



MCPB
Item #
June 17, 2010

MEMORANDUM

DATE: May 26, 2010
TO: Montgomery County Planning Board
VIA: Mark Pfefferle, Acting Chief, Environmental Planning *MP*
Stephen D. Federline, Master Planner, Environmental Planning *SD*
FROM: Doug Johnsen, Planner Coordinator, Environmental Planning *DJ*
PLAN NAME: Plum Gar Recreation Center Renovation
PLAN NUMBER: MR 2010714
PLAN TYPE: Preliminary Forest Conservation Plan
REVIEW BASIS: Forest Conservation Law, Chapter 22A of the County Code
ZONE: R90
LOCATION: 19516 Scenery Drive, Gaithersburg, MD
APPLICANT: Montgomery County Department of General Services
CIVIL ENGINEER: ADTEK, Inc.
HEARING DATE: June 17, 2010

STAFF RECOMMENDATION: Approval of the Preliminary Forest Conservation Plan with the following conditions:

1. Compliance with the preliminary forest conservation plan received on April 13, 2010.
2. Submission of a final forest conservation plan consistent with 22A.00.01.09(B) of the Forest Conservation Regulations.

DISCUSSION

There are two items for Planning Board review for the renovation of the existing Plum Gar Recreation Center. First is the Preliminary Forest Conservation Plan and the second is the mandatory referral application. This memorandum covers staff's review and recommendations for Board action on the Preliminary Forest Conservation Plan for the entire site in accordance with Section 22A- 11(e)(2) of the Montgomery County Code.

The Board's actions on the Preliminary Forest Conservation Plans are regulatory and binding. The Planning Board must act on the Forest Conservations Plan before it can proceed to make recommendations on the mandatory referral.

BACKGROUND

The 8.48 acre site containing the existing recreation center is located at 19561 Scenery Drive, Gaithersburg, MD. The project site is owned by MNCPPC. It is bounded by Scenery Drive on the north and residential development on east, south and west sides (Figure 1). The applicant is proposing to remove the existing Plum Gar Recreation Center building and exterior basketball courts, replacing the old structure with a new building, new driveway, new parking and vehicle circulation pattern.



Figure 1: Site Location

Environmental Inventory

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the subject site. Environmental Planning staff approved the NRI/FSD on January 5, 2010. The site lies within the Great Seneca Creek watershed, a Use Class I-P stream. There is an exposed intermittent stream on site. The on-site stream begins at an outfall resulting from the neighborhood storm water management draining to the Plum Gar site. The stream continues as

an exposed intermittent stream for approximately 268 feet to the eastern property line and then disappears into a drainage pipe which eventually drains into a tributary to the Great Seneca Creek.

The topography of the site gently slopes from west to east. The highpoint is along the western property line and has an approximate 11 percent slope to the eastern property line with two level areas; one for the existing building and the other for the ball field located in the northeast quadrant of the site. There are some steep man-made slopes associated with the previous grading for the ball that are located between the ball field and the existing residential neighborhood. Additionally, there are some minor areas of steep slopes associated with the incised stream channel.

The site includes 4.12 acres of forest contained in two forest stands. Each stand is delineated on the basis of dominant tree species mix, soils, topography, and location relevant to environmentally sensitive features. There are 2.22 acres of forest within the environmental buffer. Within the total on-site forest, there are 66 trees that are 24" diameter breast height (DBH), 29 of which are 30" DBH and greater.

Forest Stand 1 (0.95 acres) is an upland forest dominated by Southern Red Oak (*Quercus falcata*) and Yellow Poplar (*Liriodendron tulipifera*) with an understory of Dogwood (*Cornus florida*), Sassafras (*Sassafras albidum*) and Virginia Pine (*Pinus virginiana*). This stand surrounds the existing building's western and southern sides and acts as a buffer between the building and the adjacent Seneca Park North neighborhood. Stand 1 contains 2 specimen sized trees and is rated as moderate priority for retention.

Forest Stand 2 (3.17 acres) is an upland forest dominated by Yellow Poplar (*Liriodendron tulipifera*), Southern Red Oak (*Quercus falcata*) and Pin Oak (*Quercus palustris*) with an understory of Ironwood (*Ostrya virginiana*), Barberry and ferns. Forest stand 2 is located south and east of the developed portion of the site. This stand acts as a buffer between the park activities and the adjacent Seneca Park North neighborhood. The stream is located within Forest Stand 2 along with 64 of the 66 specimen sized trees. Stand 2 is rated as high priority for retention due to some steep slopes and the presence of a stream buffer.

FOREST CONSERVATION

This project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the County Code) under section 22A-4(d) "*a government entity subject to mandatory referral on a tract of land 40,000 square feet or larger...*" The net tract is 8.48 acres in size.

The submitted preliminary forest conservation plan (PFCP) shows the removal of 0.51 acres of forest and the retention of 3.61 acres of forest. The forest conservation worksheet indicates no planting requirements associated with the forest removal. All priority forest is being retained, as is additional contiguous forest outside of environmental buffers on MNCPPC property (Figure 2).



Figure 2: Site Location

Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, MD Ann. Code, identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or any disturbance within a tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the Montgomery County Code. The law requires no impact the retention and protection to the greatest extent possible of all trees that measure 30" diameter at breast height (DBH) or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; any trees associated with a designated historic site or structure, and rare, threatened and endangered species. Since this project did not obtain approval of a Preliminary Forest Conservation Plan prior to October 1, 2009 and the applicant is proposing to affect/impact ten trees which are 30" DBH or greater, then a forest conservation variance is required. The applicant has requested a variance to remove or impact the following ten trees:

1. Yellow Poplar (*Liriodendron tulipifera*), 39" DBH, Tree #4

2. Sycamore (*Plantus occidentalis*), 36" DBH, Tree #6
3. Yellow Poplar (*Liriodendron tulipifera*), 49" DBH, Tree #7
4. Yellow Poplar (*Liriodendron tulipifera*), 34" DBH, Tree #54
5. Yellow Poplar (*Liriodendron tulipifera*), 49" DBH, Tree #55
6. Yellow Poplar (*Liriodendron tulipifera*), 34" DBH, Tree #56
7. Yellow Poplar (*Liriodendron tulipifera*), 30 & 32" DBH, Tree #59
8. Yellow Poplar (*Liriodendron tulipifera*), 38" DBH, Tree #61
9. Yellow Poplar (*Liriodendron tulipifera*), 34" DBH, Tree #64
10. Sawtooth Oak (*Quercus acutissima*), 22" DBH, Tree #67

In accordance with Montgomery County Code, Section 22A-21(c) the Planning Board referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a written recommendation prior to acting on the request. The County Arborist has 30 days to comment. In this case, the variance request was referred to the Montgomery County Arborist on April 20, 2010. The County Arborist responded to the variance request on April 22, 2010 by stating that their office had no recommendations.

In accordance with Section 22A-21(e), Environmental Planning staff recommends a finding by the Planning Board that the Applicant has met all criteria required to grant the variance.

- 1). *Will confer on the applicant a special privilege that would be denied to other applicants.*

The requested variance will not confer on the applicant any special privileges that would be denied to other applicants. The loss of certain large trees, and the need for a variance, is often a necessary and unavoidable consequence of development and redevelopment to realize master plan objectives, housing goals, and the application of other land use policies and regulations affecting site development. Staff consistently applies a review of reasonable and feasible avoidance and minimization options to each unique site situation. Therefore, staff believes that granting this variance is not a special privilege that would be denied to other applicants.

- 2). *Is based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is based on site layout and design for the Plum Gar Recreation Center. To a great extent, the applicant has used existing developed area for the redevelopment to the maximum extent practicable. Nonetheless, the proposed site layout and design impacts the critical root zones (CRZ) of ten trees, but after analysis, results in the loss of only one tree. The impacts are associated with the construction of the new building, realignment of the entry drive, refurbishing the existing asphalt path and the installation of a storm water management outfall pipe.

- 3). *Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

- 4). *Will violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The subject property is located within the upper reaches of the Great Seneca Creek watershed which has a use I-P designation. Use I-P waters have quality standards set that if met make them suitable for water contact recreation, recreational fishing and public water supply.

As a result of the above findings, staff recommends approval of the applicant's request for a variance from Forest Conservation Law to remove or otherwise impact specimen (and/or certain other specified) trees on-site. The variance approval is assumed into the Planning Board's approval of the final forest conservation plan.

CONCLUSION

Staff recommends the Planning Board approve the preliminary forest conservation plan with conditions.