

James,

Please see my responses below in bold letters.

Jan,

I called your office to speak with you regarding the comments you posted today but you were unavailable. As such, I am writing this email to discuss my concerns about your comments. The comments you posted today are starkly different than those you posted on 11/20/14 and there are several topics which require discussion.

The comments posted on 11/20/14 were incomplete and deleted.

On 8/19/14 I emailed you a plan which illustrated the existing trees impacted by this project and specifically the rain garden. This information was also submitted on 8/19/14 along with the complete package for the first review phase. After reviewing the submitted information you provided the requirements noted below.

"(9/8/2014 3:00 PM JVZ) Please show all trees (species, size, location, health) 1" and greater within the limit of disturbance (LOD) and within 15' of the LOD (even if trees are on an adjacent property) on a plan. Please show which trees will be removed and what will be replanted as per City code 17.09 table 70. Replacement trees will need to be native and 2" in diameter. If trees will remain then please show how they will be preserved during the construction process as per City code section 17.09.30/40/50 and the attached tree protection document. Replacement trees: please include the species, size and location. All tree protection fencing will need to be chain link fencing with round metal posts at least every 10'. Please adjust the tree protection detail on sheet 5 accordingly. Pre-con meeting required. Please contact Jan van Zutphen at 410-263-7946." You requested additional information beyond what is currently required by the City code, such as asking for all trees 1" and greater instead of the 5" and greater per code be shown. I asked for clarification on the 1" tree requirement and you replied in a 9/19/14 email that "Within the LOD you do not need to identify trees 1" and greater". I confirmed that this meant within the LOD we do not need to identify any trees but within 15 feet outside the LOD we do need to identify all trees 1" and greater. Even though we did not need to identify any trees within

the LOD or beyond 15 feet outside of the LOD we took the extra time and effort to survey them in the interest of trying to work positively with the City. Therefore, not only the information you requested but additional information was included in the revised drawings submitted on 10/30/14 and all of your comments were addressed. The tree survey information, trees removed, replanted trees, tree preservation information, and tree protection detail revision were all completed per your requirements.

The City code does require (in table 17.09.070) that all trees 1" and greater within the LOD and within 15' of the LOD are shown on the plans and mitigated for when removed. During a site visit I noticed that a lot of small sweetgum, locust and other trees had started to grow within the cleared area. Technically all those trees need to be shown on the plan. However, I thought that would not be fair and hence I did not require it.

After reviewing the 10/30/14 revised drawings you provided the requirements noted below.

"(11/24/2014 12:02 PM JVZ) Please move the bio-retention area to an area that will not impact the existing trees.

Keep the area outside of the wetland buffer. Any tree within the LOD and 15' outside of the LOD will need to be surveyed and shown on the plan. I recommend showing any additional trees that are impacted by the proposed development even if outside the 15' area. Please include the driplines of all trees. Sigma will need to certify the locations of all trees Prior to the next revision submittal a site visit will be required with the owner or his representative, a Maryland Licensed Tree Care Expert, and the City's Environmentalist to review all tree preservation measures and the health of all trees shown on the plan. Root pruning, fertilization, etc will need to be done by a Maryland Licensed Tree Care Expert. Please select a Maryland Licensed Tree Care Expert who is familiar with tree preservation measures. All tree protection fencing will need to be chain link fencing with round metal posts at least every 10'. Please adjust the tree protection detail on sheet 5 accordingly. Please show the calculations for the required mitigation for any tree that will be removed. In the Resource Conservation Area the replacement requirement is calculated based on the existing tree canopy square footage. Please provide the canopy square footage of the existing trees to be removed and provide mitigation according to the following

criteria: Canopy tree, 2" diameter: 200 square footage Understory tree, 2" diameter: 100 square footage In selecting replacement trees please use a mixture of native species that are existing in the adjacent forest."

You are now asking that the rain garden be relocated even though it has been shown in this location from the beginning along with the trees impacted. The rain garden must be located where shown in order to provide the required stormwater volume treatment.

The grading permit plans for 800 Banneker Lane submitted on 08-18-14 do not show the trees that will be removed for/impacted by the installation of the rain garden. Hence my review comments requesting that you show all the trees in question. The grading permit plans submitted on 10-29-14 do show the trees that will be removed for/impacted by the installation of the rain garden. Therefore I could only make the comment regarding relocating the rain garden with the 10-29-14 submission. I discussed the current location of the rain garden with the City's Storm Water Engineer. He mentioned that the rain garden can be located elsewhere on the property and does not need to be in the current location. Given the fact that the rain garden can be moved elsewhere on the property (enough open land available) it does not make sense from an environmental perspective to remove some and impact other healthy trees for the installation of the rain garden.

This property has a long history starting all the way back when the farm was annexed into the City by the first developer Crab Cove. The second developer, Basheer & Edgemoore, spent a long time working with the City to begin building on the lot before deciding it better to sell it to a private individual. My parents purchased the lot from B&E and have been working since that time to build their home.

Part of that involved the exchanging of conservation areas in order to adjust the cleared area for the home. The conservation area exchange is now completed. One of the main elements of that change was the removal of the trees for the rain garden area as shown on the drawings. Therefore what you are now asking in regard to preserving the trees to be removed at the rain garden is not only contrary to the prior approvals but also not feasible given the stormwater treatment requirements.

I have done the Environmental Review for both the 08-18-14 and the 10-29-14 grading permit applications for 800 Banneker Lane based on the information that was provided by the applicant. If you have additional relevant information please submit that with the next application for this grading permit for City staff review.

Additionally, you ask for any tree within the LOD and 15' outside the LOD to be surveyed and shown. This information is already shown on the drawings. You recommend showing any additional trees that are impacted even if they are beyond 15' outside the LOD. These trees are already shown and were part of the extra information we provided even though your review comments did not require it. You ask for the driplines of all trees to be shown. The driplines of all trees are already shown on the drawings.

Sigma Engineering added the following note on sheet five of the 10-29-14 submission: "Note: Tree survey conducted by property owner who coordinate with city forester. Consultant did not perform FSD, and certification of these plans, does not imply consultants concurrence with tree inventory specifics, or tree locations."

Adequate tree information is critical for tree preservation and mitigation. Hence the requirement to have the consultant survey the trees and the tree locations, including the drip lines, and certify the required information as shown on the plans.

You are now requiring that a site meeting with me, a Licensed Tree Care Expert and you be completed prior to the next submittal. This is not reasonable as no contractors will be selected or awarded contracts until all City permits have been issued.

Tree preservation measures, such as root pruning and tree fertilization, are to be performed by a State of Maryland Licensed Tree Care Expert. I have concerns that the proposed tree preservation measures as shown on the plans are inadequate. By meeting on-site with a State of Maryland Licensed Tree Care Expert/ Maryland Licensed Landscape Architect all required tree preservation measures can be agreed upon. All agreed upon tree preservation measures will need to be shown on the plans. Such an on-site meeting will speed up the review process and is regularly used during the review of permits. Please select a State of Maryland Licensed Tree Care Expert who regularly performs the various tree preservation measures and/or a Maryland Licensed Landscape Architect who knows how to prepare a tree preservation plan.

You indicated again that chain link fencing will be required even though it is not required by the tree protection document you provided as the written requirements that we must follow.

City code section 17.09.040 B. gives the Department of Neighborhood and Environmental Programs latitude as to what kind of protection devices are acceptable. Chain link fencing has typically been required for similar projects.

You ask for the tree protection detail on sheet 5 to be revised to indicate chain link fence. The detail already shows 2 3/8" galvanized mesh fencing which is chain link fence. You ask for a mixture of native species that are existing in the adjacent forest to be used for replacement trees. However, when I specifically asked you what requirements if any there were on the replacement tree specie you said we could select anything from the Native Plant Guide for the Chesapeake. We decided to use all Maple and this is noted on the drawings.

Review of plans for a grading permit can only take place once an application has been submitted. Given the location of the proposed plantings the requirement to match the existing vegetation makes sense from an environmental perspective and has typically been required for similar projects.

Please review the comments you posted today in regard to the aforementioned responses. We have satisfied all requirements you listed on 9/8/14. As such, it would seem reasonable that the only required revisions for the final submission would be the following.

All tree preservation measures will need to be inspected prior to construction and this requirement should be added to the sequence of construction. The replacement tree calculation should be computed on a per area basis per Table 19.09.070 and noted on the drawings.

Thank you for looking at these considerations and I look forward to hearing your thoughts.

Best Regards,
James Green