**MEMORANDUM**

DATE: February 23, 2005

TO: Nkosi Yearwood, Community Based Planning Division

VIA: Mary Dolan, Countywide Planning Division, Environmental

FROM: Marion Clark, Countywide Planning Division, Environmental

SUBJECT: Special Exception request No. S-2604
Winchester School

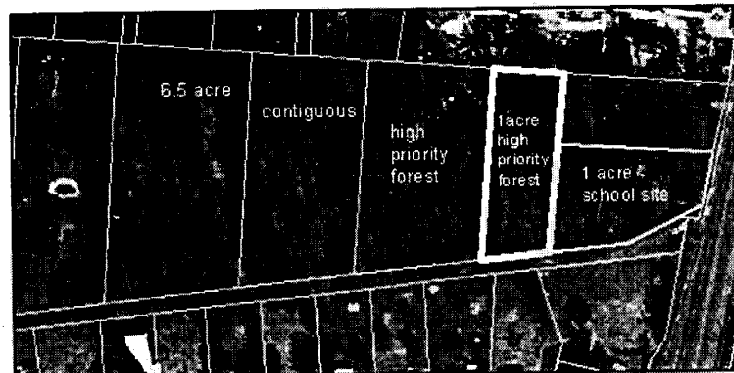
Recommendations

Environmental Planning staff recommends **denial** of the Preliminary Forest Conservation Plan (FCP) for Special Exception request No.S-2604.

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Discussion

This site is located on Georgia Avenue south of Olney. Half of the site holds approximately one acre of healthy mature forest containing 33 healthy specimen and significant trees and contiguous to a 6.5 acre undisturbed forest. This forest is considered high priority by the Forest Conservation Regulations by virtue of its size, composition, and configuration.¹



The Planning Board first reviewed the Forest Conservation Plan for this special exception in July 2004. The plan associated with the special exception proposed clearing 1.0 acres of high priority forest and removing 18 specimen trees and 7 significant trees. Planning Board

¹ High priority forest stands are those that exhibit all of the following characteristics: high structural and species diversity; few alien or invasive species present; very good overall stand health; and high potential to provide a significant amount of habitat forest interior dwelling plant, animal and bird species. Additionally individual trees that are specimens of a species are considered highest priority.

found that the plan submitted did not make reasonable efforts to save the highest priority forest. The applicant has since modified the site plan to remove 0.58 acres of forest. Staff believes the applicant can make further adjustments to the plan as required by the Forest Conservation Law to remove only 0.35 acres. Furthermore, staff believes, since the site is located in the Upper Rock Creek watershed, in a subwatershed with excellent water quality, this level of site planning rigor is appropriate to protect water quality as recommended by the Countywide Stream Protection Strategy (CSPS).

Basis for Recommendation

1) Development as reflected on the Preliminary Forest Conservation Plan is not effective in protecting priority forest and specimen trees.

Section 22A – 12(b) of the Forest Conservation law states that:

“1) the primary objective of the forest conservation plan should be to retain existing forest and trees and avoid reforestation in accordance with this Chapter. The forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition unless the Planning Director finds that:

- (A) the development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention...
- (B) Reasonable efforts have been made to protect the specific areas and vegetation listed in this plan; and
- (C) The development proposal cannot reasonably be altered.”

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) identifies 1.0 acres of high priority forest containing 24 specimen and 9 significant trees on site and 4 specimen trees in close proximity off site. The proposal indicates clearing 0.58 acres of high priority forest and removing 15 specimen trees and 1 significant tree. Staff believes that reasonable efforts to alter the development proposal can still be made to protect the high priority forest and specimen trees.

This site plan can be further altered to achieve greater forest retention by reducing the building footprint, reorienting the building, removing the existing single-family house, reducing the number of parking spaces to the amount required, and consolidating the parking. Staff believes that 0.65 acres can be retained. In addition staff believes an additional 2 specimen trees and 2 significant trees can be retained with a modified site design. Staff has shared several possible modified site designs with the applicant.

2) The submitted Preliminary Forest Conservation Plan does not meet Forest Conservation Regulation requirements.

A portion of forest cover (0.04 acres) is credited as forest to be retained on the Preliminary Forest Conservation Plan (FCP). The FCP also indicates this same area to be selectively cut and used as a mulched play area. If selectively cut and used, this portion of forest cover does not meet the definition of forest according to Chapter 22A-3 of the Forest Conservation law.² Therefore, it cannot be credited as forest retained and must be counted as forest cleared.

The Preliminary Forest Conservation Plan indicates that 12 of 28 specimen trees and 2 of 9 significant trees will be removed. Staff believes an additional 3 specimen trees and 1

² A biological community dominated by trees and other woody plants (including plant communities, the understory, and forest floor).

significant tree should be counted as lost because more than two-thirds of the critical root zone will be impacted. The total count of trees to be removed should be 15 of 28 specimen and 3 of 9 significant trees removed.

Forest Conservation

An approved NRI/FSD is included in this application. The NRI/FSD indicates two lots on which the development is proposed. The front lot is approximately one acre in size and constitutes half the proposed site. This lot contains a single-family home, facing Georgia Avenue, and is surrounded by a landscape containing many high quality specimen and significant sized trees. The lot can be characterized as a residential landscape having a lawn, scattered shrubs and understory trees.

The second lot (approximately 1 acre) of the site contains a mature Tulip Poplar association forest stand in very good condition, but with some evidence of exotic invasives. This forest is contiguous to 6.5 acres of a healthy mature forest stand on property adjoining the west boundary of the site.

There are a total 28 specimen trees and 9 significant trees on site and immediately adjacent off site. There are 12 specimen trees and 1 significant tree on the front lot and 3 specimen trees on the property to the north. There are 12 specimen trees and 8 significant trees on the back lot and 1 specimen tree on adjacent property to the west. All trees are in very good to good condition.

A Preliminary Forest Conservation Plan, submitted with the application, does not meet the Forest Conservation Law. The Preliminary FCP shows 0.04 acres of forest proposed for retention and used as a playground area. Environmental staff believes this 0.04 acres does not qualify for retention, because by selectively clearing and using the area, it no longer qualifies as forest save. Furthermore, the following errors in the forest conservation worksheet must be corrected:

- net tract area should be 2.02, since no land is being dedicated that is not being constructed on,
- existing forest is incorrectly listed as 1.05 and should be changed to 1.00 as indicated on the NRI/FSD,
- total area of forest to be retained should be 0.42 acres, and
- total area of forest to be cleared should be 0.58.

Environmental Guidelines

This property is not located within a Special Protection Area or Primary Management Area. There are no wetlands, steep slopes, erodible soils, and rare, threatened, or endangered species. There are no environmental stream valley or floodplain buffers.

Stormwater Management

The Department of Permitting Services (DPS) has approved a Stormwater Management Concept request for this site.

Regional Water Quality

This site is located in the Cherrywood Manor tributary of the Upper Rock Creek watershed. Upper Rock Creek north of Muncaster Mill Road is designated as a Use III watershed by MDE. A Use III designation means that the waters are suitable for the growth and propagation of trout, and that they are capable of supporting self-sustaining trout populations and their associated food organisms.

The *Countywide Stream Protection Strategy* (CSPS) designates this subwatershed as a Watershed Protection Area - special. This designation is applied to all subwatersheds currently assessed as supporting excellent or good stream conditions. The special level of protection designation recommends use of protection tools for headwater areas. This includes “pursue imperviousness reduction strategies, targeted to habitat improvements.” The CSPS rates stream quality excellent and habitat conditions good for the Cherrywood Manor tributary.

Noise

This use is expected to generate noise that may be a disturbance to surrounding uses. A “passive play area” is indicated on the north side of the school, adjacent to an existing residence. Noise generated by this use would be the normal sounds of 30 –50 children playing. The children would be playing in an open area immediately adjacent to the property line. The applicant proposes a narrow landscaped buffer to mitigate the potential noise disturbance.

Chapter 31B Noise Control of the Montgomery County Code establishes maximum allowable noise disturbance levels at 65 dBA during the daytime in residential areas. The Department of Environmental Protection administers the ordinance and requires a noise study that verifies the noise level of the proposed use. In the absence of a noise analysis, staff is unable to determine the noise impact of the proposed use.

Dust

There should be no objectionable fumes, noise or odors resulting from the proposed use. Dust is not expected to be problematic.



VICINITY MAP
SCALE 1" = 2,000'

LANDSCAPE PLANT LIST

REF.	SYM.	SYM. NAME	COMMON NAME	COL.	HGT.	SP.	ROOT	NOTE
1	○	○	White Pine	18" x 4"	18'	18'	18'	
2	○	○	White Pine	18" x 4"	18'	18'	18'	
3	○	○	White Pine	18" x 4"	18'	18'	18'	
4	○	○	White Pine	18" x 4"	18'	18'	18'	
5	○	○	White Pine	18" x 4"	18'	18'	18'	
6	○	○	White Pine	18" x 4"	18'	18'	18'	
7	○	○	White Pine	18" x 4"	18'	18'	18'	
8	○	○	White Pine	18" x 4"	18'	18'	18'	
9	○	○	White Pine	18" x 4"	18'	18'	18'	
10	○	○	White Pine	18" x 4"	18'	18'	18'	

Note: 1. Symbols which have to be installed (except 0.00) are of the following sizes:
This list is a partial reproduction of the Plant List on the Landscape Plan. See Landscape Plan for complete information.

PCPTABLE

DESCRIPTION	SIZE
1. Total Tree Area	227 Acres
2. Road & Utility Area (Excluded)	0.00 Acres
3. Existing Forest	1.00 Acres
4. Total Forest Retention	0.48 Acres
5. Land Use Category	Residential (R200)
6. Admittance Threshold	15%
7. Forest in Wetlands	0.00 Acres
8. Forest in 100-Year Floodplains	0.00 Acres
9. Forest in Stream Valley Buffer	0.00 Acres
10. Forest in other Priority Areas	0.00 Acres
11. Stream Valley Buffer Length	0 Feet
12. AVE. Width	0 Feet

LEGEND

- PROPOSED CONSERVATION EASEMENT CATEGORY 1
- FOREST RETENTION AREA
- EXISTING CRZ TO BE PROTECTED OUTSIDE EASEMENT
- EXISTING FOREST TO BE REMOVED
- UNPROTECTED FOREST AREA TO BE RETAINED
- EXISTING FOREST LINE
- LIMITS OF DISTURBANCE
- SPECIMEN TREE
- REMANENT TREE AND CRITICAL ROOT ZONE CRZ OR = DRH 1/2"
- STANDSTANT AND SPECIMEN TREES TO BE REMOVED
- TREE PROTECTION FENCING
- ROOT PRUNING

GRAPHIC SCALE
(1" = 100')

1 inch = 100 feet

NR/FS/4-04068
APPROVED 9/17/08

SPECIAL EXCEPTION
PRELIMINARY FOREST CONSERVATION PLAN
WINCHESTER SCHOOL
Parcels 171,172 and 173
8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG
Macie, Hendricks & Glasscock, P.A.
Engineers, Planners & Landscape Architects • Silver Spring, MD
10/18/04

CATEGORY I FOREST CONSERVATION EASEMENT
8,308 SF 0.42 AC.

FOREST TO BE RETAINED
20,705 SF 0.48 AC.

Parcel 118
William C Alderton &
Deborah A Alderton, Trs wife
L 4897 F 1
Ex. Zoning R 200
Ex. Uppr SF Residential

FOREST TO BE REMOVED
20,168 SF 0.46 AC.

UNPROTECTED FOREST AREA TO BE RETAINED
4,821 SF 0.11 AC.

LOT 16
James Block et al
CHERRY VALLEY
PLOT NO. 6051
Ex. Zoning R 200
Ex. Uppr SF Residential

LOT 4
TP & VL Murray
CHERRY VALLEY
PLOT NO. 6051
Ex. Zoning R 200
Ex. Uppr SF Residential

CHERRY VALLEY
PLOT NO. 17765
LOT 17
D. A.H. Lynn
Ex. Zoning R 200
Ex. Uppr SF Residential
MHCPC 6-1-88217

FOREST CONSERVATION PLAN CERTIFICATION
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF EXISTING STATE AND COUNTY FOREST CONSERVATION LEGISLATION.

George S. Hendricks
GEORGE S. HENDRICKS, ARCHITECT
HARTLAND RD., NO. 3343

- NOTES**
- Existing Forest Cover (Line 17) is 1.06 acres. This measurement was taken from the 2001 aerial map and verified from the 100 acres reported on the approved NR/FS, which was measured from a digital top map and 1950-2000 sheet.
 - The forest retention requirement of 0.08 acres is to be met on site with the planting of seven (7) landscape trees.
 - The amount of forest retained (Line 0' - 0.48 ac.) includes 0.42 acres within the proposed Conservation Easement and 0.06 acres of retained critical root zone for tree #29 (42' Red Oak).
 - The amount of total forest cleared (Line 16' - 0.57 ac.) includes 0.46 acres of forest to be removed and 0.11 acres of unprotected forest to remain.

10/18/04
DATE

Species	Quantity	Notes
White Pine	100	
...