



December 10, 2018

Mr. Marco Fuster  
 The Maryland-National Capital Park and Planning Commission  
 8787 Georgia Avenue  
 Silver Spring, MD 20910

RE: Variance Request  
 Forest Conservation Plan  
 (FCP No TBD)  
 Takoma Junction

Dear Mr. Fuster:

On behalf of Neighborhood Development Company (NDC) we are submitting this variance request in accordance with Section 22A-21(b) of the Montgomery County Forest Conservation Law, for the above referenced project. A total of 32 trees larger than 1" diameter will potentially be removed on the project property and on the adjacent property (Lot 39). A variance is being requested to remove the trees as noted below. All efforts will be made to protect and save trees where possible, however, a variance to remove the trees highlighted below is being requested at this time in case removal is deemed necessary by the inspector/certified arborist at the time of construction.

Table 1 below describes the trees on-site and identifies the trees to be removed.

On-Site Trees and Trees on Lot 39						Remove or Retain
Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Location	
1	American Elm	Ulmus americana	7	Good	E	Remove
2	American Elm	Ulmus americana	9	Good	E	Remove
3	Mulberry	Morus alba	19	Good	E	Remove
4	Black Locust	Robinia pseudoacacia	16	Good	E	Remove
5	Black Locust	Robinia pseudoacacia	13	Good	E	Remove
6	Box Elder	Acer negundo	9	Good	E	Remove
7	Box Elder	Acer negundo	11/12 SPLIT	Good	E	Remove
8	Mulberry	Morus alba	9/7/11/9 MULTI	Fair	E	Remove
9	American Elm	Ulmus americana	7	Good	E	Remove
10	Red Oak	Quercus rubra	11	Good	E	Remove
11	Catalpa	Catalpa bignonioides	6	Poor	E	Remove
12	Mulberry	Morus alba	10	Good	E	Remove
13	Black Cherry	Prunus serotina	12	Good	E	Remove
14	White Oak	Quercus alba	36.5	Good	E	Retain
15	White Oak	Quercus alba	29.5	Fair	E	Retain
16	Box Elder	Acer negundo	7	Poor	E	Remove
17	Black Locust	Robinia pseudoacacia	9	Poor	E	Remove
18	Post Oak	Quercus stellata	27.3	Fair	E	Retain

**On-Site Trees and Trees on Lot 39**

Tree #	Common Name	Scientific Name	DBH (inches)	Condition	Location	Remove or Retain
19	Box Elder	Acer negundo	8	Fair	E	Remove
20	Black Cherry	Prunus serotina	12	Poor (Deceased)	E	Remove
21	Black Cherry	Prunus serotina	9.5	Good	E	Retain
22	American Elm	Ulmus americana	6	Poor	E	Remove
23	White Oak	Quercus alba	11	Good	E	Retain
24	Linden	Tilia spp.	6	Good	E	Remove
25	White Ash	Fraxinus americana	12	Fair	E	Retain
26	American Elm	Ulmus americana	24	Good	E	Retain
27	Mulberry	Morus alba	6/9 SPLIT	Fair	E	Retain
28	Black Cherry	Prunus serotina	9	Fair	E	Retain
29	Black Locust	Robinia pseudoacacia	11	Poor	N	Remove
30	American Elm	Ulmus americana	14	Good	N	Remove
31	Black Locust	Robinia pseudoacacia	14	Fair	N	Remove
32	Mulberry	Morus alba	15	Good	N	Remove
33	American Elm	Ulmus americana	10	Good	N	Remove
34	Black Cherry	Prunus serotina	14	Fair	N	Remove
35	Catalpa	Catalpa bignonioides	4/10 SPLIT	Fair	N	Remove
36	American Elm	Ulmus americana	3/14 SPLIT	Good	N	Remove
37	Catalpa	Catalpa bignonioides	13	Poor	N	Remove
38	Black Locust	Black Locust	4/8 SPLIT	Good	N	Remove
39	American Elm	Ulmus americana	6	Good	N	Retain
40	Ash	Fraxinus spp.	14	Poor	N	Retain
41	Box Elder	Acer negundo	13	Good	N	Retain
42	American Elm	Ulmus americana	8	Fair	N	Remove
43	Catalpa	Catalpa bignonioides	7	Poor	N	Retain
44	Ash	Fraxinus spp.	15	Poor (Deceased)	N	Retain
45	Beech	Fagus spp.	22	Good	N	Retain
46	Black Cherry	Prunus serotina	10	Good	N	Retain
47	American Elm	Ulmus americana	8	Fair	N	Retain
48	Sugar Maple	Acer saccharum	7	Fair	N	Retain
49	Ash	Fraxinus spp.	8	Good	N	Retain
50	Ash	Fraxinus spp.	7	Good	N	Retain
51	Elm	Ulmus spp.	8	Good	N	Retain
52	Elm	Ulmus spp.	9	Fair	N	Retain
53	Beech	Fagus spp.	9	Good	N	Retain
54	Catalpa	Catalpa bignonioides	18	Poor	N	Retain
55	Red Maple	Acer rubrum	21	Fair	N	Retain
56	Beech	Fagus spp.	12	Poor	N	Retain
57	Tulip Poplar	Liriodendron tulipifera	29	Good	W	Retain
58	Black Cherry	Prunus serotina	11	Good	W	Retain
59	Tulip Poplar	Liriodendron tulipifera	32.1	Fair / Poor	W	Retain

<b>On-Site Trees and Trees on Lot 39</b>						
<b>Tree #</b>	<b>Common Name</b>	<b>Scientific Name</b>	<b>DBH (inches)</b>	<b>Condition</b>	<b>Location</b>	<b>Remove or Retain</b>
60	Elm	Ulmus spp.	8	Good	W	Retain
61	Ash	Fraxinus spp.	7	Good	W	Retain
62	Red Maple	Acer rubrum	7	Good	W	Retain
63	Norway Maple	Acer platanoides	17	Good	W	Retain
64	Ash	Fraxinus spp.	10	Poor	W	Retain
65	White Oak	Quercus alba	9	Good	W	Retain
66	White Oak	Quercus alba	11	Good	W	Retain
67	Chestnut Oak	Quercus prinus	26	Good	W	Retain
68	Chinkapin Oak	Quercus muehlenbergii	22	Good	W	Retain
69	Beech	Fagus spp.	10	Good	W	Retain
70	Beech	Fagus spp.	9	Good	W	Retain
71	Sugar Maple	Acer saccharum	6	Good	W	Retain
72	Tulip Poplar	Liriodendron tulipifera	24.2	Fair	W	Retain
73	Norway Maple	Acer platanoides	10	Good	W	Retain
74	Ash	Fraxinus spp.	21	Poor	W	Retain
75	Tulip Poplar	Liriodendron tulipifera	26	Fair	S	Retain
76	Red Maple	Acer rubrum	6	Good	S	Retain
77	Elm	Ulmus spp.	8	Good	S	Retain
78	Tulip Poplar	Liriodendron tulipifera	18	Good	S	Retain
79	Elm	Ulmus spp.	7	Good	S	Retain
80	Beech	Fagus spp.	7	Good	S	Retain
81	White Oak	Quercus alba	10	Good	S	Remove
82	American Elm	Ulmus americana	10	Fair	S	Remove
83	Beech	Fagus spp.	8	Good	S	Retain
84	Chinkapin Oak	Quercus muehlenbergii	16	Poor	S	Retain
85	White Oak	Quercus alba	11	Good	S	Retain
86	Beech	Fagus spp.	14	Fair	S	Retain
87	White Oak	Quercus alba	11	Good	S	Retain
88	Catalpa	Catalpa bignonioides	7	Fair	S	Retain
89	Willow Oak	Quercus phellos	24	Good	S	Retain
90	Willow Oak	Quercus phellos	26	Good	S	Retain
91	White Oak	Quercus alba	10	Good	S	Retain

a.) Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The requested tree variance is necessary for implementation of this redevelopment project which has an approved NRI and Development Plan, and pending Forest Conservation Plan, and is proceeding through the development approval process with the concurrent submission of the Preliminary and Final Site Plans. The conditions related to this request are the unavoidable consequences of the development process under the zoning approved through the Master Plan.

The project limits of disturbance (LOD) were designed to avoid impacts to trees as much as possible while still providing sufficient access for construction. While impacts were reduced and avoided in many locations, they could not be completely avoided because of the need to provide adequate access to construct the new building and associated storm drain, to accomplish the project goals.

Not granting the waiver is an unwarrantable hardship. The trees will be impacted by new building and associated storm drain. There is no existing storm drain infrastructure in Carroll Avenue. Columbia Avenue, at the intersection with Poplar Avenue, is the closest connection point to existing storm drain infrastructure. This condition necessitates that the development have storm drain outfall south, thru the wooded portion of the lot, to Columbia Avenue. Other utilities (e.g. water and sanitary) are being taken to Carroll Avenue to further minimize the impact to the existing trees.

*b.) Describe how enforcement of this chapter will deprive the landowner of rights commonly enjoyed by others in similar areas.*

The requested variance is based on development plans that are consistent with the zoning approved through the County planning process. Strict protection of all trees 1" and larger on site would deprive the applicant from making significant changes to the site and these changes are necessary to complete the project.

*c.) Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance.*

The site is located in an urban area that was developed before modern stormwater management regulations were enacted and no stormwater management is currently provided on the site in the existing condition. The concept stormwater management plan incorporates 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. The plan provides stormwater treatment to the MEP of the project site through the use of micro bioretention facilities and green roof. These facilities will provide treatment for stormwater management runoff. Therefore, granting the variance to impact these trees will not result in any violation of State water quality standards or degradation of water quality.

The proposed project will have an approved sediment and erosion control plan and will not violate any state water quality standards. Stormwater management facilities will be provided in accordance with County and City of Takoma Park regulations to meet stormwater quality goals as noted above.

*d.) Provide any other information appropriate to support the request.*

The applicant is minimizing tree impacts by installing the storm drain away from the large trees to the extent possible. All efforts will be made to protect trees and the City Arborist and/or the contractor's arborist will ultimately determine if any of the trees need to be removed. Tree protection fencing and tree planking will be installed where necessary. Root pruning will occur under the supervision of a certified arborist.

We believe the supporting information provided with this letter justifies the variance to impact the trees as shown in Table 1. Please contact us at 202-289-4545 if you have any questions or require additional information.

Sincerely,

AMT, LLC



Mary Marcinko, RLA