	W	HEATON V	VOODS EL	EMENTAR	Y SCHOO	L	
NET TRACT AF)						5-Aug-02
NETTRACTAR	CEA.						
. Total tract a	rea						8.26
3. Land dedica	Washington of Marian	ks. county	facility, etc	:.)			0.00
. Land dedica					by this pla	n)	0.00
). Area to rem					-		0.00
Other deduc							0.00
. Net Tract Ar						=	8.26
AND USE CA							
	Input the num		er the appr	opriate land	d use,		
	limit to only o	ne entry.					
	ARA	MDR	IDA	HDR	MPD	CIA	
	0	0	1	0	0	0	
G. Afforestation	n Threshold				15%	x F =	1.24
H. Conservation	n Threshold				20%	x F =	1.65
XSTING FOR	EST COVER:						
Eviating force	at a over			_			0.00
Existing fores Area of fores							0.00
	st above allores						0.00
. Alea of lores	st above conse	rvation time	SHOIU				0.00
BREAK EVEN	POINT:						
Forest reten	tion above thre	shold with	no mitigatio	on=			0.00
 Clearing per 	rmitted without	mitigation		=			0.00
		30.10					
ROPOSED FO	DREST CLEAR	RING:					
N. Total area o	f forest to be c	leared					0.00
o. Total area o							0.00
o. Total alca c	lorest to be it	stanicu					0.00
LANTING REC	QUIREMENTS:						
P. Reforestation	n for clearing a	bove conse	ervation thre	eshold=			0.00
Q. Reforestation	n for clearing b	pelow conse	ervation thre	eshold=			0.00
R. Credit for ref	tention above o	onservation	threshold	=			0.00
5. Total refores	tation required	l		=			0.00
	tation required						1.24
J. Credit for lar							0.00
/. Total refores	tation and affo	restation re	quired	=			1.24
	RES OF PRO + RES OF OFFS						

- ** 1.24 ACRES OF FOREST BANKING IS REQUIRED
- ROOT PRUNE TRENCH IS NOT TO IMPACT UTILITIES.
- THE EXTENT OF ROOT PRUNING IS TO BE DETERMINED AT THE PRECONSTRUCTION MEETING.

- 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.

SITE PLANTING NOTE:

GENERAL FCP NOTES:

- TREES AND SHRUBS TO BE PLANTED OUTSIDE OF L.O.D. ARE TO BE DUG WITH HAND EQUIPMENT ONLY. NO MACHINERY IS TO GO OUTSIDE OF L.O.D. PLANTS ARE TO BE INSTALLED AND STABILIZED SAME DAY.

SITE TABULATIONS:	
ACREAGE OF TRACT:	8.26
ACREAGE OF TRACT REMAINING IN AGRICULTURE:	0
ACREAGE OF ROAD AND UTILITY R/W WHICH WILL BE IMPROVED AS PART OF DEV. APPLICATION:	NOT 0
ACREAGE OF EX. FOREST:	0.00
ACREAGE OF TOTAL FOREST RETENTION:	0.00
ACREAGE OF TOTAL FOREST CLEARED:	0.00
LAND USE CATEGORY:	IDA
AFFORESTATION THRESHOLD	1.24
CONSERVATION THRESHOLD	1.65
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN WETLANDS	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN 100—YEAR FLOODPLAIN	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND	0.00/0.00/0.00
PLANTED WITHIN STREAM BUFFERS	

PLANIED	WITH PRI	ORIIY AR	EAS			
LINEAR E	XTENT &	AVERAGE	WIDTH OF	STREAM	BUFFER 0	,
TOTAL DE	BH INCHES	S OF SPE	CIMEN TRE	ES REMO	VED	

X 0.25 = REQUIRED CALIPER INCHES MITIGATION

TOTAL CALIPER INCHES OF SPECIMEN TREE MITIGATION

ACREAGE OF FOREST RETAINED, CLEARED, AND

INSPECTIONS

All field inspections must be requested by the applicant. Inspections must be conducted as

<u>Tree Save Plans and Forest Conservation Plans without Planting Requirements</u>

- 1. After the limits of disturbance have been staked and flagged, but before any clearing or
- grading begins 2. After necessary stress reduction measures have been completed and protection
- measures have been installed, but before any clearing and grading begin. fencing, to determine the level of compliance with the provision of the forest

Additional Requirements for Plans with Planting Requirements

4. Before the start of any required reforestation and afforestation planting 5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period. 6. At the end of the maintenance period to determine the level of compliance with the

provisions of the planting plan, and if appropriate, release of the performance bond.

Significant/SpecimenTree Summary 24" -Tree Species D.B.H Critical Root % CRZ Tree Comments Status (inches) Zone (C.R.Z.) Impacted Condition (Scientific Name) (Common Name) OFFSITE-ROW/CUT&BROKEN LIMBS/INCLUDED BARK REMOVE FRAXINUS PENNSYLVANICA GREEN ASH 7238 SAVE&PROTECT ACER SACCHARINUM SILVER MAPLE 10% OFFSITE-ROW/BROKEN LIMBS RED MAPLE 6793 SAVE&PROTECT ACER RUBRUM OFFSITE-ROW/CUT&BROKEN LIMBS/INCLUDED BARK FRAXINUS PENNSYLVANICA GREEN ASH 26 4778 100% FAIR OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/SPLIT AT 14'/CUT&BROKEN LIMBS REMOVE OFFSITE-ROW/EXPOSED&DA MA GED ROOTS/INCLUDED BA RK/WA TERSPROUTS/BROKEN&CUT SAVE&PROTECT A CER SA CCHA RINUM SILVER MAPLE 26 4778 OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/IRREGULAR BARK/BARK DAMAGE/BROKEN&CUT LIMBS SAVE&PROTECT 31 6793 ACER SACCHARINUM SILVER MAPLE SILVER MAPLE 7238 ACER SACCHARINUM 32 14% OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/IRREGULAR BARK/DEAD&BROKEN&CUT LIMBS SAVE&PROTECT OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/SWOLLEN ROOT COLLAR/SUNKEN&SWOLLEN ACER SACCHARINUM SILVER MAPLE SAVE&PROTECT TRUNK/CONKS/DEAD&BROKEN LIMBS RED MAPLE SAVE&PROTECT 9 A CER RUBRUM 4778 OFFSITE-ROW/EXPOSED&DA MA GED ROOTS/IRREGULA R BA RK/CUT&BROKEN LIMBS 5153 SAVE&PROTECT 10 A CER SA CCHA RINUM SILVER MAPLE OFFSITE-ROW/EXPOSED ROOTS/INCLUDED BARK/CUT&BROKEN LIMBS 11 ACER SACCHARINUM SILVERMAPLE 8171 OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/WATERSPROUTS/BROKEN&CUT LIM IBS SAVE&PROTECT 12 ACER SACCHARINUM SILVER MAPLE 7698 OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CUT&BROKEN LIMBS SAVE&PROTECT SAVE&PROTECT 13 A CER SA CCHA RINUM SILVER MAPLE OFFSITE-ROW/CAVITY/INCLUDED BARK/HEART ROT/BROKEN LIMBS/WATERSPROUTS REMOVE 14 FRAXINUS PENNSYLV ANICA 6362 34% OFFSITE-ROW/INCLUDED BARK/CUT&BROKEN LIMBS OFFSITE-ROW/EXPOSED&DAMAGED&GIRDLED ROOTS/INCLUDED BARK/BROKEN LIMBS 15 ACER SACCHARINUM SILVER MAPLE SAVE&PROTECT 4778 OFFSITE-ROW/INCLUDED BARK/BROKEN LEADER/BROKEN LIMBS 16 A CER SA CCHA RINUM SILVER MAPLE 26 0% SAVE&PROTECT 17 ACER SACCHARINUM SILVER MAPLE 7698 OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/ROOT ROT/SPLIT AT 6'/INCLUDED BARK/BROKEN LIMBS SAVE&PROTECT 6362 OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CUT&BROKEN LIMBS SAVE&PROTECT 18 ACER SACCHARINUM SILVER MAPLE OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/ROOT ROT/INCLUDED SAVE&PROTECT 19 ACER SACCHARINUM SILVER MAPLE 10207 BARK/CAVITIES/CONKS/WATERSPROUTS/BROKEN LIMBS EXPOSED&DAMAGED ROOTS/TRUNK DAMAGE/LARGE CAVITY/HOLLOW/HEART ROT/DEAD&BROKEN REMOVE 20 ACER RUBRUM RED MAPLE 8659 100% LEADER/WEAK ATTACHMENTS/BROKEN LIMBS/POTENTIAL HAZARD 21 ROBINIA PSEUDOA CA CIA BLACK LOCUST 5153 100% FAIR GIRDLED ROOTS/CUT LEADER/VINES/INCLUDED BARK/BROKEN LIMBS/POTENTIAL HAZARD REMOVE SPLIT AT 3'/1 FELL LEA DER/LA RGE CAVITY/HEART ROT/HOLLOW/EXPOSED&DAMA GED REMOVE 22A ROBINIA PSEUDOA CA CIA **BLACK LOCUST** 5153 100% SPLIT AT 3'/1 FELL LEA DER/LA RGE CAVITY/HEART ROT/HOLLOW/EXPOSED&DAMA GED 22B ROBINIA PSEUDOA CA CIA **BLACK LOCUST** REMOVE 5542 100% ROOTS/DEAD&BROKEN LIMBS 7238 REMOVE 23 QUERCUS RUBRA EXPOSED&DAMAGED ROOTS/LEAN/BROKEN LIMBS/CUT SCAFFOLD REMOVE 24 LIRIODENDRON TULIPIFERA 5542 REMOVE WHITEOAK 100% GIRDLED ROOTS/LEAN TOWARD BALLFIELD/DEAD&BROKEN LIMBS/V INES/DIEBACK 25 QUERCUS ALBA REMOVE WHITE OAK 6793 EXPOSED&DAMAGED ROOTS/DEAD&BROKEN LIMBS 26 QUERCUS ALBA REMOVE 27 QUERCUS ALBA WHITE OAK 4072 100% GOOD LEAN TOWARD ROAD/DEAD&BROKEN LIMBS REMOVE WHITE OAK 6362 28 QUERCUS ALBA DEAD&BROKEN LIMBS REMOVE 6362 WHITE OAK 29 QUERCUS ALBA EXPOSED&DAMAGED ROOTS/DEAD&BROKEN LIMBS REMOVE WHITE OAK 30 QUERCUS ALBA GIRDLED ROOTS/DEAD&BROKEN LIMBS/VINES/DIEBACK 31 CARYA TOMENTOSA MOCKERNUT HICKORY 33 75% COUNTY CHAMP/EXPOSED&DAMAGED ROOTS/DEAD&BROKEN&CUT LIMBS/VINES REMOVE 8171 OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/BROKEN LIMBS SAVE&PROTECT 32 ACER SACCHARINUM SILVER MAPLE OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/ROOT COLLAR DAMAGE&ROT/INCLUDED BARK/BROKEN SAVE&PROTECT 33 ACER RUBRUM RED MAPLE 38 10207 LIMBS/WATERSPROUTS/TRUNK DAMAGE SAVE&PROTECT 34 A CER SA CCHA RINUM SILVER MAPLE 5542 OFFSITE-ROW/INCLUDED BARK/CUT&BROKEN LIMBS 14% 5542 35 A CER RUBRUM RED MAPLE SAVE&PROTECT OFFSITE-ROW/EXPOSED&DAMA GED ROOTS/ICLUDED BA RK/BROKEN LIMBS/CA V ITY/HEA RT ROT **VOID** VOID 36 VOID VOID VOID REMOVED DUE TO HAZARD CONDITION 37 ACER SACCHARINUM SILVER MAPLE 32 OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/ROOT ROT/INCLUDED BARK/BROKEN LIMBS/CONKS SAVE&PROTECT 38 A CER SA CCHA RINUM SILVER MAPLE 5945 OFFSITE-ROW/INCLUDED BARK/WATERSPROUTS/CUT&BROKEN LIMBS SAVE&PROTECT 39 ACER SACCHARINUM SILVER MAPLE 14% OFFSITE-ROW/INCLUDED BARK/BROKEN LIMBS/CAVITY/DECAY SAVE&PROTECT 40 ACER SACCHARINUM SILVER MAPLE OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CUT&BROKEN LIMBS SAVE&PROTECT SILVER MAPLE OFFSITE-ROW/INCLUDED BARK/CAVITY/DECAY/BROKEN LIMBS SAVE&PROTECT 41 ACER SACCHARINUM 42 VOID VOID REMOVED DO TO HAZARD CONDITION ACER SACCHARINUM OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CUT&BROKEN LIMBS SAVE&PROTECT SILVER MAPLE OFFSITE-ROW/EXPOSED&DA MA GED ROOTS/INCLUDED BA RK/CUT&BROKEN LIMBS REMOVE 44 A CER SA CCHA RINUM EXPOSED&DAMAGED ROOTS/ROOT ROT/INCLUDED BARK/DEAD&BROKEN LIMBS/BARK 45 ULMUS PUMILA REMOVE SIBERIAN ELM PEELING/DECAY IN LIMBS/HAZARD REMOVE 46 VOID VOID VOID REMOVED DO TO HAZARD CONDITION REMOVE 47 A CER RUBRUM RED MAPLE 26 4778 100% EXPOSED&DA MA GED ROOTS/DEA D&BROKEN&CUT LIMBS/HEART ROT/DECAY IN LIMBS EXPOSED&DA MA GED&GIRDLED ROOTS/ROOT ROT/DEA D&BROKEN&CUT LIMBS/BARK PEELING/INCLUDED REMOVE 48 ULMUS PUMILA SIBERIAN ELM 100% 4778 BARK/POTENTIAL HAZARD REMOVE 49 LIQUIDAMBAR STYRACIFLUA SWEETGUM 4778 EXPOSED&DAMA GED&GIRDLED ROOTS/DEAD&BROKEN&CUT LIMBS/WATERSPROUTS 100% REMOVE 7698 100% 50 ACER RUBRUM RED MAPLE EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CAVITIES/DEAD&BROKEN LIMBS REMOVE TRUNK DAM AGE/DAM AGED LEADER/WATERS PROUTS/DEAD&BROKEN LIM BS 51 ULMUS PUMILA SIBERIAN ELM REMOVE 26 4778 100% 52 LIQUIDAMBAR STYRACIFLUA SWEETGUM FAIR TRUNK DAMAGE/SWOLLEN TRUNK/HEART ROT 27,19 5153 GOOD REMOVE SILVER MAPLE SPLIT AT 3'/EXPOSED&DAMGED ROOTS/ROOT ROT/PRUNED/BROKEN LIMBS/DIEBACK 53 A CER SA CCHA RINUM * BOLD TYPE DENOTES SPECIMEN TREES Condition Scoring System No Apparent Problems Minor Problems Major Problems Extreme Problems

Sequence of Events for Properties Required to Comply with Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

Pre-Construction

0.00/0.00/0.00

- 1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance. The property owner shall contact the Montgomery County Planning Department inspection staff before any land disturbing activities occur to verify the limits of disturbance and discuss tree protection and tree care measures. The property owner's representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist or Maryland licensed tree expert that will implement the tree protection measures, Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector must attend this pre-construction meeting.
- 2. No land disturbance shall begin before stress-reduction measures have been implemented. Appropriate stress-reduction measures may include, but are not limited to:
- a. Root pruning
- b. Crown reduction or pruning c. Watering
- d. Fertilizing e. Vertical mulching

f. Root aeration matting Measures not specified on the plan may be required as determined by the Forest

3. A Maryland licensed tree expert, or an ISA certified arborist must perform all stress reduction measures. Implementation of the stress reduction measures must be observed by the Forest Conservation Inspector or written documentation must be sent to the Forest Conservation Inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The Forest Conservation Inspector will determine the exact method to convey the implementation of all stress reductions measures during the pre-construction meeting.

Conservation Inspector in coordination with the property owner's arborist.

- 4. Temporary tree protection devices shall be installed per the approved Forest Conservation Plan, exemption from submitting a Forest Conservation Plan, or Tree Save Plan and prior to any land disturbance. Tree protection fencing locations must be staked and flagged 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:
 - a. Chain link fence (four feet high) b. Super silt fence with wire strung between the support poles (minimum 4 feet
 - high) with high visibility flagging.
 - c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

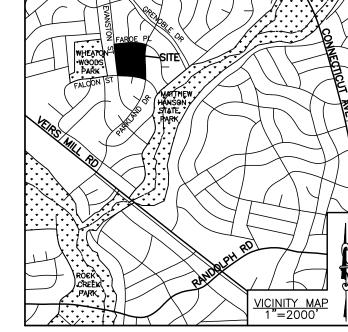
- 5. Temporary protection devices must be maintained and installed by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area is permitted. Tree protection must not be removed without prior approval of Forest Conservation Inspector.
- 6. Forest retention area signs must be installed as required by the Forest Conservation Inspector, or as shown on the approved plan.
- 7. Long-term protection devices must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the 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 Forest Conservation Inspector.
- 9. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions to restore these areas will be determined by the Forest Conservation Inspector and those corrective actions must be made within the timeframe established by the Forest Conservation Inspector.

Post-Construction

- 10. After construction is completed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require additional corrective measures, which may include:
 - a. Removal and replacement of dead and dying trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization e. Watering
 - f. Wound repair g. Clean up of retention areas including trash removal
- 11. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.



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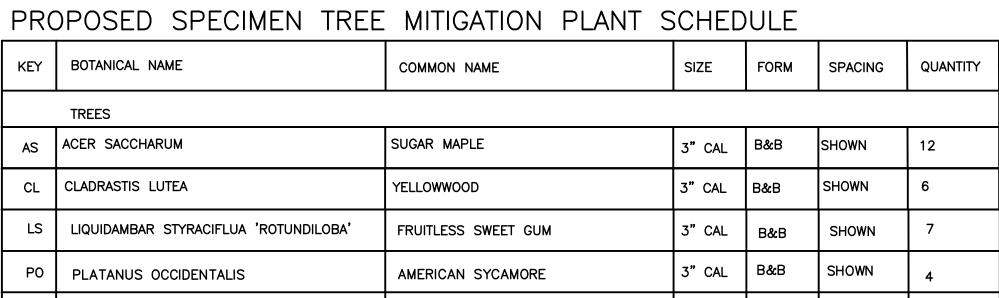
0.

-6' MIN. METAL 'T' FENCE POSTS

DRI∨EN 2' INTO THE

KEYNOTES LISTED ON THIS SHEET ARE FOR CONVENIENCE

ONLY. REFER TO SHEET CS.2 FOR COMPLETE LIST



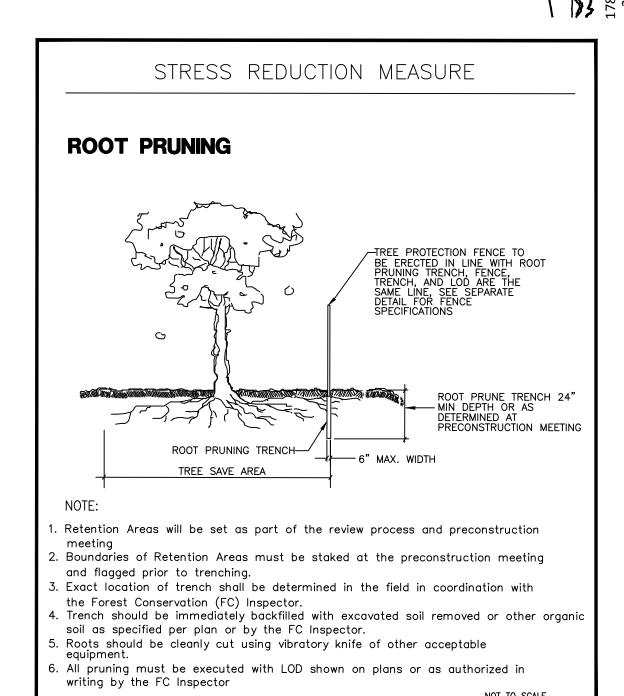
*INDIVIDUAL TREE LOCATION TO BE SHOWN ON FINAL FOREST CONSERVATION PLAN

RED OAK

- TREES ARE TO BE GUARANTEED FOR TWO YEARS. - ALL PLANTS SHALL BE WATERED FOR A TWO YEAR

QUERCUS RUBRA

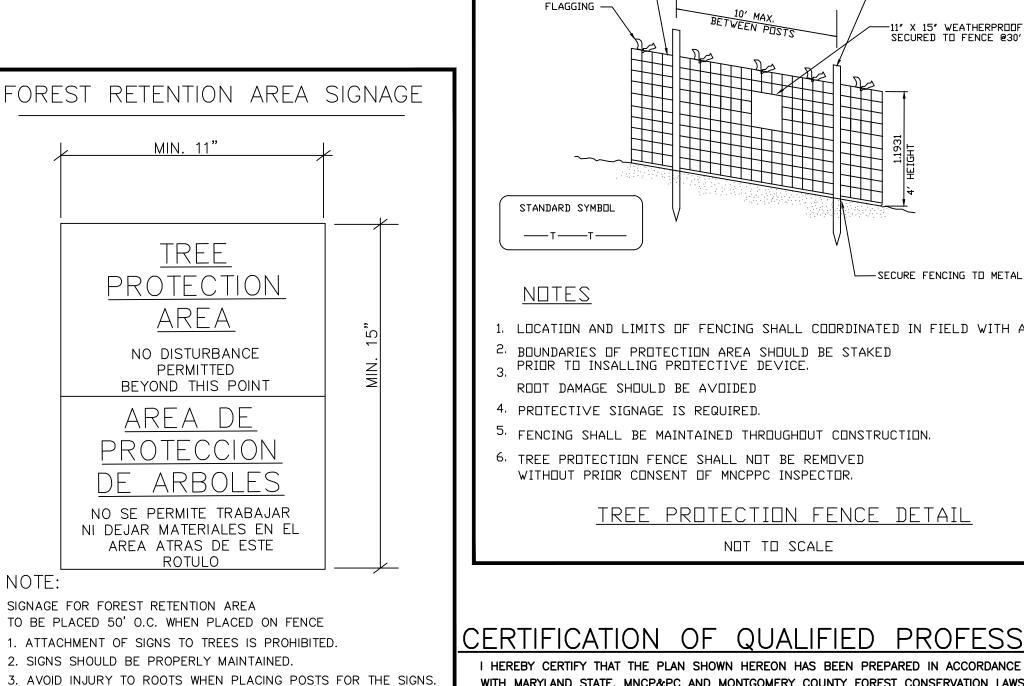
PERIOD AS REQUIRED.



SHOWN

3" CAL

B&B

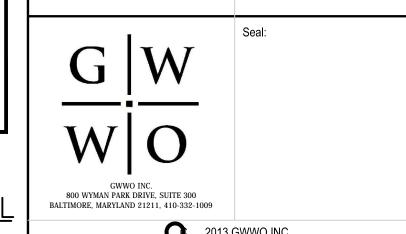


WELDED WIRE FENCE ———

14/14 GA. GALVANIZED WIRE

2"X4" DPENING





Nobis

ngineering a Sustainable Future

Nobis Engineering, Inc.

Germantown, MD 20874

T(301) 528-2010

www.nobiseng.com

Client - Focused, Employee - Owned

20410 Century Blvd Suite 230

2013 GWWO INC. WITH MARYLAND STATE, MNCP&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS. 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 A MARYLAND, LICENSE NUMBER, EXPIRATION DATE

	Revisions	3:	
	No.	Date	Description
MICHAEL A. NORTON	1	03/16/2015	DESIGN DEVELOPMENT-NOT FOR CONSTRUCTION
MDNR / COMAR 08.19.06.01 QUALIFIED PROFESSIONAL			
ISA CERTIFIED ARBORIST: MA-4724A LTE NUMBER: 1756			
DEVELOPER'S CERTIFICATE			

	Conservation Plan No	to execute all the features of the Approved Final Forest including, financial bonding, nce, and all other applicable agreements.	
	Developer's Name:	MONTGOMERY COUNTY PUBLIC SCHOOLS Printed Company Name	
	_	T: MR. R. CRAIG SHUMAN JR. DIRECTOR, DIVISION OF CONSTRUCTION, MCPS Printed Name	Jo Se
LAIN	Address:	45 WEST GUDE DRIVE, SUITE 4300 ROCKVILLE MD 20850	D D
0355D GRID B-9	Phone and Email:	240-314-1000 richard_c_shumanjr@mcpsmd.org	

WWES MODERNIZATION Montgomery County Public Schools

1308 Author AS SHOWN | Checker 16 MARCH 2015 | Approver Drawing Title PRELIMINARY FOREST CONSERVATION PLAN

WATER CLASS USE I WATERSHED LOWER ROCK CREEK TURKEY BRANCH 1 200 SHEET 217NW04 HR341 PROPERTY SIZE

8.30 ACRES

Attachment 2

July 10, 2015 REVISED July 24, 2015

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

Re: Wheaton Woods Elementary School Modernization

Request for Specimen Tree Variance

MNCPPC NRI# 420151340

Dear Ms. Lindsey:

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 approved Natural Resource Inventory/Forest Stand Delineation and proposed Preliminary Forest Conservation Plan for the above-named County construction project:

Project Description:

The proposed Wheaton Woods Elementary School is located at 4510 Faroe Place in Rockville, Montgomery County, Maryland. The site is approximately 8.03 acres and is comprised of one parcel owned by The Board of Education. The site currently hosts ballfields, play areas and associated parking. There is no forest onsite. The site is within a residential neighborhood.

Proposed construction consists of a new school, improved circulation and parking, ball fields additional play areas and updates for 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 area elementary school facility that can accommodate a growing number of students as well as a modernized, safe and healthy environment for young students to learn.

This work will require impacts and/or removal of a total of twenty four (24) specimen trees. Several designs were studied as part of the feasibility period with the specimen trees mapped to work at minimizing the impacts. At the end of the study period, it was determined to compact the parking and drive aisles with retaining walls and multi-story building

If MCPS is not allowed to remove the trees as requested, the school will not be able to be construct the school and facilities 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 built 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: 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: A substantial native landscape planting plan 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 new school 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	ımmary					
Tre	Tree Species	Species	D.B.H	Critical Root	%CRZ	Tree	Comments	Status
#	(Scientific Name)	(Common Name)	(inches)	(inches) Zone (C.R.Z.)	Impacted	Impacted Condition		
7	ACER SACCHARINUM	SILVER MAPLE	32	7238	10%	G00D	OFFSITE-ROW/BROKEN LIM BS	SAVE&PROTECT
ო	ACER RUBRUM	RED MAPLE	સ	6793	4%	G00D	OFFSITE-ROW/CUT&BROKEN LIM BS/INCLUDED BARK	SAVE&PROTECT
9	ACER SACCHARINUM	SILVER MAPLE	સ	6793	%8	FAIR	OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/IRREGULAR BARK/BARK DAMAGE/BROKEN&CUT LIMBS	SAVE&PROTECT
7	ACER SACCHARINUM	SILVER MAPLE	32	7238	14%	G00D	OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/IRREGULAR BARK/DEAD&BROKEN&CUT LIMBS	SAVE&PROTECT
∞	ACER SACCHARINUM	SILVERMAPLE	43	13070	16%	FAIR	OFFSITE-ROWIEXPOSED&DAMAGED ROOTS/SWOLLEN ROOT COLLAR/SUNKEN&SWOLLEN TRUNK/CONKS/DEAD&BROKEN LIMBS	SAVE&PROTECT
4	FRAXINUS PENNSYL VANICA GREEN ASH	GREEN ASH	8	6362	34%	G00D	OFFSITE-ROW/INCLUDED BARK/CUT&BROKEN LIMBS	REMOVE
19	ACER SACCHARINUM	SILVER MAPLE	88	10207	% <u>/</u>	FAIR	OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/ROOT ROT/INCLUDED BARK/CAVITIES/CONKS/WAT FRSPROUTS/BROKEN LIMBS	SAVE&PROTECT
20	ACER RUBRUM	RED MAPLE	35	8659	100%	Poor	EXPOSED&DAM AGED ROOTS/TRUNK DAM AGE/LARGE CAVITY/HOLLOW/HEART ROT/DEAD&BROKEN LEADER/WEAK ATTACHMENTS/BROKEN LIMBS/POTENTIAL HAZARD	REMOVE
23	QUERCUS RUBRA	RED OAK	32	7238	100%	FAIR	EXPOSED&DAMAGED ROOTS/LEAN/BROKEN LIMBS/CUT SCAFFOLD	REMOVE
77	LIRIODENDRON TULIPIFERA YELLOW POPLAR	YELLOW POPLAR	9	11310	100%	G005	VINES/BROKEN LIMBS	REMOVE
56	QUERCUS ALBA	WHITEOAK	સ	6793	100%	G00D	EXPOSED&DAMAGED ROOTS/DEAD&BROKEN LIMBS	REMOVE
88	QUERCUS ALBA	WHITEOAK	93	6362	100%	G00D	DEAD&BROKEN LIM BS	REMOVE
ន	QUERCUS ALBA	WHITEOAK	30	6362	100%	G00D	EXPOSED&DAM A GED ROOTS/DEAD&BROKEN LIMBS	REMOVE
စ္က	QUERCUS ALBA	WHITEOAK	34	8171	100%	G00D	GIRDLED ROOTS/DEAD&BROKEN LIMBS/VINES/DIBBACK	REMOVE
હ	CARYA TOMENTOSA	MOCKERNUT HICKORY 33	Y 33	8692	100%	G00D	75% COUNTY CHAMP/EXPOSED&DAMAGED ROOTS/DEAD&BROKEN&CUT LIMBS/VINES	REMOVE
32	ACER SACCHARINUM	SILVERMAPLE	34	8171	1%	G00D	OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/BROKEN LIMBS	SAVE&PROTECT
ಜ	ACER RUBRUM	RED MAPLE	38	10207	2%	FAIR	OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/ROOT COLLAR DAMAGE&ROT/INCLUDED BARK/BROKEN LIMBS/WATERSPROUTS/TRUNK DAMAGE	SAVE&PROTECT
33	ACER SACCHARINUM	SILVER MAPLE	36	9161	14%	FAIR	OFFSITE-ROW/INCLUDED BARK/BROKEN LIMBS/CAVITY/DECAY	SAVE&PROTECT
9	ACER SACCHARINUM	SILVER MAPLE	8	8171	%9	G00D	OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CUT&BROKEN LIMBS	SAVE&PROTECT
4	ACER SACCHARINUM	SILVER MAPLE	9	11310	2%	FAIR	OFFSITE-ROW/INCLUDED BARK/CAVITY/DECAY/BROKEN LIMBS	SAVE&PROTECT
₽	ACER SACCHARINUM	SILVER MAPLE	47	15615	%8	G00D	OFFSITE-ROW/EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CUT&BROKEN LIMBS	SAVE&PROTECT
54	ULM US PUMILA	SIBERIANELM	3	6793	100%	Poor	EXPOSED&DAM AGED ROOTS/ROOT ROT/INCLUDED BARK/DEAD&BROKEN LIMBS/BARK PEBLING/DECAY IN LIMBS/HAZARD	REMOVE
20	ACER RUBRUM	RED MAPLE	ಜ	7698	100%	G00D	EXPOSED&DAMAGED ROOTS/INCLUDED BARK/CAVITIES/DEAD&BROKEN LIMBS	REMOVE
2	ULM US PUMILA	SIBERIANELM	સ	6793	100%	FAIR	TRUNK DAM AGE/DAM A GED LEA DER/WATERSPROUTS/DEA D& BROKEN LIM BS	REMOVE

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

Attachment 3



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett County Executive

Lisa Feldt Director

August 14, 2015

Casey Anderson, Chair Montgomery County Planning Board Maryland National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910

RE: Wheaton Woods ES, MR 2016001, sediment control permit application accepted on 1/28/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law 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;
- 2. Is based on conditions or circumstances which are the result of the actions by the applicant;
- 3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
- 4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

- 1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
- 2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the

variance <u>can be granted</u> under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

- 3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
- 4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

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

Sincerely,

Laura Miller County Arborist

Mila

cc: