



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

MCPB

ITEMS # ^{6A} AND # ^{6B}

November 8, 2007

MEMORANDUM

DATE: October 26, 2007

TO: Montgomery County Planning Board

VIA: Mary Dolan, Acting Chief, Countywide Planning Division *MD*
Stephen D. Federline, Supervisor, Environmental Planning, *SA*
Countywide Planning Division

FROM: Candy Bunnag, ^{CB} Planner Coordinator, Environmental Planning,
Countywide Planning Division

SUBJECT: Staff Recommendations for Board Approval of:
A. Special Protection Area (SPA) Water Quality Plan
and
B. Preliminary Forest Conservation Plan

For Mandatory Referral 07607-DPWT-1, Burtonsville Fire Station No. 15

STAFF RECOMMENDATIONS

Staff recommendations are made below for two Board actions on the following plans:

A. Water Quality Plan approval recommendations:

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

1. Total impervious surfaces on the site will cover no more than 57,690 square feet, as shown on the "Impervious Areas – Worksheet" plan, dated October 17, 2007.
2. Applicant will conform to the conditions as stated in DPS' water quality plan approval letter dated September 24, 2007.

B. Preliminary Forest Conservation Plan approval recommendations:

Approval of the preliminary forest conservation plan subject to the following conditions:

1. Prior to the start of clearing and grading, the applicant must record a Category I conservation easement over the forest retention and planting areas shown on the Forest Conservation Plan.
2. Compliance with the conditions of approval for the preliminary forest conservation plan dated October 22, 2007. The applicant must meet all conditions prior to MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:
 - a. Final Forest Conservation Plan must include the following:
 - i. Tree protection fence must be 14 gauge, 2-inch x 4-inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.
 - ii. Tree protection fencing must be extended around the western and northern boundary of tree stand no. 2.
 - iii. Permanent signs and/or fencing must be located along the boundaries of the forest conservation and tree cover areas.
 - iv. Details on site preparation for the planting areas

DISCUSSION

There are three items for Planning Board review for the Burtonsville Fire Station project: the mandatory referral, the Special Protection Area (SPA) Combined Preliminary and Final Water Quality Plan, and the Preliminary Forest Conservation Plan. This memorandum covers staff's review and recommendations on the SPA Combined Preliminary and Final Water Quality Plan and the Preliminary Forest Conservation Plan for the proposed project.

The Board's actions on the SPA Water Quality Plan and the Preliminary Forest Conservation Plan are regulatory and binding. The Planning Board must act on both the SPA Water Quality Plan and the Forest Conservation Plan before it can act on the mandatory referral.

Site Description

The 2.70-acre site is located at the northwest quadrant of the intersection of Briggs Chaney Road and Old Columbia Pike. It lies within the Upper Paint Branch Special Protection Area. A fire station is located on the site.

Four tree stands are located along the eastern, northern, and western property lines. There are no forest stands on the site. There are no streams, wetlands, floodplains, or environmental buffers on the site.

Proposed Project

The applicant proposes to construct a 2495- square foot building addition to the fire station. This is to replace a trailer that is on the site. *In order to meet the impervious surface restriction of the Upper Paint Branch Environmental Overlay Zone, the applicant has revised the project to include removal of existing impervious surfaces on the site (see discussion below).*

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the Special Protection Area law, a SPA water quality plan should be reviewed in conjunction with a mandatory referral¹. Under the provision of the 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 has reviewed and approved the elements of the preliminary water quality plan under its purview. The Planning Board responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Environmental Planning Staff has reviewed and recommends Board approval of the elements of the SPA water quality plan under its purview:

Site Imperviousness

Impervious surface restrictions for development projects in the Upper Paint Branch SPA are set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. The Environmental Overlay Zone was recently amended (adopted and effective October 2, 2007) to lower the impervious surface limit on development proposals from 10% to 8%.

There is also a provision for projects with impervious surfaces lawfully existing before July 31, 2007 that exceed the 8 percent limit and are proposing to construct features within the project area. Section 59-C-18.152 (a)(1)(A) of the Montgomery County Code states:

“(A) Any impervious surface lawfully existing pursuant to a building permit issued before July 31, 2007 that exceeds the 8 percent restriction, may continue or be

¹ Section 19-62 (c) of the Montgomery County Code states that “ before engaging in any land disturbing activity on publicly owned property in an area designated as a special protection area, the applying agency or department should prepare a combined preliminary and final water quality plan.”

reconstructed under the development standards in effect when the building permit was issued.”

To conform to the Environmental Overlay Zone, the site imperviousness for this project cannot be increased over what exists today. That is, there cannot be any net gain in impervious surfaces.

The applicant originally proposed adding a 2495-square foot building addition to the fire house. However, to meet the Environmental Overlay Zone requirements of no net gain of impervious surfaces, the applicant modified the project to include the following measures: reconfiguration of the existing parking lot to reduce the size of the lot, reduction of the width of an internal sidewalk, and removal of impervious surfaces around the mechanical equipment area. The result is a slight decrease of 71 square feet in the overall amount of impervious surface on the site (decrease from 57,761 square feet to 57,690 square feet; the site’s imperviousness remains the same at 49.1%).

Staff finds the applicant’s proposed imperviousness plan to be in conformance with the Upper Paint Branch SPA Environmental Overlay Zone.

Environmental Buffers

There are no streams, wetlands, floodplains, or environmental buffers on the subject site.

County DPS Special Protection Area Review Elements

DPS has reviewed and conditionally approved the elements of the SPA water quality plan under its purview with a synopsis provided below (see Attachment A).

Site Performance Goals

As part of the water quality plan, the following performance goals were established for the site: minimize the loss of sedimentation from the site during construction, and encourage groundwater recharge.

Stormwater Management Concept

Water quality control will be provided through the installation of four dry wells to treat stormwater runoff generated from the new roof of the proposed bunkroom. This will increase groundwater recharge on the site. The site drains to an existing stormwater management detention facility that will provide additional water quality control. DPS is not requiring channel protection volume because the one-year post development peak stormwater discharge is less than or equal to 2.0 cfs.

Sediment and Erosion Control

DPS is requiring the use of super silt fences around the perimeters of disturbed areas. This will address the goal of minimizing the loss of sedimentation from the site during construction.

Monitoring of Best Management Practices

DPS has determined that this project does not need to conduct any stormwater monitoring because the proposed project is relatively small.

Review of Forest Conservation Plan

The Preliminary Forest Conservation Plan proposes to protect the two tree stands adjacent to the parking lot located on the northwestern portion of the property. It also proposes to plant native trees and shrubs around the two tree stands to create larger forest stands. The two stands will create a total of 0.47 acre of forest cover. Staff recommends the creation of a Category I conservation easement over the two stands. This exceeds the forest planting requirement 0.41 acre for the project under the County Forest Conservation Law.

The proposed Preliminary Forest Conservation Plan, with changes as recommended in staff's conditions, meet the requirements of the County Forest Conservation Law.

CB:SDF:MD:g:finalpb:BurtonsvillefireWQPFCPfinal.doc



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

September 24, 2007

Carla Reid Joyner
Director

Mr. Matthew Crane
Johnson, Mirmian & Thompson
72 Loveton Circle
Sparks, Maryland 21152

Re: **Preliminary/Final Water Quality Plan**
for Burtonsville Fire Station Expansion
SM File #: 231978
Tract Size/Zone: 3.78 acres/R-200
Tax Plate: KS52
Parcel: P940
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Crane:

Based on a review by the Department of Permitting Services, the Preliminary/Final Water Quality Plan (PFWQP) for the above mentioned site is conditionally approved. This approval 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 valley buffer encroachments.

Site Description: The site is located at 13900 Old Columbia Pike. This proposal is for the construction of a bunkroom expansion to the existing building, totaling approximately 2,600 square feet. This site is tributary to the Mainstem of the Upper Paint Branch. This watershed has been designated as a Special Protection Area.

Stormwater Management: Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. Quality control will be provided via installation of four dry wells to treat the new roof area. The project site is tributary to an existing downstream detention pond that will serve as additional water quality control.

Sediment Control: Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance. Immediate stabilization is to be emphasized.

Performance Goals: The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary and Final Water Quality Plan. They are as follows:

1. Minimize the loss of sedimentation from the site during construction.
2. Encourage groundwater recharge.

Monitoring: Stormwater monitoring is not required for this project.

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews;

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

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 Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at (240) 777-6338.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dpm:CN231976

cc: C. Conlon (MNCPPC-DR)
C. Bunnag (MNCPPC-ED)
M. Sommerfield (MCDEP)
SM File # 231976

Qn: on-site 0.06 ac.
Qt: on-site 0.06 ac.
Recharge is provided on-site