MCPB Item # 11/2/06

MEMORANDUM

DATE:

October 16, 2006

TO:

Montgomery County Planning Board

VIA:

Rose Krasnow, Chief

Development Review Division

FROM:

Catherine Conlon, Subdivision Supervisor (301-495-4542)

Development Review Division

Candy Bunnag, Planner Coordinator (301-495-4543)

Environmental Planning, Countywide Planning Division

REVIEW TYPE:

Minor Subdivision Record Plat and Special Protection Area

Preliminary and Final Water Quality Plan

APPLYING FOR:

One lot for a place of worship

PROJECT NAME:

Islamic Society for the Washington Area

PLAT #:

220061410

REVIEW BASIS:

Section 50-35A(a)(7), Montgomery County Subdivision

Regulations; and Article V (Water Quality Review in Special

Protection Areas), Montgomery County Code

ZONE:

RE-1

LOCATION:

On the south side of Briggs Chaney Road, approximately 650 feet

east of Wildwood Drive

MASTER PLAN:

Fairland

APPLICANT:

Islamic Society for the Washington Area

ENGINEER:

Bazikian Consultants, Inc.

STAFF RECOMMENDATION

SPA PRELIMINARY/FINAL WATER QUALITY PLAN

Approval of the Special Protection Area (SPA) preliminary and final water quality plan with the following conditions:

- 1. Prior to recording of the plat, the applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10 percent.
- 2. Prior to release of building permits, the applicant must demonstrate conformance to the impervious surface limits as shown on the preliminary and final water quality plan. Any modification to this plan which increases site imperviousness requires Planning Board action.
- 3. Category I conservation easement must be placed over the environmental buffer area. Conservation easement must be shown on the record plat.
- 4. Applicant must revise the tree save plan to show tree protection fencing along the limits of disturbance that are within the critical root zones of five trees that are located on the northeastern part of the property and that are greater than 24 inches in diameter at breast height. The tree save plan must also show tree protection signs and 14 gauge, 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging for tree protection fencing.
- 5. A certified arborist must be present at the pre-construction meeting and must implement on-site tree protection measures, including root pruning.
- 6. Applicant must submit a detailed restoration and planting plan, prepared by a professional defined by the Maryland Department of Natural Resources as qualified to prepare forest conservation plans, for M-NCPPC Environmental Planning staff review and approval prior to the start of clearing and grading. The restoration and planting plan shall include measures to restore an area within the environmental buffer where a grove of bamboo has been removed, and to plant native trees in that area, and maintain them for at least two years.
- 7. Applicant must conform to the conditions as stated in the Department of Permitting Services (DPS) letter dated August 21, 2006 (Attachment A).

MINOR SUBDIVISION PLAT NO. 220061410

Approval of the minor subdivision record plat, pursuant to section 50-35A (a)(7) of the Subdivision Regulations, and subject to the following condition:

1. The landscaping and lighting plan, including the parking lot layout, shall be approved by staff prior to recording the plat.

Plat Description:

Harding's Subdivision

On the south side of Briggs Chaney Road, approximately 650 feet east of Wildwood

Drive

RE-1 zone, 1 Lot

Community Water, Community Sewer

Planning Area: Fairland

Islamic Society of the Washington Area, Applicant

SITE DESCRIPTION

The subject property consists of 5.28 acres of land in the Fairland Master Plan area. The property is zoned RE-2 and is located on the south side of Briggs Chaney Road, approximately 650 feet east of Wildwood Drive (Attachment B). The property is comprised of an unrecorded parcel with an existing structure that is used as a religious institution. The site is accessed by a private driveway from Briggs Chaney Road. There is also an existing parking area in the back of the building structure. Surrounding land use is residential in the RE-2 zone.

There are five oaks that are larger than 24 inches in diameter at breast height and that lie on the east side of the site in the vicinity of the existing building and the parking area. A stream and an associated environmental buffer area lie on the southern part of the property. Scattered trees, a stand of planted evergreen trees, and a forested area exist within the environmental buffer. These features cover roughly 2.6 acres. A stand of bamboo, which is a non-native, invasive plant species, had been removed after the forest conservation exemption plan was prepared and submitted. No forest exists outside the environmental buffer area.

The property lies within the Upper Paint Branch Special Protection Area. Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters) A tributary to the mainstem of Paint Branch and the associated environmental buffer lie on the southern portion of the property.

PROJECT DESCRIPTION

The applicant proposes to expand the existing building structure and to continue to use the structure and site as a religious institution (Attachment C). The proposed expansion requires a building permit. A building permit cannot be issued for unrecorded parcels. Therefore, the subject property is required to convert the unrecorded parcel into a recorded lot through the minor subdivision process so that the applicant may be able to apply for a building permit.

Since the proposed expansion involves land-disturbing activities, a Special Protection Area water quality plan is required for review and approval. Section 50-35A(a)(7) of the

Montgomery County Code (part of the Subdivision Regulations) requires that the water quality plan be approved prior to recordation of the plat.

ANALYSIS AND FINDINGS

Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

Under the provision of Article V of the Montgomery County Code (Special Protection Area Law), the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. **DPS has reviewed and approved the elements of the preliminary water quality plan under its purview (Attachment A).** The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Site Performance Goals

As part of the preliminary and final water quality plan, several performance goals were established for the site: provide groundwater recharge, minimize storm flow runoff increases, and minimize sediment loading.

Site Imperviousness

The Upper Paint Branch SPA has a ten percent (10%) site imperviousness limit on land development projects. The imperviousness limit is set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness of 9.95 percent. This consists of an expanded building structure, two driveways, a parking area, and two small sheds. The water quality plan proposes to reduce the imperviousness associated with the parking area by removing some of the existing gravel. The proposed project meets the imperviousness limit of the Environmental Overlay Zone.

Environmental Buffers

The environmental buffer associated with the stream on the southern part of the property is proposed to be protected through a Category I conservation easement. The conservation easement is shown on the record plat.

Forest Conservation

The proposed project is exempt from the requirements of a forest conservation plan review under the modification of existing developed property category. The applicant does not propose to clear any forest as part of the proposed project. The forest conservation exemption plan shows retention of five large trees near the existing building and parking area. The limits of

disturbance are acceptable, but the plan must include tree protection fencing and signage along the limits of disturbance that are within the critical root zones of these trees. The forest conservation exemption plan also notes that the bamboo that grows within the environmental buffer will be removed and native trees will be planted to replace the bamboo.

The applicant has indicated that the bamboo has been removed since the forest conservation plan exemption was submitted. Removal of bamboo is acceptable since bamboo is a non-native invasive plant species. However, it should not have been removed without prior approval by staff of the methods for removal as part of the review of the project. Therefore, staff recommends that a detailed restoration and planting plan be submitted for staff review and approval to show how the bamboo area is restored, what the proposed replacement tree planting will consist of, and how these trees will be planted and maintained within the environmental buffer.

Stormwater Management Concept

To help meet the project's performance goals, the Department of Permitting Services (DPS) has approved a stormwater management (SWM) concept that includes the following features:

- Drywells to treat and promote infiltration of stormwater runoff from the new rooftop area.
- Infiltration trenches to treat the existing parking area and a portion of the existing entrance driveway.

Sediment Control

DPS is requiring an engineered sediment control plan for this proposed project.

Citizen Correspondence and Issues

The applicant sent notices regarding the SPA water quality plan submission to the adjoining and confronting property owners on January 27, 2006. One of these property owners, Mr. Gary Butson, wrote to the Planning Board Chairman on January 30, 2006 (Attachment D). Staff has incorporated necessary changes into the Water Quality Plan which address many of the issues raised. Others are not the purview of the Planning Board, but rather Montgomery County Department of Permitting Services (DPS) as part of their approval and enforcement of a parking facilities plan. A landscape and lighting plan has been submitted by the applicant for review and approval (Attachment E). Staff has completed the majority of the review, and the plan will be finalized prior to recordation of the plat for the property.

The applicant has indicated that the Society's representative met with Mr. Butson. However, Mr. Butson indicated to staff that he continues to have concerns regarding parking on the site. One of these concerns is that parking for the church occurs on the grassed areas of the property, but these areas are not being considered impervious surfaces. Staff considers land that is vegetated, including grassed areas, to be pervious surfaces regardless of their use for

occasional parking. Whether the subject parking is permitted outside a formal parking lot is an issue that would be decided by DPS as part of the parking facility review.

DPS, Water Resources Plan Review Section posted a public notice for the SPA water quality plan on the March 16, 2006 Planning Board agenda. DPS indicated that Mr. Gary Butson discussed the project with DPS staff, but did not request a public information meeting. No other requests or correspondence was received by DPS.

ATTACHMENTS

Attachment A	DPS WQP Approval
Attachment B	Vicinity Map
Attachment C	WQP Drawing
Attachment D	Citizen Letter
Attachment E	Submitted Landscape Plan



DEPARTMENT OF PERMITTING SERVICES

Robert C. Hubbard

Douglas M. Duncan
County Executive

August 21, 2006

Mr. Rafik Bazikian, P.E. Bazikian Consultants, Ltd. 103A Washington Boulevard Laurel, Maryland 20707

Re'

Preliminary/Final Water Quality Plan for the Islamic Society of the Washington Area, Community Center

Addition

SM File #: 224293

Tract Size/Zone: 5.28 Ac/RE-1

Tax Plate: KR 342 Montg. Co. Grid: 32806

Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Bazikian:

Based on a review by the Department of Permitting Services (DPS) Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is acceptable. This review is for the elements of the Preliminary/Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is located on Briggs Chaney Road which is within the Upper Paint Branch Special Protection Area. The proposed improvements consist of the addition of a second floor on the existing structure that will be supported by columns to reduce imperviousness and land disturbance. Also, part of the existing parking area will be removed to reduce overall site imperviousness.

Stormwater Management: Control of the channel protection storm is not required because the one-year post development peak discharge is less than 2.0 cubic feet per second. Dry wells (6) will be used to treat the new rooftop area for quality control and recharge. Infiltration trenches (2) will be used to treat the existing parking area and a portion of the existing entrance drive. The non-rooftop disconnect credit is acceptable for the portion of the entrance drive that drains toward Briggs Chaney Road.

<u>Sediment Control</u>: Due to the minimal amount of grading that is proposed, the use of silt fence will be acceptable for sediment control. An engineered sediment control plan is required for this development.

Conditions of Approval: The following condition must be addressed during the detailed sediment control/stormwater management plan stage. This list may not be all inclusive and may change based on available information at the detailed plan review stage.



Rafik Bazikian August 21, 2006 Page 2

- 1. The dry wells are to be placed in accordance with the stormwater concept plan.
- Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsolling.

Payment of the stream monitoring fee is required prior to the approval of the sediment control plan. The stream monitoring fee computation is to be submitted for verification during the stormwater management/sediment control review process.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240)777-6242.

Richard R. Brush, Manager Water Resources Section

Division of Land Development Services

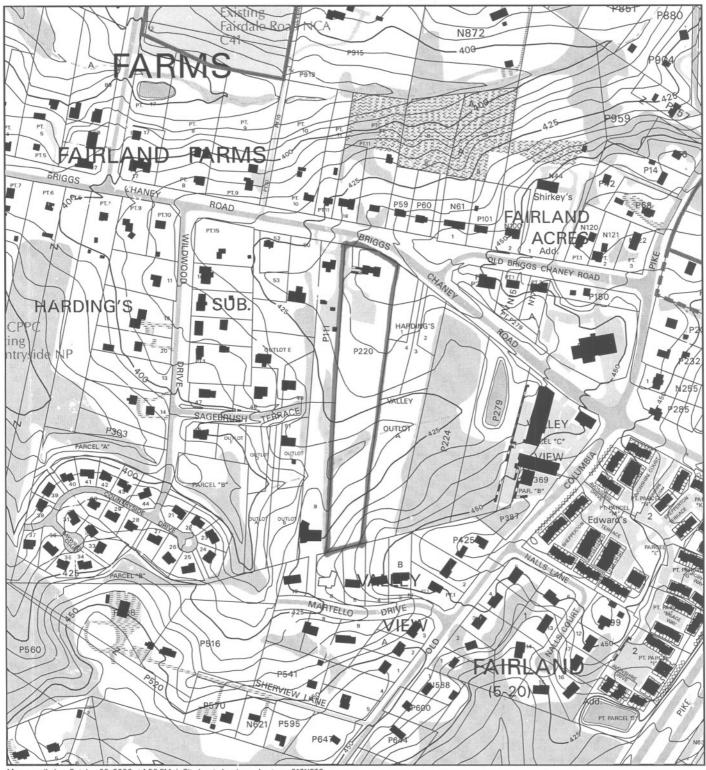
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CC;

L. Galanko SM File # 224293

On not required; Of on-site; Acres; 1.0 Recharge provided

HARDINGS SUBDIVISION (220061410)



Map compiled on October 20, 2006 at 1:50 PM | Site located on base sheet no - 218NE03

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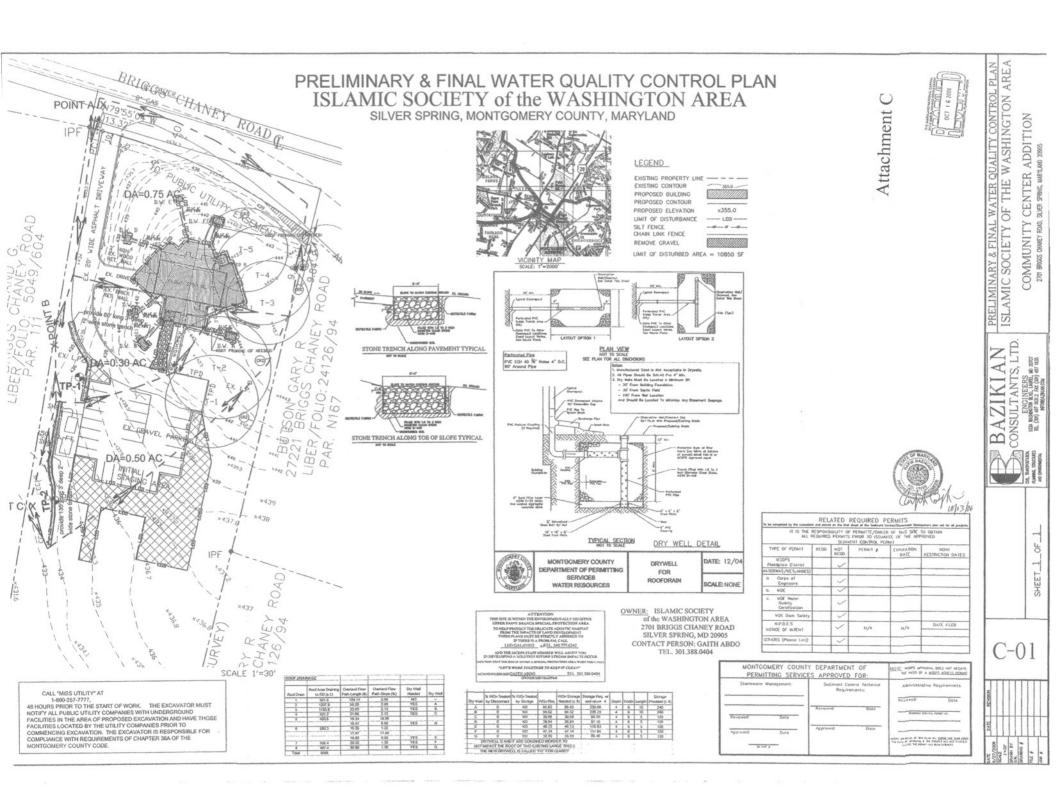
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING THE MARYLAND-NATIO¹; AL CAPITAL PARK AND PLANNING COMMISSION 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760





CAPITOL DEVELOPMENT DESIGN, INC.

ENGINEERS . PLANNERS . SURVEYORS

January 30, 2006

Mr. Derick Berlage Chairman MNCP&PC 8787 Georgia Ave. Silver Spring, MD 20910-3790

Re: Islamic Center Plat 2-06141

Dear Mr. Berlage,

The above referenced property owner sent me a water quality plan referring to a planning board meeting some time soon. I have reviewed this plan and have many questions.

After discussion with your staff it seems a record plat has been filed without public notice until now.

I have reviewed the plan sent to me and find it is not a real plan for the following reasons"

- 1. The boundary is wrong.
- 2. My address is wrong.
- There are no parking spaces shown on the plan.
- There is no building square footage, thus no parking impervious calculation.
- 5. The impervious area is not calculated.
- 6. No sewer is shown.
- Briggs Chaney Road is not shown correctly.
- 8. The trench shown between trees 4 & 5 will cut off half of the root system. These are large specimen oak tree's important to the neighborhood & must be saved.
- The building is expanded to cut off much of the root system of trees 3,4,
 & 5.

- 10. No setbacks are shown.
- 11. The driveway entrance is to narrow, must be a commercial entrance.
- 12. The impervious area is too high. My subdivision next to this property was limited to 8.9%. Why do they propose 10%? Can I get 10%?
- 13. There is no landscape or lighting plan provided.
- .14. Is there a reforestation plan and does it require bamboo removal & bonding.
- 15. The property does not have a plat now & newer has. The letter by Richard Brush is wrong. There is no lot.
- 16. The plan says there is 22,310s.f. impervious area. Please have them show all impervious area on the plan, including parking.
- 17. They sent me sheet 1 of 4, I need all the sheets, 1, 2, 3 & 4.

This is my preliminary review of this project. Please consider the following request.

- Provide all site plans, landscape plans, stormwater management, sediment control, and record plat.
- 2. Please give me 60days to meet with the citizens in the area. Nobody knows about this.
- 3. Meet with me at the site and review the existing parking lot, it is huge.
- 4. Require any new impervious area be staked out in the field for review by you and/or your staff and have that area fenced with a 6ft. board on board fence.
- 5. Please do not approve this plat until we know more about this project.

Thank you for reviewing this project. I look forward to hearing from you.

Sincerely,

Cc: Kathy Conlon

Rich Weaver

Candy Bunag

Leo Galenko

Jody Kline, Esq.

