Forest Conservation Plan Amendment No. CBA-1855, Sandy Spring Friends House

Joshua Penn, Planner Coordinator, Area 3 joshua.penn@montgomeryplanning.org, 301.495.4546
Richard A. Weaver, Supervisor, Area 3, richard.weaver@montgomeryplanning.org, 301.495.4544
Kipling Reynolds, Chief, Area 3, kipling.reynolds@montgomeryplanning.org, 301.495.4575

Completed 11/23/16

Description
A. Forest Conservation Plan Amendment No. CBA-1855: Sandy Spring Friends House
Request for approval of an amended Forest Conservation Plan as part of a Special Exception application for an assisted living facility. Located on Parcels N214 and N-225, 62.18 acre 17340 Quaker Lane (along Norwood Road), Sandy Spring approximately 550 feet north of the intersection of Norwood Road and Dr. Bird Road RE-2 Zone, 1998 Sandy Spring Master Plan.

Staff Recommendation: Approval with conditions

Application Filed: January 6, 2016
Applicant: Friends House, Inc.
Reviewing Authority: Chapter 22A

- Staff Recommendation: Approval with Conditions
- The Planning Board must act on the Forest Conservation Plan Amendment (CBA-1855) for Conditional Use Application S-856-B & S-452.
- The development proposed under this application fully complies with Chapter 22A, the Forest Conservation Law.
FOREST CONSERVATION PLAN RECOMMENDATION AND CONDITIONS:

Approval of Revised Final Forest Conservation Plan, subject to the following conditions:

1. The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property.

2. The Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved forest bank for the 1.15 acres of offsite planting prior to any clearing, grading or demolition on the project site.

3. The Applicant must provide financial surety to the M-NCPPC Planning Department for the 3.36 acres of new forest planting prior to the start of any demolition, clearing, or grading on the Property.

4. The Applicant must submit a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel prior to the start of any demolition, clearing or grading on the Property. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the Forest Conservation Plan, including the reforestation of environmental buffers.

5. The Applicant must install permanent Category I Conservation Easement signage along the perimeter of the conservation easements.

6. Afforestation plantings that are located outside the limits of disturbance must occur within the first planting season following release of the first building permit after approval of the conditional use application. Plantings within areas of future disturbance must occur in the first planting season following the stabilization of the applicable disturbed area.

7. The Final Sediment Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.

8. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.

SITE DESCRIPTION

The Friends House Retirement community is located at 17340 Quaker Lane approximately 2,000 feet south of Olney Sandy Spring Road (MD 108), located generally east of the intersection of Norwood Road
and Doctor Bird Road (“Subject Property” or “Property”) (Figure 1). It is an irregular inverted L-shaped property with interrupted frontages on Norwood Road. Quaker Lane is an internal lane that starts and ends within the 62.2-acre property and connects the various residential areas on the Retirement Community’s campus.

The property is improved with various buildings including assisted living facilities, and independent living facilities, Alzheimer care unit, and a number of independent living cottages. The existing developments on the site are connected by a network of small internal roads.

The Northwest Branch mainstem crosses the property from northwest to southeast. The north side of the stream is undeveloped and mostly forested. There are smaller tributary streams within the forest. A pond and tributary to Northwest Branch exist on the developed side of the stream. There is a 100-year floodplain associated with Northwest Branch.

The subject property abuts three single-family detached homes located within the Sandy Spring Village and zoned R-200 to the north. To the west, northeast, and east, the property abuts four additional single-family detached residences homes and several large and heavily wooded parcels of land all in the Rural Neighborhood Cluster (RNC) Zone. To the south, the property abuts the 139-acre Sandy Spring Friends School, which is zoned RE-2. A historic site known as “Norwood”, a circa 1751 house listed in the Master Plan for Historic Preservation (#28/13), is located at 17201 Norwood Road adjacent to the southwestern portion of the property. To the west across Norwood Road, are single-family developments in the RNC Zone.

Figure 1: 2015 Aerial Photograph
PROJECT DESCRIPTION

The Applicant requests a Major Modification of the last approved Special Exception to allow removal, retention, expansion, and new construction of buildings and living units, to continue the existing assisted and independent living uses for seniors with various care needs, as well as a wide range of income levels. Upon completion of all phases of the development, the total units on site will be 446 living units that includes 126 independent living apartments; a maximum of 158 lodge apartments; 32 cottage duplex units; 48 assisted living units; and 82 beds in the skilled nursing hall.

ANALYSIS AND FINDINGS

Environmental Guidelines

The Natural Resources Inventory/Forest Stand Delineation (“NRI/FSD”) 419970710 for this Property was approved on November 21, 1996 and recertified on October 24, 2003. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the site to be a total of 62.18 acres of which 20.14 acres are existing forest separated into four (4) distinct forest stands. The site also contains multiple perennial streams, a farm pond, and several wetland areas. The site is located within the Northwest Branch watershed, which is classified by the State of Maryland as Use IV waters. The Property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA).

Forest Conservation

The FCP for the Subject Property (CBA-1855) was originally approved as a phased FCP. This means the entire Property was approved as a Preliminary FCP and part of the Property was approved as a Final FFCP. The overall 62.18-acre site has a PFCP approval dated October 24, 2003. The area of the Property west of the stream also had FFCP approval dated October 24, 2003. The area of the Property east of the stream never obtained FFCP approval. This application is asking to amend the previously approved FFCP for west of the stream and create a new FFCP for the area east of the stream, effectively creating one FFCP for the entire Property.

The original plan that was subject to Chapter 22A was #CBA-1855, entitled Friends House (Parcel C), created the FCP for the Property and is the reason the Special Exception application has different numbers (S-856 & S-452) than the underlying FCP.

This site is zoned RE-2 which is assigned a Land Use Category of Medium Density Residential (MDR) in the Land Use Table of the Trees Technical Manual. Development of the site as proposed yields an afforestation requirement of 20% of the net tract and a conservation threshold of 25%.
The NRI/FSD shows a net tract area of 62.18 acres with a total of 20.30 acres of forest on the project site. The FFCP amendment shows a net tract area of 58.70 with 16.59 acres of Forest. The difference in the net tract areas is due to a previously recorded sewer and storm drain easement that was deducted out of the net tract area on the FFCP. The FFCP will remove 3.93 acres and retain 12.66 acres of forest. The Forest Conservation Worksheet calculations result in a total afforestation/reforestation requirement of 4.51 acres.

The Applicant will meet the 4.51 acres planting requirement through 3.36 acres of onsite planting and 1.15 acres of mitigation credit in an offsite forest conservation bank. With the reduction of the area within the storm drain and sewer easement, the revised plan reduces forest clearing by 0.49 acre acres and increases forest retention by .22 acres. The total amount of Category I conservation onsite has increased by 1.87 acres. All the retained forest and the environmental buffer areas, except specific areas excluded due to existing conditions from the previous approval, will be protected by a Category I Conservation Easement.

The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Environmental Guidelines and the Forest Conservation Law.

**Forest Conservation Variance**

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, diameter at breast height (DBH); are part of an historic site or designated with an 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 (“Protected Trees”). Any impact to a Protected Tree, including removal or disturbance within the Tree’s critical root zone (“CRZ”) requires a variance. An application 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.

Variance Request - The Applicant submitted a revised Variance Request dated November 8, 2016 (Attachments B) and replaced all previous versions. The Applicant proposes to remove nineteen (19) trees that are either 30 inches and greater, DBH. In addition, the Applicant proposes and to impact, but not remove, twenty-one (21) others that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

<table>
<thead>
<tr>
<th>ID</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>BOTANICAL NAME</th>
<th>CONDITION</th>
<th>REMARKS</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Oriental Plane</td>
<td>22”-26” - 32”</td>
<td>Plantanus orientalis</td>
<td>Good</td>
<td></td>
<td>TBR</td>
</tr>
<tr>
<td>ID</td>
<td>COMMON NAME</td>
<td>SIZE</td>
<td>BOTANICAL NAME</td>
<td>CONDITION</td>
<td>REMARKS</td>
<td>Impact</td>
</tr>
<tr>
<td>----</td>
<td>-----------------</td>
<td>------</td>
<td>-------------------------</td>
<td>-----------</td>
<td>--------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>10</td>
<td>Oriental Plane</td>
<td>38&quot;</td>
<td>Plantanus orientalis</td>
<td>Good</td>
<td></td>
<td>26% of CRZ Impacted</td>
</tr>
<tr>
<td>17</td>
<td>Oriental Plane</td>
<td>38&quot;</td>
<td>Plantanus orientalis</td>
<td>Good</td>
<td></td>
<td>13% of CRZ Impacted</td>
</tr>
<tr>
<td>19</td>
<td>White Pine</td>
<td>40&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>30% of CRZ Impacted</td>
</tr>
<tr>
<td>35</td>
<td>Tulip Poplar</td>
<td>34&quot;</td>
<td>Liriodendron tulipifera</td>
<td>Good</td>
<td></td>
<td>13% of CRZ Impacted</td>
</tr>
<tr>
<td>37</td>
<td>Tulip Poplar</td>
<td>32&quot;</td>
<td>Liriodendron tulipifera</td>
<td>Good</td>
<td></td>
<td>26% of CRZ Impacted</td>
</tr>
<tr>
<td>60</td>
<td>White Oak</td>
<td>33&quot;</td>
<td>Quercus alba</td>
<td>Good</td>
<td></td>
<td>7% of CRZ impacted</td>
</tr>
<tr>
<td>61</td>
<td>Pin Oak</td>
<td>39&quot;</td>
<td>Quercus palustris</td>
<td>Good</td>
<td></td>
<td>17% of CRZ Impacted</td>
</tr>
<tr>
<td>72</td>
<td>White Pine</td>
<td>38&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>11% of CRZ Impacted</td>
</tr>
<tr>
<td>73</td>
<td>White Pine</td>
<td>32&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>5% of CRZ Impacted</td>
</tr>
<tr>
<td>74</td>
<td>White Pine</td>
<td>32&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>8% of CRZ Impacted</td>
</tr>
<tr>
<td>92</td>
<td>Black Walnut</td>
<td>44&quot;</td>
<td>Juglans nigra</td>
<td>Good</td>
<td></td>
<td>33% of CRZ Impacted</td>
</tr>
<tr>
<td>93</td>
<td>Black Walnut</td>
<td>43&quot;</td>
<td>Juglans nigra</td>
<td>Good</td>
<td></td>
<td>4% of CRZ Impacted</td>
</tr>
<tr>
<td>98</td>
<td>Slippery Elm</td>
<td>30&quot;</td>
<td>Ulmus rubra</td>
<td>Good</td>
<td></td>
<td>4% of CRZ Impacted</td>
</tr>
<tr>
<td>108</td>
<td>Black Walnut</td>
<td>30&quot;</td>
<td>Juglans nigra</td>
<td>Good</td>
<td></td>
<td>22% of CRZ impacted</td>
</tr>
<tr>
<td>110</td>
<td>Sycamore</td>
<td>30&quot;</td>
<td>Platanus occidentalis</td>
<td>Good</td>
<td></td>
<td>2% of CRZ Impacted</td>
</tr>
<tr>
<td>218</td>
<td>Slippery Elm</td>
<td>32&quot;</td>
<td>Ulmus rubra</td>
<td>Good</td>
<td></td>
<td>4% of CRZ impacted</td>
</tr>
</tbody>
</table>

Table 3: Variance Trees (offsite) to be Impacted

<table>
<thead>
<tr>
<th>ID</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>BOTANICAL NAME</th>
<th>CONDITION</th>
<th>REMARKS</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>219</td>
<td>Norway Maple</td>
<td>27&quot;</td>
<td>Acer platanoides</td>
<td>Good</td>
<td></td>
<td>12% CRZ impacted</td>
</tr>
<tr>
<td>244</td>
<td>Ash</td>
<td>17&quot;</td>
<td>Fraxinus sp.</td>
<td>Good</td>
<td></td>
<td>8% CRZ impacted</td>
</tr>
<tr>
<td>245</td>
<td>Ash</td>
<td>14&quot;</td>
<td>Fraxinus sp.</td>
<td>Good</td>
<td></td>
<td>14% CRZ impacted</td>
</tr>
</tbody>
</table>
Unwarranted Hardship Basis
Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship.

The development program proposed by the Applicant entails some demolition of existing buildings. Specifically tree #125 which is already in poor condition is adjacent to an existing building slated for removal. The building is already in the CRZ of tree #125 and the tree would not be able to survive the impacts required for building demolition. It is also critical to remove tree #158 in order to implement any proposed improvements to the main building. If a variance is not provided for the removal of the trees referenced above then the Applicant would not be able to implement its requested program and this would be considered an “unwarranted hardship” to the property owner. Specific impacts can be viewed in the Tree Variance Exhibit included in Attachment D with the Applicants full Variance Request.

Based on the above information, Staff concludes that the Applicant has a sufficient unwarranted hardship to justify a variance request.

Variance Findings - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

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

   Granting the variance will not confer a special privilege on the Applicant as the impact or removals of the requested trees is due to the location of the trees and necessary site design requirements. Through the planning process the impacts have been minimized as much as possible. Therefore, Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. **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 which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions and necessary design requirements.

3. **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 existing conditions and not a result of land or building use on a neighboring property.

4. **Will not violate State water quality standards or cause measurable degradation in water quality.**
The plan has a forest conservation planting requirement of which 3.36 acres of forest plantings will be done onsite within the stream valley buffer.

Additionally, 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 natural resources to the maximum extent practical. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept has been approved by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced.

In addition to the SWM and FCP mitigation requirements, new trees are being proposed to offset the proposed Variance Trees to be removed. At a rate of ¼":1” removed, the Applicant will be providing a minimum of 53 (3”) trees as mitigation which will help to offset the loss of the variance trees being removed as part of this project. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

**Mitigation for Trees Subject to the Variance Provision** - There are nineteen (19) variance trees proposed for removal in this variance request. Of the nineteen trees, one is located within existing forest and its loss is accounted for in the forest conservation worksheet and mitigation for its loss is included in the reforestation requirement as determined by the worksheet. Mitigation for the removal of the remaining eighteen (18) freestanding trees located outside of the existing forest is recommended. Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, Staff recommends that replacement occur at a ratio of approximately 1” Diameter at Breast Height (DBH) for every 4” DBH removed, using trees that are a minimum of 3” DBH. This means that for the 627 caliper inches of trees removed, they will be mitigated by planting 53 native, canopy trees with a minimum size of 3” DBH on the site. While these trees will not be as large as the trees lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees.

There are twenty-one (21) other variance trees with some disturbance within their critical root zones, but they are candidates for safe retention and will receive adequate tree protection measures during construction. No mitigation is recommended for trees impacted but retained.

**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 request was forwarded to the County Arborist on October 18, 2016. A revised variance request was forwarded on November 9, 2016. On November 18, 2016, the County Arborist issued recommendations on the variance request and recommended the variance be approved with mitigation (Attachment E).

**Variance Recommendation** - Staff recommends that the variance be granted with the mitigation recommended above.
CONCLUSION

Forest Conservation Plan revision CBA-1855 meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Forest Conservation Plan revision with the conditions cited in this staff report. The variance approval is included in the Planning Board’s approval of the Preliminary Forest Conservation Plan.

Attachments
Attachment A – Previously Approved PFCP/FFCP
Attachment B – Proposed Final Forest Conservation Plan
Attachment C - Conservation Easement Comparison Exhibit
Attachment D- Applicant’s Variance Request dated November 8, 2016
Attachment E- County Arborist Letter dated November 18, 2016
ATTACHMENT A

1.8 ACRES FOREST TO BE CLEARED

15.6 ACRES FOREST SAVES - CATEGORY + FOREST CONSERVATION EASEMENT

See note on sediment + erosion control plan for special care unit addition.

FOREST CONSERVATION PLAN
FRIENDS HOUSE
(PARCEL C)
OLNEY ELECTION DISTRICT NO. 8

NOTE: EXISTING WINDS / WIND TRAILS AND PATHS SHALL BE MAINTAINED IN CONSERVATION AREAS.

OWNER/APPLICANT:
Friends House, Inc.
17340 Guiness Road
Sandy Spring, MD 20860
(301) 324-0180
Contact: Mr. David Clemler

MHG
Martin, Horwitz & Geduld, P.A.
Architects & Engineers
301-881-9888
Olney, MD 20832

ATTACHMENT A
ATTACHMENT B

PLANT LIST for Reforestation

<table>
<thead>
<tr>
<th>Key</th>
<th>QTY</th>
<th>BOTANICAL NAME/CAMPAIGN NAME</th>
<th>SIZE</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>70</td>
<td>Acer saccharinum 'Fastigiata'</td>
<td>3 inch caliper</td>
<td>tall and bunched</td>
</tr>
<tr>
<td>2</td>
<td>25</td>
<td>Pinus taeda 'Lawsoniana'</td>
<td>3 inch caliper</td>
<td>tall and bunched</td>
</tr>
<tr>
<td>3</td>
<td>10</td>
<td>Quercus rubra 'Northern Red Oak'</td>
<td>3 inch caliper</td>
<td>tall and bunched</td>
</tr>
</tbody>
</table>

PLANT LIST for Tree Variance Mitigation

<table>
<thead>
<tr>
<th>Key</th>
<th>QTY</th>
<th>BOTANICAL NAME/CAMPAIGN NAME</th>
<th>SIZE</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>30</td>
<td>Acer saccharinum 'Fastigiata'</td>
<td>3 inch caliper</td>
<td>tall and bunched</td>
</tr>
<tr>
<td>B</td>
<td>25</td>
<td>Pinus taeda 'Lawsoniana'</td>
<td>3 inch caliper</td>
<td>tall and bunched</td>
</tr>
<tr>
<td>C</td>
<td>10</td>
<td>Quercus rubra 'Northern Red Oak'</td>
<td>3 inch caliper</td>
<td>tall and bunched</td>
</tr>
</tbody>
</table>

Note: The purpose of this plan is for the modification of the existing Special Exception (SE) and MD-DNR permitting process. The plan includes reforestation activities in accordance with the State of Maryland's Special Exception Program (SEP) regulations.

**FOREST CONSERVATION WORKSHEET**

- **Net Acreage Saved:** 20.02 Acres
- **Proposed Category:** Forest Conservation Easement

<table>
<thead>
<tr>
<th>EASTERN FOREST COVE</th>
<th>WT</th>
<th>SUM</th>
<th>COV</th>
<th>MD</th>
<th>CH</th>
<th>MT</th>
<th>CH</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td>1.00</td>
<td>1.00</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PLANTING REQUIREMENTS**

- **Number of trees per species:**
  - Eastern Forest Cove: 1.00
  - Western Forest Cove: 1.00

**DATA TABLE**

<table>
<thead>
<tr>
<th>EASTERN ACRE</th>
<th>WESTERN ACRE</th>
<th>TOTAL ACRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.00 Acres</td>
<td>6.02 Acres</td>
<td>20.02 Acres</td>
</tr>
</tbody>
</table>

**General Notes**

- The purpose of the plan is for the modification of the existing Special Exception (SE) and MD-DNR permitting process. The plan includes reforestation activities in accordance with the State of Maryland's Special Exception Program (SEP) regulations.

**Legend**

- **Legend:** Various symbols and lines representing different features and elements of the site.

**Site Map**

- **Site Map:** A detailed map showing the location and layout of the proposed reforestation project.

**To Scale:** 1"=100'
The trees on or near the historic property were ocularly located via the previously approved NRI/FSD 4-19970710. A site visit was conducted on 06/10/15 to verify the trees as well.

Specimen Trees Impacted by Previous LOD

Specimen Trees Impacted by Proposed LOD

Existing Tree Lines

Existing Buildings

Previously Approved LOD

Revised LOD and associated table per MNCPC comments.

No.

Revision

Montgomery County, Maryland

Purpose note:

The purpose of this tree Impact Matrix is to show the trees which are affected by the site plans and which are to be protected under the terms of the Environmental Design (EOD). The tree lines shown are the actual lines present on the property. The trees are located on the site plans 4-19970710. For more information, please contact the Montgomery County Planning Commission at 301-206-4800. The tree lines shown in the EOD are not necessarily perfect representations of the trees at present, and are intended to serve as a guide for the tree protection requirements.
The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay.

The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

Phone: (301) 444-8282        Fax: (301) 444-8181

20410 Century Boulevard, Suite 200
Germantown, Maryland 20874

www.stantec.com

Project No.: 2029072340  Quaker Lane, Sandy Spring, Maryland 20860
Phone: 
Contact/Attn.: Mr. Kevin Harrington
Friends House Retirement Community
8th Election District
Montgomery County, Maryland

For SPECIAL EXCEPTION

U:\000000000000\phone\cad\engineering\drawings\shst_engineer_power_01.dgn

1/1/0001  12:00:00 AM

SCALE: 1"=2000'

Existing Tree Lines
Existing Grade
Property Boundary
Existing Lot Lines
Existing Buildings
Significant Trees
Specimen Trees
Standing Dead/Removed Tree
Specimen Tree Impacted by Previous LOD
Specimen Tree Impacted by Proposed LOD
Critical Root Zone

LEGEND

Trees on/near Historic Property impacted by the proposed LOD

Specimen Trees Impacted by the previous LOD

Specimen Trees Impacted by the proposed LOD

Trees on/near Historic Property impacted by the proposed LOD

Revised LOD and associated Impacts per MNCPPC comments.
**TREES (TBR) LOCATED OUTSIDE EXISTING FOREST WHICH REQUIRE MITIGATION:**

- **Mitigation rate**: 1/4" : 1" cal removed for proposed Planting Plan and List.
- **See Landscape Plan/Final Forest Conservation Plan**
- **157/3" = 52.3 (min. 53 -3" cal. trees required)**
- **627" x 0.25 = 157" required to be planted**
- **627" DBH Total removed**

**Proposed for Removal (TBR)**

<table>
<thead>
<tr>
<th>Specimen Trees onsite known impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specimen Trees on/near location on historic property. Not size DBH. Note: Considered 'Specimen' due to with known impacts</td>
</tr>
</tbody>
</table>

- **11, 13, 35, 75, 77, 97, 120, 122, 125, 149, 150, 158, 168, 169, 170, 181, 182, 214**

---

**ATTACHMENT D**
November 8, 2016
File: 2029072340

Attention: Development Applications & Regulatory Coordination
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Dear DARC,

Reference: Friend's House Retirement Community- Request for Tree Variance for Special Exception Project. Case No. S-856-B & S-452

This letter replaces the one submitted on 5/26/16 and the addendum submitted 10/17/16.

On behalf of the property owner (Friends House Retirement Community) 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 removal of the following trees identified on the Tree Variance Exhibit, Natural Resources Inventory/Forest Stand Delineation(419970710), and Final Forest Conservation Plan (S-1855) for the above named Special Exception project.

Project Description:

The applicant, “Friends House, Inc.” is a non-profit organization with a Board of Directors that operates Friends Retirement Community in accordance with the Religious Society of Friends (Quakers). Its mission is to connect all participants—from residents, to volunteers, to staff---in a caring community that nurtures all aspects of their well-being. Currently the community houses approximately 260 residents in 246 units of varying types. The 62 acre site provides a natural setting allowing for leisurely outdoor activities. Friend’s House proposes to expand its existing structures and create new facilities and infrastructure. The campus redesign will create 126 new independent apartment living units, 163 lodge apartment units, 24 cottage dwelling units and 48 assisted living units, for a total of 361 new living units.

Their mission is guided by the Religious Society of Friends (Quakers) to connect all participants regardless of religious affiliation in a caring community that nurtures all aspects of their well-being. A large aspect of their community building is the understanding that maintaining natural environments for leisure outdoor activities as well ecological preservation benefits the community and surrounding area tremendously. This understanding is a profound underlying fabric of the Friends House mission.
November 8, 2016
Page 2 of 6

Reference: Friend’s House Retirement Community - Tree Variance Request

Therefore, the Board of Directors and individual residents have been integral to the design process. We have worked with Friends House to determine what areas and specific trees have special importance both to the community and the overall natural environment. Our site has been specifically designed to account for these important areas.

Tree Variance Exhibit:

We have prepared a Tree Variance Exhibit showing the proposed impacts to trees we are requesting a variance for. The exhibit shows the limit of disturbance from the original Forest Conservation Plan and trees which were impacted (shown in blue). These impacts were approved prior to S.D. 666 and therefore are not subject to the variance request. The new limit of disturbance for the proposed new development and the specimen trees impacted (shown in red) as well as trees of all sizes impacted on the historic site adjacent to the property (shown in green) are subject to the variance and are noted as such on the plan.

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:

The development program proposed by the applicant entails some demolition of existing buildings. Specifically tree #125 which is already in POOR condition is adjacent to the existing building needing to be removed. This tree would not be able to survive the impacts required for building demolition. It is also critical to remove tree #158 in order to implement any proposed improvements to the main building. If a variance is not provided for the removal of the trees referenced above then the applicant would not be able to implement its needed program and thus would be considered an “unwarranted hardship” to the property owner.
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

If the tree variance requests were not granted, the proposed improvements for benefit of the Friends House Retirement Community would not be able to be implemented thereby denying the rights commonly enjoyed by other retirement communities.

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;

We are proposing to add 3.36 acres of forest plantings within the stream valley buffer. In addition, 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 natural resources to the maximum extent practical. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept has been approved by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. In addition to the SWM and FCP mitigation requirements, new trees are being proposed to offset the proposed Variance Trees to be removed. At a rate of ½":1" removed, the applicant will be providing a minimum of 44 trees as mitigation. Therefore, the proposed activity will not degrade the water quality in the downstream areas and will not result in measureable degradation in water quality.

4. Provide any other information appropriate to support the request,

The cottages are provided in the area of the former "Christmas Tree Grove". They are set back a generous distance from Norwood Road to provide the open vista characteristics of the SSA Master Plan. During the review of the plan by the MNCPPC Historic Preservation Planner, the layout of the cottages was substantially revised to further remove the proposed cottages from the viewshed of the adjoining historic home. The revision affected the layout in two ways: 1) all of the previously-proposed single cottages were converted to duplexes to reduce/condense their overall footprint and, 2) the units were further compressed into the limited space further away from Norwood Road.

The currently-developed portion of the campus is served by two, existing entrances from Norwood Road. The internal driveways from those two entrances are not connected making for an inefficient circulation pattern. The applicant proposes to combine the two entrances in to one, making for a superior arrival identity for the campus and completing the internal circulation for fire access. The location of the new entrance is aligned with the location of one of the existing entrances with safe sight-distance characteristics and
November 8, 2016
Page 4 of 6

Reference: Friend's House Retirement Community - Tree Variance Request

widen to provide two, 20-foot wide ingress and egress lanes to maintain safe fire apparatus access if either the ingress or egress lane is blocked for whatever reason.

Also, See attached "Tree Variance Exhibit".

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;

The applicant's proposed improvements are in accordance with the site Master Plan. All variance requests are being pursued under requirements that all applicants would have to follow therefore no special privilege is being given to this application.

2. Is based on conditions or circumstances which are the result of the actions by the applicant;

Friend’s House Retirement Community 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

The surrounding land uses 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.

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

The tree lists on the following pages are separated into 3 different categories. (1) Specimen Trees onsite proposed for removal (TBR), (2) Specimen Trees onsite with known impacts, (3) Specimen Trees on/near Historic Property with known impacts.
Reference: Friend's House Retirement Community - Tree Variance Request

(1) Specimen Trees onsite proposed for removal (TBR):

<table>
<thead>
<tr>
<th>ID</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>BOTANICAL NAME</th>
<th>CONDITION</th>
<th>REMARKS</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>* Oriental Plane</td>
<td>22&quot;-26&quot;-</td>
<td>Plantanus orientalis</td>
<td>Good</td>
<td></td>
<td>TBR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>* Oriental Plane</td>
<td>40&quot;</td>
<td>Plantanus orientalis</td>
<td>Good</td>
<td></td>
<td>TBR</td>
</tr>
<tr>
<td>67</td>
<td>* White Oak</td>
<td>42&quot;</td>
<td>Quercus alba</td>
<td>Good</td>
<td>TBR/ See note below</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>* Honey Locust</td>
<td>32&quot;</td>
<td>Gleditsia triacanthos</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>* Honey Locust</td>
<td>32&quot;</td>
<td>Gleditsia triacanthos</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>* Willow Oak</td>
<td>41&quot;</td>
<td>Quercus phellos</td>
<td>Good</td>
<td>TBR/ See note below</td>
<td></td>
</tr>
<tr>
<td>97</td>
<td>* Pin Oak</td>
<td>44&quot;</td>
<td>Quercus palustris</td>
<td>Good</td>
<td></td>
<td>TBR</td>
</tr>
<tr>
<td>120</td>
<td>* Red Maple</td>
<td>17&quot;-26&quot;-</td>
<td>Acer rubrum</td>
<td>Good</td>
<td>Splits @ 2'</td>
<td>TBR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>32&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>122</td>
<td>* Sugar Maple</td>
<td>30&quot;</td>
<td>Acer saccharum</td>
<td>Good</td>
<td></td>
<td>TBR</td>
</tr>
<tr>
<td>125</td>
<td>* Red Maple</td>
<td>32&quot;-32&quot;-</td>
<td>Acer rubrum</td>
<td>Poor</td>
<td>Heavily pruned;</td>
<td>TBR</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26&quot;</td>
<td></td>
<td></td>
<td>splits @ 3'; off-site</td>
<td></td>
</tr>
<tr>
<td>149</td>
<td>* Red oak</td>
<td>35&quot;</td>
<td>Quercus sp.</td>
<td>Good</td>
<td>TBR/ See note below</td>
<td></td>
</tr>
<tr>
<td>150</td>
<td>* Red Maple</td>
<td>30&quot;</td>
<td>Acer rubrum</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>* Red Maple</td>
<td>35&quot;</td>
<td>Quercus sp.</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>168</td>
<td>* Sugar Maple</td>
<td>32&quot;</td>
<td>Acer saccharum</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>169</td>
<td>* White Pine</td>
<td>42&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>170</td>
<td>* Red Maple</td>
<td>32&quot;</td>
<td>Acer rubrum</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>181</td>
<td>* Dawn Redwood</td>
<td>34&quot;</td>
<td>Metasequoia glyptostroboides</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>182</td>
<td>* White Pine</td>
<td>39&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td>TBR</td>
<td></td>
</tr>
<tr>
<td>214</td>
<td>* White Ash</td>
<td>31&quot;</td>
<td>White Ash</td>
<td>Good</td>
<td>TBR/ See note below</td>
<td></td>
</tr>
</tbody>
</table>

(2) Specimen Trees onsite with known impacts:

<table>
<thead>
<tr>
<th>ID</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>BOTANICAL NAME</th>
<th>CONDITION</th>
<th>REMARKS</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>* Oriental Plane</td>
<td>38&quot;</td>
<td>Plantanus orientalis</td>
<td>Good</td>
<td></td>
<td>26% of CRZ impacted</td>
</tr>
<tr>
<td>17</td>
<td>* Oriental Plane</td>
<td>38&quot;</td>
<td>Plantanus orientalis</td>
<td>Good</td>
<td></td>
<td>13% of CRZ impacted</td>
</tr>
<tr>
<td>19</td>
<td>* White Pine</td>
<td>40&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>30% of CRZ impacted</td>
</tr>
<tr>
<td>35</td>
<td>* Tulip Poplar</td>
<td>34&quot;</td>
<td>Liriodendron tulipifera</td>
<td>Good</td>
<td></td>
<td>15% of CRZ impacted</td>
</tr>
<tr>
<td>37</td>
<td>* Tulip Poplar</td>
<td>32&quot;</td>
<td>Liriodendron tulipifera</td>
<td>Good</td>
<td></td>
<td>25% of CRZ impacted</td>
</tr>
<tr>
<td>60</td>
<td>* White Oak</td>
<td>33&quot;</td>
<td>Quercus alba</td>
<td>Good</td>
<td></td>
<td>7% of CRZ impacted</td>
</tr>
<tr>
<td>61</td>
<td>* Pin Oak</td>
<td>39&quot;</td>
<td>Quercus palustris</td>
<td>Good</td>
<td></td>
<td>17% of CRZ impacted</td>
</tr>
</tbody>
</table>

Design with community in mind
November 8, 2016
Page 6 of 6

Reference: Friend’s House Retirement Community - Tree Variance Request

<table>
<thead>
<tr>
<th>ID</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>BOTANICAL NAME</th>
<th>CONDITION</th>
<th>REMARKS</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>72</td>
<td>White Pine</td>
<td>38&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>11% of CRZ Impacted</td>
</tr>
<tr>
<td>73</td>
<td>White Pine</td>
<td>32&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>5% of CRZ Impacted</td>
</tr>
<tr>
<td>74</td>
<td>White Pine</td>
<td>32&quot;</td>
<td>Pinus strobus</td>
<td>Good</td>
<td></td>
<td>8% of CRZ Impacted</td>
</tr>
<tr>
<td>92</td>
<td>Black Walnut</td>
<td>44&quot;</td>
<td>Juglans nigra</td>
<td>Good</td>
<td></td>
<td>33% of CRZ Impacted</td>
</tr>
<tr>
<td>93</td>
<td>Black Walnut</td>
<td>43&quot;</td>
<td>Juglans nigra</td>
<td>Good</td>
<td></td>
<td>4% of CRZ Impacted</td>
</tr>
<tr>
<td>98</td>
<td>Slippery Elm</td>
<td>30&quot;</td>
<td>Ulmus rubra</td>
<td>Good</td>
<td></td>
<td>4% of CRZ Impacted</td>
</tr>
<tr>
<td>108</td>
<td>Black Walnut</td>
<td>30&quot;</td>
<td>Juglans nigra</td>
<td>Good</td>
<td></td>
<td>22% of CRZ Impacted</td>
</tr>
<tr>
<td>110</td>
<td>Sycamore</td>
<td>30&quot;</td>
<td>Platanus occidentalis</td>
<td>Good</td>
<td></td>
<td>2% of CRZ Impacted</td>
</tr>
<tr>
<td>218</td>
<td>Slippery Elm</td>
<td>32&quot;</td>
<td>Ulmus rubra</td>
<td>Good</td>
<td></td>
<td>4% of CRZ Impacted</td>
</tr>
</tbody>
</table>

(3) Specimen Trees on/near Historic Property with known impacts:

<table>
<thead>
<tr>
<th>ID</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>BOTANICAL NAME</th>
<th>CONDITION</th>
<th>REMARKS</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>219</td>
<td>Norway Maple</td>
<td>27&quot;</td>
<td>Acer platanoides</td>
<td>Good</td>
<td></td>
<td>12% CRZ impacted</td>
</tr>
<tr>
<td>244</td>
<td>Ash</td>
<td>17&quot;</td>
<td>Fraxinus sp.</td>
<td>Good</td>
<td></td>
<td>8% CRZ impacted</td>
</tr>
<tr>
<td>245</td>
<td>Ash</td>
<td>14&quot;</td>
<td>Fraxinus sp.</td>
<td>Good</td>
<td></td>
<td>14% CRZ impacted</td>
</tr>
<tr>
<td>259</td>
<td>Oak</td>
<td>18&quot;</td>
<td>Quercus sp.</td>
<td>Good</td>
<td></td>
<td>5% CRZ impacted</td>
</tr>
<tr>
<td>354</td>
<td>Catalpa</td>
<td>22&quot;</td>
<td>Catalpa bignonioides</td>
<td>Good</td>
<td></td>
<td>20% CRZ impacted</td>
</tr>
</tbody>
</table>

Notes: Diameters are given for each trunk of multiple bole trees when division occurs below 4.5 feet. If major division occurs above 4.5 feet only the trunk diameter at 4.5 feet is given.

* Indicates specimen trees for site per M-NCPPC Trees Technical Manual.
Tree ID numbers correspond to those assigned on the Natural Resource Inventory/Forest Stand Delineation Map.
Tree #'s 37, 67, 77, 149, 214, 60 were impacted by the previously approved LOD. The proposed LOD is now removing or further impacting them.

Enclosed you will find the following supporting materials:
- Tree Variance Exhibit (4 sheets)

Regards,

Devin Kennedy, PLA
Landscape Architect, Certified Arborist
devin.kennedy@stantec.com

Design with community in mind
November 18, 2016

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

RE: Sandy Spring Friends House, CBA-1855, application for modification to existing special exception accepted on 1/6/2016

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 can be granted 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 meeting ‘conditions of approval’ pertaining to variance trees recommended by Planning staff, as well as 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

cc: Josh Penn, Planner Coordinator