



Wheaton Woods Elementary School Modernization, Preliminary Forest Conservation Plan No. MR2016001

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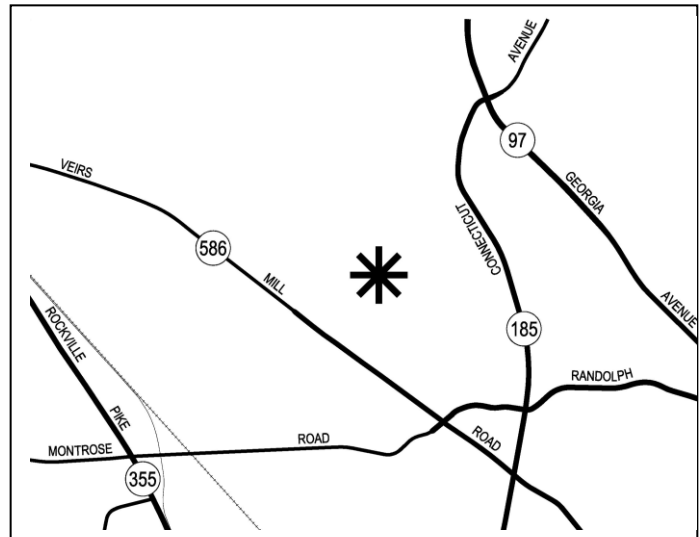
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Completed: 9/4/2015

Description

- Preliminary Forest Conservation Plan associated with the Wheaton Woods Elementary School modernization Mandatory Referral;
- 4510 Faroe Place, Rockville, Maryland;
- 8.03 acres zoned R-60;
- 1994 *Aspen Hill Master Plan*;
- Applicant: Montgomery County Public Schools (MCPS);
- Filing date: July 13, 2015.



Summary

Staff recommends **approval with conditions**.

The Applicant proposes to:

- Meet the 1.24-acre forest conservation planting requirement off-site.
- Remove 12 trees and impact 12 trees that require a variance, per Section 22A-12(b)(3).
- Plant thirty-three 3-inch caliper native shade trees on the property as mitigation for removal of the trees that require a variance.

Pursuant to Chapter 22A of the County Code, the Board’s actions on Forest Conservation Plans are regulatory and binding.

Recommended Conditions of Approval

1. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services, the Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
2. The Final Forest Conservation Plan must show the planting of thirty-three 3-inch caliper native shade trees on the property as mitigation for the loss of trees requiring a variance.
3. Within one year of construction completion, the Applicant must plant thirty-three 3-inch caliper native shade trees on the property.
4. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services, the Applicant must record a certificate of compliance for 1.24 acres of forest planting.

Project Description

Montgomery County Public Schools (MCPS) proposes to replace the existing Wheaton Woods Elementary School building with a two-story 69,521-square-foot building. The proposal also includes plans to regrade the athletic field, move the front driveway loop, add a parking area, and construct new outdoor play areas.

Site Description

Wheaton Woods Elementary School is located on an 8.03-acre property in the 1994 *Aspen Hill Master Plan*. The site is bounded by public roads on all sides; Faroe Place to the north, Parkland Drive to the east, Falcon Street to the south, and Evanston Street to the West. The topography of the site slopes down from the existing building to the southern edge of the site, and includes some areas of steep slopes ($\geq 25'$). The site lies within the Lower Rock Creek Watershed, but outside any Special Protection Area. The site is currently developed with a one-story 66,763-square-foot building, associated parking, an athletic field, and outdoor play areas.

Figure 1: Vicinity Map



ANALYSIS

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD # 420151340) on March 13, 2015. There are no forests, streams, wetlands, floodplains, or environmental buffers on the site. The site contains 52 trees ≥ 24 " diameter at breast height (DBH). The proposed project is in compliance with the Environmental Guidelines.

Forest Conservation

The site is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Preliminary Forest Conservation Plan (Attachment 1) in conjunction with the Mandatory Referral. There is no forest on site. The Applicant proposes to meet a 1.24-acre planting requirement by using credit from a forest mitigation bank. Staff agrees that this is appropriate, as there are no priority reforestation areas or adjoining forest on-site.

Forest Conservation Variance

Section 22A-12(b) (3) of Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a historic structure; are designated as 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. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law.

The Applicant submitted a variance request on July 13, 2015 and a revised variance request on July 24, 2015 for the impacts to trees (Attachment 2). The proposed layout will remove twelve trees and impact, but not remove, twelve trees that are considered high priority for retention under Section 22A-12 (b) (3) of the County Forest Conservation Law.

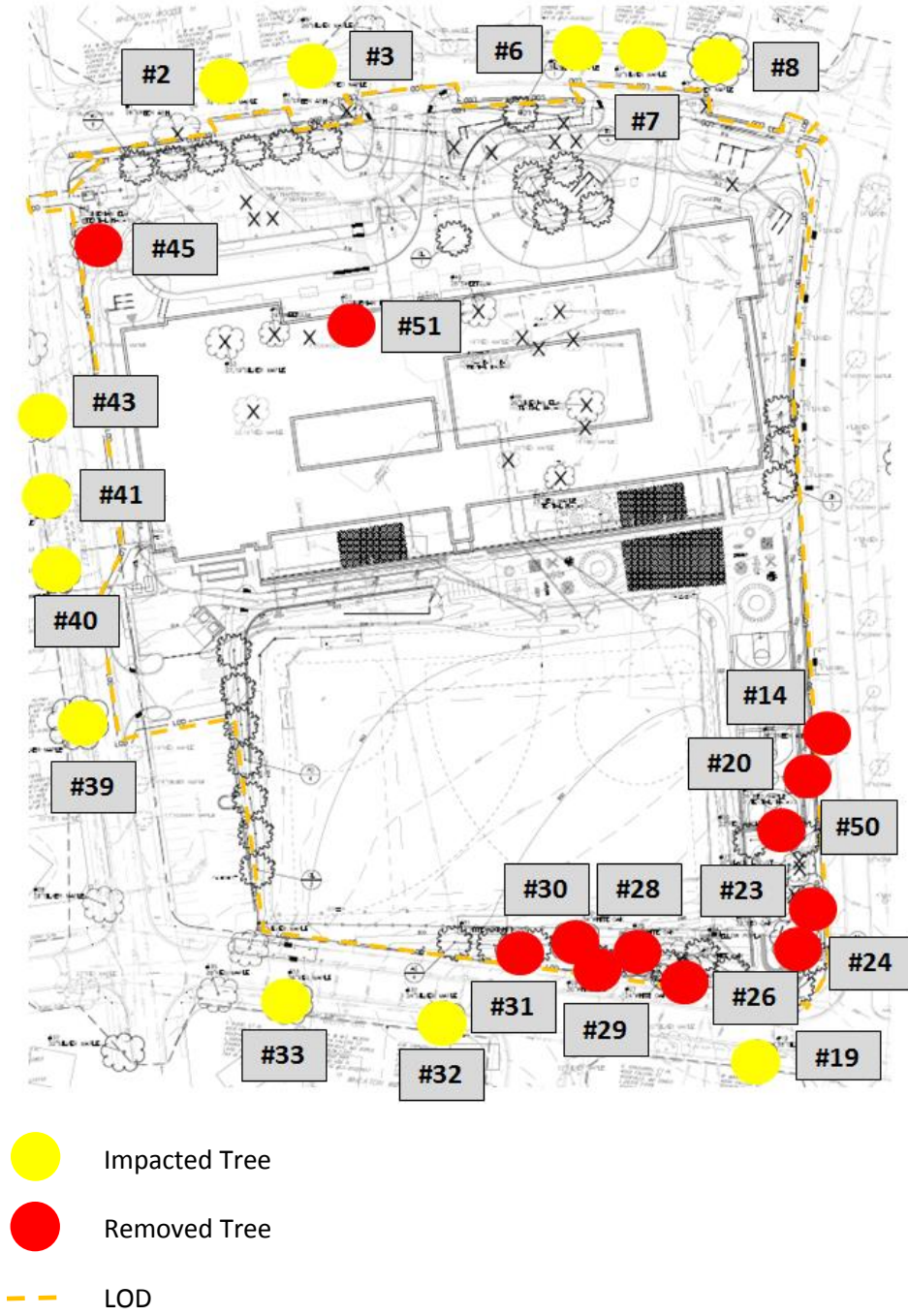
Unwarranted Hardship for Variance Tree Impacts

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the constraints of the site's size and topography, and the location of the existing trees on and around the site. The proposed school modernization project is needed in order to accommodate a larger student body and provide the school community with a modern educational environment.

Two trees proposed for removal on the site, #45 and #51, both 31" diameter at breast height (DBH) Siberian elms, will be impacted by the demolition of the existing school and the addition of a new parking area. The installation of new outdoor play areas and a stormwater management outfall will require the removal of five trees: #14, 30" DBH green ash; #20, 35" DBH red maple; #23, 32" DBH red oak; #24, 40" DBH yellow poplar; and #50, 33" DBH red maple. Five trees proposed for removal will be affected by the grading of the athletic field: #26, 31" DBH white oak; #28, 30" DBH white oak; #29, 30" DBH white oak; #30, 34" white oak; and #31, 33" DBH mockernut hickory.

Leaving the requested trees in an undisturbed state would result in an unwarranted hardship because the Applicant would not be able to remove any existing features or install any new features or stormwater management facilities.

Figure 2: Variance Tree Location



Variance Tree Tables

Removals

ID	Species	Size	Condition	Notes
14	Green Ash	30"	Good	Grading and construction of new play area
20	Red Maple	35"	Poor	Grading and construction of new play area
23	Red Oak	32"	Fair	Stormwater management outfall
24	Yellow Poplar	40"	Good	Stormwater management outfall
26	White Oak	31"	Good	Grading for playing field
28	White Oak	30"	Good	Grading for playing field
29	White Oak	30"	Good	Grading for playing field
30	White Oak	34"	Good	Grading for playing field
31	Mockernut Hickory	33"	Good	Grading for playing field
45	Siberian Elm	31"	Poor	Construction of new parking area
50	Red Maple	33"	Good	Grading and construction of new play area
51	Siberian Elm	31"	Fair	Demolition of existing school

Impacts

ID	Species	Size	Condition	% impact	Notes
2	Silver Maple	32"	Good	10%	Construction of new parking area
3	Red Maple	31"	Good	4%	Construction of new parking area
6	Silver Maple	31"	Fair	8%	New pick-up/ drop-off driveway
7	Silver Maple	32"	Good	14%	New pick-up/ drop-off driveway
8	Silver Maple	43"	Fair	16%	New pick-up/ drop-off driveway
19	Silver Maple	38"	Fair	7%	Grading for playing field
32	Silver Maple	34"	Good	1%	Grading for playing field
33	Red Maple	38"	Fair	2%	Grading for playing field
39	Silver Maple	36"	Fair	14%	Expansion of parking area
40	Silver Maple	34"	Good	6%	Expansion of parking area
41	Silver Maple	40"	Fair	2%	Construction of new building
43	Silver Maple	47"	Good	8%	Construction of new building

Variance Findings - Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, staff makes the following findings:

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

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to expand and modernize the school, parking, and outdoor play areas. The proposed development is the continuation of an existing, appropriate use of the site. The size and configuration of the site preclude alternative site designs that would allow the variance trees to remain undisturbed. Other applicants facing similar circumstances would be (and have been) treated the same.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to the constraints of the school site's size and topography, and the location of the existing trees on and around the site.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the location of trees and the impacts by the proposed layout of the new school, and not a result of land or building use on a neighboring property. The impact to the trees is the minimum disturbance necessary to demolish and rebuild the school and to provide associated upgrades to the site.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant will plant thirty-three 3" caliper native shade trees on the property to replace the form and function of the variance trees proposed for removal. In addition, the site will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management, including the provision of Environmental Site Design to protect natural resources to the maximum extent practicable. Water quality will improve with the proposed development and State water quality standards will not be violated.

Mitigation for Trees Subject to the Variance Provisions

The Applicant is requesting a variance to remove twelve trees. The twelve trees (listed in the removal table on page 5) are outside of a forest and will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant thirty-three, 3-inch caliper trees on the property, which will be shown on the Final Forest Conservation Plan.

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 County Arborist has reviewed the variance request and recommended approval with mitigation (Attachment 3).

Variance Recommendation - Staff recommends that the variance be granted.

CONCLUSION

Staff concludes that the proposed Preliminary Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan and associated variance, with the above conditions.

Attachments

1. Preliminary Forest Conservation Plan
2. Variance request
3. Letter from County Arborist