



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

MCPB
ITEM # 7a
March 13, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Gwen Wright, Chief, *GW*
Countywide Planning

Jorge A. Valladares, P.E. Chief
Environmental Planning, Countywide Planning *JAV*

Mark Pfefferle, Supervisor *MP*
Environmental Planning, Countywide Planning

FROM: Josh Penn, Senior Planner, *JP*
Environmental Planning,

DATE: February 29, 2008

REVIEW TYPE: Preliminary Forest Conservation Plan S-26840
For Board of Appeals No. S-2684

LOCATION 18930 Wasche Road, Poolesville

APPLICANT: Zelkova, LLC
APPLICANT's ENGINEER: CAS Engineering

Staff recommends approval of the preliminary forest conservation plan dated February 28, 2008 subject to the following conditions:

- a. Compliance with conditions of approval of the preliminary forest conservation plan.
- b. Applicant to remove the existing culvert and shift the farmland access road and stream crossing north, out of the wetland buffer as part of this special exception. The new road location must be shown on the final forest conservation plan.

- c. All stream valley buffers and credited afforestation must be protected in a Category I Conservation Easement
- d. Applicant to construct a split-rail fence or other measure acceptable to Environmental Planning to protect the conservation easement area.
- e. Afforestation area to be planted during the first planting season after approval of the Final Forest Conservation Plan.

DISCUSSION

The 20.0-acre property is located in Poolesville, which is covered by the Potomac Subregion Master Plan. The applicant proposes to construct a landscape contractor facility. There is no forest onsite but there are some large and specimen trees. There are streams on-site and wetlands, floodplain and associated buffers on-site. The property is within the Broad Run watershed, a Use class I watershed.

There are two items for Planning Board review for the Landscape Contractor, 18930 Wasche Road: the special exception and the Preliminary Forest Conservation Plan. This memorandum covers staff's review and recommendations on the Preliminary Forest Conservation Plan for the proposed project.

The Board's action on the Preliminary Forest Conservation Plan is regulatory and binding. The Planning Board must act on the Forest Conservation Plan before it can act on the special exception.

Environmental Guidelines

The applicant submitted and received approval of Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) number 420050640 on January 8, 2007. Near the center of the property a small stream with associated wetlands flows to the south. Wetland and stream valley buffers were identified per the Environmental Guidelines (*Guidelines for Environmental Management of Development in Montgomery County*). This site is not located within a Special Protection Area. There is no forest on the subject site.

Forest Conservation

Environmental Planning staff has reviewed the Preliminary Forest Conservation Plan (FCP) submitted for the special exception. The 20-acre property has two deductions from the total tract area, 0.33-acres for roadway dedication and 11.04-acres to remain in agricultural use. The net tract area covered by this preliminary forest conservation plan is 8.63-acres.

Since the project is located in an agricultural and resource area properties subject to a forest conservation plan in this land use category must have a minimum amount of forest protected or planted (Section 22A-12(f) of the code). Since there is no forest on the 8.63-acre site (net tract) the 20% afforestation threshold is the applicable threshold and the applicant must plant 1.73-acres of forest on site. The planting will occur within an unforested stream buffer.

The applicant will protect the entire stream buffer with a category I conservation easement. Areas of the stream buffer not planted as part of this forest conservation plan will be noted as areas of natural regeneration on the final forest conservation plan. The entire stream buffer and easement area will be protected by fencing. Staff is recommending a condition of approval that a split rail fence or other fencing, acceptable to staff, be constructed to protect the conservation easement from encroachment by the landscape operations or by farming activities.

RECOMMENDATION

Staff recommends the Board approve preliminary forest conservation plan