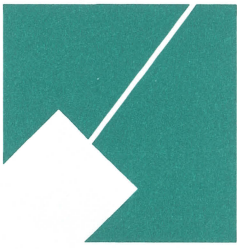


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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Silver Spring, Maryland 20910-3760
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MCPB
Item #
September 28, 2006

MEMORANDUM

To: Montgomery County Planning Board

From: ICC Internal Review Team (301-495-4530) *DKH*

Date: September 15, 2006

Subject: Intercounty Connector Project
Planning Board Briefing #1

RECOMMENDATION: Transmit concurrence with proposed revisions to Limits of Disturbance at two sites affecting parkland.

This memorandum describes a SHA proposal developed in conjunction with M-NCPPC and other agency staff to revise the Limits of Disturbance affecting Section 4(f) parkland in two locations. SHA developed this proposal in response to the Planning Board's July 28, 2006 comments on Mandatory Referral No. 06809-SHA-1.

Staff recommends that the Planning Board concur with the proposed changes at two sites:

- In the vicinity of Station 174, affecting Mill Creek Stream Valley Park, and
- In the vicinity of Station 324, affecting the Dungan Property North, an identified parkland replacement site.

Exhibit 1 shows the location of these two sites. In both cases, the SHA proposal responds positively to staff comments developed during the ICC planning process and included in the mandatory referral comment #7, which recommends reducing the impacts of certain "bump outs" in the right-of-way. These "bump outs" are needed for either temporary erosion and sediment control during construction or permanent stormwater management ponds at 20 priority locations where forest quality is highest. Those 20 sites were identified in Exhibit 5 of the June 29, 2006 staff memorandum for Mandatory Referral No. 06809-SHA-1.

Planning Board action is required at these two sites because the proposed revisions increase the acreage of ICC impact on properties in the Section 4(f) Determination chapter of the May 2006 Record of Decision (ROD). Staff finds that the roughly 0.6 acres of increased property is offset by a reduction in overall environmental impact. In summary, the proposed revisions entail reduced impacts in areas of highest ecological value and increased impacts in areas of lower ecological value. *Staff recommends that the Planning Board support both changes as described in this memorandum.* Neither change should affect the overall parkland replacement strategy described in the Record of Decision.

These two sites are described in greater detail below. The state briefed the Interagency Working Group on September 6, 2006 and gained consensus that these changes are appropriate, pending concurrence from the park property owner. Planning Board concurrence on these two sites is requested at this time so that the changes can be approved by Federal Highway Administration and included in an addendum to the Contract A RFP being completed in October.

As noted previously, mandatory referral comment #7 identified 20 high-priority sites within Montgomery County. Nine of these sites are in Contract A. The state has proposed a similar revision to the limits of disturbance at a third site where no existing or future parkland is affected. At the six other sites in Contract A SHA has not found an alternative design that they feel warrants a revision to the limits of disturbance. However, the RFP includes a financial incentive for the Design-Builder to reduce impacts at these sites, consistent with the Planning Board comment #7, although the amount of the incentive is still under discussion. Eleven of the 20 sites are located in Contracts B or C (with schedules about a year behind that of Contract A); similar changes will be considered at those sites during the next few months.

Station 174 – Mill Creek Stream Valley Park

Staff has worked continuously with SHA for more than two years in the design of the ICC crossing of the Mill Creek tributary at Station 174. At this location, several alternatives for both the roadway crossing of the tributary, stormwater management, crossing configurations, and erosion and sediment control (ESC) techniques have been examined during the 30-month planning process. The crossing included in the Record of Decision includes two culverts; one for the tributary itself and a lighted relief culvert to provide deer and human passage, as well as to serve as a flood relief channel. Permanent stormwater management facilities will be located underground in the vicinity of this crossing. Temporary ESC basins are needed during construction, however, to trap construction sediment and keep it from entering Mill Creek.

Exhibit 2 presents a comparison of the ROD design and the proposed revision. The limits of disturbance for the ROD design are shown in heavy black lines and the proposed revision is shown in red. The ROD design includes two temporary ESC ponds on either side of the Mill Creek tributary, both along the south (and downstream) side of the ICC. Construction of these ESC ponds would require substantial grading of forested slopes with high-quality forests. The ESC ponds would also impact several seeps, springs, and seasonal pools supporting amphibian populations.

Moving the temporary ESC to the north side is challenging simply because the site is slightly upstream of the construction area. SHA has determined that the ESC relocation is feasible, although a small additional detention facility is needed in the southwest corner of the stream crossing, as indicated in Exhibit 2. The north side of the crossing is also forested, but the forest habitat is of lower quality and no seeps, springs, or vernal pools are present.

There are two disadvantages to the temporary ESC location on the north side. First, it increases the total Section 4(f) impact by approximately 0.1 acres. Second, it is closer to the Founders Mill community, as the limits of disturbance lie approximately 50 feet from the closest set of townhomes along Catalpa Court and approximately 100 feet from the closest single-family homes along Flatwood Drive.

Station 324 – Dungan Property North

At Station 324, the ICC bisects the Dungan Property. Both portions of the Dungan Property are recommended as future parkland. The portion of the Dungan Property to the north of the ICC is identified in the ICC ROD as a replacement parkland property. The portion of the Dungan Property to the south of the ICC is identified as future parkland in the Upper Rock Creek Area Master Plan, but its parkland status is not procedurally related to the ICC study or project.

Exhibit 3 presents a comparison of the ROD design and the proposed revision. The limits of disturbance for the ROD design are shown in heavy black lines and the proposed revision is shown in red. The ROD design includes a permanent stormwater management (SWM) pond on the south side of the ICC, in an area of high quality forest. Staff recommended relocating the SWM to the north side of the ICC, in an old field area. At this location, SHA has determined that they can accomplish some, but not all, of the stormwater management requirements on the north side of the ICC.

The only disadvantage to the proposed revisions at this site is the reduction in future ICC replacement parkland acreage by approximately 0.5 acres. (The precise parkland boundary would vary slightly from that shown in Exhibit 3 to avoid retention of a “finger” of parkland between the ICC mainline and the SWM pond.) No residences are located within 1,000 feet of this site.

Public Outreach

The specific limits of disturbance for both sites have varied during the planning process as conceptual designs for the Corridor 1 alignment have evolved since 2004. The specific requests to pursue these designs, however, were first proposed publicly by staff during the mandatory referral process in summer 2006.

Staff presented a brief summary of the proposed changes to the Shady Grove Civic Alliance at their September 13, 2006 meeting. The notification process included a public notice of the September 28, 2006 Planning Board hearing, mailed to all area civic and homeowners associations. Staff also mailed a separate notice to the occupants of residences within 1,000 feet of the center of the relocated ponds offering to meet on site with those property owners to address questions.

DKH:gw
Attachments

memo to mcpcb re ICC 092806 version2

INTERCOUNTY CONNECTOR (ICC) CONTRACT 'A' I-270 / I-370 TO MD 97

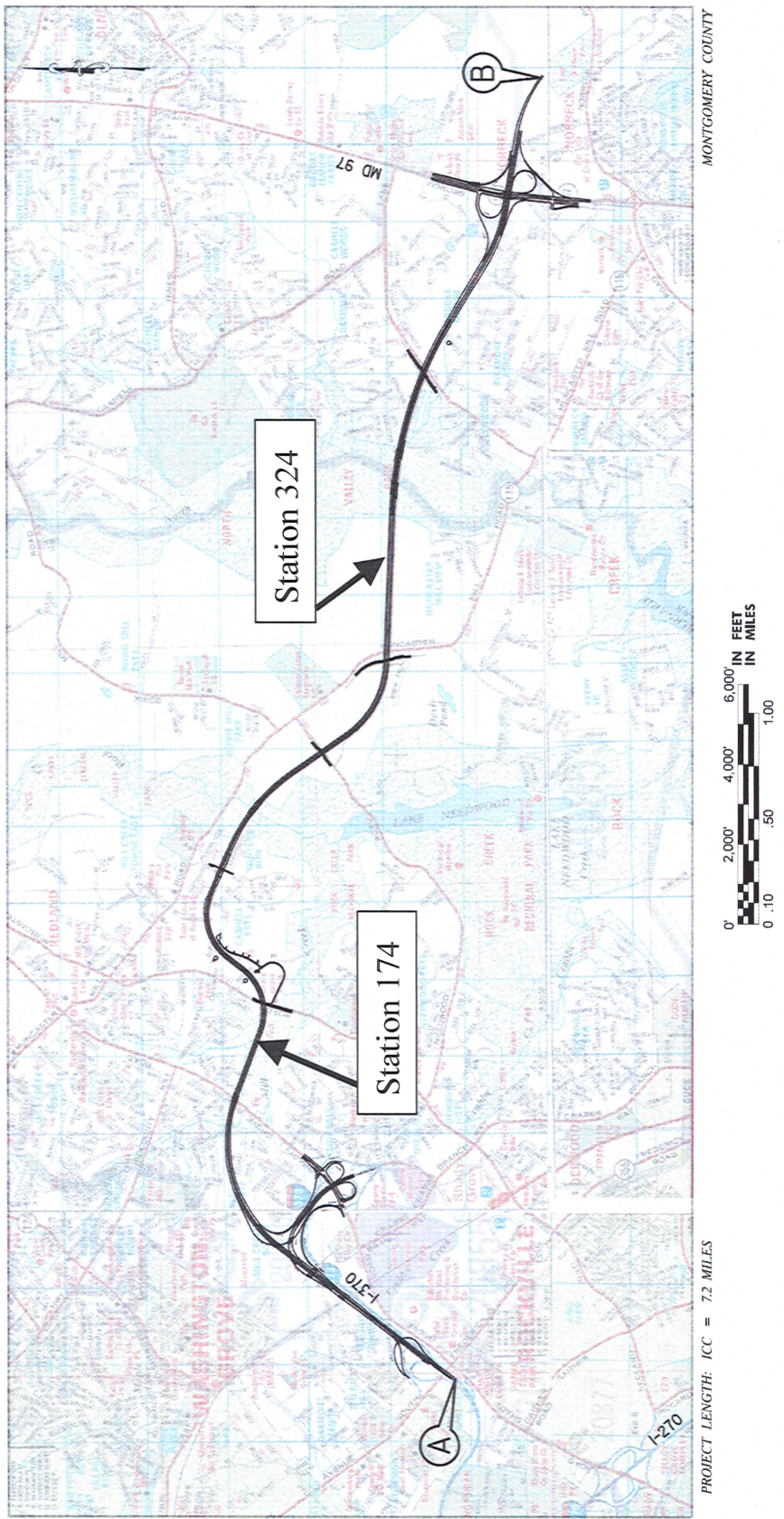
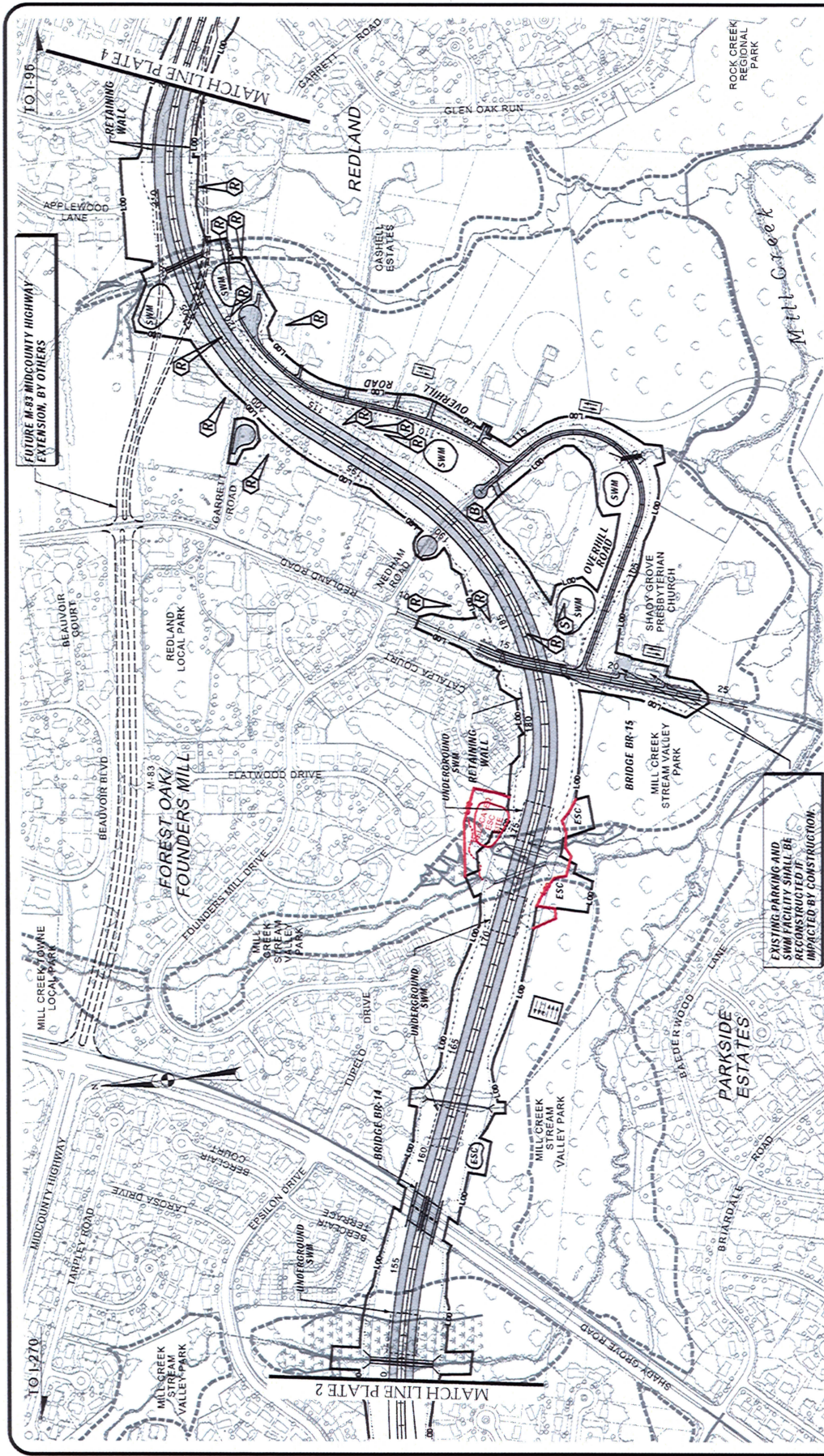


Exhibit 1. Site Locations



ICC ROADWAY CONCEPT PLAN
DRAFT POST-ROAD REFINEMENT

August 2006 Plate RP-3

SMA
Maryland Transportation Authority
Maryland State Highway Administration

CONTRACT A
AT3765960

SCALE IN FEET
0 200 400 600 800

NOTE: PROPERTY BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON TAX MAP RECORDS AND MAY NOT BE ACCURATE. CONCEPT PLANS AND ROADWAY PROFILE PLANS DEPICT THE BASIC PROJECT CONFIGURATION FOR MAINLINE, CROSS STREETS, AND SERVICE ROADS.

EXISTING PARKING AND SWM FACILITY SHALL BE RECONSTRUCTED IF IMPACTED BY CONSTRUCTION.

FUTURE M-83 MIDCOUNTY HIGHWAY EXTENSION, BY OTHERS

Exhibit 2. Proposed Revision at Station 174 – Mill Creek Stream Valley Park

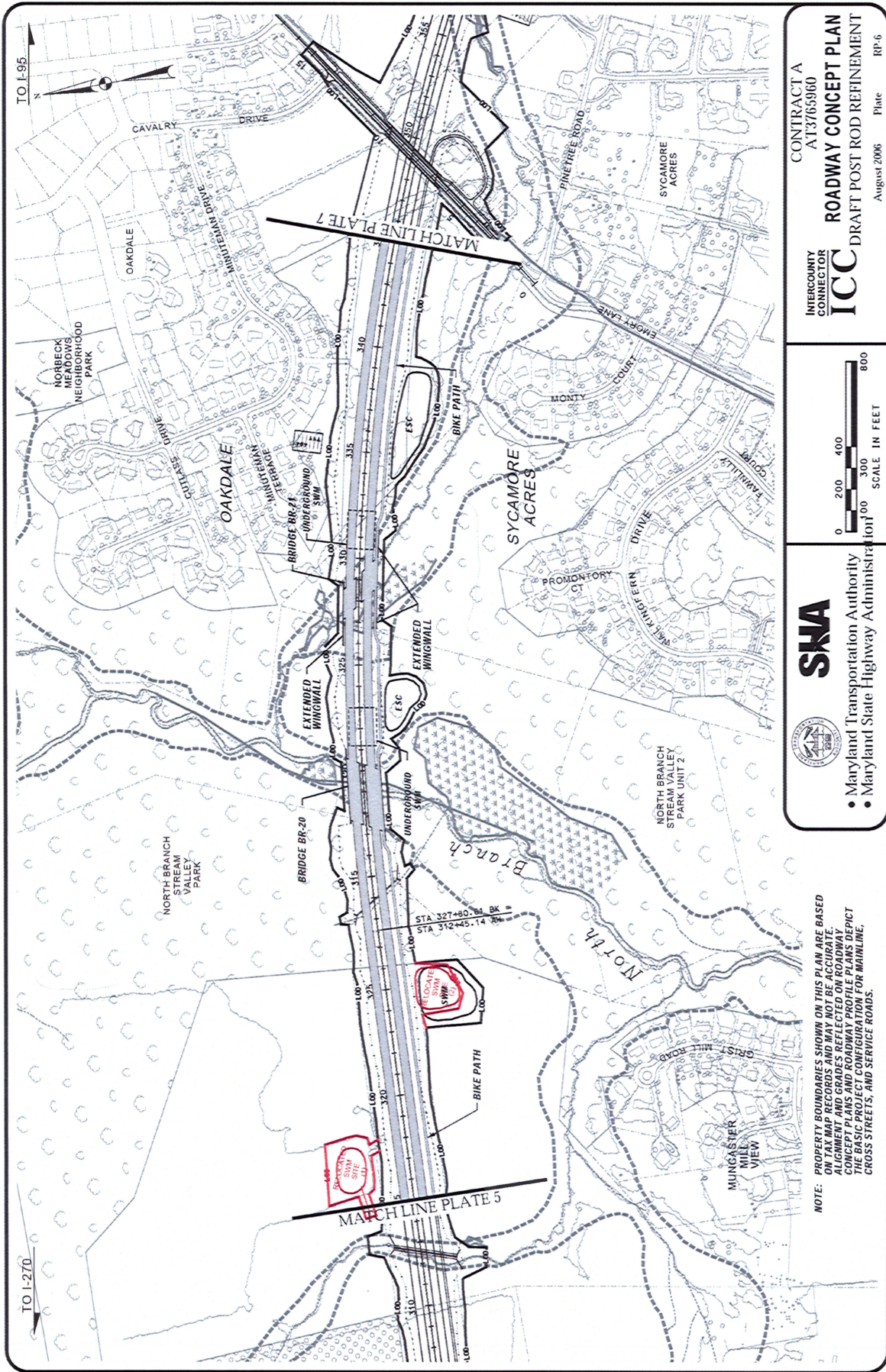


Exhibit 3. Proposed Revision at Station 324 – Dungan Property North