance of additional citations including additional fines. You may also request a hearing be	ith this citation may result in further enforcement
you elect to request a hearing, you must notify the M-NCPPC Office of the General Counsel, in writing, at 8787 within 15 days of the citation.	Georgia Avenue, Suite 205, Silver Spring, MD 20910,
Remedial Action:	
1) Comply with all of the conditions set for	th on the revised time to rest
conservation dan # (BA 1174) for the	e 17 LOWER School Field )
this at least includes the legal regarding of	a dat of correction with
abandoning of set areas at easement and t	he recording of forest plant
area K plus planting of area 11 (1) ar	it installation of ousement marker
by: 12/22/2010(date) 12/22/2010	CAS
If remedial action is not completed by 101 d of 2010 (date), you shall pay a daily fine of \$	a day until work is completed.
2. X You have violated Chapter 22A of the Montgomery County Code, and may be subject to an Administrative	Civil Penalty and additional corrective measures.
Acknowledgment:  I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the req	
I sign my name as a receipt of a copy of this Charlon and not as an admission of gune. I will comply with the req	uirements set forth in this Citation. I have a right to
request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the course	uirements set forth in this Citation. I have a right to rt judgment on affidavit for the amount of the fine.
request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the cou	uirements set forth in this Citation. I have a right to rt judgment on affidavit for the amount of the fine.
request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the country before and the state of the offense of the offens	uirements set forth in this Citation. I have a right to rt judgment on affidavit for the amount of the fine.  Output  Date
request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the cou	rt judgment on affidavit for the amount of the fine.  One of the fine.  Date
request a hearing for the offense(s) charged. If I do not exercise my right to a hearing, I agree to entry by the country by t	rt judgment on affidavit for the amount of the fine.  One of the fine.  Date
Defendant's Signature  Affirmation: I solemnly affirm under the penalties of perjury, and upon personal knowledge or based on the affidavit, that the knowledge, information and beliefland that I am competent to testify on these matters.	rt judgment on affidavit for the amount of the fine.  One of the fine.  Date



# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Mr. Don Rohrbaugh Site Solutions Incorporated 20410 Observation Drive, Suite 205 Germantown, Maryland 20876

July 23, 2009

Subject: Pre-submission of final Forest Conservation Plan Amendment CBA-1174C-Holton Arms School

Dear Mr. Rohrbaugh:

This letter is to inform you that the pre-submission of an amendment to final Forest Conservation Plan (FFCP) No. CBA-1174C Holton Arms School, has been reviewed. The proposed drainage swale is shown in an existing Category I Conservation Easement previously established at the site. Therefore, the proposal represents encroachment into the easement.

The Montgomery County Planning Board must review the proposed encroachment with a limited amendment to the preliminary plan including the Final Forest Conservation Plan (FFCP) at a public hearing. Please contact Ms. Cathy Conlon, Subdivision Section Supervisor, for the preliminary plan amendment requirements. In the submission of the materials for this request, include a completed FCP amendment application and the required review fee. The FCP application is available on the Department's web site at: www:MontgomeryPlanning.org.

If you have any questions about these comments about the FCP amendment process, please contact me at (301) 495-4551 or electronically at lori.shirley@mncppc-mc.org.

Sincerely

Lori Shirley

Planner Coordinator

**Environmental Planning Division** 

Cc

Cathy Conlon, Montgomery County Planning Department, Acting Subdivision Section

Supervisor

Mike Devine, Site Solutions Incorporated CBA-1174C – Holton Arms School file

reduline For Lori Shirley

LS