

Cabin Branch Infrastructure Site Plan: Limited Site Plan Amendment, 82005015E

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JAC John Carter, Chief, Area 3

Completed: 05/09/14

Description

Cabin Branch Infrastructure Plan: Site Plan No. 82005015E

Limited Site Plan and Final Forest Conservation Plan Amendment to modify two culverts and the associated wetland mitigation areas, located along West Old Baltimore Road between MD 121 (Clarksburg Road) and I-270, MXPD and RMX-1/TDR Zones, Clarksburg Master Plan.

Staff Recommendation: Approval, with conditions

Applicant: Cabin Branch Management, LLC

Submittal Date: 11/05/2013



Summary

This application is to revise the site plan for West Old Baltimore Road to allow for the replacement of two culverts under the existing pavement, and includes the required wetland mitigation project for the culvert disturbance and a stream restoration project required by M-NCPPC Parks for disturbance in Park property.

- Revisions to the Approved Final Water Quality Plan for 820050150 are not required for this application.
- Revisions to Final Forest Conservation Plan 820050150 sheets: 1, 2, 4, 44, 45, 56, 58, 62, 63, and 63A are required, if approved.
- Approve additional Stream Valley Buffer encroachments associated with the new culverts and wetland mitigation project.

RECOMMENDATION

Approval of revisions to sheets 1, 2, 4, 44, 45, 56, 58, 62, 63, and 63A of the Final Forest Conservation Plan and Variance request subject to the following conditions:

1. No ground disturbing activities shall occur within the Limits of Disturbance shown in the Final Forest Conservation Plan on the Maryland-National Capital Park and Planning Commission (M-NCPPC) properties without permission from the M-NCPPC inspectors or representatives, including any necessary park permits.
2. All other applicable terms, conditions, and findings of the previous site plan approvals remain in full force and effect.

Background

The property is 540 acres in size located west of I-270, north of West Old Baltimore Road and southeast of Clarksburg Road (MD 121) and is zoned RMX and MXPD (“Property” or “Subject Property”).

The Property includes drainage areas to Little Seneca Creek (Use IV-P SPA stream), Cabin Branch (Use I-P non-SPA stream), and Ten Mile Creek (Use I-P SPA stream). Approximately 243-acres of the 540-acre site are within the Special Protection Area (SPA), including two areas that drain to the Cabin Branch Tributary. The current land uses include active agricultural, abandoned agricultural, and forest. The natural environment for the Subject Property is characterized in the Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 4-02007, 4-02008, 4-02009, 4-02010, and 4-03340. Staff approved the NRI/FSDs in 2003. The Planning Board approved a Preliminary Plan of Subdivision (120031100 and 12003110B) and Preliminary Water Quality Plan in 2004 and 2008. The Property was approved under an Infrastructure Site Plan No. 8200500150, that established the framework of new roads, utilities and forest conservation for the entire Cabin Branch development. The Planning Board subsequently approved a Site Plan amendment No. 82005015A on April 3, 2008, specifically to review and approve the horizontal alignment of West Old Baltimore Road from MD 121 to the I-270 underpass.

Table 1: Cabin Branch Neighborhood Development History

Case No.	Opinion	Type	Status
G-806	9/9/2003	Local Map Amendment	approved
120031100	6/22/2004	Preliminary Plan & Amendment	approved
12003110A	10/6/2008	Preliminary Plan Amendment	approved
820050150	9/19/2007	Infrastructure Site Plan	approved
82005015A	6/9/2008		
82005015B	3/17/2012		
82005015C	11/27/2012		
82005015D	05/02/2013		
820060290	10/20/2008	Winchester I Site Plan	approved
82006029A	07/11/2012		
820060240	9/29/2010	Gosnell Site Plan	approved
820070140	04/23/2013	Toll I Site Plan	approved
820100030	04/23/2013	Toll II Site Plan	approved
820110080	07/11/2012	Winchester II Site Plan	approved
820120150	04/04/2013	Winchester III Site Plan	approved
MR08001	4/3/2008	Mandatory Referral	transmittal
16-35	4/1/2009	Subdivision Regulation	approved
17-04	4/1/2011		

Introduction

This amendment to the approved Infrastructure Site Plan for Cabin Branch is designated as No. 82005015E (“Application” or “Amendment”), and is related to the final engineering of two culverts, referred to as culvert 2 and culvert 6, along West Old Baltimore Road. These culverts are required to be upgraded due to their current condition and in order to complete construction of several upstream sediment control ponds required for approved development on the Cabin Branch project. The culverts were included within the original design of West Old Baltimore Road (82005015A), but now must be redesigned to meet current stormwater management standards. The total reconstruction of West Old Baltimore Road will likely require another amendment to be done at a later phase; this Application only addresses the modification needed at two specific locations to replace two culverts (culverts #2 and #6) that run under the existing pavement. The pace of construction thus far does not necessitate the total reconstruction of West Old Baltimore Road.

The Applicant has been working closely with the Parks Department for the West Old Baltimore Road reconstruction process. As part of that process, the Parks Department has requested the previously mentioned stream restoration measures below culvert 2. The stream restoration is desirable due to the degraded stream conditions created by outflow from the existing culvert, which is now located several feet above the stream channel, resulting in erosive conditions within the stream channel. The stream restoration measures consist of bio-engineering techniques, such as stream bank laybacks and armoring, rock vanes, bed sills, and toe protection, to stabilize and restore the stream channel. The Limit of Disturbance (LOD) associated with the stream restoration activity is shown on the revised Final Forest Conservation Plan (FFCP) plans.

The LOD shown on the Application is required for numerous activities, including excavation for the stream restoration work and construction vehicle access. Trees within the LOD are generally removed due to construction activities, however several trees within the footprint of the LOD in areas where construction access is proposed are proposed for retention. Tree protection measures are proposed.

The final engineering for the culverts, independent of the stream restoration, results in less clearing than shown on the current plans. The additional clearing associated with the stream restoration results in a net increase in the total amount of forest clearing. The Application proposes to reforest the disturbed areas in the vicinity of the stream restoration activity.

Additionally, the scope of this Application was expanded late in the review process to include a wetland mitigation project required by the Maryland Department of the Environment (MDE) for the proposed culverts. As part of wetland permitting, the Applicant is required to mitigate for wetland loss by creating new wetlands on the Property. The Applicant and the agencies involved in permitting have agreed to an ideal area along the Little Seneca tributary north of West Old Baltimore Road as the wetland mitigation site. Since the mitigation area is outside of the previously approved LOD, the plans submitted with the Application were updated to include this area.

Figure 1: Project Locations Within Cabin Branch

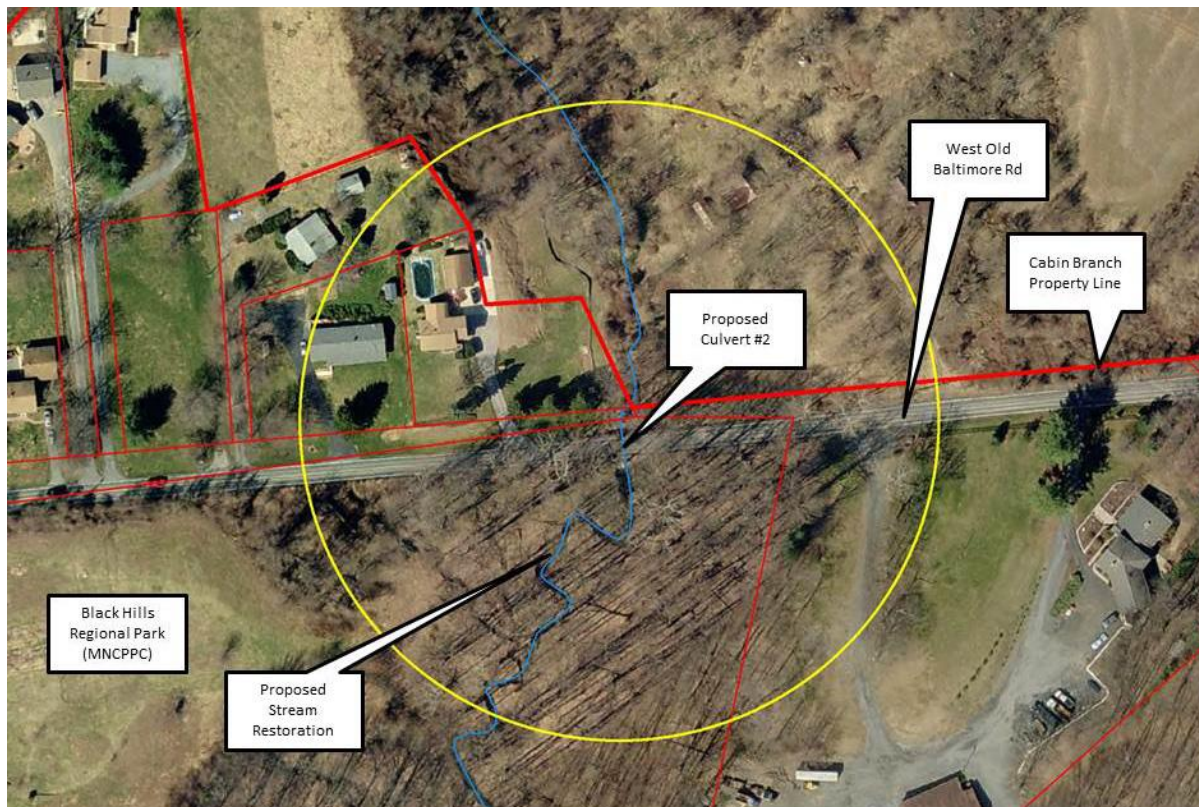
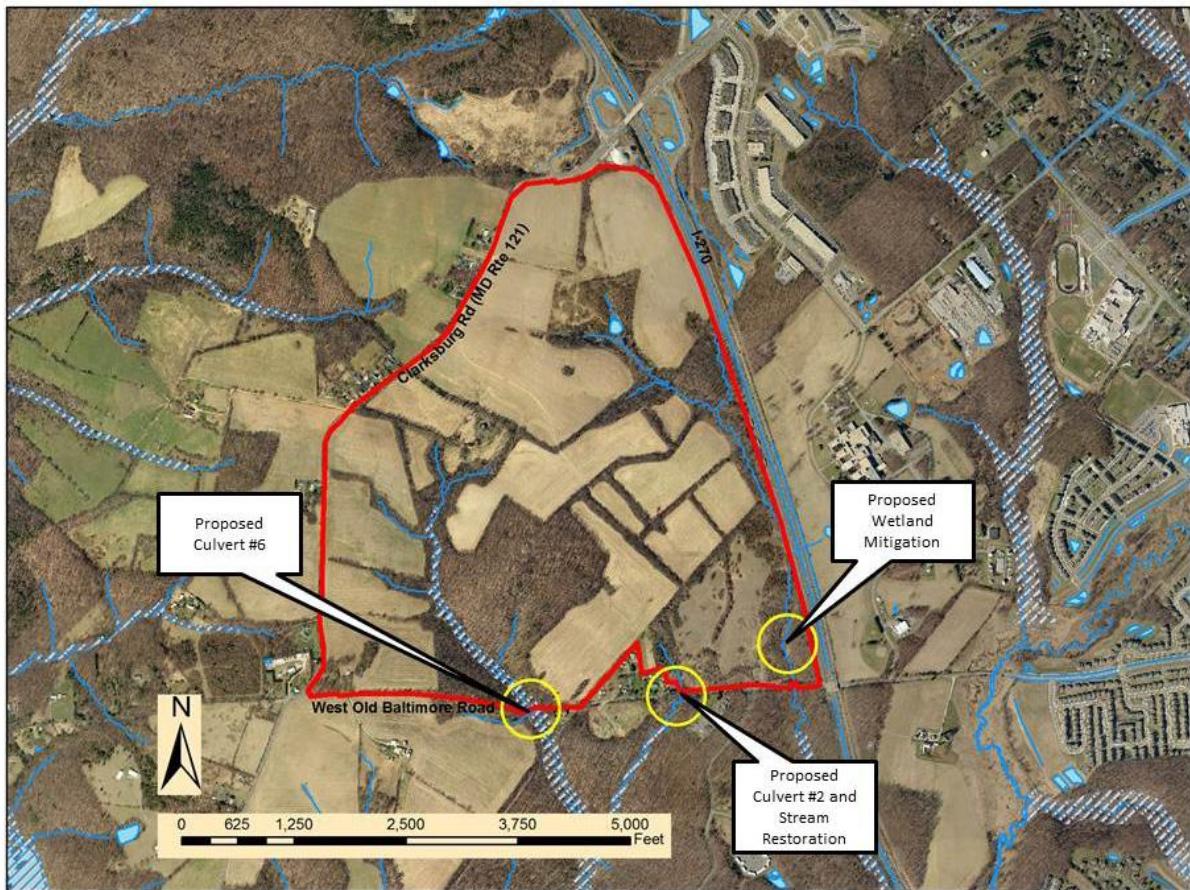


Figure 2: Proposed Culvert #2 and Stream Restoration

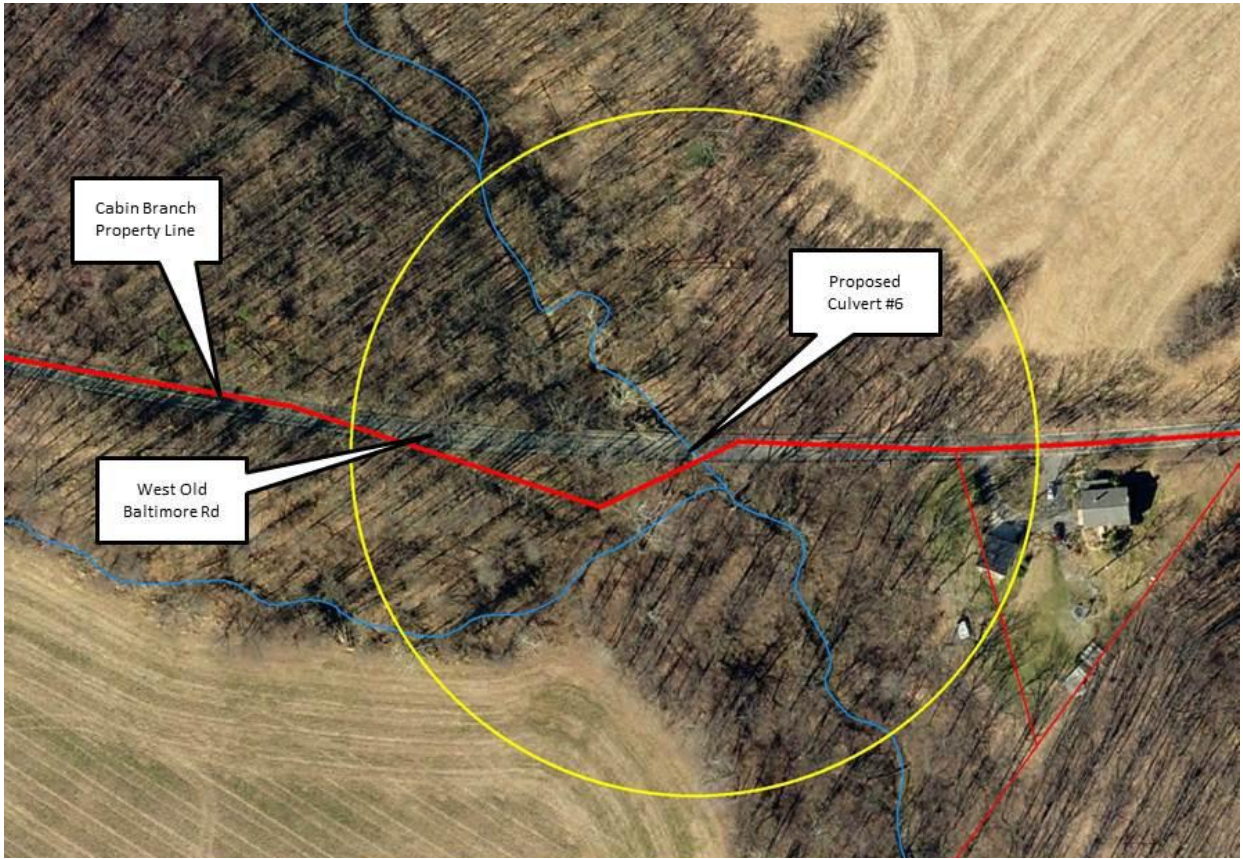


Figure 3: Culvert #6

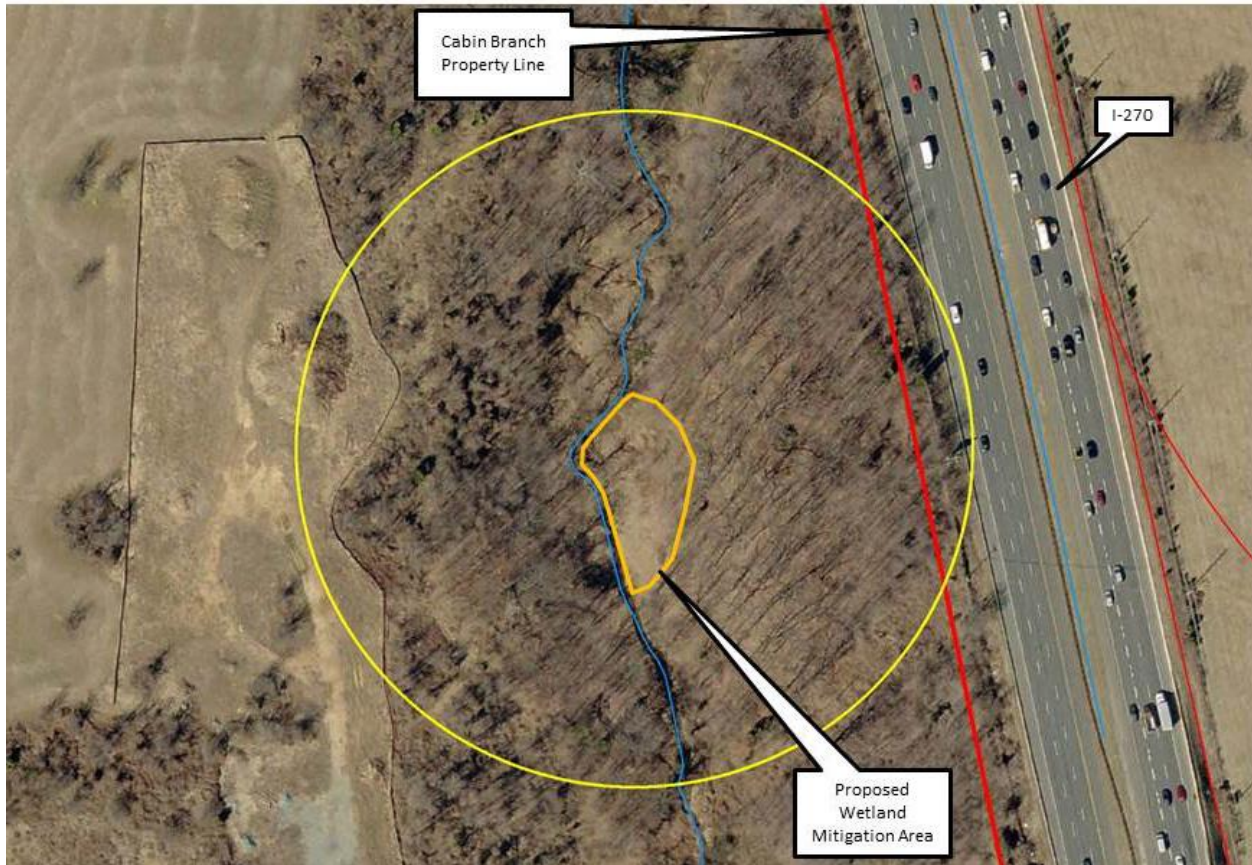


Figure 4: Proposed Wetland Mitigation Area

Water Quality Plan Review

Water quality plans are required as part of the Special Protection Area (SPA) regulations. Under the SPA law, Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan.

Under their authority, MCDPS has made the determination that the revisions included in this Application do not require any amendments or revisions to the previously approved Final Water Quality Plan. In a letter dated November 20, 2013, the engineering consultant confirmed that the Sediment Control Plans and Sediment Control Permit for the culverts could be approved and issued under the current Final Water Quality Plan. This letter was accepted and countersigned by Mark Etheridge, Manager, MCDPS Water Resources Section (Attachment A). All of the revisions in this Application are covered by the previously approved Final Water Quality and no further Planning Board action is required as part of this Application.

Environmental Guidelines

The NRI/FSDs for the Property included the area in which this Application is located and identified the Stream Valley Buffers (SVB). SVBs include wetlands, wetland buffers, floodplains, streams, and stream buffers. As part of the Environmental Guidelines, the SVB must be reforested. Where trees do not currently exist in the stream buffers, the Applicant will plant new forest. The Applicant will place forest conservation easements on the environmental buffers, excluding necessary stormwater management easements and facilities, and all forest retention areas.

Stream Valley Buffer Encroachments

This Application contains minor SVB encroachments for the construction of the culverts, the stream restoration project, and the wetland mitigation area. Both of the mitigation projects will have long-term beneficial impacts on the SVB and should improve the SVB above the existing condition. The wetland mitigation site is located in an open area of the SVB with no canopy. The mitigation project will eventually help to close the tree canopy in that area.

The culverts impacts on the SVB are only slightly larger than previously approved and the larger disturbance area stemmed from the mitigation projects, that could not be anticipated when the initial site plan was approved. The SVB impacts related to the culvert replacement are the minimum necessary and should not have any long-term negative effects above what was previously approved.

Overall the SVB impacts are minor in nature and required to implement the overall Cabin Branch development. The Applicant has worked with both the M-NCPPC Park and Planning staff and the Maryland Department of the Environment to minimize and mitigate the impacts in the SVB related to these projects.

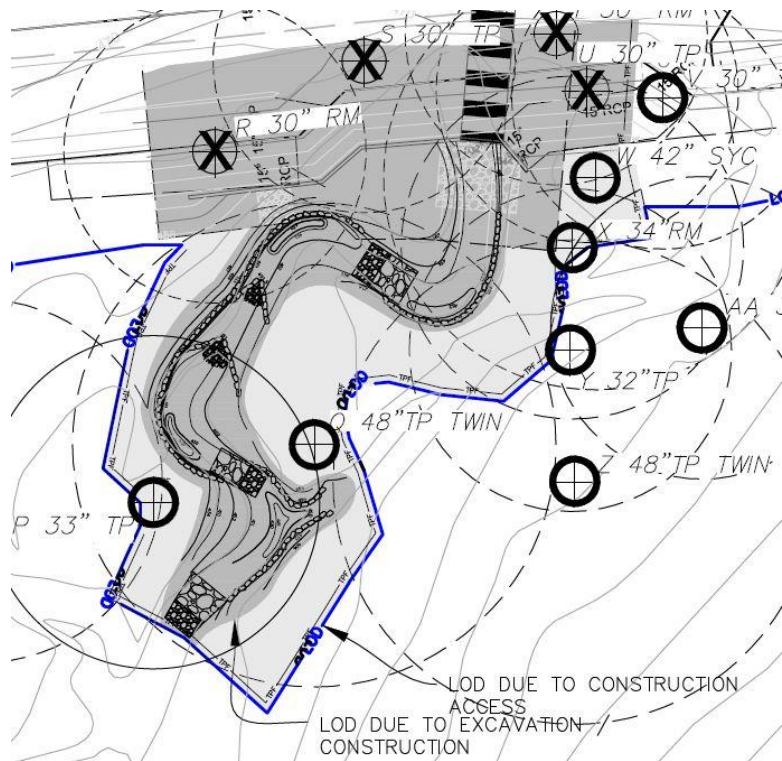


Figure 5: Stream Restoration Project Below Culvert #2

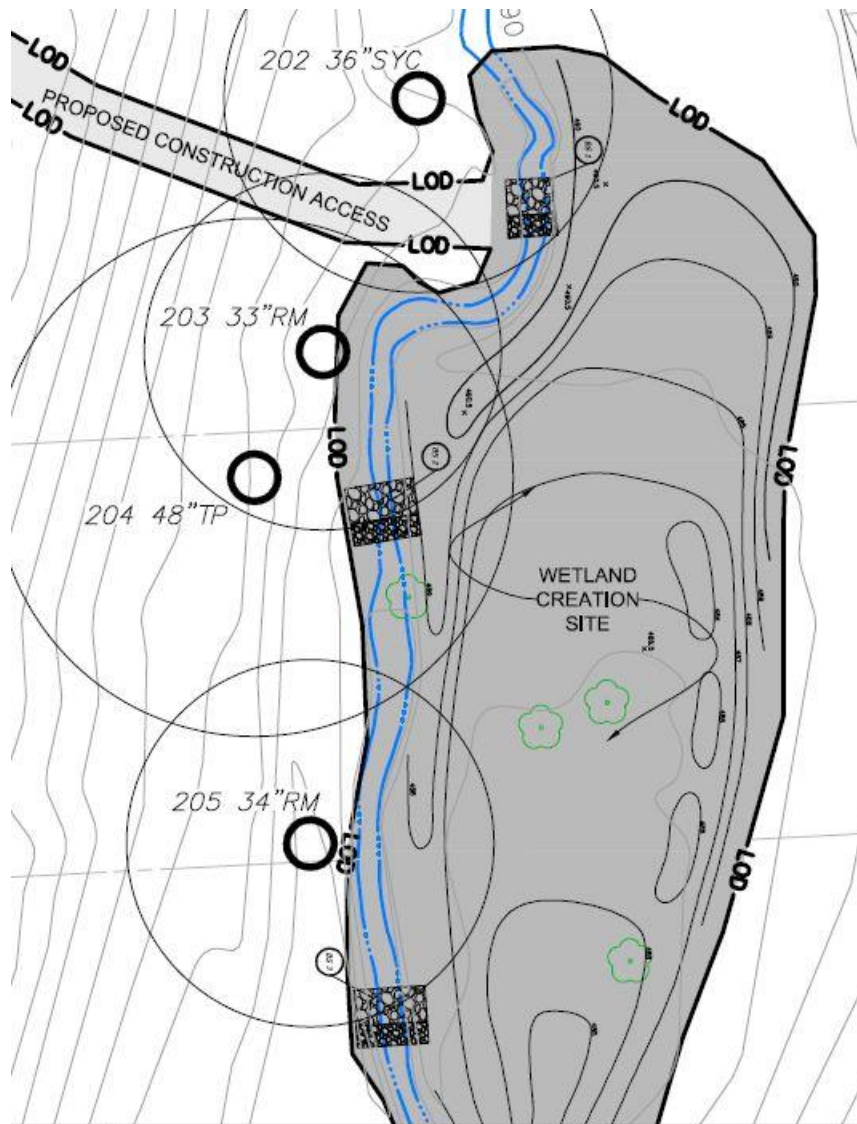


Figure 6: Wetland Mitigation Site in SVB

Forest Conservation

Overview

The Cabin Branch development has an approved overall Final Forest Conservation Plan (FFCP) that was completed with the Cabin Branch Infrastructure Site Plan (820050150) in 2007. The Infrastructure Site Plan and FFCP was to be the guide for all future site plans, special exceptions, and mandatory referrals that were to be submitted within the Cabin Branch development. The development shown on the overall Final Forest Conservation Plan was conceptual in nature and was allowed by conditions of approval to be refined through amendments as individual site plans were brought before the Planning Board. This Application is an amendment to that overall FFCP to properly adjust that plan by showing the design of final grades and infrastructure for this one small project.

The overall FFCP indicated that future developments must meet the forest conservation worksheet requirements through a combination of on-site forest retention, onsite planting of unforested stream buffers, landscape credit, and offsite planting within the Clarksburg SPA. Under the M-NCPPC implementation of the SPA regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Since the Property includes land both in and out of the SPA and the tributaries drain to a common water body. Staff recommends the treatment of the planting requirements as if the entire site is located within the Clarksburg SPA. Under this procedure, the Applicant is required to plant the SVB in accordance with the overall FFCP planting phasing plan, sheet 63A of the FFCP, and for the Applicant to provide a five-year maintenance period for all planting areas credited toward the FFCP.

The FFCP Worksheet numbers must change slightly to accommodate the areas needed for the culverts and the required mitigation areas. In total (7 individual worksheets), the overall FFCP, for the entire Cabin Branch neighborhood, proposes to remove, 65.27 acres of forest, retain 64.86 acres of forest, and to plant 74.01 acres of forest, of which 14.0 acres will be met via on-site landscaping credit. The revised FFCP sheets are attached (Attachment B). The Applicant will plant all unforested buffers on-site, not including required stormwater management easements. As a development using the optional method, Cabin Branch is subject to Section 22A-12(f) of the Forest Conservation Law which requires optional method developments to meet certain forest retention requirements on site. The overall FFCP approval requires all development to meet the conservation threshold onsite and to meet all planting requirements through a combination of onsite forest retention, onsite planting of unforested stream buffers, and landscape credit. The Application complies with this requirement.

Forest Calculations for this Application

Culvert 6, which is the western-most culvert that is located partially on the Property and partially on the Linthicum West property (Sheet 56 of the FFCP), results in the following forest conservation results:

Culvert 6 : Changes from Approved Plan

Forest Save: 2,977 SF
Forest Clearing: 1,514 SF
Net Forest Save: 1,463 SF

Culvert 2, which is located to the east of culvert 6 and is partially on the Property and Parks property (Sheet 58 of the FFCP) results in the following forest conservation results:

Culvert 2: Changes from Approved Plan

Forest Save: 0
Forest Clearing (Culvert Only): 870 SF
Additional Forest Clearing (Culvert + Stream Restoration): 10,083 SF

Tree Variance

The Montgomery County Forest Conservation Law was amended in 2009 to include the Tree Variance requirement, or after the approval of Site Plan No. 82005015A for West Old Baltimore Road in 2008. As such, disturbance to trees within the LOD for road construction shown in the original approval were not subjected to a Tree Variance review. This Application is subject to the Tree Variance requirements. Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The Law requires there be 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 a 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 of any priority tree, disturbance within the tree's critical root zone (CRZ), or pruning, 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.

Variance Request

The Applicant submitted a variance request dated March 11, 2014 for the impacts/removal of trees necessary for the land disturbance required under this Application (Attachment C). The requested variance is for the removal of four (4) trees that are 30 inches and greater, DBH, and impacts to thirteen (13) others that are considered high priority for retention by the County Forest Conservation Law.

<u>Tree</u>	<u>Common Name</u>	<u>CRZ Disturbance due to Construction</u>	<u>CRZ Disturbance due to Access</u>	<u>Disposition</u>	<u>Related Activity / Cause</u>
G	Tulip Poplar	1%	6%	Save	Stream Restoration
P	Tulip Poplar	35%	24%	Save	Stream Restoration
Q	Tulip Poplar	33%	34%	Save	Stream Restoration
R	Red Maple	Inside LOD	Inside LOD	Remove	Culvert Replacement
S	Tulip Poplar	Inside LOD	Inside LOD	Remove	Culvert Replacement
T	Red Maple	Inside LOD	Inside LOD	Remove	Culvert Replacement
U	Tulip Poplar	Inside LOD	Inside LOD	Remove	Culvert Replacement
V	Tulip Poplar	22%	10%	Save	Stream Restoration
W	Sycamore	36%	12%	Save	Stream Restoration
X	Red Maple	36%	22%	Save	Stream Restoration
Y	Tulip Poplar	13%	23%	Save	Stream Restoration
Z	Tulip Poplar	4%	11%	Save	Stream Restoration
AA	Tulip Poplar	0%	5%	Save	Stream Restoration
202	Sycamore	19%	13%	Save	Wetland Mitigation
203	Red Maple	34%	10%	Save	Wetland Mitigation
204	Tulip Poplar	27%	0%	Save	Wetland Mitigation
205	Red Maple	35%	0%	Save	Wetland Mitigation

Figure 2: Variance Request Table

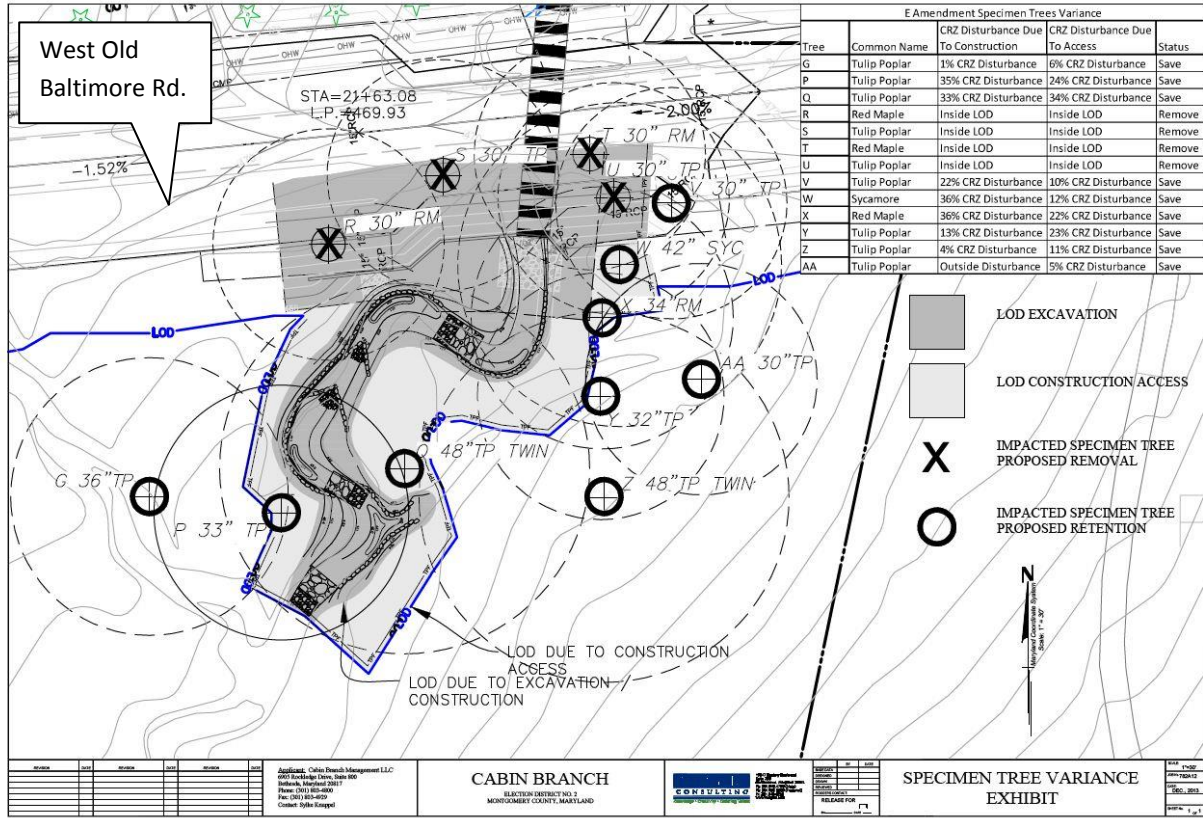


Figure 3: Culvert #2 and Stream Restoration Variance Request Tree Locations

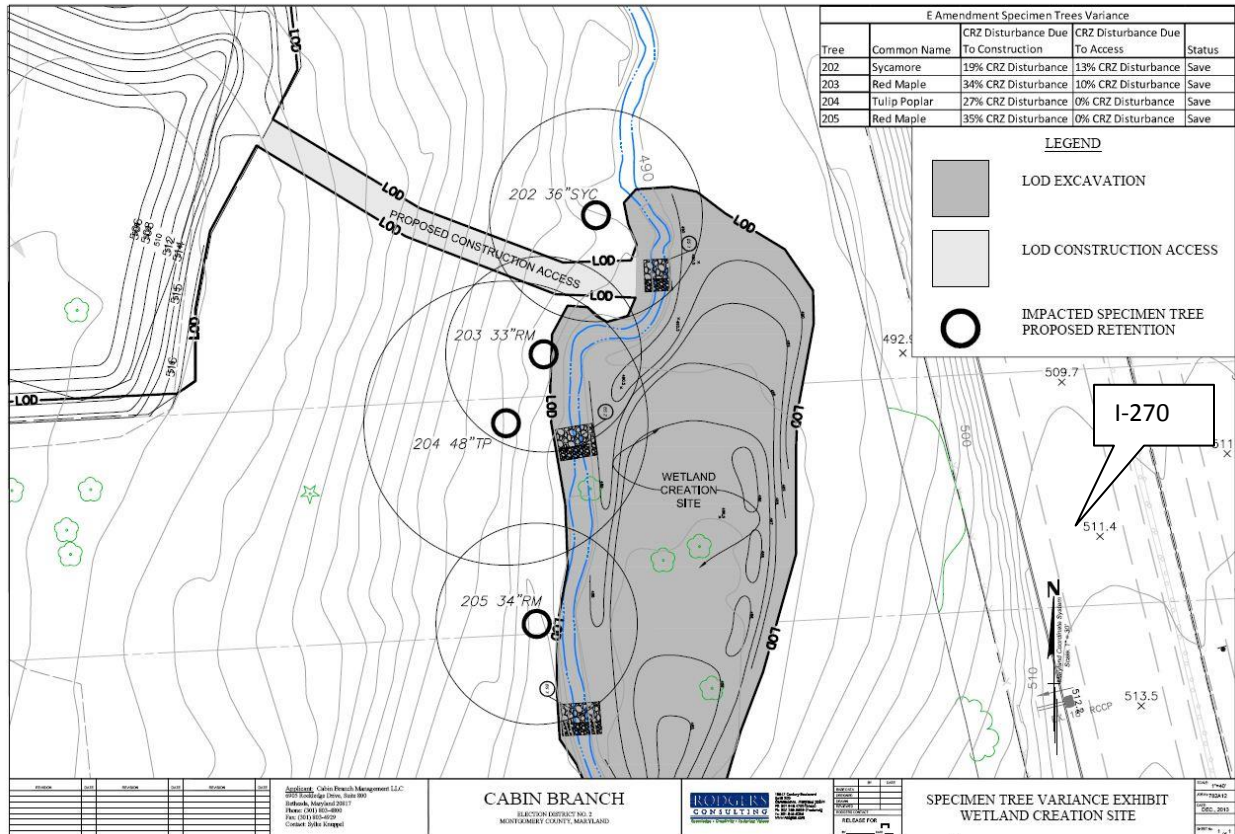


Figure 4: Wetland Mitigation Area Variance Request Tree Locations

Unwarranted Hardship

As per Section 22A-21, a variance may only be considered if the Planning Board finds that not granting a variance would result in an unwarranted hardship.

This variance request is to allow disturbance for the replacement and upgrading of two (2) existing culverts that convey runoff of two tributaries of Cabin Branch under West Old Baltimore Road including the associated stream restoration, and wetland mitigation. Since the culverts can only be located where the streams pass beneath West Old Baltimore Road and given the construction activities necessary for their replacement and the proximity of Variance trees, it is not possible to avoid impact to these trees. Additionally, due to the location and nature of the stream and stream restoration, impacts to variance trees in this area are unavoidable. Staff has determined that not granting a variance would result in an unwarranted hardship of not being able to implement this project which in turn jeopardizes significant approved development on the Cabin Branch project.

Variance Findings

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board in order for a variance to be granted.

Staff has made the following determination based on the required findings that granting of the requested variance:

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

Given the scope of the construction activity necessary to replace the culverts and install the stream restoration combined with the location of the trees and root zones, disturbance to variance trees is unavoidable and required to implement previously approved plans.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based upon the requirements of various agencies, MDE and the M-NCPPC Parks, to install a new type of culvert and environmental mitigation for the installation of the new culverts. The location of the variance trees, the location of the existing streams, and the fixed location of the culverts and the mitigation projects limit the Applicants ability to avoid protected trees.

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 based upon the Subject Property, location and distribution of the protected trees, and the prior approvals and conditions, and is not related to a condition of the land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The replacement of these culverts is a requirement of the new, approved Storm Water Management and Water Quality Plans requirements. The construction of the replacement culverts will be managed under an approved Erosion and Sediment Control Plan. As stated in the November 20, 2013 letter counter-signed by MCDPS, no amendment to the Water Quality Plan is required for this activity. Additionally, the stream and wetland mitigation work stemming from the project will help increase water quality in the area. The restored mitigation sites with plantings will off-site the loss of four protected trees.

Mitigation for Trees Subject to the Variance Provision – There are four (4) trees proposed for removal in this variance request. All four of these trees are within existing forest and forest clearing is already mitigated for in the forest conservation worksheet, no additional mitigation is requested. Additionally, 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 March 24, 2014. On April 24, 2014 the County Arborist issued a letter recommending that the variance be granted, with mitigation (Attachment D).

Variance Recommendation

Staff recommends that the variance be granted.

CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. As of the date of this report, Staff has received one letter regarding this Application.

On November 25, 2013 after the initial noticing for this project Marilyn Miller wrote a letter to Staff explaining that the overall Cabin Branch project directly impacts her family's home and while this application does not directly affect the property, it is a part of the larger West Old Baltimore Road project portion of Cabin Branch Development which requires the demolition of the family home (Attachment E).

The Miller's concern has been noted, but the activities that are included in this Application do not have any direct impact on the Miller property. When the revised West Old Baltimore Road project is submitted, a discussion may again take place about the ultimate resolution of the impacts on the Miller property.

Any additional correspondence received after posting of the Staff Report will be forwarded to the Planning Board for discussion at the hearing.

M-NCPPC Parkland

Culvert #2 is located on M-NCPPC Parkland, a portion of Black Hills Regional Park. The Applicant has been working closely with the Parks Department. As part of that process, the Parks Department requested stream restoration below culvert 2. On Monday March 4, 2014, staff received an email from M-NCPPC Parks stating that they are aware of the culvert/stream restoration portion on Parkland and that they are in agreement with the LOD shown on the plans. The portion of the project on Parkland will require a Park Area Work Permit.

CONCLUSION

The Application is consistent with previous Project, Preliminary, and Site Plan approvals and is based upon the final engineering design to upgrade two culverts to meet the new Environmental Site Design standards and provide proper mitigation. The culvert replacements are proposed in the most environmentally friendly way possible with permit review being overseen by MDE. The stream restoration and wetland mitigation projects are requirements of the culvert installation by Parks staff and will have long-term environmental benefits for the area.

The Application is consistent with all previous approvals and is in compliance with Chapter 22A, and therefore, approval of the Application with conditions is recommended.

Attachments

Attachment A – MCDPS Water Resources Section Letter
Attachment B – Revised Final Forest Conservation Plan Sheets
Attachment C – Variance Request
Attachment D – County Arborist Letter
Attachment E – Community Correspondence

Dewberry Consultants LLC
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Galliersburg MD 20877-2169
301.948.8300
301.258.7607 fax
www.dewberry.com

November 20, 2013

Mark Etheridge, Manager
Department of Permitting Services
Water Resources Section
255 Rockville Pike, 2nd floor
Rockville, MD 20850-4166

Re: West Old Baltimore Road
MCDPS SCP 251453 – Culverts
249711 – Road Widening

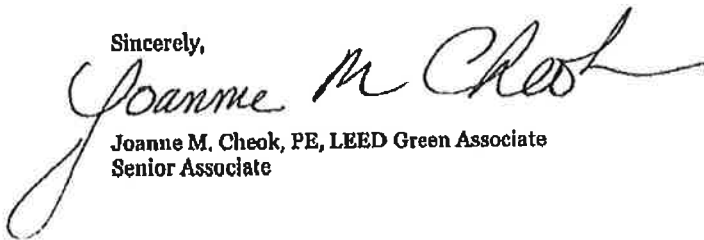
Dear Mr. Etheridge:

On behalf of our client, Cabin Branch Management (CBM) LLC, we hereby request approval of a phasing schedule for the referenced project. Our client is interested in starting construction of the replacement culverts as soon as possible in order to allow construction of the on-site stormwater management facilities, as required. Currently two sets of plans have been prepared for this work. The culvert plans (SCP # 251453) do not have any stormwater management facilities associated with construction of the culverts. The road widening plans (SCP # 249711) will cover construction of the required road widening and associated stormwater facilities. The Stormwater and Sediment Control plans for the road widening were not approved prior to the May 2013 deadline so the plans will need to be revised. We currently have a revised stormwater concept for the road widening in for review with Leo Galanko. This concept will provide ESD control to the MEP for West Old Baltimore Road between Clarksburg Road and I270. Once the concept is approved, CBM will start design of the construction documents. However, in order to facilitate construction of the replacement culverts, and the on-site stormwater facilities in accordance with approved plans and permits, we are requesting the following phasing schedule:

1. Approval of the Sediment Control Plans (SCP # 251453) after approval of this letter and its inclusion on the sediment control plans. These plans can be approved under the currently approved water quality plan.
2. Issue the Sediment Control Permit (#251453) for the proposed culvert construction.
3. Obtain approval of a revised Sediment Control and Stormwater Management Plan (SCP # 249711) incorporating the stormwater management facilities approved in the revised stormwater concept.

If you accept this schedule, please indicate by signing below. If you have any questions, suggested changes, or require any additional information, please give contact me at 301.337.2856 or jcheok@dewberry.com.

Sincerely,



Joanne M. Cheok, PE, LEED Green Associate
Senior Associate

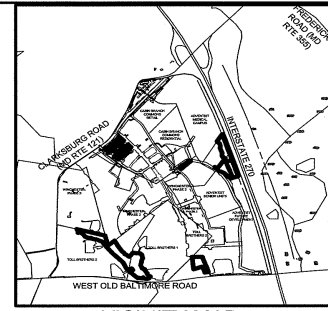
Phasing Schedule approved by the Division of Permitting Services

Signed: 

Date: 21 Nov. 2013

Title: MANAGER WATER
RESOURCES SECTION

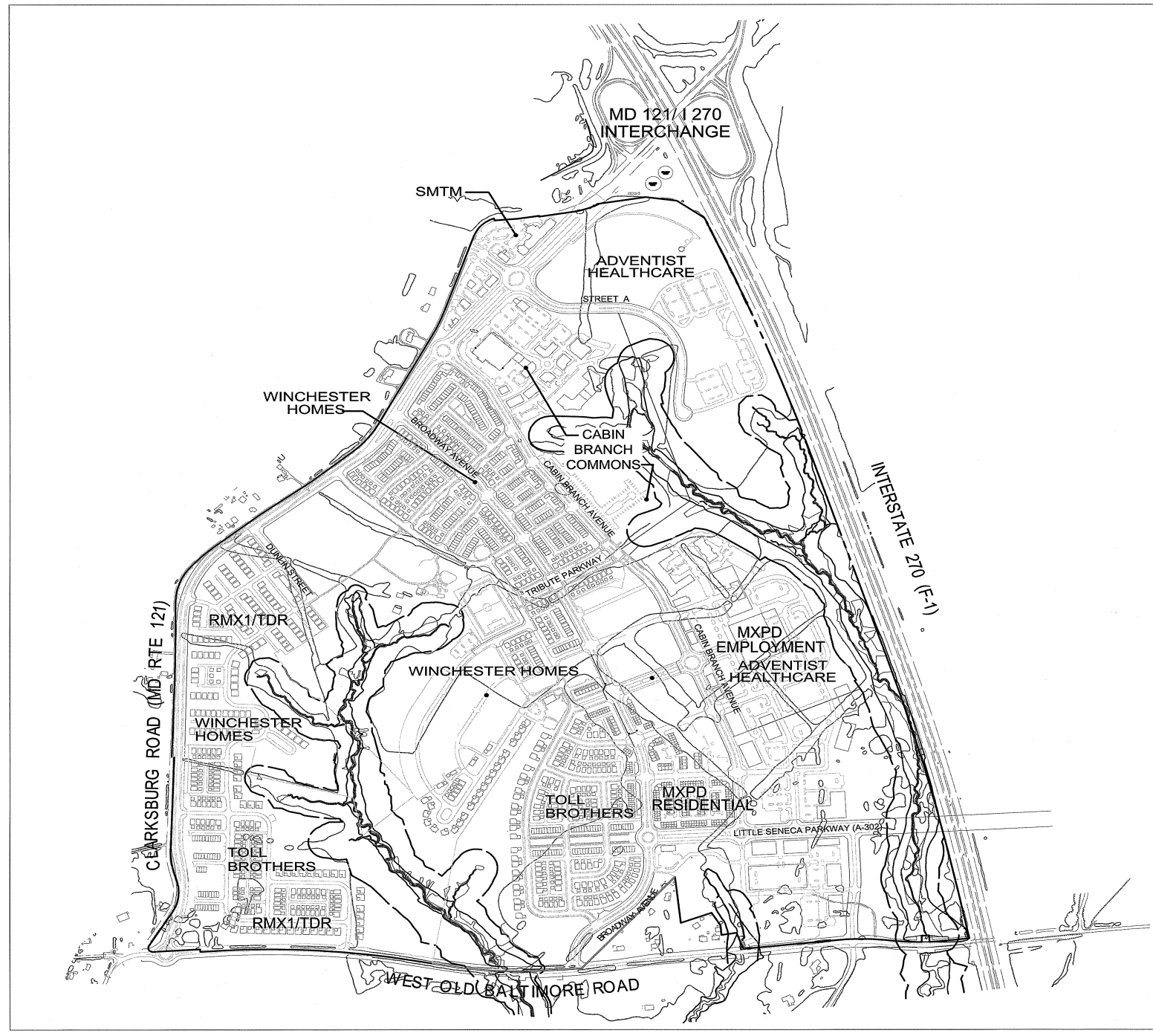
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VICINITY MAP
1"=2000'

SHEET INDEX (- indicates relevant Site Plans)

Sheet Description	Site Plan References
1. COVER SHEET	OVERALL
2. APPROVALS SHEET	OVERALL
3. OVERALL PLAN	OVERALL
4. FOREST CONSERVATION WORKSHEETS	OVERALL
5. 30 SCALE PLAN	WIN1, GOS, D AMEND
6. 30 SCALE PLAN	WIN1, GOS, D AMEND
7. 30 SCALE PLAN	WIN1, GOS
8. 30 SCALE PLAN	ADV-N
9. 30 SCALE PLAN	ADV-N
10. 30 SCALE PLAN	WIN1, GOS, D AMEND
11. 30 SCALE PLAN	WIN1
12. 30 SCALE PLAN	WIN1, D AMEND
13. 30 SCALE PLAN	ADV-N
14. 30 SCALE PLAN	INFRA C AMEND
15. 30 SCALE PLAN	INFRA C AMEND
16. 30 SCALE PLAN	INFRA C AMEND, POND 13
17. 30 SCALE PLAN	WIN1
18. 30 SCALE PLAN	WIN1, D AMEND
19. 30 SCALE PLAN	WIN1, D AMEND
20. 30 SCALE PLAN	WIN1, WIN3, D AMEND
21. 30 SCALE PLAN	WIN1, WIN3
22. 30 SCALE PLAN	WIN1
23. 30 SCALE PLAN	WIN1
24. 30 SCALE PLAN	WIN1, WIN2
25. 30 SCALE PLAN	WIN1, WIN2, INFRA C AMEND
26. 30 SCALE PLAN	WIN2, INFRA C AMEND
27. 30 SCALE PLAN	WIN2
28. 30 SCALE PLAN	INFRA C AMEND
29. 30 SCALE PLAN	INFRA C AMEND
30. 30 SCALE PLAN	INFRA C AMEND
31. 30 SCALE PLAN	WIN1, WIN2
32. 30 SCALE PLAN	WIN1, WIN2, TOLL1
33. 30 SCALE PLAN	WIN1, WIN2
34. 30 SCALE PLAN	WIN1, WIN3
35. 30 SCALE PLAN	WIN3, D AMEND
36. 30 SCALE PLAN	WIN3, D AMEND
37. 30 SCALE PLAN	WIN3, D AMEND
38. 30 SCALE PLAN	WIN3, TOLL2, D AMEND
39. 30 SCALE PLAN	WIN1, WIN3
40. 30 SCALE PLAN	WIN1, WIN2, TOLL1
41. 30 SCALE PLAN	WIN2, TOLL1
42. 30 SCALE PLAN	WIN1, WIN2, TOLL1
43. 30 SCALE PLAN	WIN2, TOLL1
44. 30 SCALE PLAN	WIN2, INFRA C AMEND, E AMEND
45. 30 SCALE PLAN	INFRA C AMEND, E AMEND
46. 30 SCALE PLAN	WIN2, TOLL1
47. 30 SCALE PLAN	TOLL1
48. 30 SCALE PLAN	POND 3, TOLL1
49. 30 SCALE PLAN	POND 8
50. 30 SCALE PLAN	TOLL2, D AMEND
51. 30 SCALE PLAN	TOLL2, D AMEND
52. 30 SCALE PLAN	TOLL2
53. 30 SCALE PLAN	D AMEND
54. 30 SCALE PLAN	POND 9
55. 30 SCALE PLAN	TOLL1
56. 30 SCALE PLAN	POND 2, TOLL1, D AMEND, E AMEND
57. 30 SCALE PLAN	TOLL1, D AMEND
58. 30 SCALE PLAN	WIN1, INFRA C AMEND, D AMEND, E AMEND
59. 30 SCALE PLAN	INFRA C AMEND, D AMEND
60. PLANTING DETAILS AND NOTES	OVERALL
61. SIGNIFICANT TREE DETAILS	OVERALL
62. FC TRACKING DETAILS	OVERALL
63. FC PLANTING DETAILS	OVERALL
63A. FC PHASING PLAN	OVERALL



LOCATION MAP
SCALE: 1"=400'

See Sheet 62 for detailed tracking information.

Any construction activity, grading or forest modifications on adjacent property per the Infrastructure Site Plan approved in 2008 or subsequent revisions per the conditions of approval, is subject to the property owner consent in conjunction with appropriate Montgomery County, MNCPPC, or Maryland State Highway permits and/or authorization to proceed with construction.

Qualified Professional Certificate
Exclusive to this sheet.

3/5/14
Date
M. Dusty Rod
Dusty Rod
Qualified Professional
COMAR 08.15.05.01

OWNER/DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 82005015E, including Approval Conditions, Development Program, and Certified Site Plan. Developer's Name: Cabin Branch Management, LLC, Sylke Knuppel, Company, Contact Person. Address: 6905 Rockledge Drive #500 Bethesda, MD 20817. Phone: (301) 803-4855.

- M-NCPPC SITE PLAN # 82005015B
- M-NCPPC SITE PLAN # 82005015C
- M-NCPPC SITE PLAN # 820060240
- M-NCPPC SITE PLAN # 82006029A
- M-NCPPC SITE PLAN # 820110080
- M-NCPPC SITE PLAN # 820100030
- M-NCPPC SITE PLAN # 820120150



The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

Applicant: Cabin Branch Management LLC
6905 Rockledge Drive, Suite 800
Bethesda, Maryland 20817
Phone: (301) 803-4855
Fax: (301) 803-4929
Contact: Sylke Knuppel, P.E.

CABIN BRANCH
ELECTION DISTRICT NO. 2
MONTGOMERY COUNTY, MARYLAND



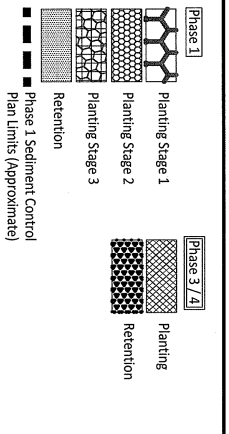
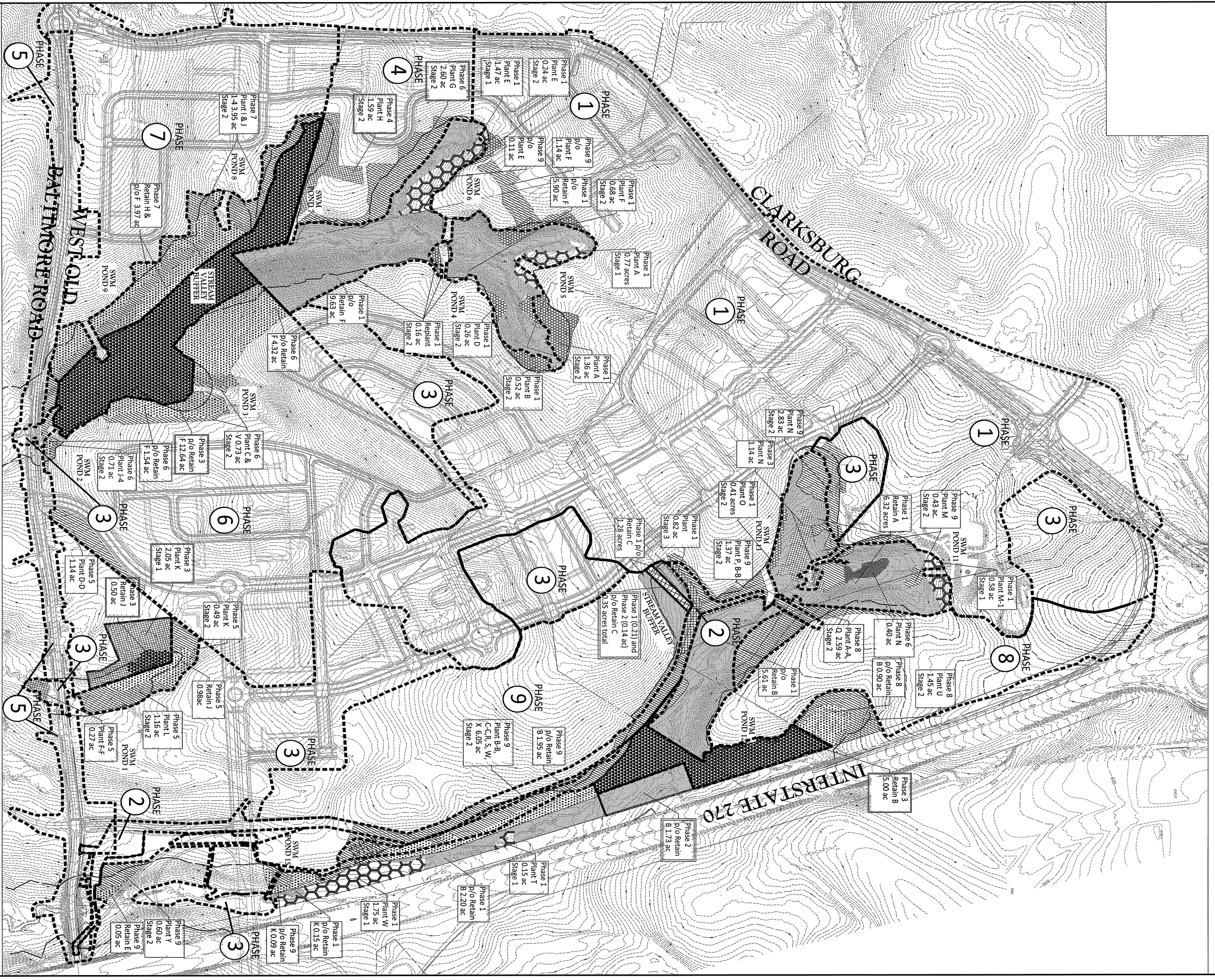
19847 Century Boulevard
Suite 200
Germantown, Maryland 20874
Ph: 301.948.4700 (Main)
Ph: 301.253.6609 (Frederick)
Ph: 301.948.6256
www.rodgers.com

BY	DATE
DESIGNED	
DRAWN	
REVIEWED	

RODGERS CONTACT:
RELEASE FOR:
BY: _____ DATE: _____

FINAL FOREST CONSERVATION PLAN
CABIN BRANCH

SCALE: 1" = 400'
JOB No. 782A5
DATE: OCT., 2012
SHEET No. 1 of 63



Phase	Acre	% of Total	Retention % of Total	Sever % of Total	Commercial % of Total	Average % Retention by Afforestation	Total Credit	Other Credit	Landscaping Credit	Total Mitigation	Proportion Summary / Ratio	Cumulative Forest Security
1-4	7,486	1.5%	85	4.5%	0	1.5%	4.87	1.5%	0	6.37	1:3	\$5,000,000
5	2,000	0.4%	0	0	0	0	0	0	0	0	0	\$1,000,000
6	5,000	1.0%	0	0	0	0	0	0	0	0	0	\$3,000,000
7	1,000	0.2%	0	0	0	0	0	0	0	0	0	\$500,000
8	1,000	0.2%	0	0	0	0	0	0	0	0	0	\$500,000
9	1,000	0.2%	0	0	0	0	0	0	0	0	0	\$500,000
Total	54,829	100.0%	185	100.0%	500	100.0%	14,46	14,46	14,46	14,46	1:1	\$2,500,000,000

Forest Conservation Phasing Exhibit
February 27, 2014
Sheet 63A of 63

FINAL FOREST CONSERVATION PLAN

The undersigned agrees to execute all the features of the Site Plan, including the Phasing Exhibit, and to comply with all applicable laws, regulations, and ordinances. I hereby certify that the information provided is true and correct to the best of my knowledge and belief.

Signature: _____
Date: _____

REVISIONS

- Revised to reflect LSA 9/12/2011 Forest Conservation overall numbers.
- Revised to reflect recorded Phase Assessment and updated WMS3 forest conservation areas (5/1/12).
- Revised to reflect recorded Phase Assessment and updated WMS3 forest conservation areas (5/1/12).
- Updated to include Phase 1, 2, 3, 4 and to reflect LSA 8/2013 overall forest numbers (2/8/13).

QUALIFIED PROFESSIONAL CERTIFICATE
(Specific to this page, for phasing purposes only)

3/5/14
M. [Signature]
Darryl Hood
Qualified Professional
COUNCIL 08/19/00/01

RODGERS CONSULTING
3946 Century Boulevard
Germantown, Maryland 20874
Phone: 301.353.6099 (toll-free)
Fax: 301.348.6256
www.rodgers.com

PLANTING SCHEDULES

Phase 7, Planting Table

Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
3.95	97	92	95	96	97	101	100	103	43	46	42

Note: 1" caliper trees planted at 200 per acre and shrubs planted at 33 per acre.

Phase 8, Planting Table

Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
2.59	64	51	62	64	69	61	69	70	29	27	30
1.45	35	31	28	34	38	42	41	41	18	15	15

Note: 1" caliper trees planted at 200 per acre and shrubs planted at 33 per acre.

Phase 9, Planting Table

Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
6.05	154	157	156	156	148	143	140	156	68	64	68
2.83	73	71	73	72	65	72	71	69	31	32	31
1.37	32	31	31	33	33	37	37	39	17	13	16
1.14	31	27	28	28	28	29	29	28	13	13	12
0.60	19	17	11	17	11	11	14	19	8	6	6
0.43	12	9	9	11	10	10	13	12	5	5	5
0.11	3	2	2	3	3	3	3	3	2	1	1

Note: 1" caliper trees planted at 200 per acre and shrubs planted at 33 per acre.

Phase 1, Stage 1 Planting Table

Lowland Planting Areas	Phase	Stage	Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
A	1	1	0.77	3	16	16	16	16	3	16	4	16	9	8
E	1	1	1.47	4	33	32	33	4	32	33	4	32	5	33
M-1	1	1	0.58	4	11	11	12	4	11	11	3	11	4	12
T	1	1	0.15	0	4	4	3	0	4	3	0	4	0	4
W	1	1	1.75	0	44	44	44	0	44	43	0	43	0	43

Phase 1, Stage 2 Planting Table

Lowland Planting Areas	Phase	Stage	Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
A	1	2	1.36	6	5	5	4	6	5	5	4	6	5	15
B	1	2	0.52	4	2	1	2	5	2	1	4	2	5	2
D	1	2	0.26	3	5	5	4	2	4	4	2	4	2	4
Replant	1	2	0.16	1	1	0	1	2	0	0	1	0	1	1
E	1	2	0.24	3	1	0	1	3	0	1	3	1	3	1
F	1	2	0.68	6	2	2	2	6	2	2	6	1	6	2
O	1	2	0.41	4	7	6	7	4	7	6	3	7	4	7

Phase 1, Stage 3 Planting Table

Lowland Planting Areas	Phase	Stage	Planting Acreage	Red Maple	Black Willow	Hackberry	River Birch	Tulip Poplar	Spicebush	Silky Dogwood	Winterberry			
Water/Sewer Line	1	3	0.82	1	33	32	32	1	33	32	9	9	9	9

Substitute species for Phase 1 plantings (if necessary): Salix nigra (black willow), Quercus palustris (pin oak), Sambucus canadensis (elderberry)

Substitute species for WSSC mix (if necessary) must be shallow rooted trees. Trees to be planted minimum 5' from the water line.

Note: 2" stock to be planted along edge of easement toward SWM ponds, residential yards, parking lots, and recreational areas, as applicable.

Phase 3, Planting Table

Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
1.14	37	24	23	28	24	34	26	32	9	10	10
2.05	42	27	24	58	30	45	58	48	23	24	21

Note: 1" caliper trees planted at 200 per acre and shrubs planted at 33 per acre.

Phase 4, Planting Table

Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
1.59	41	36	35	39	36	47	41	36	18	17	18

Note: 1" caliper trees planted at 200 per acre and shrubs planted at 33 per acre.

Phase 5, Planting Table

Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
1.14	29	26	29	27	26	28	29	28	11	13	14
1.16	27	23	25	32	28	33	27	31	14	14	11
0.49	11	12	12	14	10	14	13	12	5	7	5
0.27	9	9	0	9	0	9	9	9	3	3	3

Note: 1" caliper trees planted at 200 per acre and shrubs planted at 33 per acre.

Phase 6, Planting Table

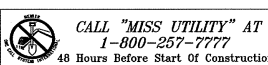
Planting Acreage	Red Maple	Slippery Elm	Musclewood	River Birch	Boxelder	Black Gum	Sycamore	Swamp White Oak	Spicebush	Silky Dogwood	Winterberry
2.60	67	56	64	67	62	71	64	61	29	28	29
0.73	19	16	11	19	12	16	20	27	8	9	8
0.71	22	14	14	20	15	18	17	21	7	8	9
0.40	10	11	7	11	10	13	7	11	4	5	5

Note: 1" caliper trees planted at 200 per acre and shrubs planted at 33 per acre.

OWNER/DEVELOPER'S CERTIFICATE
 The Undersigned agrees to execute all the features of the Site Plan Approval No. 82005015E, including Approval Conditions, Development Program, and Certified Site Plan. Developer's Name: Cabin Branch Management, LLC, Silke Knuppel Company Contact Person Address: 6905 Rockledge Drive #200 Bethesda, MD 20817 Phone: (301) 803-4855 Signature: _____

Qualified Professional Certificate
 Exclusive to this sheet.

Date: 2/5/14
 Signature: [Signature]
 Dusty Road
 Qualified Professional
 COMAR 08.18.06.01



The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

Applicant: Cabin Branch Management LLC
 6905 Rockledge Drive, Suite 800
 Bethesda, Maryland 20817
 Phone: (301) 803-4855
 Fax: (301) 803-4929
 Contact: Silke Knuppel, P.E.

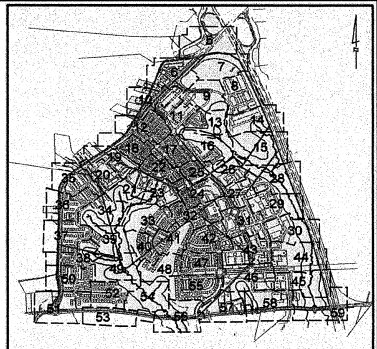
CABIN BRANCH
 ELECTION DISTRICT NO. 2
 MONTGOMERY COUNTY, MARYLAND

RODGERS CONSULTING
 Knowledge • Creativity • Enduring Values
 19847 Century Boulevard Suite 200 Germantown, Maryland 20874 Ph: 301.948.4700 (Main) Ph: 301.253.6609 (Frederick) Fx: 301.948.6256 www.rodgers.com

BY	DATE
DESIGNED	
DRAWN	
REVIEWED	
RODGERS CONTACT:	
RELEASE FOR	
BY _____ DATE _____	

FINAL FOREST CONSERVATION PLAN
CABIN BRANCH

SCALE:	N/A
JOB No.	782A5
DATE:	OCT., 2012
SHEET No.	63 of 63



KEY MAP

* Key Map was prepared by LSA, and is used above for reference.

Legend

- Stream Valley Buffer
- 100 yr Floodplain
- 25' Floodplain BRL
- Non-Tidal Wetlands
- Non-Tidal Wetland Buffer
- Soils Lines and Text
- Significant Tree and Critical Root Zone (CRZ)
- Significant Tree to be removed
- Existing Canopy Edge
- Perennial or Intermittent Stream
- Existing Contours
- Proposed Contours
- Limit of Disturbance
- Super Silt Fence
- Phase I Category 1 Forest Conservation Easement
- Forest Retention
- Afforestation (Upland/Wetland/WSSC mix)
- Forest Clearing
- Tree Protection Fence & Root Pruning
- Long-term Easement Signage

XX TREE WITH SPECIES SYMBOL CLAIMED FOR LANDSCAPE CREDIT.

TREE, NO LANDSCAPE CREDIT TAKEN.

TREES WITH SPECIES SYMBOL (XX) ARE BEING CLAIMED FOR LANDSCAPE CREDIT. SEE SHEET 62 FOR LANDSCAPE CREDIT TABLE. SEE LANDSCAPE PLAN FOR DETAILS.

OWNER/DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. 82012018E, including Approval Conditions, Development Program, and Certified Site Plan. Developer's Name: Cabin Branch Management, LLC, Syllke Knuppel Company. Contact Person: Syllke Knuppel.

Address: 6665 Rookledge Drive #600 Bethesda, MD 20817
 Phone: (301) 603-4855
 Signature: _____

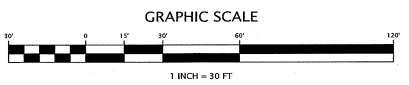
Qualified Professional Certificate
 Exclusive to this sheet only.

Date: 3/5/14
 Signature: M. D. [Signature]
 Title: [Signature]
 License No.: COMAR 08.19.06.01



MATCH LINE SHEET 57

MATCH LINE SHEET 59



CALL "MISS UTILITY" AT 1-800-257-7777 48 Hours Before Start Of Construction

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

Applicant: Cabin Branch Management LLC
 6905 Rookledge Drive, Suite 800
 Bethesda, Maryland 20817
 Phone: (301) 803-4855
 Fax: (301) 803-4929
 Contact: Syllke Knuppel, P.E.

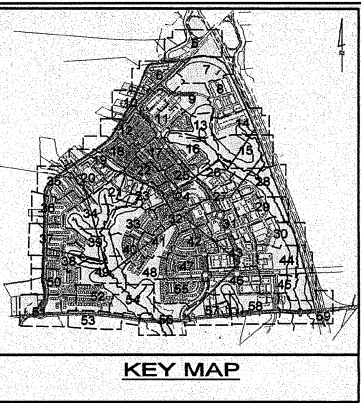
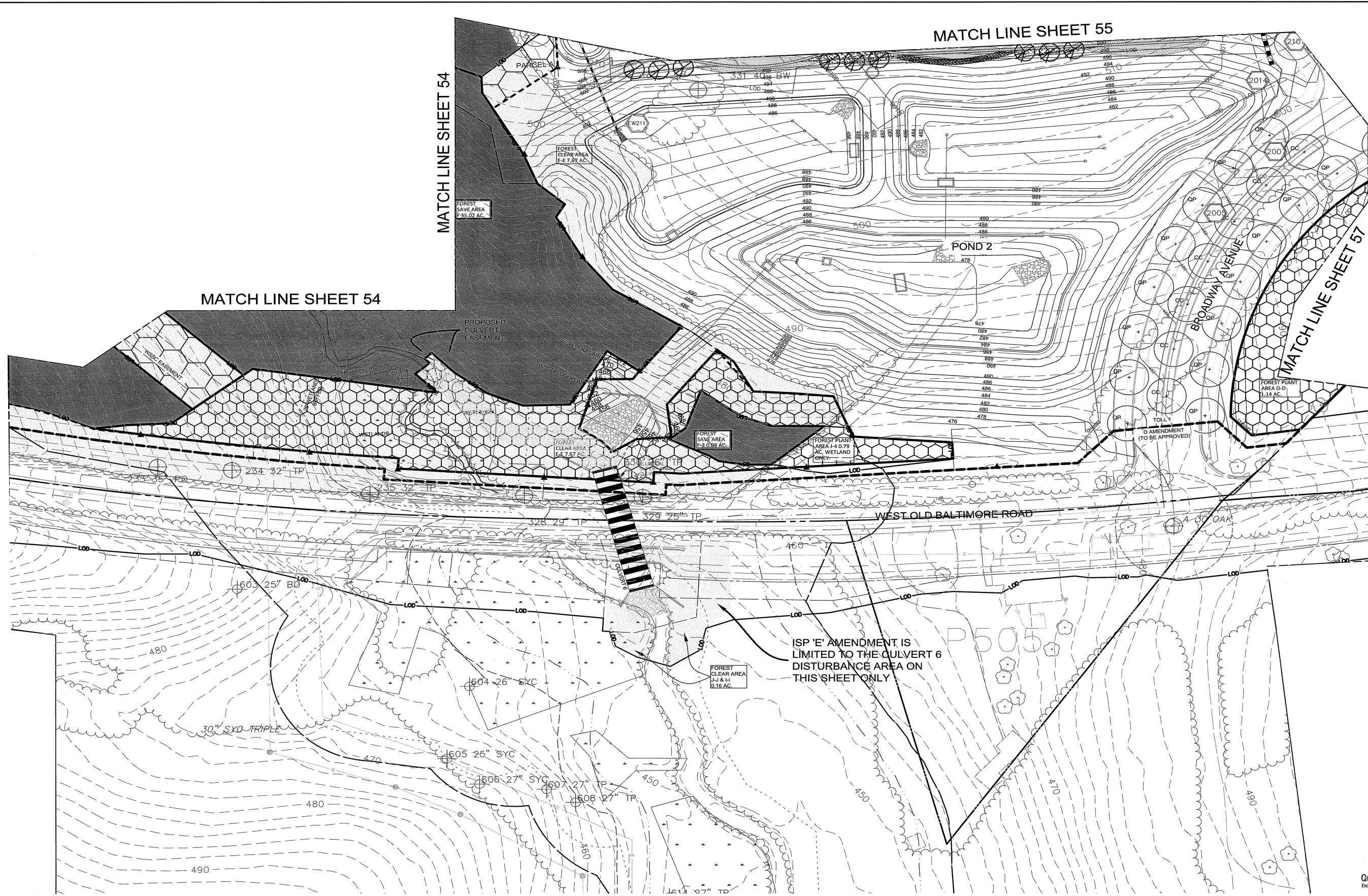
CABIN BRANCH
 ELECTION DISTRICT NO. 2
 MONTGOMERY COUNTY, MARYLAND

RODGERS CONSULTING
 Knowledge • Creativity • Enduring Values
 19847 Century Boulevard Suite 200 Germantown, Maryland 20874
 Ph: 301.948.4700 (Main) Ph: 301.223.6609 (Frederick) Fax: 301.948.6256 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

FINAL FOREST CONSERVATION PLAN
CABIN BRANCH

SCALE: 1" = 30'
 JOB No: 782A5
 DATE: OCT., 2012
 SHEET No: 58 OF 83



* Key Map was prepared by LSA, and is used above for reference.

- Legend**
- Stream Valley Buffer
 - 100 yr Floodplain
 - 25' Floodplain BRL
 - Non-Tidal Wetlands
 - Non-Tidal Wetland Buffer
 - Soils Lines and Text
 - Significant Tree and Critical Root Zone (CRZ)
 - Significant Tree to be removed
 - Existing Canopy Edge
 - Perennial or Intermittent Stream
 - Existing Contours
 - Proposed Contours
 - Limit of Disturbance
 - Super Silt Fence
 - Phase I Category 1 Forest Conservation Easement
 - Forest Retention
 - Afforestation (Upland/Wetland/WSSC mix)
 - Forest Clearing
 - Tree Protection Fence & Root Pruning
 - Long-term Easement Signage

XX TREE WITH SPECIES SYMBOL CLAIMED FOR LANDSCAPE CREDIT.
 ○ TREE, NO LANDSCAPE CREDIT TAKEN.
 TREES WITH SPECIES SYMBOL (XX) ARE BEING CLAIMED FOR LANDSCAPE CREDIT. SEE SHEET 62 FOR LANDSCAPE CREDIT TABLE. SEE LANDSCAPE PLAN FOR DETAILS.

ISP 'E' AMENDMENT IS LIMITED TO THE CULVERT 6 DISTURBANCE AREA ON THIS SHEET ONLY

OWNER/DEVELOPER'S CERTIFICATE
 The Undersigned agrees to execute all the features of the Site Plan Approval No. 80012015E including Approval Conditions, Development Program, and Certified Site Plan.
 Developer's Name: Cabin Branch Management, LLC - Syke Knuppel, Contact Person
 Address: 6905 Rockledge Drive #800 Bethesda, MD 20817
 Phone: (301) 803-4855
 Signature: _____

Qualified Professional Certificate
 Exclusive to this sheet only.
 Date: 3/5/14
 Signature: M. D. [Signature]
 Dusty Hood
 Qualified Professional
 COMAR 08.19.06.01

CALL "MISS UTILITY" AT 1-800-257-7777 48 Hours Before Start Of Construction

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.



REVISION	DATE	REVISION	DATE	REVISION	DATE
Revised for construction approval - mass grading	5/27/12				
Revised for D contract amendment - htm	5/22/12				
Revised for C amendment, revised alignment	9/4/12				

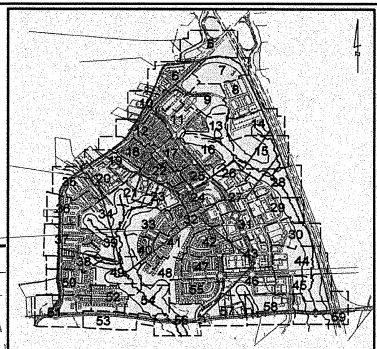
Applicant: Cabin Branch Management LLC
 6905 Rockledge Drive, Suite 800
 Bethesda, Maryland 20817
 Phone: (301) 803-4855
 Fax: (301) 803-4929
 Contact: Syke Knuppel, P.E.

CABIN BRANCH
 ELECTION DISTRICT NO. 2
 MONTGOMERY COUNTY, MARYLAND

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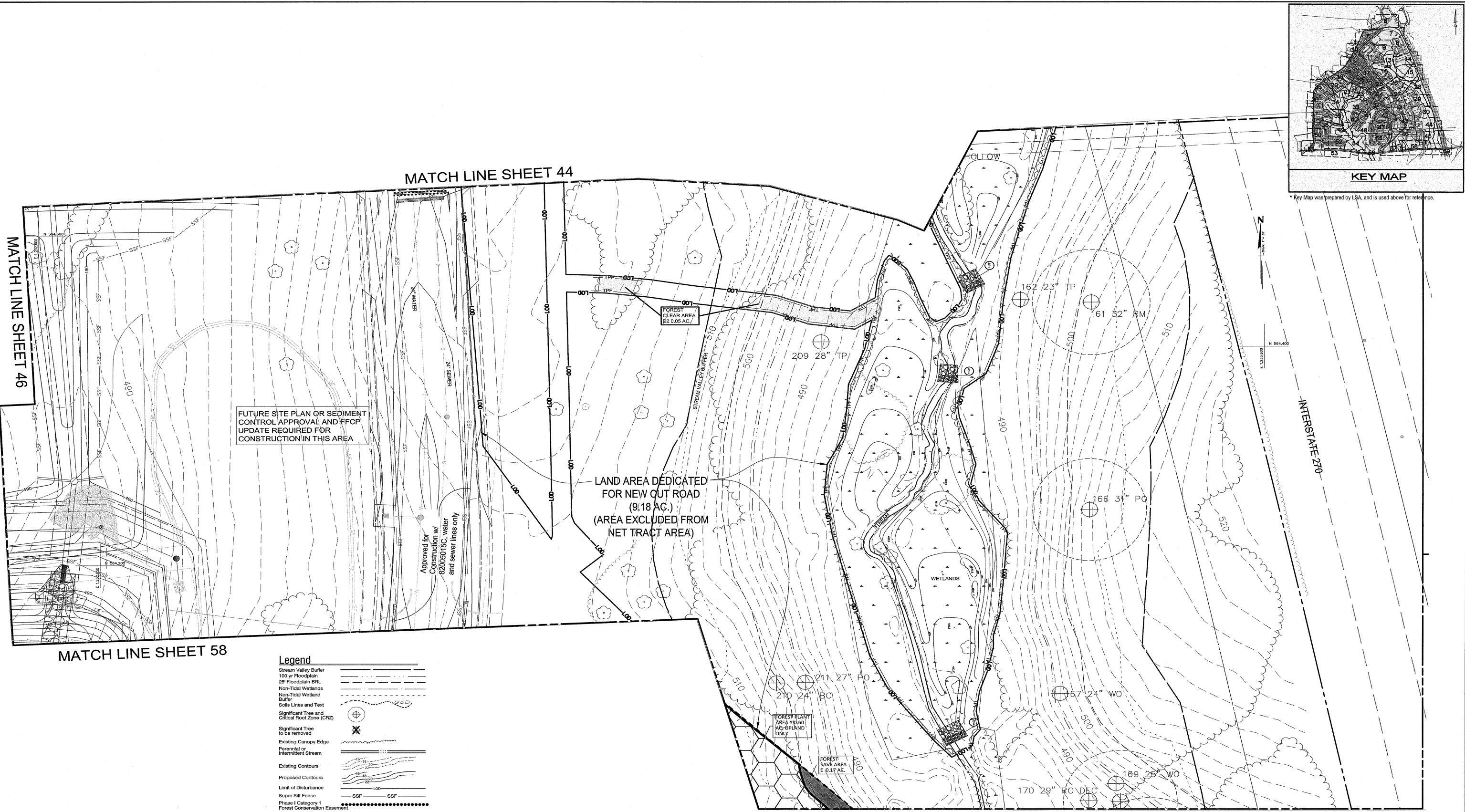
BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

FINAL FOREST CONSERVATION PLAN
CABIN BRANCH
 SCALE: 1" = 30'
 JOB No. 782A5
 DATE OCT., 2012
 SHEET No. 56 OF 63



KEY MAP

* Key Map was prepared by LSA, and is used above for reference.



MATCH LINE SHEET 44

MATCH LINE SHEET 46

MATCH LINE SHEET 58

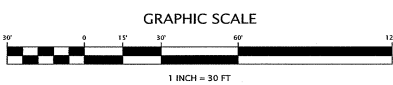
MATCH LINE SHEET 59

INTERSTATE 270

Legend

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 6905 Rockledge Drive, Suite 800
 Bethesda, Maryland 20817
 Phone: (301) 803-4855
 Fax: (301) 803-4929
 Contact: Sylke Knuppel, P.E.

REVISION	DATE	REVISION	DATE	REVISION	DATE
Revised for construction approval - mass grading	2/18/12				
Revised for D contract amendment - hsm	5/22/12				
Revised for C amendment, revised alignment	9/4/12				
Revised per P&P comments	9/27/12				

CABIN BRANCH
 ELECTION DISTRICT NO. 2
 MONTGOMERY COUNTY, MARYLAND

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 Germantown, Maryland 20874
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 Ph: 301.293.6609 (Frederick)
 Ph: 301.948.6296
 www.rodgers.com

BASE DATA	BY	DATE
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RODGERS CONTACT:		
RELEASE FOR		

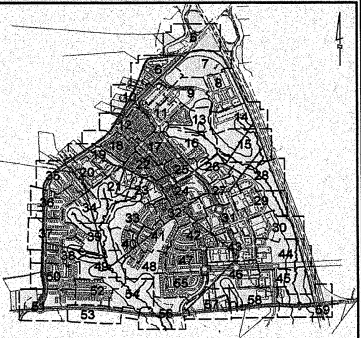
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 Phone: (301) 803-4855
 Signature: _____

Qualified Professional Certificate
 Exclusive to this sheet only.
 Date: 2/5/14
 Signature: [Signature]
 Dusty Rood
 Qualified Professional
 COMAR 08.19.06.01

**FINAL FOREST CONSERVATION PLAN
 CABIN BRANCH**

SCALE: 1" = 30'
 JOB No. 782A5
 DATE: OCT., 2012

SHEET No. 45 OF 83



KEY MAP

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Legend

- Stream Valley Buffer
- 100 yr Floodplain
- 25' Floodplain BRIL
- Non-Tidal Wetlands
- Non-Tidal Wetland Buffer
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- Significant Tree to be removed
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- Perennial or Intermittent Stream
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- Proposed Contours
- Limit of Disturbance
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- Phase I Category 1 Forest Conservation Easement
- Forest Retention
- Forestation (Upland/Wetland/WSSC mix)
- Forest Clearing
- Tree Protection Fence & Root Pruning
- Long-term Easement Signage

LAND AREA DEDICATED FOR NEW CUT ROAD INTERCHANGE (9.18 AC.) (AREA EXCLUDED FROM NET TRACT AREA)

LAND AREA DEDICATED FOR NEW CUT ROAD (9.18 AC.) (AREA EXCLUDED FROM NET TRACT AREA)

FUTURE SITE PLAN OR SEDIMENT CONTROL APPROVAL AND FFCP UPDATE REQUIRED FOR CONSTRUCTION IN THIS AREA

Approved for Construction w/ 82005015C water and sewer (lines only)

Approved for Construction w/ 82005015C

POND 15

INTERSTATE 270

(AREA INCLUDED IN NET TRACT AREA)

FOREST PLANT AREA W 0.01 AC. 1.24 AC UPLAND AND 1.84 AC WETLAND

FOREST SAVE AREA K 0.55 AC.

FOREST SAVE AREA K 0.55 AC.

FOREST PLANT AREA X 0.26 AC UPLAND

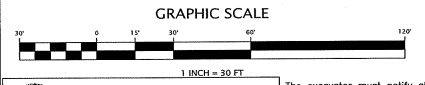
FOREST CLEAR AREA 01 0.04 AC.

FOREST CLEAR AREA 19 0.02 AC.

FOREST CLEAR AREA A-A 0.14 AC.

FOREST CLEAR AREA V 1.25 AC.

N 565,000
E 1,332,000



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Developer's Name: Cabin Branch Management, LLC, Sylke Knappell, Contact Person

Address: 6905 Rockledge Drive #800 Bethesda, MD 20817

Phone: (301) 803-4855

Signature: _____

Qualified Professional Certificate
Exclusive to this sheet only.

Date: 5/5/14

Signature: M. Dudy

Dusty Rood
Qualified Professional
COMAR 08.19.06.01

REVISION	DATE	REVISION	DATE	REVISION	DATE
Revised for layout changes - lhm	8/18/11				
Revised for D contract amendment - lhm	5/22/12				
Revised for C amendment, revised alignment	8/4/12				
Revised per P&P comments	9/27/12				

Applicant: Cabin Branch Management LLC
6905 Rockledge Drive, Suite 800
Bethesda, Maryland 20817
Phone: (301) 803-4855
Fax: (301) 803-4929
Contact: Sylke Knappell, P.E.

CABIN BRANCH
ELECTION DISTRICT NO. 2
MONTGOMERY COUNTY, MARYLAND

RODGERS CONSULTING
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Ph: 301.253.6609 (Frederick)
Ph: 301.948.6256
www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		
RODGERS CONTACT:		
RELEASE FOR		
BY		DATE

FINAL FOREST CONSERVATION PLAN
CABIN BRANCH

SCALE:	1" = 30'
JOB No.	782A5
DATE:	OCT., 2012
SHEET No.	44 of 63

FFCP PLAN APPROVALS

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

March 27, 2012

Sylke Knuppel
Cabin Branch Management, LLC
6905 Rockledge Drive, Suite 800
Bethesda, MD 20817

Re: Final Forest Conservation Plan (FFCP)
Cabin Branch (E20050150)

Dear Mr. Knuppel:

Based on the review by planning staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan submitted to M-NCPPC on February 17 and March 22, 2012 for the plan identified above, is approved with the following conditions:

- This updated approval of the previously approved FFCP E20050150 covers sheets 1-7, 10-12, 17, 22, 31-34, 39-44, 46, 58, 60-63, and 63A.
- This FFCP was approved prior to the signature sets of overlapping individual site plans and assumes substantial conformance with any subsequently approved site plan signature sets. Any changes from this approved FFCP to individual subsequently approved site plan signature sets not in substantial conformance may require an FFCP amendment.
- Any planting substitutions from the approved reforestation list or trees using landscaping credit must be approved by the M-NCPPC forest conservation inspector at the pre-planting meeting.
- Compliance with all applicable requirements of the Forest Conservation Law (Chapter 22A-11) and Forest Conservation Regulations (Sections 109 and 110).

This letter must appear on all reproduced copies of the approved Final Forest Conservation Plan. Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring.

Please contact Mr. Douglas Johnson at douglas.johnson@montgomeryplanning.org at 301-495-4712 to schedule all necessary inspections. If you have any questions regarding these actions, please feel free to contact Joshua Penn at 301-495-4546.

Sincerely,
John Carter
John Carter
Chief Area 3 Planning team
Cc: FCP File # E20050150
Dusty Road, Rodgers Consulting
Chanda Brewster, LSA

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 4, 2013

Sylke Knuppel
Cabin Branch Management, LLC
6905 Rockledge Drive, Suite 800
Bethesda, MD 20817

Re: Final Forest Conservation Plan (FFCP)
Cabin Branch (E20050150)

Dear Mr. Knuppel:

Based on the review by planning staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan submitted to M-NCPPC on February 19, 2013 for the plan identified above, is approved with the following conditions:

- This updated approval of the previously approved FFCP E20050150 covers sheets 1-4, 16, 20, 21, 34-39, 46, 48, 54, 56, 58, 63, 65, and 63A.
- This FFCP was approved prior to the signature sets of overlapping individual site plans and assumes substantial conformance with any subsequently approved site plan signature sets. Any changes from this approved FFCP to individual subsequently approved site plan signature sets not in substantial conformance may require an FFCP amendment.
- Any planting substitutions from the approved reforestation list or trees using landscaping credit must be approved by the M-NCPPC forest conservation inspector at the pre-planting meeting.
- Compliance with all applicable requirements of the Forest Conservation Law (Chapter 22A-11) and Forest Conservation Regulations (Sections 109 and 110).

This letter must appear on all reproduced copies of the approved Final Forest Conservation Plan. Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring.

Please contact Mr. Douglas Johnson at douglas.johnson@montgomeryplanning.org at 301-495-4712 to schedule all necessary inspections. If you have any questions regarding these actions, please feel free to contact Joshua Penn at 301-495-4546.

Sincerely,
John Carter
John Carter
Chief Area 3 Planning team
Cc: FCP File # E20050150
Dusty Road, Rodgers Consulting

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 22, 2013

Cabin Branch Management, LLC
6905 Rockledge Drive, Suite 800
Bethesda, MD 20817

Re: Final Forest Conservation Plan (FFCP)
Cabin Branch (E20050150)

Dear Sir:

Based on the review by planning staff of the Maryland National Capital Park and Planning Commission, the Final Forest Conservation Plan submitted to M-NCPPC on April 17, 2013 for the plan identified above, is approved with the following conditions:

- This updated approval of the previously approved FFCP E20050150 covers sheets 1-4, 32, 37, 38, 40-43, 46-49, 50-53, 55-57, and 62.
- This FFCP was approved prior to the signature sets of overlapping individual site plans and assumes substantial conformance with any subsequently approved site plan signature sets. Any changes from this approved FFCP to individual subsequently approved site plan signature sets not in substantial conformance may require an FFCP amendment.
- Any planting substitutions from the approved reforestation list or trees using landscaping credit must be approved by the M-NCPPC forest conservation inspector at the pre-planting meeting.
- Compliance with all applicable requirements of the Forest Conservation Law (Chapter 22A-11) and Forest Conservation Regulations (Sections 109 and 110).

This letter must appear on all reproduced copies of the approved Final Forest Conservation Plan. Any changes from the approved Final Forest Conservation Plan may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the site for additional or amended plantings. If there are any subsequent additions or modification planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring.

Please contact Mr. Douglas Johnson at douglas.johnson@montgomeryplanning.org at 301-495-4712 to schedule all necessary inspections. If you have any questions regarding these actions, please feel free to contact Joshua Penn at 301-495-4546.

Sincerely,
John Carter
John Carter
Chief Area 3 Planning team
Cc: FCP File # E20050150
Dusty Road, Rodgers Consulting

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 2, 2013

Cabin Branch Management, LLC
6905 Rockledge Drive, Suite 800
Bethesda, MD 20817

Subject: Final Forest Conservation Plan for MD 121
Property Name: Cabin Branch Infrastructure Site Plan Amendment
Plan Number: E20050150

Dear Cabin Branch Management, LLC:

Based on the review by the Planning Staff of the Maryland National Capital Park and Planning Commission (M-NCPPC), the Final Forest Conservation Plan (FFCP) submitted to M-NCPPC referenced above, is approved. Minor modifications to MD 121 include minor grading outside the public right-of-way, a new left turn, and additional pavement removal, that does not modify any Forest Conservation areas.

The forest conservation plan is approved subject to the existing conditions. The following items shall occur prior to any demolition, clearing or grading occurring on-site:

- This updated approval of the previously approved FFCP E20050150 covers sheets 1-4, 5, 6, 10, 12, 18-20, 29-38, 50-51, and 62.
- This FFCP was approved prior to the signature sets of overlapping individual site plans and assumes substantial conformance with any subsequently approved site plan signature sets. Any changes from this approved FFCP to individual subsequently approved site plan signature sets not in substantial conformance may require an FFCP amendment.
- Any planting substitutions from the approved reforestation list or trees using landscaping credit must be approved by the M-NCPPC forest conservation inspector at the pre-planting meeting.
- Compliance with all applicable requirements of the Forest Conservation Law (Chapter 22A-11) and Forest Conservation Regulations (Sections 109 and 110).

Any changes from the approved FFCP may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent additions or modification planned for this development, a separate amendment must be submitted to the M-NCPPC for review and approval prior to those changes occurring. If you have any questions regarding these actions, please contact Josh Penn at (301) 495-4546 or josh.penn@montgomeryplanning.org.

Sincerely,
John Carter
John Carter
Chief Area 3 Planning team
Cc: File: E20050150
Planning Area 3 Team
8787 Georgia Avenue, Silver Spring, Maryland 20910
www.MontgomeryPlanning.org

OWNER/DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Site Plan Approval No. E20050150 including Approval Conditions, Development Program, and Certified Site Plan.

Developer's Name: Cabin Branch Management, LLC - Sylke Knuppel Company Contact Person

Address: 6905 Rockledge Drive #800 Bethesda, MD 20817

Phone: (301) 803-4855

Signature: _____

Qualified Professional Certificate
Exclusive to this sheet.

Date: 3/5/14

M. Dusty Road
Dusty Road
Qualified Professional
COMAR 08.19.06.01

CALL "MISS UTILITY" AT
1-800-257-7777
48 Hours Before Start of Construction

The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

Applicant: Cabin Branch Management LLC
6905 Rockledge Drive, Suite 800
Bethesda, Maryland 20817
Phone: (301) 803-4855
Fax: (301) 803-4929
Contact: Sylke Knuppel, P.E.

CABIN BRANCH
ELECTION DISTRICT NO. 2
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www.rodgers.com

BASE DATA	BY	DATE
DESIGNED		
DRAWN		
REVIEWED		

RODGERS CONTACT:

RELEASE FOR

BY: _____ DATE: _____

FINAL FOREST CONSERVATION PLAN
CABIN BRANCH

REVISION	DATE	REVISION	DATE	REVISION	DATE
REVISED PER P&P COMMENTS-LSA	4/2/2007	REVISED FOR PB-LSA	10/20/11		
REVISED PER P&P COMMENTS FROM 8/30/07-LSA	9/2/2007	REVISED FOR SIGNATURE SET - RCT/hrm	1/2/2012		
REVISED PER P&P COMMENTS FROM 11/20/07-LSA	12/2/2007				
REVISED PER P&P COMMENTS FROM 1/4/08-LSA	1/2/2008				
REVISED PER DPL COMMENTS-LSA	9/2/2009				
REVISED PER P&P COMMENTS FROM 11/30/09-LSA	4/2/2010				
REVISED PER SP REVISIONS-LSA	4/2/2011				
REVISED FOR PB-LSA	9/2/2011				

SCALE: N/A

JOB No. 782A5

DATE: OCT., 2012

SHEET No. 2 of 63

March 4, 2014

Josh Penn
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 210910

Re: Cabin Branch Infrastructure Site Plan
Amendment 'E'
Tree Variance Request and Justification
MNCPPC # 1-2005015E
RCI # 782A12

Dear Mr. Penn,

Please accept this letter and the accompanying exhibits as a formal written request for a variance from section 22A-12(b)(3) of the Montgomery County Code. The referenced section concerns the requirement to not disturb *any tree with a diameter, measured at 4.5 feet above the ground, of (i) 30 inches or more; or (ii) 75% or more of the diameter, measured at 4.5 feet above ground, of the current State champion tree of that species.* Since the implementation of the Infrastructure Site Plan for West Old Baltimore Road of the Cabin Branch project ("project") requires the disturbance to trees 30" or greater, a variance is necessary under Section 22A-21.

As background, the project is the subject of decades of planning, including the Clarksburg Master Plan in 1994, the Cabin Branch Development Plan in 2003, the Preliminary Plan in 2004, the Infrastructure Site Plan in 2007 and multiple Individual Site Plans for various phases of the project. The Infrastructure Site Plan, which is being amended by this application, has been amended several times. The original amendment (2005015A) was in response to a detailed study and planning effort specific to West Old Baltimore Road. The final engineering required to implement this amendment¹ is underway and, as a result of minor adjustments to the limits of disturbance, stream restoration and wetland mitigation, additional forest clearing and impacts to specimen trees are necessary and unavoidable.

The implementation of the prior approvals and the environmental improvements mentioned above requires a variance under Section 22A-21 for the disturbance to trees with a diameter at breast height of 30" or more. There are two activities included with this application that are resulting in the impacts to specimen trees. The first includes the replacement of culvert 2 and stream restoration located immediately below the culvert on Park property. A total of 13 trees are proposed to be disturbed as part of this activity (see attached exhibit). Of the 13 trees disturbed, 9 of those trees will remain, as the disturbance is not substantial enough to necessitate the removal of the trees. The second activity included with this application is for a wetland creation site, located along the Little Seneca tributary on the north side of West Old Baltimore Road. This activity will impact four (4) specimen trees. However, none of the trees are proposed to be removed. A table of the subject trees is below. The requirements for the granting of a variance are also provided below, followed by the applicant's presentation of how those requirements are met.

¹ This amendment is limited to the reconstruction of two (2) culverts along West Old Baltimore Road at this time. The engineering for the remainder of West Old Baltimore Road is underway. However, given the need to reconstruct these culverts in advance of the remainder of the full roadway reconstruction, this amendment is limited to the two culverts and associated stream restoration and wetland mitigation.

<u>Tree</u>	<u>Common Name</u>	<u>CRZ Disturbance due to Construction</u>	<u>CRZ Disturbance due to Access</u>	<u>Disposition</u>	<u>Related Activity / Cause</u>
G	Tulip Poplar	1%	6%	Save	Stream Restoration
P	Tulip Poplar	35%	24%	Save	Stream Restoration
Q	Tulip Poplar	33%	34%	Save	Stream Restoration
R	Red Maple	Inside LOD	Inside LOD	Remove	Culvert Replacement
S	Tulip Poplar	Inside LOD	Inside LOD	Remove	Culvert Replacement
T	Red Maple	Inside LOD	Inside LOD	Remove	Culvert Replacement
U	Tulip Poplar	Inside LOD	Inside LOD	Remove	Culvert Replacement
V	Tulip Poplar	22%	10%	Save	Stream Restoration
W	Sycamore	36%	12%	Save	Stream Restoration
X	Red Maple	36%	22%	Save	Stream Restoration
Y	Tulip Poplar	13%	23%	Save	Stream Restoration
Z	Tulip Poplar	4%	11%	Save	Stream Restoration
AA	Tulip Poplar	0%	5%	Save	Stream Restoration
202	Sycamore	19%	13%	Save	Wetland Mitigation
203	Red Maple	34%	10%	Save	Wetland Mitigation
204	Tulip Poplar	27%	0%	Save	Wetland Mitigation
205	Red Maple	35%	0%	Save	Wetland Mitigation

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

As a condition of the stormwater management plans for the Cabin Branch community, culverts 2 and 6 are required to be replaced before SWM ponds 1, 2 and 9 can come on line. Construction of Pond 1 is scheduled to commence construction shortly with the other ponds starting construction shortly thereafter. The timing of the installation of these ponds, and vis a vis the culverts, is critical as the ponds need to be on-line and operational to commence the site preparation for roadway and other infrastructure phasing as required by the conditions of approval for Cabin Branch.

This variance request is for the replacement and upgrading of two (2) existing culverts that convey two tributaries of Cabin Branch and the associated stream restoration and wetland mitigation. Since the culverts can only be located where the streams pass beneath West Old Baltimore Road and given the construction activities necessary for their replacement and the proximity of specimen trees, it is not possible to avoid impacting the specimen trees.

Both culverts are in a degraded condition resulting in degraded environmental conditions. Culvert 2 is in a hung condition, which both limits fish migration and causes localized downstream erosion. Culvert 6 also restricts fish passage and frequently becomes clogged with branches, causing local flooding. Therefore, the replacement of these culverts will immediately improve water quality and riparian conditions.

The proposed stream restoration located below culvert 2 is being required by the Parks Department as part of the permitting process. Due to the location and nature of the stream and stream restoration, impacts to specimen trees are unavoidable. However, the stream restoration construction has been designed to not remove specimen trees. The construction activity associated with the stream restoration will impact but not remove specimen trees. The four (4) specimen trees proposed to be removed in the vicinity of culvert 2 and the stream restoration are in close proximity to the culvert and would be removed by the culvert replacement with or without the stream restoration.

The proposed wetland mitigation is required by the U.S. Army Corps of Engineers and the Maryland Department of the Environment as part of the wetland permitting associated with the culverts and stream restoration. The applicant, their consultants and the agencies mentioned above exhaustively evaluated potential wetland creation sites and determined that the proposed location was ideally situated and contained the characteristics for a successful wetland creation site. The area is located within the unforested floodplain along the Little Seneca Creek tributary. Four (4) specimen trees are located on the slope on the other side of the stream from the proposed wetland creation. Based on the estimated critical root zone for those trees, the root zones would be partially impacted by the wetland creation construction. However, the level of impact would not result in the removal of these trees.

In summation, the activities (culvert replacement, stream restoration, wetland mitigation) proposed by this application are ultimately required by the conditions of approval for the Cabin Branch project. The wetland mitigation is required condition of the MDE and Corps permit for the culverts. The stream restoration is a required condition of the Parks Department culverts. The culverts are a required condition of the stormwater management plan for Ponds 1, 2 and 9. The construction of Ponds 1, 2, and 9 is a required improvement for the implementation of the Cabin Branch project. Based on these special conditions that are peculiar to this property and project, failure to grant a variance would result in the unwarranted hardship of not being able to implement this project.

- (2) *Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas;*

In this situation, Cabin Branch Management, LLC. has an approved Development Plan, Preliminary Plan and various site plans. Those plans have been approved by the Montgomery County Council and/or Planning Board in order to implement the Clarksburg Master Plan. As explained previously, the implementation of those approvals requires the activities contained within this application – the replacement of the culverts, stream restoration and wetland mitigation. Similarly, in other cases the Planning Board has issued a variance for the impact to specimen trees when doing so was necessary and unavoidable in order to implement the project. Specifically, in 2013 a variance was granted for a necessary and unavoidable impact to a specimen tree associated with the reconstruction of Clarksburg Road, which was also a condition of this project. Not granting this variance will deprive the owner of their right to implement this project since the impact to these specimen trees is necessary an unavoidable to implement this project.

- (3) *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, and*

The replacement of these culverts is a requirement of the approved Storm Water Management and Water Quality Plans. The construction of the replacement culverts will be managed under an approved Erosion and Sediment Control Plan. While the activities will result in the removal of 4 specimen trees, the improvement to hydrological conditions by the replacement of the culverts, the stabilization of the stream through the stream restoration, the creation of new wetlands and the reforestation of disturbed areas will more than offset the impact.

(4) Provide any other information appropriate to support the request.

The replacement culverts have been designed based on feedback from DOT, DPS, and biologists from MCDEP, MNCPPC Parks, MDE, and the Corps of Engineers and are utilizing enclosed culverts that have been depressed and contain baffles. The baffles and depressed culverts will promote the creation of in stream habitat and allow fish passage through the culverts, which presently does not exist. This type of culvert is increasingly recognized as the most biologically sensitive culvert application. Previously, the use of bottomless culverts was thought to be the most sensitive approach. However, as time has passed it has become apparent that while the span does not directly and immediately disturb the stream channel, over time, the loss of woody vegetation and erosion-preventing root systems die off due to lack of sufficient sunlight, and local scouring and erosion occurs. Depending upon the extent of the scouring, the culvert abutments become compromised. Since the existing streams are significantly incised downstream of the existing culverts this would be a significant issue.

The stream restoration proposed below culvert 2 arises out of a request by the Parks Department as part of their permitting process. Due to the hung nature of the existing culvert and the hydrological conditions, this reach of stream is unstable – as evidenced by eroding and undercutting stream banks. The stream restoration has been designed to retain as many trees as possible. As the accompanying graphic shows, some specimen trees are totally surrounded by areas proposed for disturbance. However, most of the disturbance is due to construction access and not direct excavation. The construction access areas will utilize specified measures to minimize compaction and damage to the root zones.

In addition to meeting the criteria of subsection (a), the granting of this variance:

(1) Will not confer on the applicant a special privilege that would be denied to other applicants,

Given the scope of the construction activity necessary to replace the culverts and install the stream restoration combined with the location of the trees and root zones, disturbance to variance trees are to be expected.

(2) Will not be based on conditions or circumstances which result from the actions by the applicant,

The requested variance is based upon the nature of the existing site, location and distribution of the subject trees, and the prior approvals and conditions imposed by various agencies.

(3) Will not be based on a condition relating to land or building use, either permitted or nonconforming, on a neighboring property, or

The requested variance is based upon the nature of the existing site, location and distribution of the subject trees, and the prior approvals and conditions and not on a condition relating to land or building use on a neighboring property.

(4) Will not violate State water quality standards or cause measurable degradation in water quality.

The replacement of these culverts is a requirement of the approved Storm Water Management and Water Quality Plans. The construction of the replacement culverts will be managed under an approved Erosion and Sediment Control Plan.

As stated in the November 20, 2013 letter counter-signed by MCDPS, no amendment to the Water Quality Plan is required for this activity.

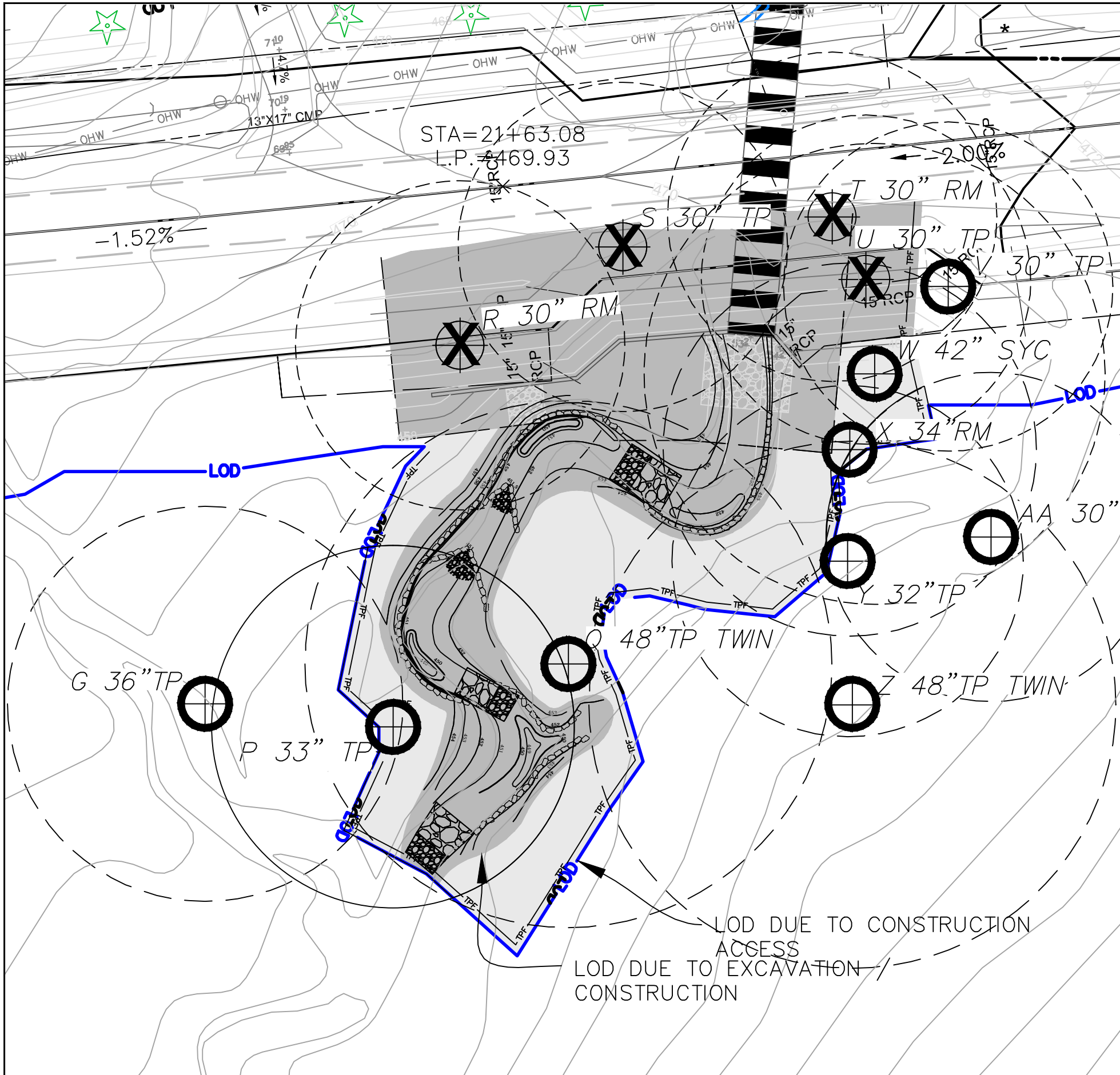
Thank you for your review and feel free to call or email with any questions or to discuss. I can be reached at (240) 912-2151 or drood@rodgers.com.

Sincerely,
Rodgers Consulting, Inc.

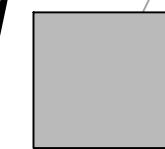





Dusty Rood
Vice President, Environmental Team Leader

Cc: Sylke Knuppel, Cabin Branch Management, LLC
Bob Harris, Lerch, Early
Gary Unterberg, Rodgers Consulting



E Amendment Specimen Trees Variance				
Tree	Common Name	CRZ Disturbance Due To Construction	CRZ Disturbance Due To Access	Status
G	Tulip Poplar	1% CRZ Disturbance	6% CRZ Disturbance	Save
P	Tulip Poplar	35% CRZ Disturbance	24% CRZ Disturbance	Save
Q	Tulip Poplar	33% CRZ Disturbance	34% CRZ Disturbance	Save
R	Red Maple	Inside LOD	Inside LOD	Remove
S	Tulip Poplar	Inside LOD	Inside LOD	Remove
T	Red Maple	Inside LOD	Inside LOD	Remove
U	Tulip Poplar	Inside LOD	Inside LOD	Remove
V	Tulip Poplar	22% CRZ Disturbance	10% CRZ Disturbance	Save
W	Sycamore	36% CRZ Disturbance	12% CRZ Disturbance	Save
X	Red Maple	36% CRZ Disturbance	22% CRZ Disturbance	Save
Y	Tulip Poplar	13% CRZ Disturbance	23% CRZ Disturbance	Save
Z	Tulip Poplar	4% CRZ Disturbance	11% CRZ Disturbance	Save
AA	Tulip Poplar	Outside Disturbance	5% CRZ Disturbance	Save

-  LOD EXCAVATION
-  LOD CONSTRUCTION ACCESS
-  IMPACTED SPECIMEN TREE PROPOSED REMOVAL
-  IMPACTED SPECIMEN TREE PROPOSED RETENTION



REVISION	DATE	REVISION	DATE	REVISION	DATE

Applicant: Cabin Branch Management LLC
 6905 Rockledge Drive, Suite 800
 Bethesda, Maryland 20817
 Phone: (301) 803-4800
 Fax: (301) 803-4929
 Contact: Sylke Knuppel

CABIN BRANCH
 ELECTION DISTRICT NO. 2
 MONTGOMERY COUNTY, MARYLAND

RODGERS CONSULTING
 180-C Century Boulevard
 Suite 200
 Gaithersburg, Maryland 20878
 The 201-286-3000 (Toll Free)
 Fax: 301-286-3000
 www.rodgersconsulting.com

BASE DATA: _____ BY: _____ DATE: _____
 DESIGNED: _____
 DRAWN: _____
 REVIEWED: _____
 RODGERS CONTACT: _____
 RELEASE FOR: _____
 BY: _____ DATE: _____

SPECIMEN TREE VARIANCE EXHIBIT

SCALE: 1"=30'
 JOB No: 782A12
 DATE: DEC., 2013
 SHEET No: 1 of 1



E Amendment Specimen Trees Variance				
Tree	Common Name	CRZ Disturbance Due To Construction	CRZ Disturbance Due To Access	Status
202	Sycamore	19% CRZ Disturbance	13% CRZ Disturbance	Save
203	Red Maple	34% CRZ Disturbance	10% CRZ Disturbance	Save
204	Tulip Poplar	27% CRZ Disturbance	0% CRZ Disturbance	Save
205	Red Maple	35% CRZ Disturbance	0% CRZ Disturbance	Save

LEGEND

- LOD EXCAVATION
- LOD CONSTRUCTION ACCESS
- IMPACTED SPECIMEN TREE PROPOSED RETENTION

REVISION	DATE	REVISION	DATE	REVISION	DATE

Applicant: Cabin Branch Management LLC
 6905 Rockledge Drive, Suite 800
 Bethesda, Maryland 20817
 Phone: (301) 803-4800
 Fax: (301) 803-4929
 Contact: Sylke Knuppel

CABIN BRANCH
 ELECTION DISTRICT NO. 2
 MONTGOMERY COUNTY, MARYLAND

RODGERS CONSULTING
19047 Country Boulevard
 Suite 200
 Gaithersburg, Maryland 20878
 Ph: 301-948-4700 Fax: 301-948-4700
 Fx: 301-948-4700 www.rogers.com

	BY	DATE
	DESIGNED	
	DRAWN	
	REVIEWED	
	RODGERS CONTACT	
	RELEASE FOR	
	BY	DATE

**SPECIMEN TREE VARIANCE EXHIBIT
 WETLAND CREATION SITE**

SCALE: 1"=40'
 JOB No: 782A12
 DATE: DEC., 2013
 SHEET No: 1 of 1



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

April 24, 2014

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

RE: Cabin Branch, ePlan 82005015E, amendment to FCP applied for on 11/5/2013

Dear Ms. Carrier:

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

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variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

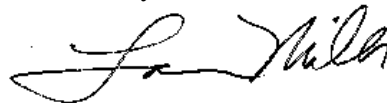
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, 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 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, Senior Planner

RECEIVED

NOV 27 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

November 25, 2013

Mr. Joshua Penn
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910
Joshua.Penn@mncppc-mc.org

Re: Site Plans: 82005015E
Cabin Branch Infrastructure
Revise Final Forest Conservation Plan to adjust LOD
and FC Easements for new culverts only

Dear Mr. Penn:

I am writing on behalf of my mother, Guelda C. Miller and our family who have resided at 13850 W. Old Baltimore Rd for over forty years.

We have repeatedly attended meetings at the planning board asking for consideration in saving our home and protecting our family.

It is our understanding that Cabin Branch is requesting approval to change the limits of disturbance to perform culvert work in the creek next to our home. While this particular phase of work may not require any portion of our property, it is part of a larger plan that will require our home be demolished.

We attended a hearing in April where Cabin Branch Management had tried to have a site plan amendment approved by administrative review which was not allowed. This plan greatly changed the limits of disturbance and involved a major amount work on our property. We requested a public hearing on the matter and to our knowledge that plan has never been approved. We were also told that there would be a meeting to discuss the issue. That has not happened. Now they have been issued a final plan/permit to construct culvert pipes in the creek which eventually will be a direct effect on our home.

Joshua Penn
MCPPC
Pg. 2

Allowing the construction of these culverts assumes the developer has acquired our property to finish the infrastructure work. There is no contract or agreement to purchase to our property.

Acquisition of our property is a developer dependant issue. The developer has known for years that to complete their approved infrastructure work they would need to acquire our property or realign the road. They are attempting to turn this into a situation where our home will be taken by the State or County by eminent domain. In our opinion, park and planning's continued approval of their plans which involve our home, which they do not own, facilitates this.

We also believe there is a safety issue for our family. Road closure would be required for the developer to perform this work. W. Old Baltimore Road is a very narrow road and there must be access for large fire trucks and other emergency equipment. Mrs. Miller is seventy years old with serious health issues.

Thank you for your consideration.



Marilyn Miller
on behalf of Guelda C. Miller and Family

13850 W. Old Baltimore Road
Boysds, MD 20841