



## Batchellors Forest, Site Plan Amendment #82008019C

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John Carter, Chief Area 3 Planning Team

Staff Report Date: 09/08/14

### Description

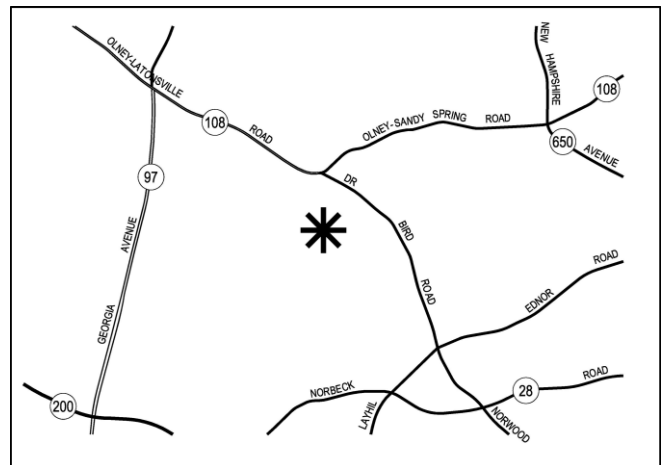
#### **Batchellors Forest: Site Plan Amendment No. 82008019C**

Request to amend Site Plan and Final Forest Conservation Plan to include construction of new school on parcel previously dedicated to M-NCPPC Parks as part of plan to develop the Batchellors Forest subdivision; 93.64 acres; RNC Zone; located on the north and south side of Batchellors Forest Road, approximately 3,000 feet south of the intersection with Doctor Bird Road; 2005 Olney Master Plan

**Staff Recommendation:** Approval with conditions

**Applicant:** Montgomery County Public Schools

**Submittal Date:** 05/23/14



### Summary

Two items are included for the Planning Board review for the Farquhar Middle School project as follows:

- Mandatory referral plan (Farquhar Middle School #MR2014050) and,
- Site Plan amendment to amend final forest conservation plan (The school site is covered by a previously approved Site Plan (Batchellors Forest #820080190))

This memorandum addresses staff's review and recommendations on the forest conservation plan amendment. As a regulatory application, the Planning Board must take a separate action on Site Plan Amendment and adopt a Resolution for the Plan that is provided with this Agenda Item.

## **STAFF RECOMMENDATION**

Staff recommends approval with the following conditions:

1. Prior to any land disturbing activities or issuance of Sediment and Erosion Control Permit, the Applicant must submit a revised Forest Conservation Plan, subject to Staff approval, for the following:
  - a. Include a signed developers certificate on every page;
  - b. Include an original Qualified Professional's signature on every page;
  - c. Add a note that indicates that nineteen (19) – three inch (3") DBH native canopy trees are required to be planted onsite as required for the Variance Tree mitigation;
2. Applicant must plant nineteen (19) – three inch (3") DBH native canopy trees onsite as Variance Tree mitigation.
3. All areas of planting, reforestation and mitigation, must be placed in a Category I conservation easement. All easements must be recorded by deed or record plat prior to any land disturbing activities or issuance of Sediment and Erosion Control Permit.

## **DISCUSSION**

Montgomery County Public Schools ("MCPS" or "Applicant") proposes to construct a new middle school on a 17.2-acre property located immediately to the north of the existing school. The new building will be set back away from Batchellors Forest Road, with playing fields located up front, closer to the road. The park and school will share a single access point, located opposite the intersection of Batchellors Forest Road and Old Vic Boulevard, which is being constructed as part of a new community called Batchellors Forest. The school's student drop-off and school bus loops will be located on the south side of the school building, with staff parking to the east.

MCPS intends to design the school to at least a LEED Silver rating. Sustainable elements of its design include maximizing open space, installing reflective and vegetated roofs, using low-flow plumbing fixtures to conserve water, recycling materials where feasible to divert construction waste from landfills and managing stormwater to reduce runoff and improve water quality. The new school will use a geothermal ground source heat pump system and enable more occupant control of lighting, heating and cooling.

The 93.64 acre Batchellors Forest Subdivision created 37 lots, including 32 one-family detached dwelling units and five one-family attached MPDUs using the optional method of development. The layout created two residential clusters which are located away from Batchellors Forest Road in order to maintain broad vistas of open space and preserve the rustic character of this road. The rural open space is approximately 69 percent of the tract area, including approximately 17.2 acres on the east side of Batchellors Forest Road, which was dedicated to M-NCPPC Parks.

The Farquhar Middle School Mandatory Referral is located within this 17.2 acres portion dedicated to Parks. The Mandatory Referral will be referencing this 17.2 acre piece of property, but in terms of forest conservation, we will be referencing the entire 93.64 acre Batchellors Forest subdivision FFCP

The Planning Board's action on the Site Plan amendment and Final Forest Conservation Plan (FFCP) is regulatory and binding, therefore, the Board must act on the Site Plan amendment and FFCP before it finalizes its recommendations on the Mandatory Referral.

### **Environmental Guidelines**

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420043350 for the Subject Property was approved by M-NCPPC on August 31, 2005 and recertified on December 15, 2008. The NRI/FSD was followed by a Final Forest Conservation Plan (FFCP) submitted with the Site Plan #820080190 (Batchellors Forest Subdivision). A NRI/FSD is normally only valid for a period of two years unless it is recertified or followed by a Forest Conservation Plan. Any changes in site conditions between the NRI/FSD approval and this Application would be reflected on the revised FFCP.

The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Property contains 23.39 acres of stream valley buffer (SVB), including 1.86 acres of wetlands, 21.63 acres of forest (1.17 acres in wetlands and 16.73 acres in SVB), 50 trees between 24" and 30" diameter at breast (DBH), and 52 trees 30 inches and greater DBH .

The Project is in the Northwest Branch watershed, which is a Use IV-P watershed. The Countywide Stream Protection Strategy rates streams in Northwest Branch watershed as fair condition.

### **Stream Buffer Encroachments**

This Application contains minor SVB encroachments, a total of 1,065 square feet, for the construction of stormwater management outfalls necessary to provide safe conveyance of runoff. The SVB impacts are minor in nature and are required to implement the overall middle school development. Staff has no objections to the unavoidable encroachments.

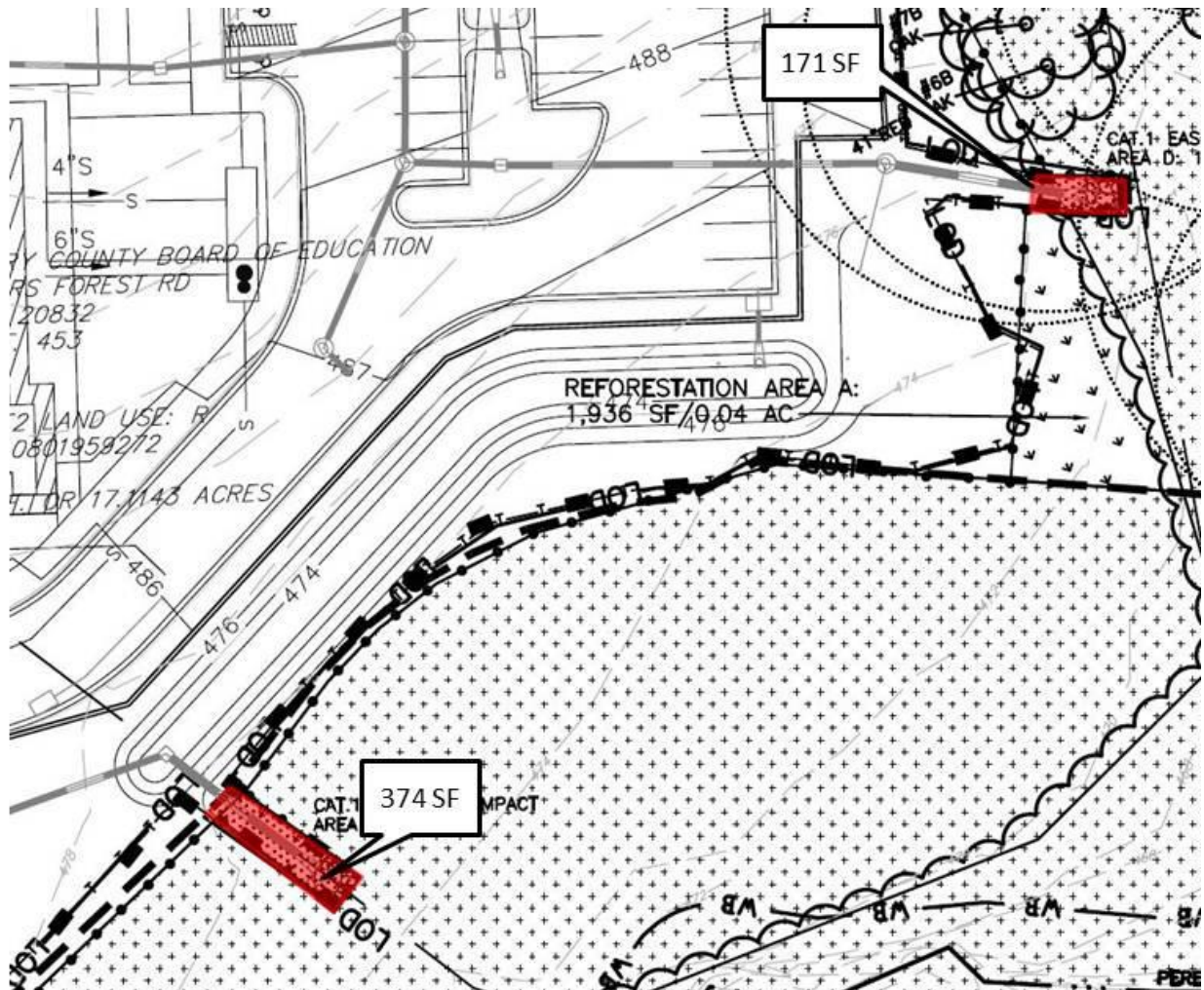
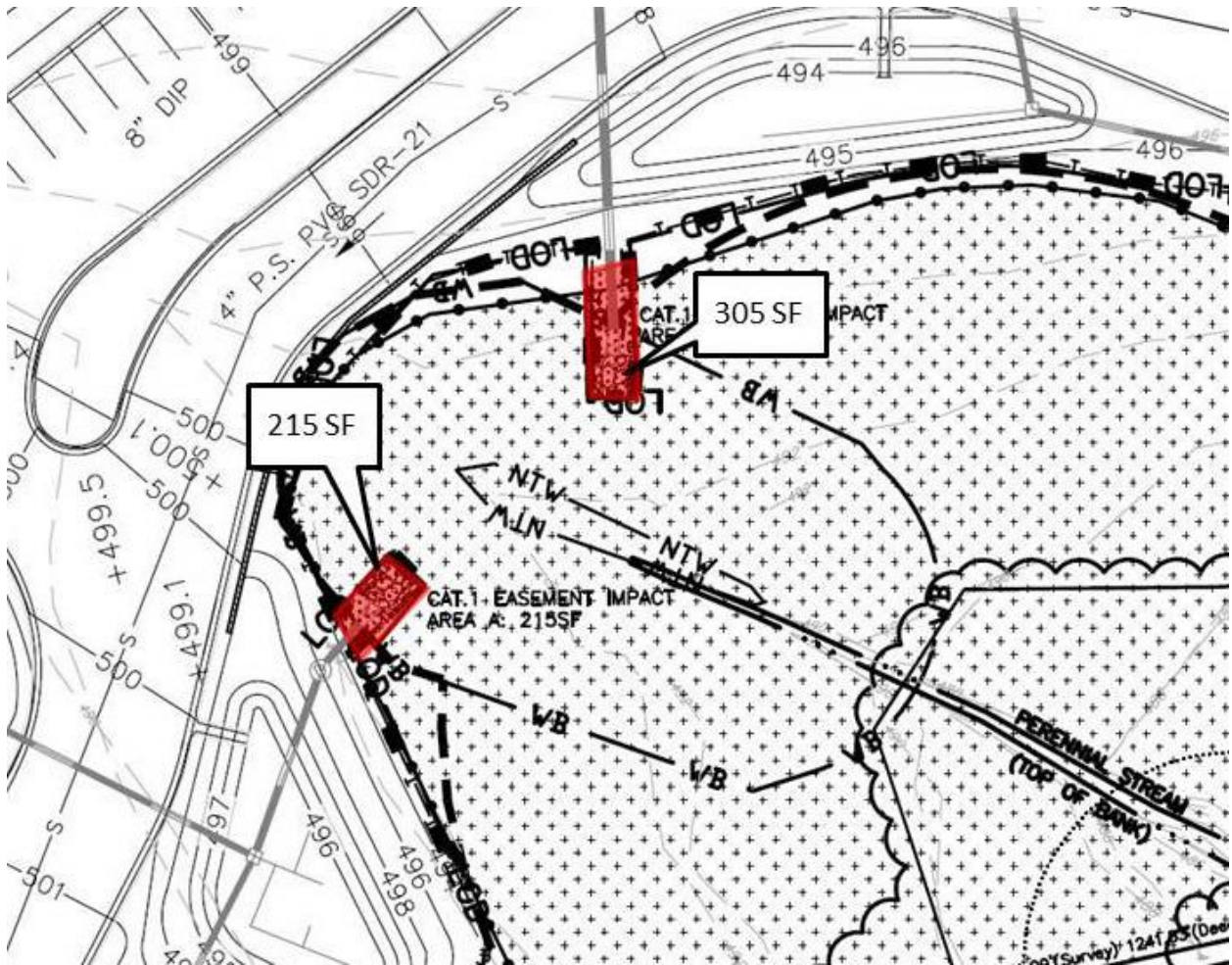


Figure 1: Proposed SVB Encroachment Areas



**Figure 2: Proposed SVB Encroachment Areas**

### ***Forest Conservation***

The FFCP associated with the Mandatory Referral for Farquhar Middle School (#MR2014050) is actually an amendment to previously Approved FFCP for the Batchellors Forest Subdivision (#820080190).

This FFCP amendment (Attachment A) includes 0.81 acres of off-site improvements for the construction of a sewer line to serve the new school, for a total net tract area of 94.45 acres, and proposes an additional 0.01 acres of forest clearing above what was previously approved.

The Application also proposes to remove and mitigate 0.02 acres of Category I conservation easements created and recorded with the Batchellors Forest Subdivision. The Applicant proposes to mitigate for the Category I conservation easement removal onsite at a 1:1 ratio which is consistent with the Planning Boards easement removal mitigation policy.



The Applicant proposes to create and plant a total of 0.04 acres of new Category I conservation easement onsite to meet the 0.02 acres reforestation requirement and 0.02 acres generated from the easement removal and mitigation generated by this amendment.

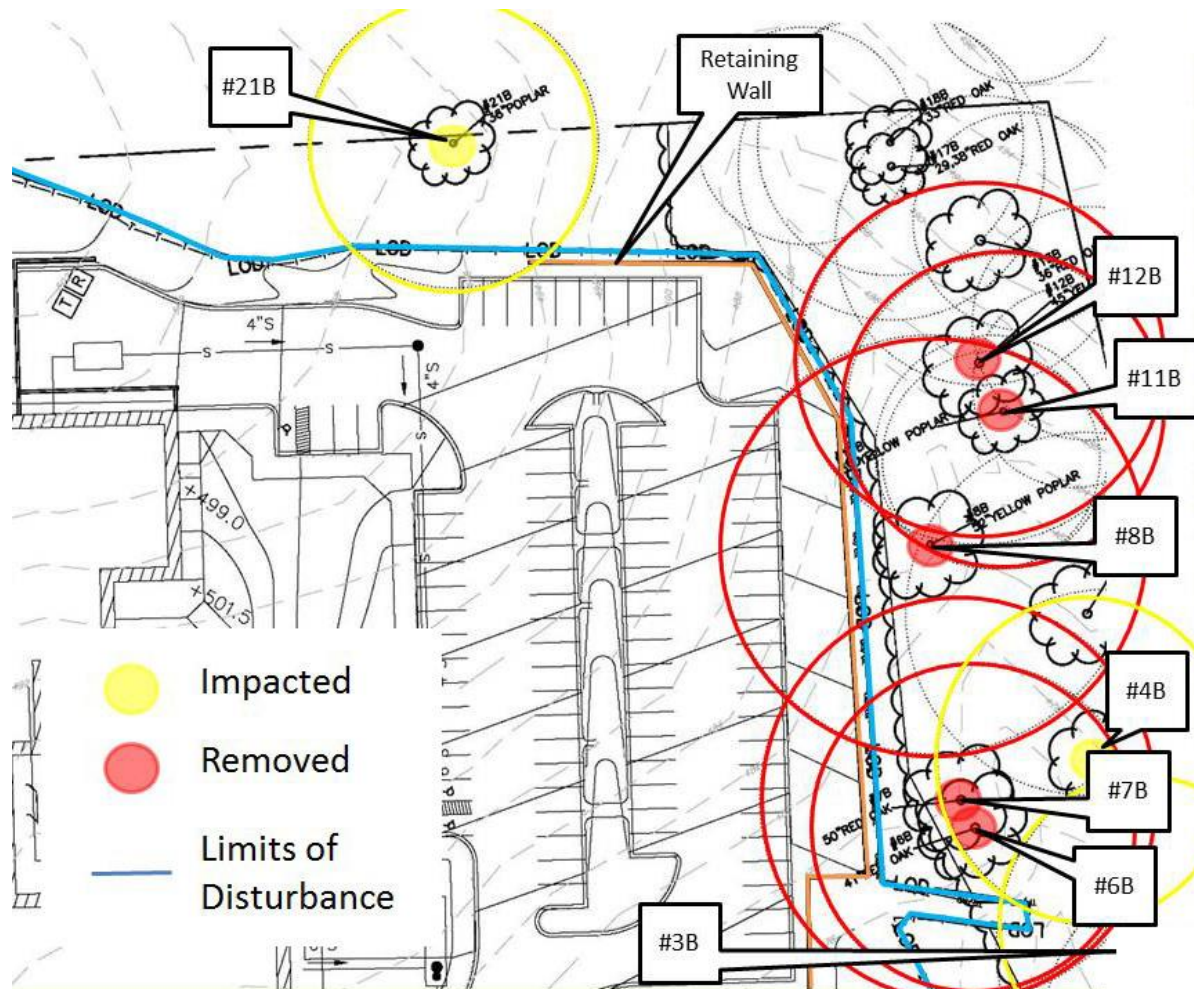
#### Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species (Variance Trees). Any impact, including removal, disturbance within the tree's critical root zone (CRZ) or pruning, requires a tree variance. An applicant for a tree variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law.

#### Variance Request

The Applicant submitted a variance request dated May 15, 2015 and revised on June 13, 2014 for the impacts/removal of Variance Trees by the proposed activities (Attachment B). The Applicant has requested a tree variance for the removal of five (5) Variance Trees and to impact, but not remove, three (3) other Variance Trees.

Tree #	Scientific Name	Common Name	DBH	Condition	% impact	Status
3B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	49	Fair	1%	Save
4B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	42	Fair	1%	Save
6B	QUERCUS RUBRA	RED OAK	41	Good	30%	Remove
7B	QUERCUS RUBRA	RED OAK	50	Good	36%	Remove
8B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	52	Fair	27%	Remove
11B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	39	Poor	1%	Remove
12B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	45	Poor	4%	Remove
21B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	36	good	8%	Save



Trees 3B and 4B have minor CRZ impacts from the stormwater management outfall and are recommend to be retained. The minor CRZ impacts should have little overall impact to the trees overall health.

Trees 6B and 7B have 30 percent or greater impacts to the CRZ from the installation of the stormwater management outfall and the retaining wall on the east side of the parking lot. The higher percentage of CRZ impact, impacts on two sides of the trees, combined with the proximity of the retaining wall all contribute to the request for removal of Trees 6B and 7B.

Tree 8B has 27 percent of its CRZ being impacted by grading from the parking lot and the installation of the retaining wall. The higher percentage of CRZ impact combined with the proximity of the retaining wall all contribute to the request for removal of Tree 8B.

Trees 11B and 12B have less than five percent CRZ impact; however both trees are currently in poor condition and in a state of declining health. The request to remove trees 11B and 12B is based upon the poor health of the trees and being behind the proposed retaining wall. Once the retaining wall is built both trees would become hazard trees and access to remove them would be extremely limited.

Tree 21B has eight percent of its CRZ being impacted by grading from the parking lot and the installation of the retaining wall. The minor CRZ impacts should have little overall impact to the trees overall health and Tree 21B is recommend to be retained.

#### Justification of Unwarranted Hardship

As per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Variance Trees in an undisturbed state would result in an unwarranted hardship.

The task associated with this project was to provide the community with an updated middle school facility that can accommodate a growing number of students as well as a modernized, safe and healthy environment for young students to learn. Efforts have been made to respect the existing Category I conservation easement on the parcel. The easement protects the streams, wetlands and buffers.

The buildable site area is restricted by the conservation easement and results in a tight fit for a middle school. If a Variance was not granted, the school would not be able to be constructed due to the close proximity of specimen trees to the school parking, amenities, and stormwater management facilities.

#### Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted.

Staff has made the following determination based on the required findings that granting of the requested variance:

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

The Farquhar Middle School Modernization is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.



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

Montgomery County Public Schools has taken no actions leading to the conditions or circumstances that are the subject of this variance request.

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

The surrounding land uses (residences) do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.

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

The granting of this variance will not adversely affect water quality. Appropriate erosion and sediment controls will be installed, as specified in the Erosion and Sediment Control Plan for this project. Additionally, Staff is recommending mitigation for the five protected trees and would result in 19 - 3" DBH native canopy trees being planted to offset the water quality benefits of the five Variance Trees lost.

#### Mitigation for Trees Subject to the Variance Provision

There are five (5) trees proposed for removal in this variance request. All five (5) of these trees are within existing forest; however, these five (5) trees are located within forest save areas so their loss was not accounted for in the forest conservation worksheet. No mitigation is recommended for trees impacted but retained.

The five (5) trees to be removed have a cumulative DBH of 227 inches. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH in caliper. This means that for the 227 caliper inches of variance trees removed, the Applicant should mitigate by providing 56.75 caliper inches or 19 - 3" DBH native canopy trees to be planted on the site. While these trees will not be as large as the trees lost, they will provide some immediate canopy and will help augment the overall canopy coverage onsite.

#### County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 13, 2014. On July 9, 2014, the County Arborist issued recommendations on the variance request and recommended the variance be approved with mitigation (Attachment C)

#### Variance Recommendation

Staff recommends that the variance be granted with mitigation.

The submitted FFCP amendment meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

## **COMMUNITY OUTREACH**

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. As of the date of this report, Staff has not received any correspondence regarding this Application. Any correspondence received after posting of the Staff Report will be forwarded to the Planning Board for discussion at the hearing.

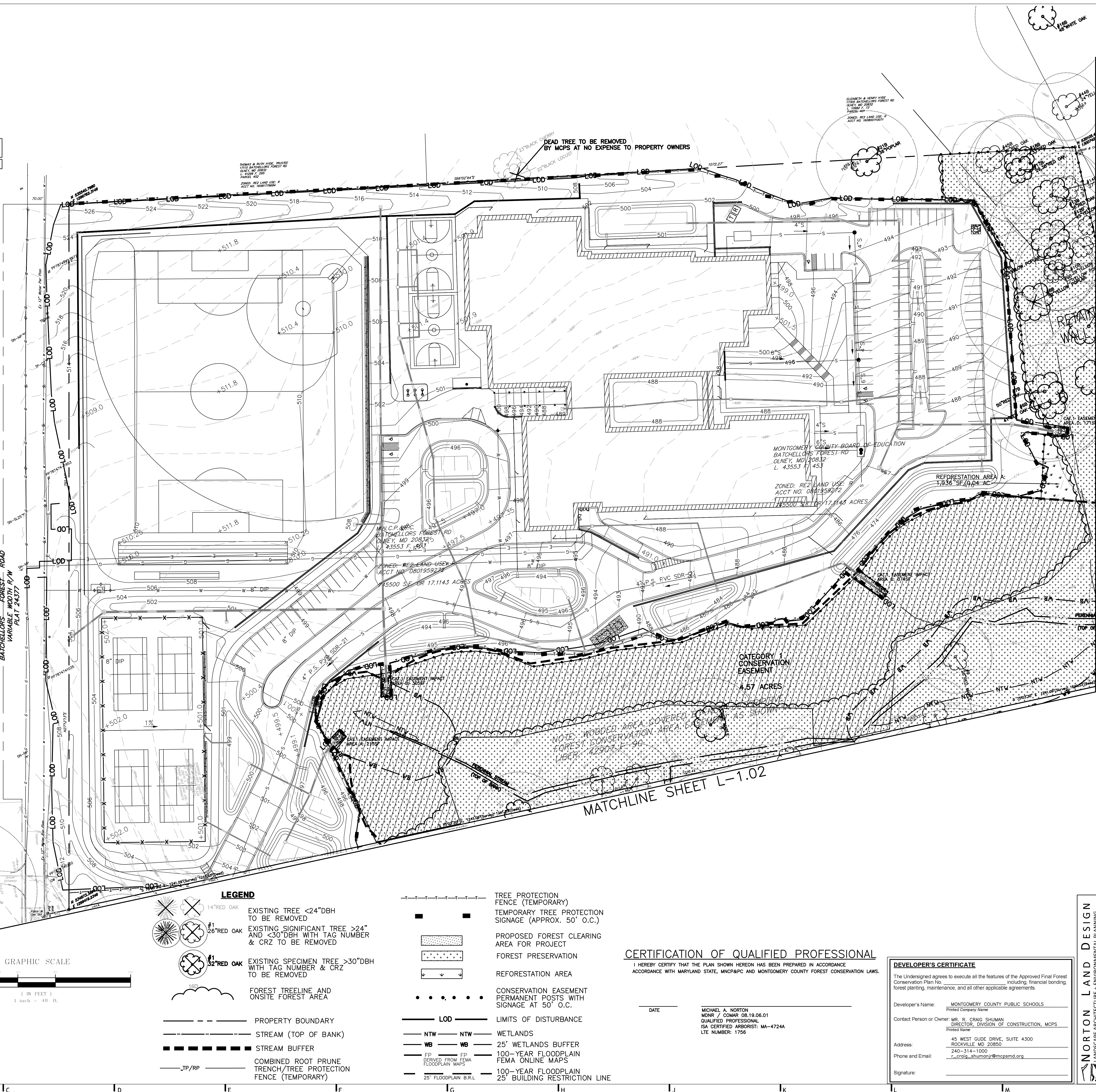
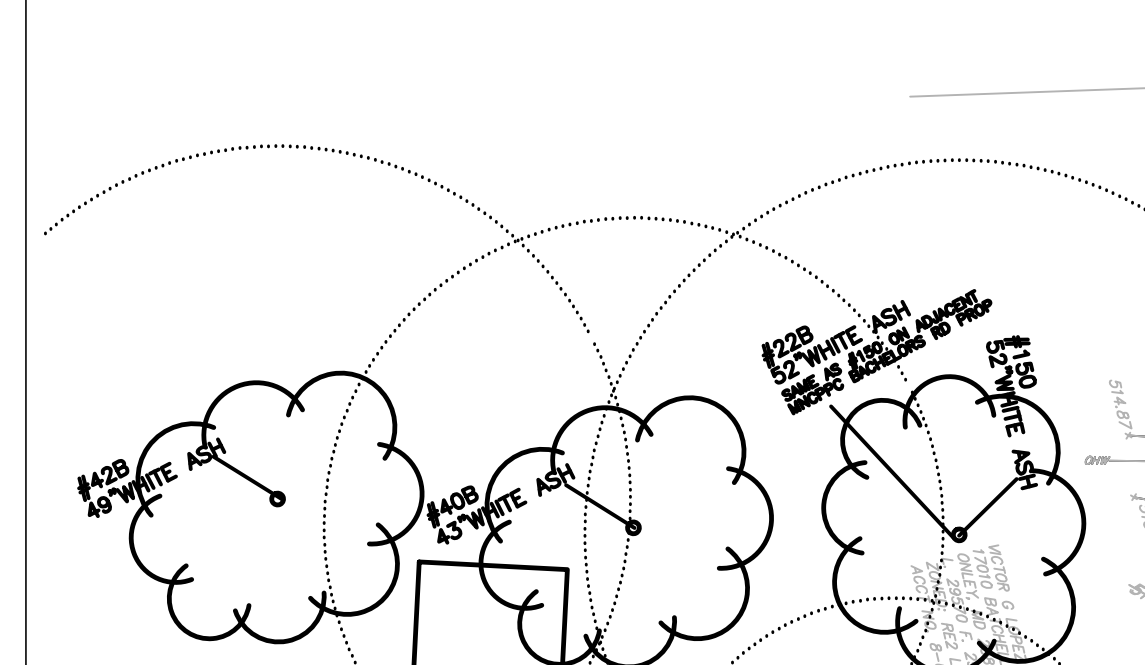
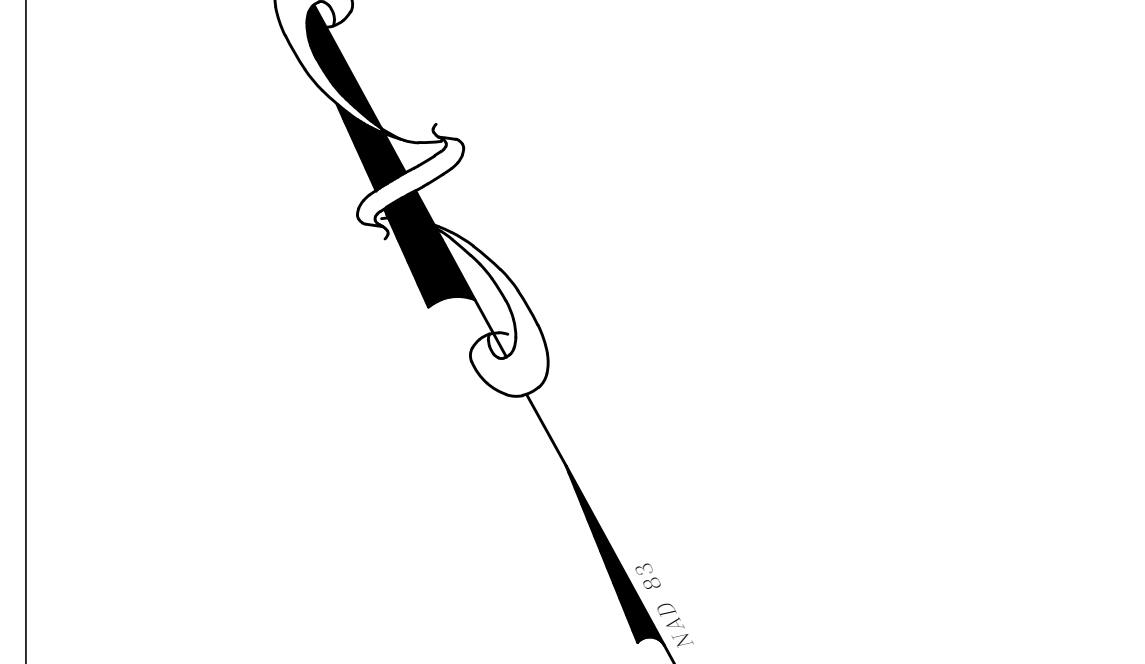
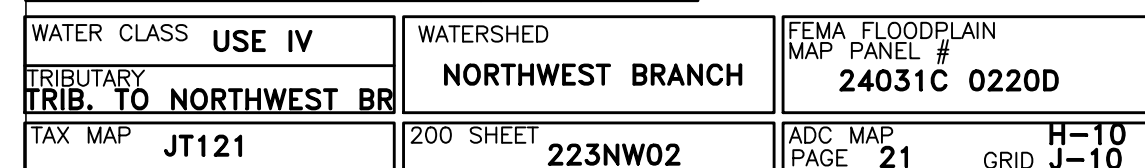
## **CONCLUSION**

The Application, including the submitted FFCP amendment, meets all applicable requirements of Chapter 22A of the County Code (Forest Conservation Law). Staff recommends the Planning Board approve the Site Plan amendment, for the purpose of amending the FFCP, with the conditions cited in this Staff Report.

## **Attachments**

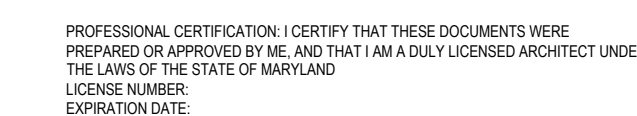
Attachment A – Final Forest Conservation Plan  
Attachment B – Variance Request  
Attachment C – County Arborist Recommendation





**FARQUHAR MIDDLE  
SCHOOL**  
16915 Batchellors Forest Road  
Olney, Maryland 20832

ARCHITECTURE  
LANDSCAPE ARCHITECTURE  
PLANNING  
INTERIOR DESIGN

Project Name

Project Number \_\_\_\_\_

Date  
4-4-2014

AS SHOWN

SHEET L-1.01

AMENDED FINAL  
FOREST

## CONSERVATION

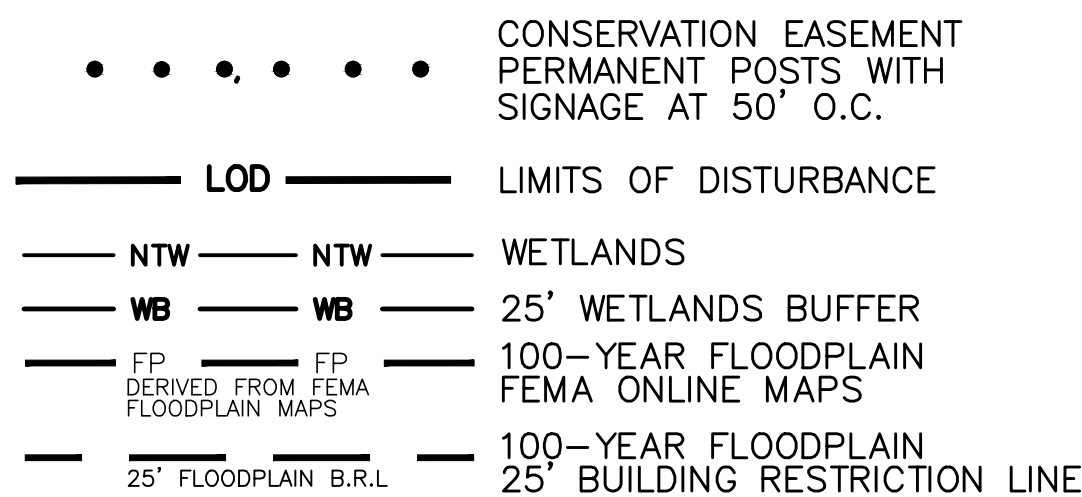
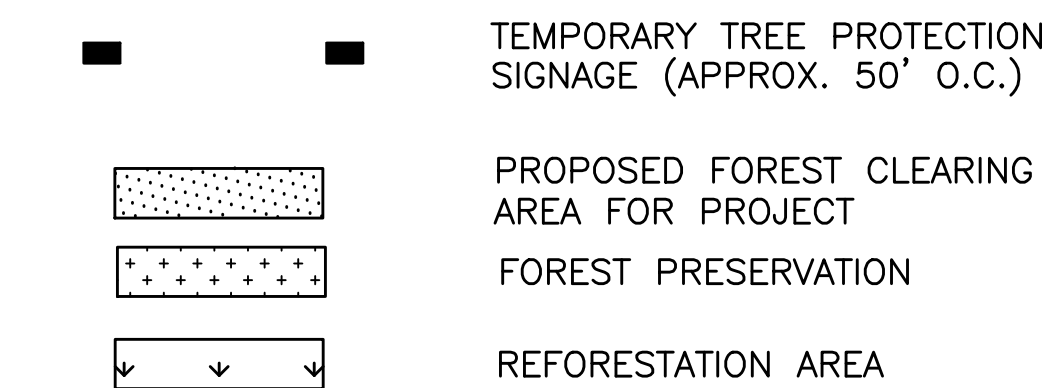
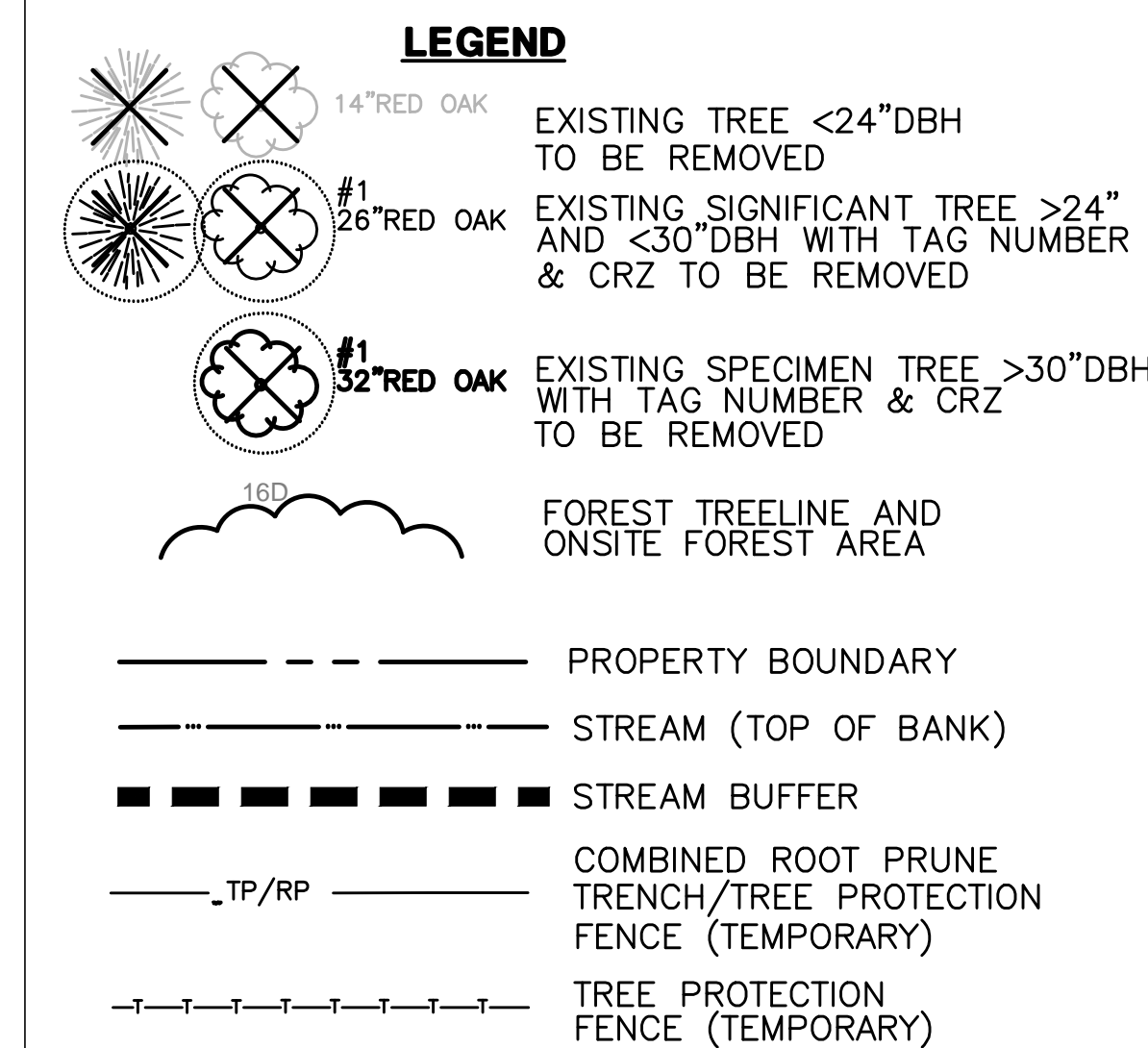
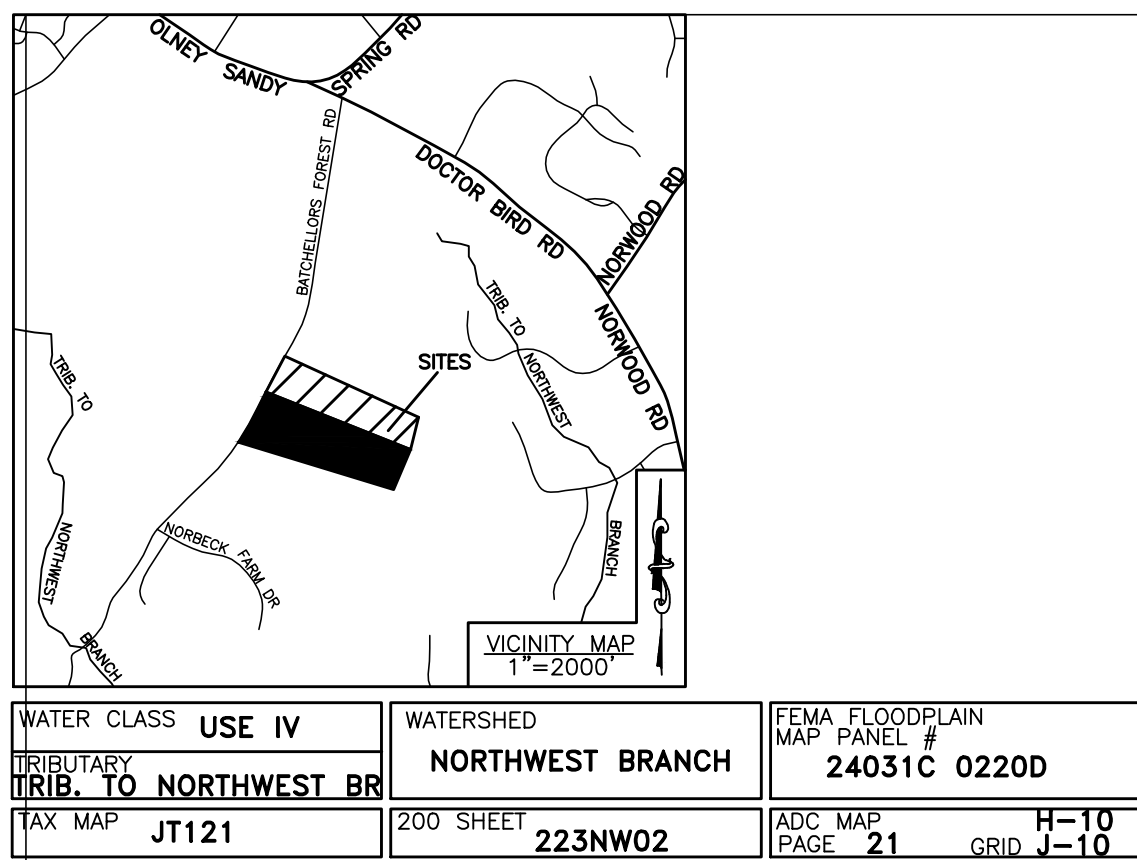
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MATCHLINE THIS SHEET

MATCHLINE SHEET L-1.02

## SITE TABULATIONS:

ACREAGE OF TRACT:	94.45
ACREAGE OF TRACT REMAINING IN AGRICULTURE:	0
ACREAGE OF ROAD AND UTILITY R/W WHICH WILL NOT BE IMPROVED AS PART OF DEV. APPLICATION:	2.79
ACREAGE OF EX. FOREST:	21.16
ACREAGE OF TOTAL FOREST RETENTION:	19.53
ACREAGE OF TOTAL FOREST CLEARED:	1.58
LAND USE CATEGORY:	MDR
AFFORESTATION THRESHOLD	22.92
CONSERVATION THRESHOLD	1.16/0.00/0.59
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN WETLANDS	4.55/0.01/0.19
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN 100-YEAR FLOODPLAIN	16.39/0.34/6.32
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN STREAM BUFFERS	16.39/0.34/6.32
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITH PRIORITY AREAS	3,900/130
LINEAR EXTENT & AVERAGE WIDTH OF STREAM BUFFER	—
ACREAGE OF STREAM BUFFER ONSITE (EXCLUDING UTILITY EASEMENTS AND R.O.W.)	—
ACREAGE OF STREAM BUFFER PUT INTO EASEMENT	—
ACREAGE OF STREAM BUFFER NOT PUT INTO EASEMENT	—
TOTAL DBH INCHES OF SPECIMEN TREES REMOVED X 0.25 = REQUIRED CALIPER INCHES MITIGATION	0
TOTAL CALIPER INCHES OF SPECIMEN TREE MITIGATION	0

NOTE:

- NO CLEARING IS TO TAKE PLACE OUTSIDE OF THE LIMITS OF DISTURBANCE.
- AREAS SHOWN TO BE CLEARED OUTSIDE OF THE LIMITS OF DISTURBANCE ARE FOR CALCULATIONS ONLY.

FOREST CONSERVATION WORKSHEET							
FARQUHAR MIDDLE SCHOOL							
NET TRACT AREA:							5-Aug-02
A. Total tract area ...							94.45
B. Land dedication acres (parks, county facility, etc.) ...							0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...							2.79
D. Area to remain in commercial agricultural production/use ...							0.00
E. Other deductions (specify) .....							0.00
F. Net Tract Area .....							91.66
LAND USE CATEGORY: (from <i>Trees Technical Manual</i> )							
Input the number "1" under the appropriate land use, limit to only one entry.							
	ARA	MDR	IDA	HDR	MPD	CIA	
	0	1	0	0	0	0	
G. Afforestation Threshold ...					20%	x F =	18.33
H. Conservation Threshold ...					25%	x F =	22.92
EXISTING FOREST COVER:							
I. Existing forest cover .....							21.16
J. Area of forest above afforestation threshold .....							2.83
K. Area of forest above conservation threshold .....							0.00
BREAK EVEN POINT:							
L. Forest retention above threshold with no mitigation ...=							0.00
M. Clearing permitted without mitigation .....							0.00
PROPOSED FOREST CLEARING:							
N. Total area of forest to be cleared .....							1.58
O. Total area of forest to be retained .....							19.58
PLANTING REQUIREMENTS:							
P. Reforestation for clearing above conservation threshold ...=							0.00
Q. Reforestation for clearing below conservation threshold ...=							3.16
R. Credit for retention above conservation threshold .....							0.00
S. Total reforestation required .....							3.16
T. Total afforestation required .....							0.00
U. Credit for landscaping (may not exceed 20% of "S") .....							0.00
V. Total reforestation and afforestation required .....							3.16
* INCLUDES 0.81 ACRES OF OFFSITE LOD ON EXISTING SCHOOL PROPERTY.							

## CAT. 1 CONSERVATION EASEMENT IMPACT ANALYSIS:

AREA A: 215SF  
AREA B: 305SF  
AREA C: 374SF  
AREA D: 171SF  
TOTAL 1,065SF/0.02AC

0.02 ACRES OF REFORESTATION AREA A IS FOR MITIGATION

Significant/Specimen Tree Summary 24" +									
TREE #	SPECIES SCIENTIFIC NAME	SPECIES COMMON NAME	DBH INCHES	TREE CONDITION	IMPACT COMMENTS	PERCENT ROOT ZONE IMPACT	STATUS	VARIANCE REQUEST	
1	QUERCUS ACUTISSIMA	SAW TOOTH OAK	38	FAIR	UTILITY AND DRIVE ACCESS CONNECTIONS	0%	SAVE	NO	
2	QUERCUS PHellos	WILLOW OAK	28.38	FAIR	APPROVED REMOVAL WITH DEMOLITION OF BUILDING EXEMPTION	0%	SAVE	NO	
3	ACER RUBRUM	RED MAPLE	32.15	FAIR	ACCESS TO OUTFALL REPAIRS	0%	SAVE	NO	
4	ROBINIA PSEUDACACIA	BLACK LOCUST	25	FAIR		0%	SAVE	N/A	
5	ACER RUBRUM	RED MAPLE	25.9, 13.5, 13	FAIR	OUTFALL REPAIRS	19%	SAVE	N/A	
6	ROBINIA PSEUDACACIA	BLACK LOCUST	28, 16, 16	FAIR	OUTFALL REPAIRS	29%	SAVE	N/A	
7	ACER RUBRUM	RED MAPLE	33	FAIR		0%	SAVE	NO	
8	LIRODENDRON TULIPIFERA	YELLOW POPLAR	26	FAIR		0%	SAVE	N/A	
9	ACER RUBRUM	RED MAPLE	26	FAIR		0%	SAVE	N/A	
10	LIRODENDRON TULIPIFERA	YELLOW POPLAR	60	POOR		0%	SAVE	NO	
11	ACER RUBRUM	RED MAPLE	26	FAIR		0%	SAVE	N/A	
12	LIRODENDRON TULIPIFERA	YELLOW POPLAR	26	FAIR		0%	SAVE	N/A	
13	LIRODENDRON TULIPIFERA	YELLOW POPLAR	31	FAIR		0%	SAVE	NO	
14	LIRODENDRON TULIPIFERA	YELLOW POPLAR	26	GOOD		0%	SAVE	N/A	
15	LIRODENDRON TULIPIFERA	YELLOW POPLAR	31	GOOD		0%	SAVE	NO	
16	LIRODENDRON TULIPIFERA	YELLOW POPLAR	58	FAIR		0%	SAVE	NO	
17	LIRODENDRON TULIPIFERA	YELLOW POPLAR	31	FAIR		0%	SAVE	NO	
18	LIRODENDRON TULIPIFERA	YELLOW POPLAR	30	FAIR		0%	SAVE	NO	
19	LIRODENDRON TULIPIFERA	YELLOW POPLAR	29	FAIR		0%	SAVE	N/A	
20	LIRODENDRON TULIPIFERA	YELLOW POPLAR	28	FAIR		0%	SAVE	N/A	
21	LIRODENDRON TULIPIFERA	YELLOW POPLAR	28, 22	FAIR		0%	SAVE	N/A	
22	LIRODENDRON TULIPIFERA	YELLOW POPLAR	25	GOOD		0%	SAVE	N/A	
23	QUERCUS ALBA	WHITE OAK	25	FAIR		0%	SAVE	N/A	
24	QUERCUS ALBA	WHITE OAK	30	FAIR		0%	SAVE	NO	
25	QUERCUS PALustris	PIN OAK	39	FAIR		0%	SAVE	NO	
26	LIRODENDRON TULIPIFERA	YELLOW POPLAR	38	GOOD		0%	SAVE	NO	
38	LIRODENDRON TULIPIFERA	YELLOW POPLAR	49	FAIR	SWIM OUTFALL	1%	SAVE	YES	
48	LIRODENDRON TULIPIFERA	YELLOW POPLAR	42	FAIR	SWIM OUTFALL	1%	SAVE	YES	
68	QUERCUS RUBRA	RED OAK	45	GOOD	SWIM OUTFALL & RETAINING WALL FOR PARKING	36%	REMOVE**	YES	
78	QUERCUS RUBRA	RED OAK	60	GOOD	SWIM OUTFALL & RETAINING WALL FOR PARKING	36%	REMOVE**	YES	
88	LIRODENDRON TULIPIFERA	YELLOW POPLAR	62	GOOD	RETAINING WALL AND PARKING LOT	27%	REMOVE**	YES	
98	LIRODENDRON TULIPIFERA	YELLOW POPLAR	27	FAIR		0%	SAVE	N/A	
108	LIRODENDRON TULIPIFERA	YELLOW POPLAR	29	GOOD		0%	SAVE	N/A	
118	LIRODENDRON TULIPIFERA	YELLOW POPLAR	39	POOR	RETAINING WALL AND PARKING LOT/POTENTIAL HAZARD	1%	REMOVE**	YES	
128	LIRODENDRON TULIPIFERA	YELLOW POPLAR	45	POOR	POTENTIAL HAZARD	4%	REMOVE**	YES	
138	LIRODENDRON TULIPIFERA	YELLOW POPLAR	36	FAIR		0%	SAVE	NO	
148	QUERCUS RUBRA	RED OAK	27	POOR	POTENTIAL HAZARD	0%	REMOVE	N/A	
168	QUERCUS ALBA	WHITE OAK	48	DEAD	NO TIED OWNER AT ONSITE MEETING	0%	REMOVE	N/A	
178	QUERCUS RUBRA	RED OAK	29, 38	GOOD		0%	SAVE	NO	
188	QUERCUS RUBRA	RED OAK	33	FAIR		0%	SAVE	NO	
218	LIRODENDRON TULIPIFERA	YELLOW POPLAR	34	GOOD	GRADING & PARKING	8%	SAVE	YES	
448	LIRODENDRON TULIPIFERA	YELLOW POPLAR	24	GOOD		0%	SAVE	N/A	
458	QUERCUS RUBRA	RED OAK	27	GOOD		0%	SAVE	N/A	
85	MORUS RUBRA	RED MULBERRY	10, 11, 18, 30	GOOD		0%	SAVE	NO	
150	FRAXINUS PENsylvANICA	GREEN ASH	62	GOOD		0%	SAVE	NO	
151	ACER RUBRUM	RED MAPLE	15, 24	GOOD		0%	SAVE	N/A	
160	QUERCUS RUBRA	RED OAK	29	FAIR		0%	SAVE	N/A	
161	QUERCUS RUBRA	RED OAK	25	GOOD		0%	SAVE	N/A	

\* BOLD TYPE DENOTES SPECIMEN TREES

\*\* PERMISSION TO REMOVE IF DEEMED APPROPRIATE AT PRE-CONSTRUCTION MEETING WITH MNCPPC INSPECTORS OR IF BECOMES HAZARD

\*\* TREES ARE IN POOR CONDITION WITH THIN SHELL WALL THICKNESS. IMPACTS TO NO DEEM REMOVAL, HOWEVER THE TREES WILL BE WITHIN 60' OF SITE WALLS

## CERTIFICATION OF QUALIFIED PROFESSIONAL

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

DATE: MICHAEL A. NORTON  
MDNR / COMAR 08.19.06.01  
QUALIFIED PROFESSIONAL  
ISA CERTIFIED ARBORIST: MA-4724A  
LTE NUMBER: 1756

### DEVELOPER'S CERTIFICATE

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

Developer's Name: MONTGOMERY COUNTY PUBLIC SCHOOLS  
Printed Company Name

Contact Person or Owner: MR. R. CRAIG SHUMAN  
DIRECTOR, DIVISION OF CONSTRUCTION, MCPS  
Printed Name

Address: 45 WEST GUDE DRIVE, SUITE 4300  
ROCKVILLE, MD 20850  
Phone and Email: 240-314-1000  
r.craig-shuman@mcpsmd.org

Signature: \_\_\_\_\_

## Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans

### Pre-Construction

1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:

- Root pruning
- Crown reduction or pruning
- Watering
- Fertilizing
- Vertical mulching
- Root aeration matting

Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.

3. A Maryland-licensed tree expert or an International Society of Arboriculture- certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reductions measures during the pre-construction meeting.

4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:

- Chain link fence (four feet high)
- Super silt fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
- 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of forest conservation inspector.

6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.

7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.

### During Construction

8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

### Post-Construction

9. After construction is completed, an inspection shall be requested. Corrective measures may include:

- Removal and replacement of dead and dying trees
- Pruning of dead or declining limbs
- Soil aeration
- Fertilization
- Watering
- Wound repair
- Clean up of retention areas

10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

ARCHITECT  
Hord Coplan Machi, Inc.  
750 E. Pratt St, Suite 1100 Baltimore, MD 21202  
p. 410.857.7331 f. 410.857.6530

STRUCTURAL ENGINEER  
C340 Structural Engineering  
20016 Octavia Court Gaithersburg, MD 20886  
p. 301.926.1538 f. 240.597.0074

M/E/P ENGINEER  
James Posey Associates  
3112 Lord Baltimore Drive, Baltimore, MD 21244  
p. 410.365.6100 f. 410.298.9520

CIVIL ENGINEER  
A. Morton Thomas and Associates  
800 King Farm Blvd., Fourth Floor Rockville, MD 20850  
p. 301.881.2545 f. 301.881.0814

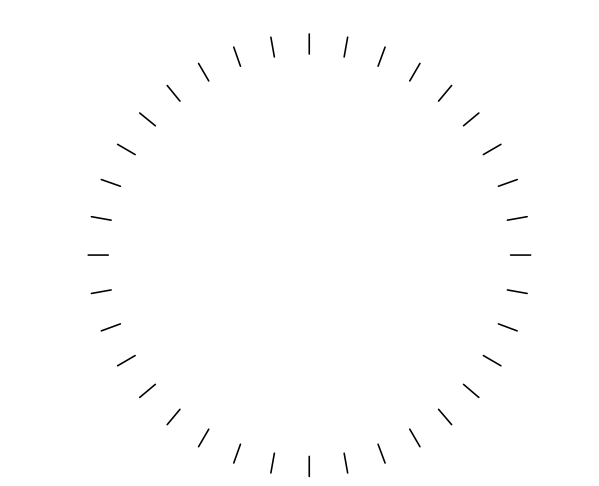
FOOD SERVICE ENGINEER  
Nykos Associates, Inc.  
18219-A Flower Hill Way Gaithersburg, MD 20879  
p. 240.683.9530 f. 240.683.9532

## FARQUHAR MIDDLE SCHOOL

16915 Batchellors Forest Road  
Olney, Maryland 20832

hord coplan machi

ARCHITECTURE  
LANDSCAPE ARCHITECTURE  
PLANNING  
INTERIOR DESIGN



PROFESSIONAL CERTIFICATION I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

DATE: 4-4-2014

no. date revision

Project Name: FARQUHAR MIDDLE SCHOOL

Project Number: 211004-00

Date: 4-4-2014

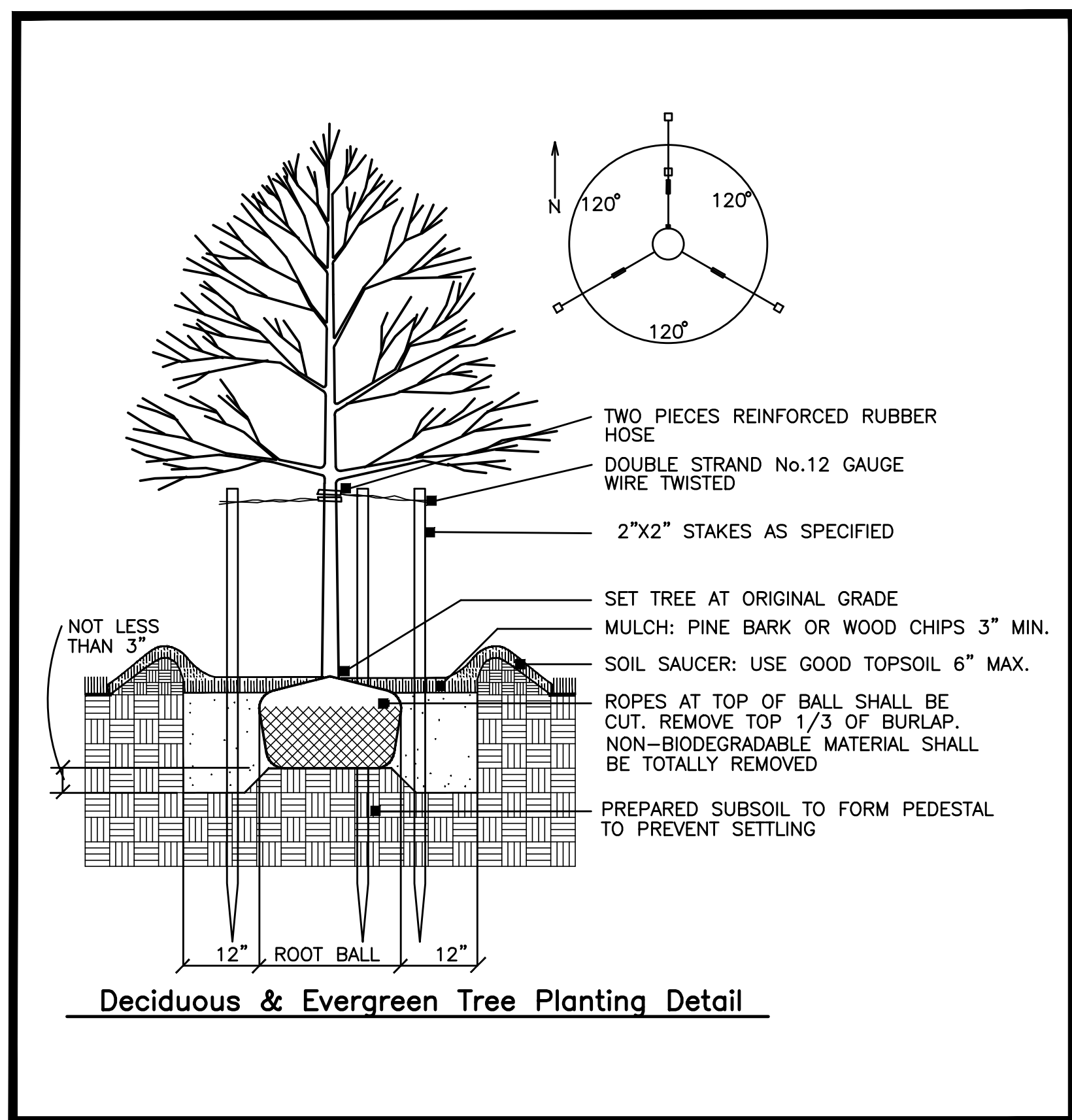
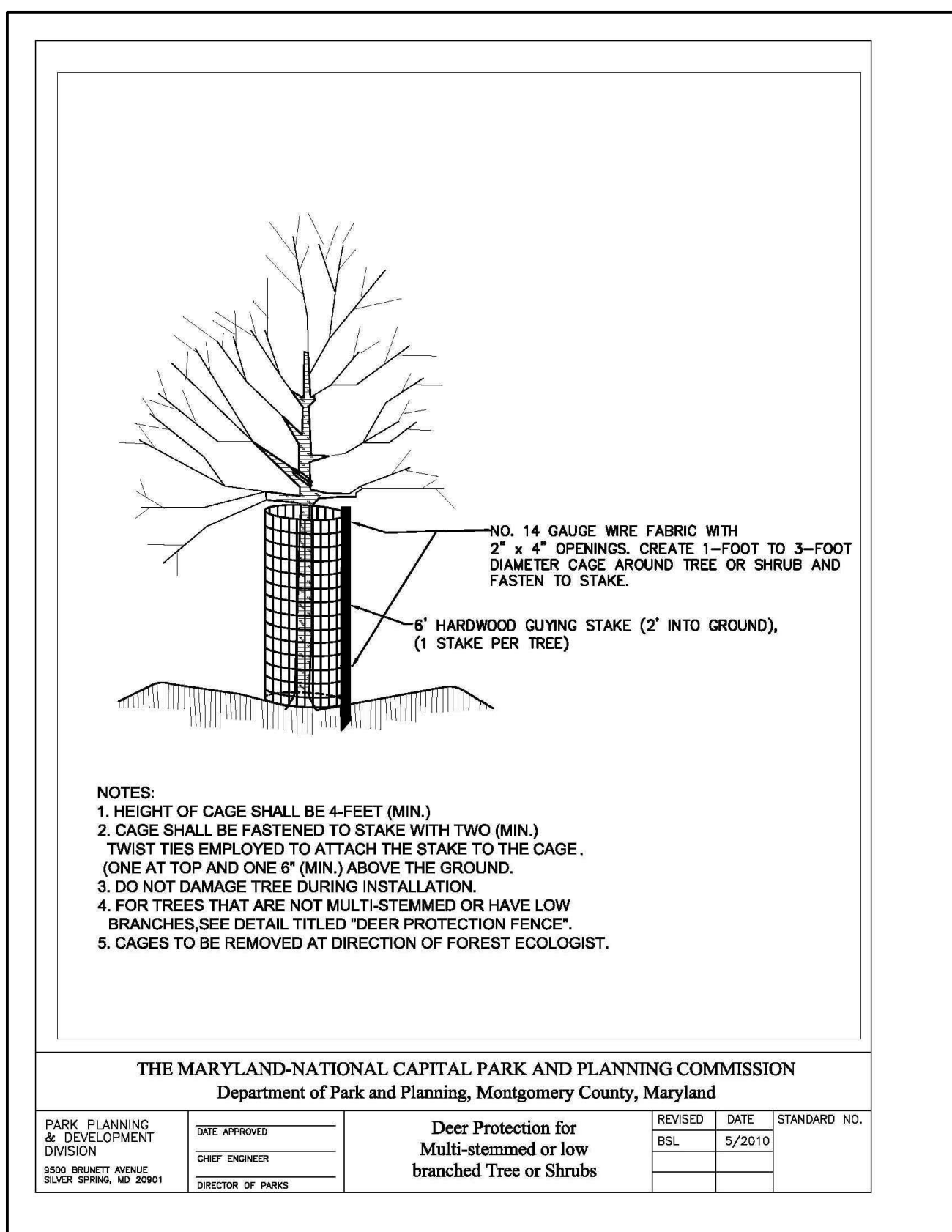
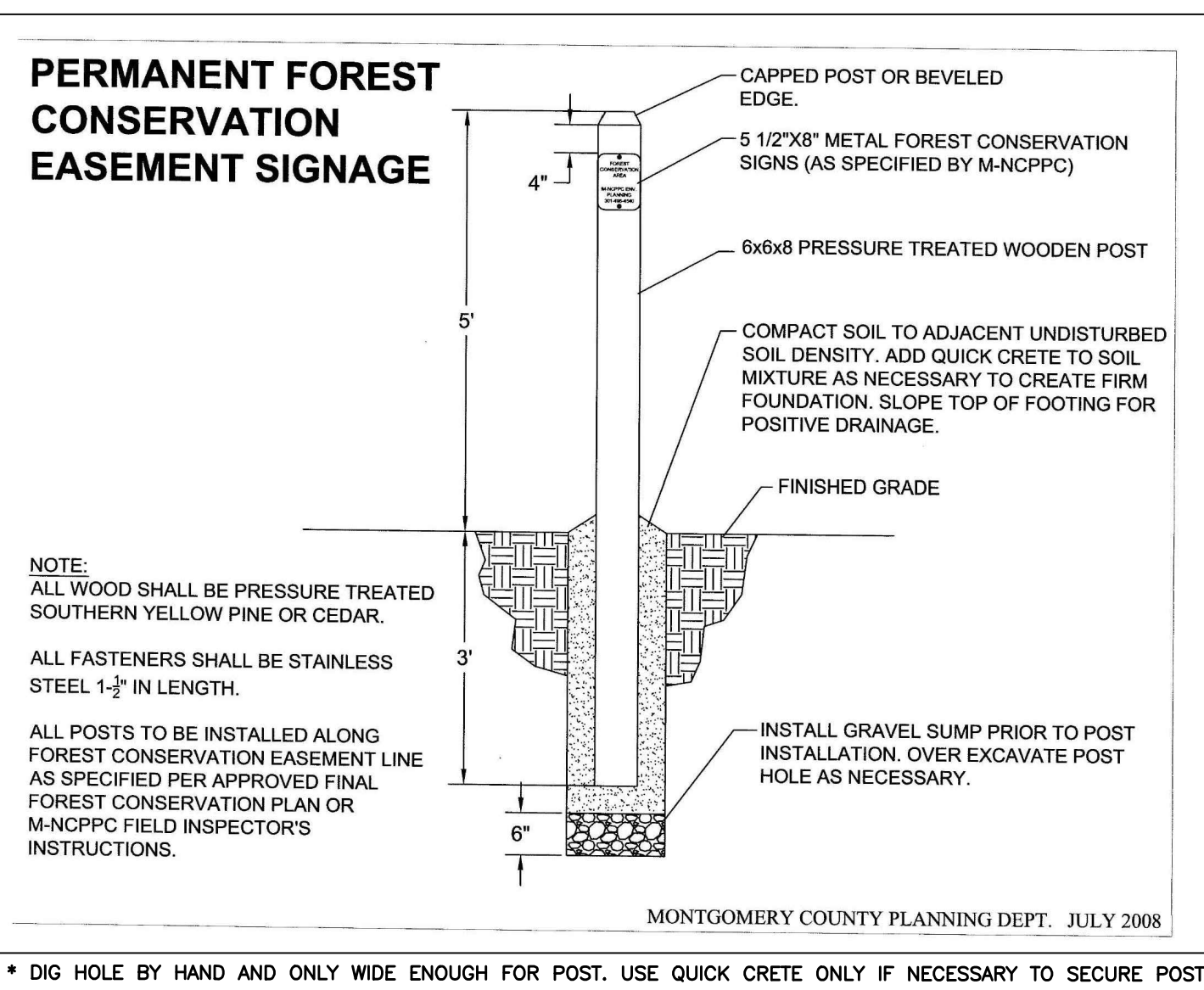
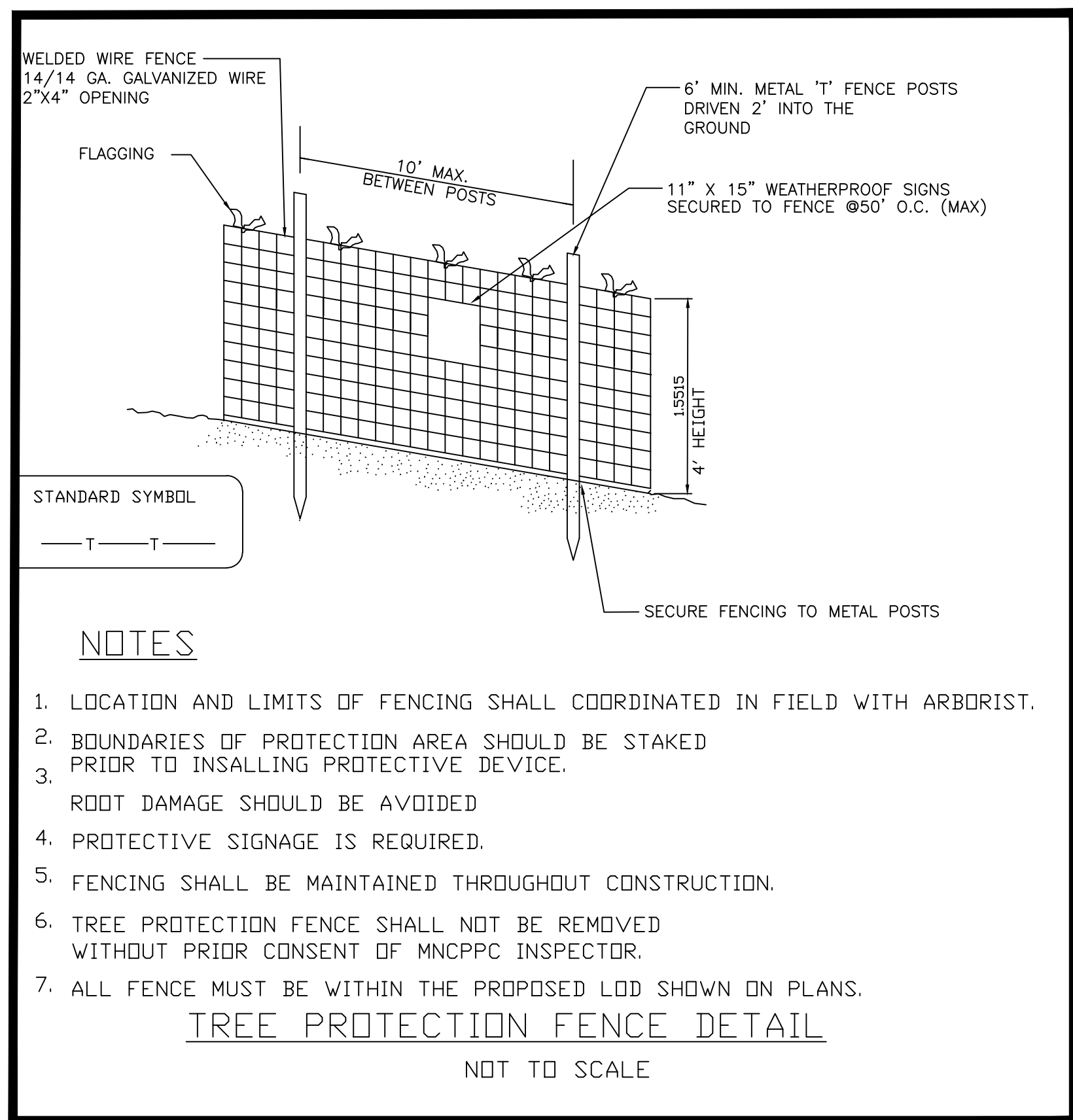
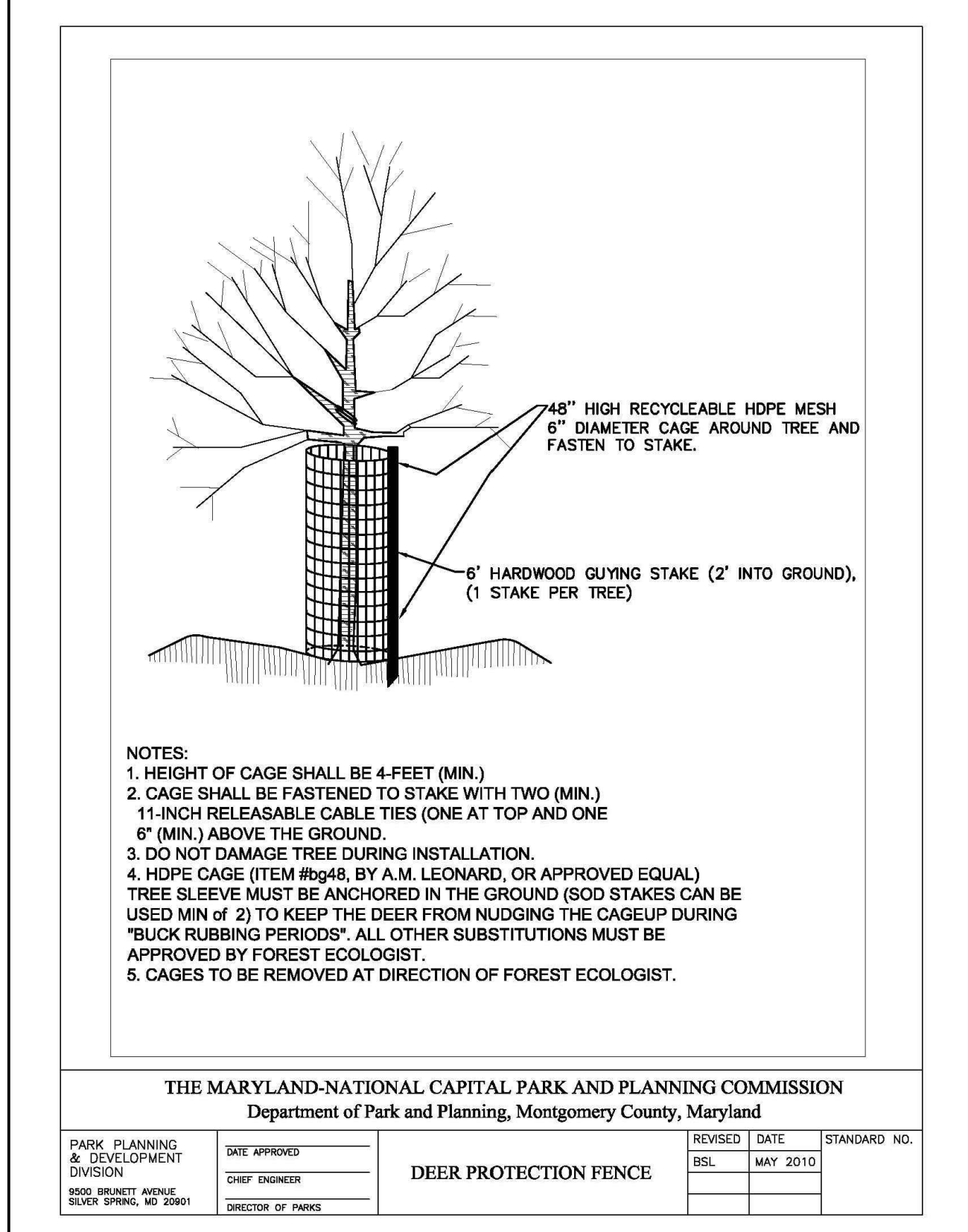
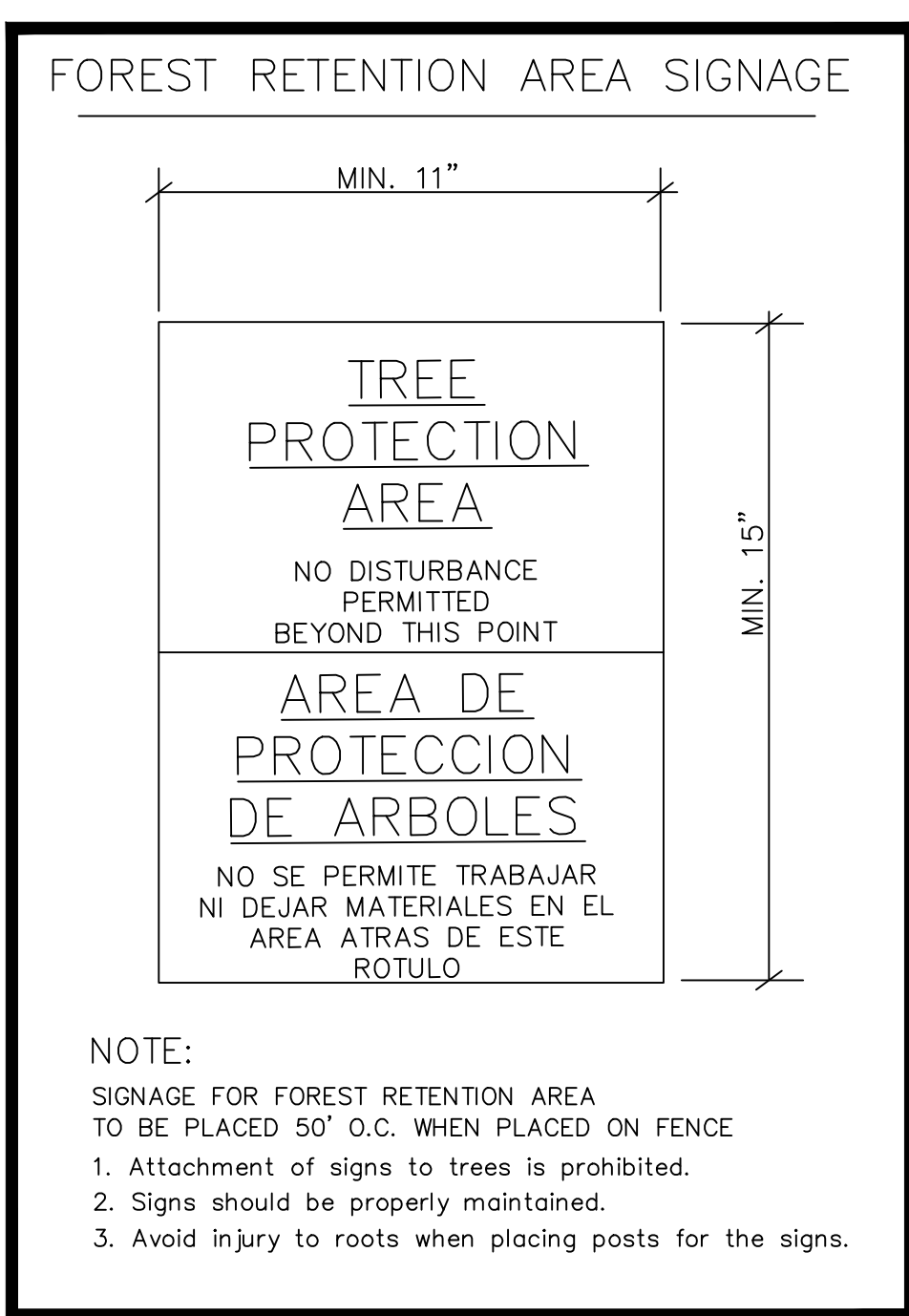
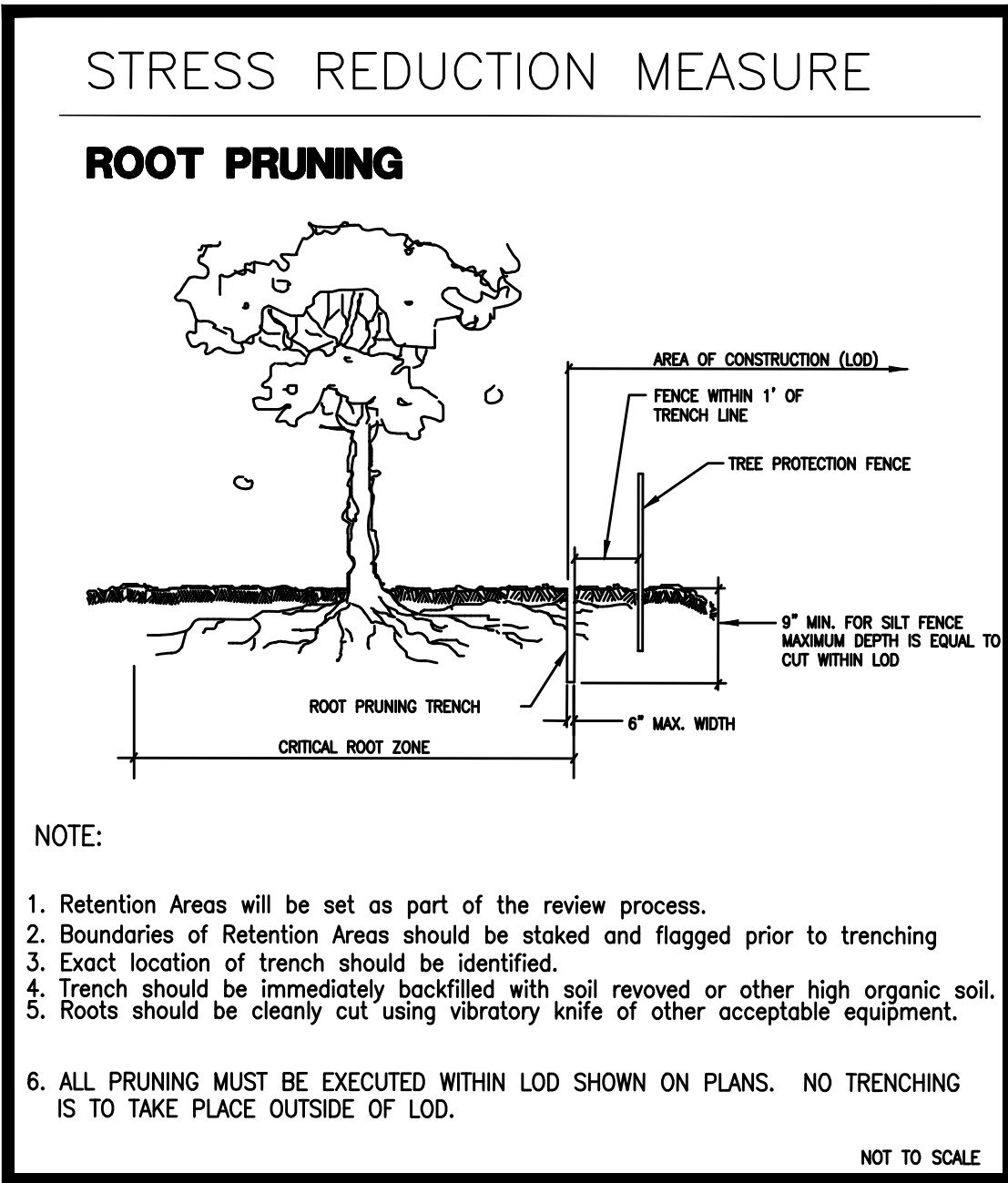
Scale: AS SHOWN

Drawing: SHEET L-1.03

AMENDED FINAL FOREST CONSERVATION PLAN

65% CONST. DOCUMENTS





PROPOSED REFORESTATION/FOREST PLANTING PLANT MATERIALS

AREA - A' = 0.03 ACRES	BOTANICAL NAME	COMMON NAME	SIZE	UNIT/ROOT	SPACING	FORM
1	ACER RUBRUM	RED MAPLE	2\"	B&B	RANDOMLY 20.9' O.C.	TREE
2	QUERCUS RUBRA	RED OAK	2\"	B&B	RANDOMLY 20.9' O.C.	TREE
0	LIRIODENDRON TULIPIFERA	TULIP POPLAR	2\"	B&B	RANDOMLY 20.9' O.C.	TREE
1	NYSSA SYLVATICA	BLACK GUM	2\"	B&B	RANDOMLY 20.9' O.C.	TREE
0	QUERCUS PRINUS	CHESTNUT OAK	2\"	B&B	RANDOMLY 20.9' O.C.	TREE
1	HAMMAMELIS VIRGINIANA	WITCH HAZEL	3'-4' HEIGHT	CONT.	RANDOMLY 33' O.C.	SHRUB/ SMALL TREE
-	ITEA VIRGINICA	VIRGINIA SWEETSPIRE	2'-3' HEIGHT	CONT.	RANDOMLY 33' O.C.	SHRUB
2	AMELANCHIER CANADENSIS	SERVICEBERRY	3'-4' HEIGHT	CONT.	RANDOMLY 33' O.C.	SHRUB/ SMALL TREE
4 lbs.	-	SYLVA FIELD AND FOREST MIX OR EARNST NATIVE UPLAND WILDLIFE FORAGE AND COVER MEADOW MIX: OR EQUIVALENT	-	-	80 LBS. ACRE	SEED
2 lbs.	-	COMPANION SEED MIX OF 50% ANNUAL RYE GRASS 25% SHEEP FESCUE	-	-	8 LBS. PER 10,000 SF	SEED

NOTE:

- A MINIMUM OF 100% SURVIVAL AFTER 2 YEARS OF GROWING SEASON IS REQUIRED FOR ALL REFORESTATION AREAS SHOWN.
- STABILIZE DISTURBED OR BARE AREAS WITH NATIVE UPLAND MIX INDICATED AND COMPANION SEED MIX.
- TREES ARE TO BE PROTECTED WITH INDIVIDUAL TREES SHELTERS PER DETAIL ON THIS SHEET OR APPROVED EQUAL.

CERTIFICATION OF QUALIFIED PROFESSIONAL

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

DATE: \_\_\_\_\_

MICHAEL A. NORTON  
MDNR / COMAR 08.19.06.01  
QUALIFIED PROFESSIONAL  
ISA CERTIFIED ARBORIST: MA-4724A  
LTE NUMBER: 1756

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

Developer's Name: \_\_\_\_\_  
Printed Company Name

Contact Person or Owner: \_\_\_\_\_  
MR. R. CRAIG SHUMAN  
DIRECTOR, DIVISION OF CONSTRUCTION, MCPS  
Printed Name

Address: \_\_\_\_\_  
45 WEST GUDE DRIVE, SUITE 4300  
ROCKVILLE, MD 20850  
240-314-1000  
Phone and Email: \_\_\_\_\_  
r\_craig\_shuman@mcpsmd.org

Signature: \_\_\_\_\_

no. \_\_\_\_\_ date \_\_\_\_\_ revision \_\_\_\_\_

Project Name  
FARQUHAR MIDDLE SCHOOL

Project Number  
211004.00

Date  
4-4-2014

Scale  
AS SHOWN

Drawing  
SHEET L-1.04

**NORTON LAND DESIGN**  
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING  
1000 WILSON AVENUE, SUITE 101  
P. 240.842.8229 F. 240.342.2632  
WWW.NORTONLANDDESIGN.COM

AMENDED FINAL FOREST CONSERVATION PLAN

65% CONST. DOCUMENTS

May 15, 2014  
Revised June 13, 2014

Maryland National Capital Park and Planning Commission (M-NCPPC)  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Faqrquhar Middle School  
Request for Specimen Tree Variance  
MNCPPC Site Plan #8-20080190A

Dear Mr. Penn:

On behalf of the Montgomery County Public Schools and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and recent 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 Amended Final Forest Conservation Plan for the above-named County construction project:

**Project Description:**

The proposed Farquhar Middle School is located adjacent to the existing middle school property along Batchellors Forest Road in Olney , Montgomery County, Maryland. The site is approximately 17.11 acres and is comprised of one parcel owned by The Board of Education. Because this project is an amendment to the entire subdivision/site plan for the residential single family homes across the street, the data tables all reflect the overall site information. The site currently is open fallow field with a conservation easement. There are wetlands, waterways and associated buffers that extend onto the subject property. The site is surrounded by residential properties and the existing school to the south.

Proposed construction consists of a new school, circulation and parking, ballfield areas and ADA accessibility.

**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:** As part of the program, the task was to provide the community with an updated middle school facility that can accommodate a growing number of students as well as a modernized, safe and healthy environment for young students to learn. Efforts have been made to respect the existing category I conservation easement on the parcel. The easement holds the streams, wetlands and buffers.

This buildable site area is restricted by the conservation easement and leads to a tight fit for an middle school. The majority of impacts to specimen trees are relatively minor and should not prohibit survival.

This work will require disturbance of the root zones of a total of eight (8) specimen trees. Three (3) of the eight (8) impacted trees is proposed to be removed because due to significant root impacts close to the school yard, however attempts will be made to save the trees in the field if possible. Two (2) specimen trees are proposed to be removed due to their poor condition and within striking distance of the retaining walls and drive aisle. Alternative options for the outfall were explored with the current layout identified as the best option. Using the smaller stormwater outfalls will prove to distribute runoff to the existing stream channel. The existing outfall on MCPS property is being treated as a repair only. In order to prevent stormwater concerns with the adjacent property and to keep from greatly impacting additional environmental features.

If MCPS is not allowed to impact the trees, the school will not be able to be constructed due to the close proximity of specimen trees to the school parking, amenities and stormwater facilities. As such, this would cause an *unwarranted hardship* to the community that it serves.

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

**Response:** If the County were required to keep all improvements outside the root zones of the specimen trees, the building would fail to be rebuilt due to the close proximity of specimen trees.

- (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 compact 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. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

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

**Response:** The forest and easement onsite is preserved to the greatest extent possible. Additional forest planting for the outfall repair will serve to create greater ecological quality while establishing further buffering of adjacent land uses (residential).

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 Farquhar Middle School Modernization is in conformance with the County's General plan. 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:** Montgomery County Public Schools 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 (residences) 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.**

SpecimenTree Summary 30" +								
TREE #	SPECIES	SPECIES	DBH	TREE	IMPACT COMMENTS	PERCENT ROOT ZONE IMPACT	STATUS	
#	SCIENTIFIC NAME	COMMON NAME	INCHES	CONDITION				
3B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	49	FAIR	SWM OUTFALL	1%	SAVE	
4B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	42	FAIR	SWM OUTFALL	1%	SAVE	
6B	QUERCUS RUBRA	RED OAK	41	GOOD	SWM OUTFALL & RETAINING WALL FOR PARKING	30%	REMOVE**	
7B	QUERCUS RUBRA	RED OAK	50	GOOD	SWM OUTFALL & RETAINING WALL FOR PARKING	36%	REMOVE**	
8B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	52	FAIR	RETAINING WALL AND PARKING LOT	27%	REMOVE**	
11B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	39	POOR	RETAINING WALL AND PARKING LOT/POTENTIAL HAZARD	1%	REMOVE*	
12B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	45	POOR	POTENTIAL HAZARD	4%	REMOVE*	
21B	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	36	GOOD	GRADING & PARKING	8%	SAVE	
* TREES ARE IN POOR CONDITION WITH THIN SHELL WALL THICKNESS. IMPACTS TO NO DEEM REMOVAL, HOWEVER THE TREES WILL BE WITHIN 60' OF SITE WALLS								
**PERMISSION TO REMOVE IF DEEMED APPROPRIATE AT PRE-CONSTRUCTION MEETING WITH MNCPPC INSPECTORS OR IF BECOMES HAZARD								

### **Conclusion:**

For the above reasons, the applicant respectfully requests that the Planning Board 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 in order to allow the construction of this vital 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,



Michael Norton