



Loiederman  
Soltesz Associates, Inc.

June 19, 2012

M-NCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Travilah Grove No. 120120290  
Preliminary Forest Conservation Plan - Variance Request  
LSA Project #1698-00-00

Dear Mr. Pfefferle,

On behalf of Travilah Grove LLC, ., Loiederman Soltesz Associates, Inc. is requesting a variance for the removal one (1) tree which is 30 inches or greater in dbh, as required under Section 22A-21 of Montgomery County's Forest Conservation Law and recent revisions to the State Forest Conservation Law enacted by State Bill 666. Where it notes the variance pertains to "Trees having a diameter measured at 4.5 feet above the ground of 30 inches diameter or 75% of the diameter of the current state champion tree of that species as designated by the department". The removal of this tree is for the residential development of a 13.5 acre site within the Great Seneca Science Corridor Master Plan. The site is identified in the Master Plan as Mixed Use Neighborhood zone.

### **Project Information**

The property consists of six (6) parcels totaling approximately 13.5 acres. The property is zoned CR 0.5:C 0.5, R 0.5, H 80. The site has no independent forest area equal to or greater than 40,000 SF. One (1) one tenth (0.1) acre segment of forest has been identified as Priority One forest because it is contiguous with offsite Priority One forest. The site is bound to the north by Travilah Road, to the south by Shady Grove Road, to the west by residential properties fronting Unicorn Way, and the east by commercial buildings fronting Molecular Drive. The property is bordered to the north, west and south by residential development and to the east by commercial/institutional office park. The southern portion of the property is within the Piney Branch Special Protection Area. During the Natural Resources Inventory, two (2) specimen trees were located on or within 100 feet of the property. The subject plan proposes to retain 50% of these specimen trees. Removal is proposed for the onsite tree which is outside of the SPA.

The property is in the process of being designed to accommodate multi-family housing units, per the approved Master Plan recommendation. Page 52 of the Master Plan recommends:

- Minimization of impact to the SPA by orienting buildings and parking nearer Travilah Road, outside the SPA boundary.
- Consideration of meeting afforestation requirements in the area adjacent to the existing protective strip along Shady Grove Road to enhance protection of the Krigia Dandelion population.

The tree identified in this variance request for removal is shown on the PFCP. The tree is located within the limits of disturbance ,which respect the above recommendations.

### Tree for Removal

Tag #	DBH	COMMON NAME	SCIENTIFIC NAME	CONDITION	NOTES	% Impact
2	36	Sweet Cherry	<i>Prunus avium</i>	Fair	Dead central leader, dead branches, fungus, rot, oozing sap	100%

Tree # 2 is located on Travilah Road on the northeastern portion of the property. The tree is within the proposed subdivision and is being removed to accommodate multi-family housing structures and associated infrastructure. The tree identified for removal is located outside of forest retention areas.

Tree # 2 is in poor to fair condition and not a priority for retention. The tree is comprised of 8 main leaders. The central leader is dead, with fungus and rot. The remaining seven leaders have between 15% and 40% small branch and twig dieback. Suckering is also evident on some leaders. Several wounds are oozing sap, indicating a potential internal problem. Inspection of the bark at the base of the central leader reveals rot in the center of the tree. Previous demolition activities directly adjacent to the tree most likely detrimentally impacted its health.

Trees, particularly those in fair condition are vulnerable to becoming hazardous trees which can damage life and property when they fall. Preservation of a specimen tree currently in poor or fair condition would deprive the landowner of rights commonly enjoyed by others, as it would require extraordinary measures not typically required of a forest conservation plan applicant.

Additionally, the species *Prunus avium*, an introduced species originally from Europe is now being included on many invasive species lists for the Mid-Atlantic region, including the Sierra Club. Maryland DNR also notes the species as invasive.

### Additional Application Requirements

Per Montgomery County's Forest Conservation Law Section 22A-21(b) of the *Application Requirements states that the applicant must:*

(1) *describe the special conditions peculiar to the property which would cause the unwarranted hardship;*

and

(2) *describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas*