



April 7, 2015

Steve Findley
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

**Re: Preliminary Forest Conservation Tree Variance Request
Bloom MV Area IV
Montgomery Village, Maryland
DPA # 15-01
VIKA # VM1920A**

Dear Mr. Findley:

On behalf of the Applicant, USL2 MR Montgomery Village Business Trust and its agent, Monument Realty (collectively, the "Applicant"), we are submitting this Tree Variance Request to comply with the Natural Resources, Title 5, Section 5-1607 of the Maryland Code that requires the Applicant to file for a variance to impact the critical root zone or remove trees that either have a diameter-at-breast-height (DBH) of 30" or greater or trees that are 75% of the diameter of the county champion for that species if a project did not receive Preliminary Forest Conservation Plan Approval prior to October 1, 2009.

The property in this residential redevelopment project is zoned Town-Sector (T-S), which allows for the full multiplicity of uses necessary to be a self-contained town, including most commercial and residential uses. The scope of the proposed project is to redevelop this area of the former golf-course into a high-quality, amenity rich, landscaped community with duplexes and townhomes.

The Development Plan Amendment ("DPA") associated with this request is filed under the requirements and procedures of the 2004 Zoning Ordinance as required by Section 8.2.1.A. of the 2014 Zoning Ordinance. Under the 2004 Zoning Ordinance both a Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") and a Preliminary Forest Conservation Plan ("PFCP") must be prepared. Thus, an NRI/FSD and PFCP are submitted concurrently with this request; it is expected that both will be amended during preliminary and site plan reviews when detailed engineering and landscape design are required.

Because the DPA is conceptual in nature and no approvals regarding density or zoning standards have been established, there is much that is unknown at this point. In order to make the necessary findings to approve the DPA under the 2004 Zoning Ordinance, however, we are providing the following based on the pending application. In sum, there are nineteen (19) specimen trees on site that will be impacted by the redevelopment of the subject property with nine (9) of the trees proposed for preservation and



ten (10) identified for removal. The final number of trees and impacts will be analyzed during the preparation of the preliminary and site plans and concomitant Final Forest Conservation Plan and amended Variance request.

Table 1 below lists the specimen trees as they are identified on the Preliminary Forest Conservation Plan and provides the respective estimated impacts. Ultimate impacts and removals will be determined by the grading approved with the site plan and will be finalized with the Final Forest Conservation Plan and Variance Request.

Table 1

TAG #	COMMON NAME	BOTANICAL NAME	DBH	RATING	Disposition	CRZ Impact
402*	WHITE PINE	<i>Pinus strobus</i>	31	GOOD	Preserve	< 25%
409*	PIN OAK	<i>Quercus palustris</i>	34	FAIR	Remove	> 33%
109	WHITE PINE	<i>Pinus strobus</i>	30	POOR	Remove	> 33%
110	WHITE PINE	<i>Pinus strobus</i>	32	POOR	Remove	> 33%
111	WHITE PINE	<i>Pinus strobus</i>	36	FAIR	Remove	> 33%
132	WHITE PINE	<i>Pinus strobus</i>	33	FAIR	Preserve	< 25%
139	WHITE PINE	<i>Pinus strobus</i>	36	FAIR	Preserve	< 25%
423*	WHITE PINE	<i>Pinus strobus</i>	34	FAIR	Remove	> 33%
424*	AMERICAN SYCAMORE	<i>Platanus occidentalis</i>	50	POOR	Remove	> 33%
425*	WHITE PINE	<i>Pinus strobus</i>	30	GOOD	Remove	> 33%
145	WHITE PINE	<i>Pinus strobus</i>	31	GOOD	Remove	> 33%
149	WHITE PINE	<i>Pinus strobus</i>	32	GOOD	Preserve	< 25%
150	WHITE PINE	<i>Pinus strobus</i>	30	FAIR	Preserve	< 25%
429*	WHITE PINE	<i>Pinus strobus</i>	34	POOR	Preserve	< 25%
152	WHITE PINE	<i>Pinus strobus</i>	30	FAIR	Preserve	< 33%
154	PIN OAK	<i>Quercus palustris</i>	31	POOR	Remove	> 33%
157	WHITE PINE	<i>Pinus strobus</i>	31	GOOD	Preserve	< 33%
167	WHITE PINE	<i>Pinus strobus</i>	32	POOR	Remove	> 33%
432	RED MAPLE	<i>Acer rubrum</i>	44	GOOD	Preserve	< 25%

*New tag numbers due to missing tags.

The assessment was performed by Ecotone, Inc. staff 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.

Justification Narrative for Tree Disturbance

The proposed redevelopment will replace a portion of a former golf course with various types of single-unit homes, new road and sidewalk connections, recreation facilities, contemporary stormwater facilities, and conservation areas. This community will increase the amount of affordable housing in the neighborhood with several new MPDUs and interject new housing stock and a diversity of housing types.



The existing property is a former golf course without any stormwater features, publicly accessible sidewalks, or recreation amenities. Existing landscaping consists of clipped lawn, landscaping and trees typical of a golf course; there are no forests on site. Afforestation requirements for the site total approximately 2-3 acres (finalized at FFCP) that will be met entirely on-site by establishing forest stands in Category II Easements. Impacts to the specimen trees noted above are caused by redevelopment of the former golf course within the limits of the density allowed under the T-S zone, including associated upgrades of utilities. Environmentally sensitive storm water management facilities will probably include micro-bioretenion gardens and bio-swales. In addition, on-site landscaping will include significant open space, street tree planting, buffer plantings, and trees.

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 landowner of rights commonly enjoyed by others in similar areas;**
- 3. Verifies 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. 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 residential redevelopment project proceeding through the development approval process with the concurrent submission of the DPA and PFCP. The proposed development is designed to meet the objectives of the existing Development Plan, the T-S Zone, and the Montgomery Village – Vision 2030 Plan developed by the Montgomery Village Foundation. The 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 Sector Plan.

2. The requested variance is based on plans being developed under the T-S zone approved by the County Council through the planning process not conditions or circumstances resulting from actions by the applicant. The variance trees are impacted by the proposed residential redevelopment for which the DPA has been submitted for approval. Redevelopment of the site will allow for greater tree canopy, planting of protected forest areas, and improved habitat and carbon sequestration with lower maintenance (and associated environmental concerns) of the former golf course. There are no conditions relating to land or building use, either permitted or nonconforming, on a neighboring property that have played a role in the need for this variance.

3. The concept storm water management will incorporate environmental site design (ESD) to the maximum extent practicable (MEP), according to the latest revision to Chapter 5 of the MDE Stormwater Management Design Manual. Water quality treatment will be provided by micro-biofiltration facilities and bio-swales. These will treat over one (1) inch of runoff. There are no existing storm water management facilities and the proposed measures will offset the increase in imperviousness of the project site. Therefore, the removal of the variance trees will not adversely affect water quality in any measurable way.

Thank you for your consideration of this Tree Variance request. We believe that the supporting information provided with this letter justifies the variance to remove ten (10) specimen trees and impact the critical root zone of nine (9) more. If you have any questions or need more information, please do not hesitate to contact us so that we may discuss this matter further.

Sincerely,
VIKA Maryland, LLC.



Chanda S. Beaufort, RLA
Project Manager

