

## ATTACHMENT 2

April 28, 2015

Mr. Carlton Gilbert  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request (Hawthorn Retirement; Special Exception  
Application No. S-2882/NRI/FSD No. 420150440)

Dear Mr. Gilbert:

On behalf of our client, Hawthorn Development, LLC/Hawthorn Retirement Group, LLC, we are submitting this Tree Variance Request to comply with Natural Resources, Title 5, Section 5-1607 of the Maryland Annotated Code requiring an applicant to file for a variance to remove trees that have a diameter at breast height (DBH) of 30 inches or greater or are 75% of the diameter of the County champion for that species.

The project concerns an application for a domiciliary care residential facility at 13716 New Hampshire Avenue in the White Oak section of Silver Spring. This tree variance request is accompanying the review of the Special Exception application for this project and in anticipation of a future Preliminary Plan of Subdivision. As shown on the NRI/FSD and the Preliminary Forest Conservation Plan, a total of two (2) trees with 30 inches DBH or greater will be impacted by the redevelopment of the subject property. The subject site is 4.48 acres in size and is zoned R-200. The subject domiciliary care facility is allowed in the zone as a Special Exception use and is the subject of the pending Special Exception application. The subject site is primarily cleared and has no existing forest cover and consists primarily of lawn and pasture. The areas around the main residence have ornamental trees and various trees exist along the property lines. No threatened or endangered species were located

during the NRI/FSD process. No County champion trees, State champion trees or trees champion sized exist within the site.

Of the significant trees on the site, two (2) trees have to be removed to accommodate the planned development. Table 1 lists the specimen tree as identified in the Forest Conservation Plan and provides the respective proposed impacts:

TABLE 1

| Tree No. | Species      | Diameter | Field Condition     | Disposition  | CRZ Area (SF) | CRZ Impacts (SF) | CRZ Impacts (%) |
|----------|--------------|----------|---------------------|--|---------------|------------------|-----------------|
| 2        | Norway Maple | 36"      | Good, Some Scarring | Poor Form as Specimen and Scarring are not Desirable | 9,161         | 9,161            | 100             |
| 12       | White Pine   | 30"      | Good                | Unable to save due to grading constraints            | 6,632         | 2,031            | 30              |

The assessment was performed by Timmons Group at the time of the field work for the NRI as a visual, at grade level inspection with no invasive, below grade or aerial inspections performed at the time. Decay or weakness may be hidden out of sight for large trees.

**TREE NO. 2**

Tree #2 is a Norway Maple, 36" diameter at breast height (DBH) in good/fair condition with some visual scarring on the main trunk. This tree is intended to be removed as a part of the development which is necessary to achieve the programmatic elements of the site in an orderly and logical arrangement. This tree is located where the future entrance to the site will be, making removal necessary. The critical root zone (CRZ) extends out 54' ± from the base of the tree for a total critical root zone area of 9161 SF around the tree. The entire critical root zone area (100%) will be impacted with development.

## **TREE NO. 12**

Tree #12 is a White Pine, 30" diameter at breast height (DBH) in good condition. This tree is intended to be removed as a part of the development which is necessary to achieve the programmatic elements of the site in an orderly and logical arrangement. This tree is located in close proximity to the limits of disturbance (LOD), making removal necessary. The critical root zone (CRZ) extends out 45' ± from the base of the tree for a total critical root zone area of 6,632 SF around the tree. Approximately 2,031 SF (30%) of the critical root zone area will be impacted by grading.

## **JUSTIFICATION/NARRATIVE FOR TREE DISTURBANCE**

The proposed domiciliary care facility will provide needed housing for seniors in this part of the County. It will consist of up to 150 suites generally within the footprint shown in the Special Exception application. The project is allowed through the Special Exception process in the subject zone. As shown on the Special Exception plan for the property, the development addresses the challenges of the site which includes required setbacks from New Hampshire Avenue, compatibility with adjoining properties and sensitive design consistent with residential uses in the area.

To grant the requested variance, the Planning Board must find that the request:

1. Describes the special conditions peculiar to the property which would cause the unwarranted hardship;
2. Describes how enforcement of these rules will deprive the land owner of rights commonly enjoyed by others in similar areas;
3. Verifies that state water quality standards will not be violated or that a measureable degradation in water quality will not occur as a result of the granting of the variance;
4. Provides any other information appropriate to support the request.

We submit the following rationale in support of the request for a Forest Conservation Tree Variance.

1. The requested tree variance is necessary for implementation of this project which has an approved NRI and is proceeding through the Special Exception and subdivision approval process. The White Oak Master Plan specifically recommends the incorporation of various types of housing for senior and handicapped individuals. The Special Exception application includes market information and other data to show a need for this type of housing in this area. The Master Plan notes that “a significant increase in the number of elderly residents is expected over the next 20 years” and encourages the location of elderly housing and elderly support services along bus routes and near shopping and public facilities. The subject site and the pending Special Exception application respond to this vision. The subject tree must be removed for the proposed residential building and access to it in a way that will accommodate necessary parking, access, stormwater management and landscaped areas. The subject tree is not part of a forest nor does it have any particular environmental significance. Once redeveloped, the property will be planted with appropriate landscaping consistent with its long term use.
  
2. Conditions related to this request are neither unique nor special to this project and instead are unavoidable consequences of the development process under the zoning applied through the Master Plan. The requested variance is based on plans being developed under the allowable Special Exception use for this zone consistent with the White Oak Master Plan. There is no existing forest. The majority of trees within the existing property are lawn trees planted as part of the Landscape Plan for the existing development.
  
3. The Concept Stormwater Management Plan submitted with the Special Exception incorporates Environmental Site Design to the maximum extent practical able, according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. Water

quality treatment will be provided by approximately thirteen (13) micro bio-filter areas located in strategic areas of the property. The proposed ESD measures will treat a targeted rainfall of 1.8” that will return the developed site runoff characteristics back to woods in good condition. Therefore the removal of the specimen tree will not adversely affect water quality in any measurable way.

4. We believe the information provided above supports the granting of the tree variance request.

Sincerely,



SCOTT WILEY, TIMMERS GROUP

cc: Amy Lindsay  
Mark Lowen  
Bob Harris