



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

MCPB
ITEM #
May 5, 2011

MEMORANDUM

DATE: April 15, 2011

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Acting Chief, Development Application and Regulatory Coordination

FROM: Candy Bunnag, Planner Coordinator, Development Application and Regulatory Division (301-495-4543)

REVIEW TYPE: Special Protection Area (SPA) Water Quality Plan

APPLYING FOR: Removal of impervious surfaces

PROJECT NAME: M-NCPPC Department of Parks project at Parcel N817, Grauel's Addition to Spencerville (2831 Spencerville Road, Burtonsville), M-NCPPC Parkland in Upper Paint Branch Special Protection Area

REVIEW BASIS: Montgomery County Code, Chapter 19, Article V. Water Quality Review in Special Protection Areas; Montgomery County Council Resolution 13-215 designating the Upper Paint Branch Special Protection Area

ZONE: RE-1

LOCATION: Located on the south side of Spencerville Road (Rte. 198), east of Allnut Lane

MASTER PLAN: Cloverly Master Plan

APPLICANT: M-NCPPC Department of Parks

FILING DATE: March 28, 2011

HEARING DATE: May 5, 2011

Approval signatures

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RECOMMENDATION: Approval subject to the following conditions:

- 1) The applicant must remove all impervious surfaces on Parcels N817 and N818 and surfaces associated with the entrance driveway within the Spencerville Road right-of-way.
- 2) Prior to the pre-work meeting, the applicant must submit a plan that provides specifications for restoration of these areas to pervious surfaces for review and approval by the Planning Department.
- 3) A Planning Department inspector must be included at the pre-work meeting.
- 4) A Planning Department inspector must conduct a post-work inspection to verify the removal of all impervious surfaces and completion of restoration work.
- 5) All impervious surfaces removed from Parcel N817, N818, and the road right-of-way will be used as impervious surface removal credits for one project only. Credits will be assigned to a project after the Planning Department inspector has verified removal of impervious surfaces and the completion of restoration work.

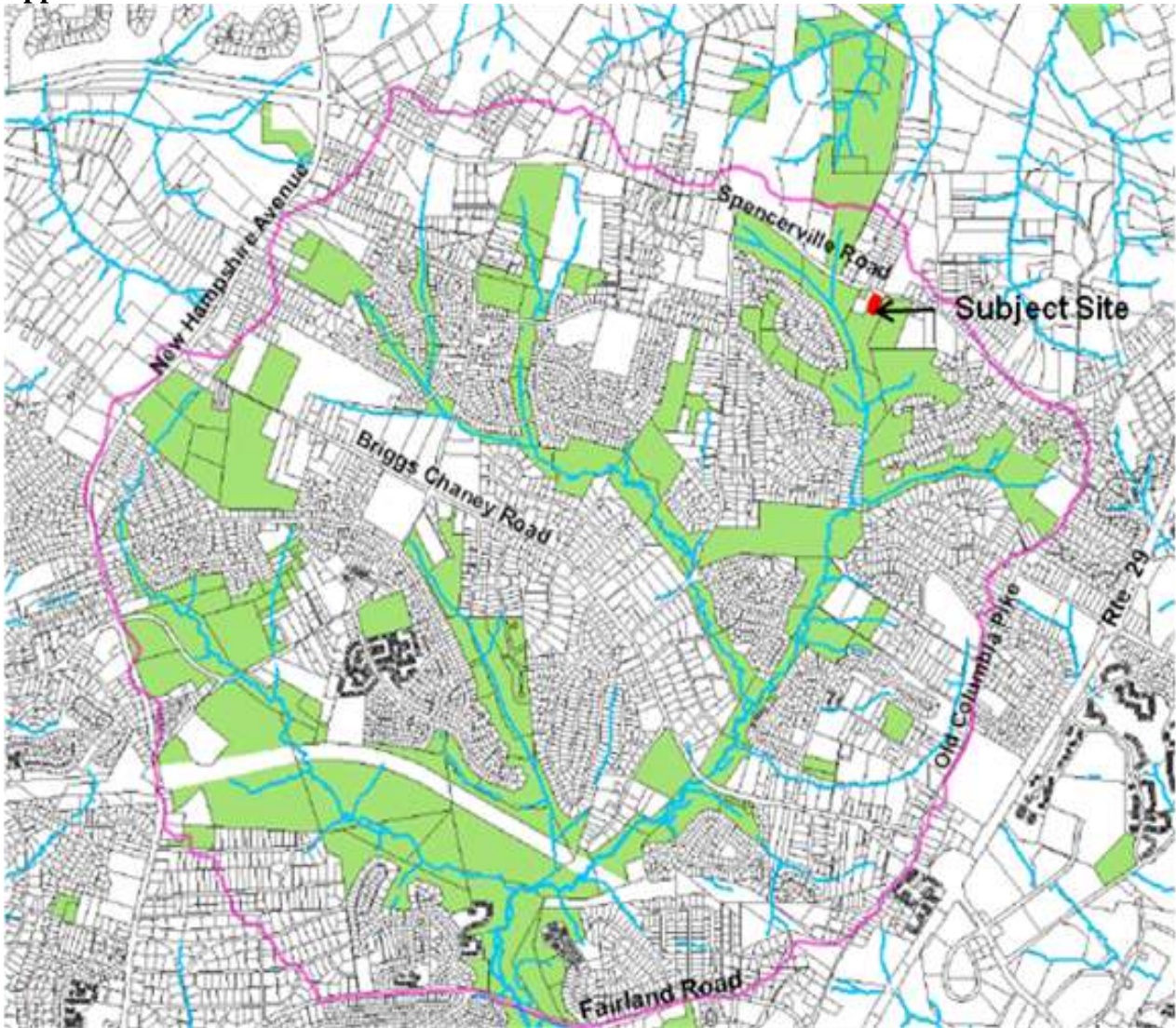
SITE DESCRIPTION

The 0.46-acre property (Parcel N817) lies within the headwaters of the Upper Paint Branch Special Protection Area (SPA) on the south side of Rte. 198. It is owned by the Department of Parks and drains to the Right Fork Tributary of Paint Branch. A house (constructed in 1965), driveway, and lawn are on the site. The driveway is configured so that part of it forms a circle. A small portion of the circular part of the driveway lies on the adjoining parcel N818, which is also owned by the Department of Parks. There are no forests, streams, wetlands, 100-year floodplains, or associated environmental buffers on or adjacent to the property.

PROJECT DESCRIPTION

Parcel N817 was purchased by the Department of Parks in November 2010. It has been added into the Upper Paint Branch Stream Valley Park. The site acquisition and proposal to remove the impervious surfaces on the site are consistent with the Cloverly Master Plan recommendation to protect and improve water quality and aquatic habitat and maintain overall imperviousness at or near 1990 levels in the Upper Paint Branch SPA. In addition, since the property is in a SPA, it qualifies as a Legacy Open Space (LOS) Master Plan site under the category of Natural Resource Protection Area. There is also a provision within the LOS Master Plan that allows for acquisition of properties in Exemplary Natural Communities including the Paint Branch Watershed. Other sites in the Upper Paint Branch SPA have been purchased as parkland even though they were not specifically identified in the Cloverly Master Plan for park acquisition; these included the Grauel, Beatty, Bailey, and Mitchell properties. Parks staff has determined that the house and driveway are not needed and is now proposing to demolish the house and the driveway.

Upper Paint Branch SPA



Subject Site



ANALYSIS AND FINDINGS

Review for Conformance to the SPA Requirements

Montgomery County Resolution No. 13-215, adopted by the County Council on July 11, 1995, designates the Upper Paint Branch SPA and requires each applicant proposing any land disturbance activity within this SPA to submit a water quality plan for review in accordance with the Special Protection Area legislation.

Section 19-62(c) of the County SPA law (Chapter 19, Article V 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.”

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 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.

DPS has determined that Department of Parks' written description of the project meets the intent of the SPA regulations. DPS has approved Department of Parks' letter of March 23, 2011 (Attachment 1) as the project's SPA water quality plan.

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

Site Imperviousness

The Parks Department is coordinating with the Maryland State Highway Administration (SHA) for removal of the house and impervious surfaces. SHA has requested "impervious surface removal credits" for the removal of the house and the driveway from the Department of Parks to partially offset the 0.113 acre (or 4,922 square feet) of impervious surfaces that was added as part of the SHA intersection improvement on Rte. 198 (Spencerville Road) at Good Hope Road (Contract No. MO28851756). SHA had started construction of the intersection project without Planning Board review of a mandatory referral using SPA criteria and requirements. The project was discussed by the Planning Board at a round-table session at its November 5, 2009 meeting (see staff report of round-table item, Attachment 2). As a result of the round-table discussion, the Board recommended that SHA identify and permanently remove 0.113 acre of existing impervious surfaces in the Upper Paint Branch SPA to create no net increase in impervious surfaces for the intersection project (Attachment 3).

Subsequent to the Planning Board round-table discussion, staffs of both the Planning Department and the Department of Parks have worked with SHA staff to help identify possible sites in the SPA where impervious surfaces could be permanently removed. Department of Parks staff identified the property at 2831 Spencerville Road as one location where unwanted impervious surfaces could be permanently removed. Department of Parks staff has determined that it does not require impervious surface credits from this site for a park project and the permanent removal of impervious surfaces on this site does not conflict with a park project (see Attachment 4). These determinations are consistent with Department of Parks' round-table discussion with the Planning Board of November 5, 2009 on the removal of impervious surfaces by another agency on parkland.

Although the round-table discussion between the Department of Parks and the Planning Board focused on the use of impervious surface removal credits by another County agency, staff believes the direction given by the Planning Board at the round-table session would also apply to a state agency that may need impervious surface removal credits. It is Planning Department staff's understanding that, in exchange for getting credit for removal of impervious surfaces, SHA has agreed to pay the Department of Parks for the cost of the impervious surfaces removal and the restoration of the area into pervious land.

Based on estimates from aerial photography and the use of GIS, it is estimated that the impervious surfaces that is proposed to be removed is roughly 6,750 square feet. This exceeds the 4,922 square feet of impervious surface removal credits that SHA needs in order for its intersection improvement project at Spencerville Road at Good Hope Road to have no net increase of impervious surfaces in the SPA.

The amount of impervious surface proposed for removal exceeds the amount that SHA needs. Staff is not recommending any credit be granted for any future project. For other impervious surfaces removal projects that generate credits for another project, Planning staff have required a survey to precisely identify the amount of existing impervious surfaces that are removed or remain. In this way, there is clear documentation of the impervious surfaces that can be removed and be used for credits against another project.

In this case, in order to avoid the cost and time of surveying and because the impervious surfaces to be removed is larger, by roughly 33 percent, than the amount SHA needs, Planning staff is allowing the documentation of impervious surface removal to be accomplished by estimates based on aerial photography and GIS rather than through a more expensive professional survey.

Environmental Buffers

There are no streams, wetlands, 100-year floodplains, or environmental buffers on or adjacent to the site.

Forest Conservation Law

The subject property on which the house lies on is 20,061 square feet in size. If the limits of disturbance (LOD) for the proposed removal of the portions of the driveway lying within the Spencerville Road right-of-way and adjoining Parcel N818 (also owned by the Department of Parks) are included, the total area of the property and offsite LOD is 23,523 square feet. According to Section 22A-4 of the County Forest Conservation Law, the project is not subject to the Forest Conservation Law for the property is subject to a sediment control permit on a tract of land less than 40,000 square feet..

County DPS SPA Review Elements

DPS identified Parks staff's letter of March 23, 2011 as the water quality plan for this project. DPS has approved the letter (Attachment 1).

Site Performance Goals

In a typical SPA review process, a pre-application meeting is held between the applicant, DPS, DEP, and M-NCPPC. At the meeting, DPS identifies the specific performance goals that apply to the proposed project. In this case, since the project is removing impervious surfaces and does not involve new development, DPS determined that no pre-application meeting was needed and, therefore, no site performance goals were set for this project.

Stormwater Management Concept

There is no stormwater management concept for this project since existing impervious surfaces are removed and no new development or structures are proposed.

Sediment and Erosion Control

DPS has approved a Small Land Disturbance Application (SLDA) permit. The installation of silt fencing will be determined by the DPS inspector in the field.

Monitoring of Best Management Practices

Since this project does not propose any new development or structures, no monitoring is required.

CONCLUSION

Staff recommends approval with conditions of the SPA Water Quality Plan.



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

March 23, 2011

Mr. Mark Etheridge
Senior Permitting Services Specialist
Water Resources Section
Montgomery County
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850

MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
APPROVED FOR

WATER QUALITY PLAN FOR
DEMO ONLY, 2381 SPENCERVILLE RD.
SC 239789
J. [Signature] 3/24/2011
Approved Date

RE: SLDA Permit # 239789 (2831 Spencerville Road); Water Quality Plan

Dear Mr. Etheridge,

The Montgomery County Department of Parks, Property Management Office submitted a Small Land Disturbance Area (SLDA) permit application on 3/9/11 for the M-NCPPC Park property currently being prepared for demolition on Spencerville Road.

A copy of the SLDA permit application is attached for your reference.

The demolition includes the removal of approximately 6,750 square feet of impervious surfaces: residential house, and the driveway. Please note that approximately half the driveway is owned by M-NCPPC Parks, and the other by State Highway Administration (SHA) as part of their Right of Way (ROW). M-NCPPC Parks plans to remove both pieces of the driveway and will obtain a ROW permit from the SHA.

The demolition also includes the removal of any hazardous materials, which include asbestos-containing material within the residential house, and an underground fuel tank, which was removed on 3/10/11, drain septic system.

The disturbance area will not exceed 10,000 square feet, which represents a portion of the 40,190 square feet of land area.

The area where the house and driveway are removed will be rough graded, seeded with a layer of straw to stabilize and assure growth.

No development is planned for this property as it is located within the Upper Paint Branch Special Protection Area.

DPS-SLDA (2831 Spencerville Road), -Water Quality Plan, page 2

Once the sediment control permit application is approved, and the pre-construction meeting is held, M-NCPPC Parks will install sediment control fencing as required by your Department's inspector.

More than likely, the plan for this site will be much like the adjacent properties demolished in 2008 and feature a natural meadow grass.

Please provide your approval of this water quality plan.

Thank you for your time. I can be reached at 301-495-2467 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Grace', with a long horizontal flourish extending to the right.

Michelle Grace
Senior Administrative Specialist



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

MCPB
Item # 12 (1)
November 5, 2009

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Acting Chief, Environmental Planning Division *MP*

FROM: *CB* Candy Bunnag, Planner Coordinator, Environmental Planning Division

DATE: October 30, 2009

DISCUSSION: State Highway Administration (SHA) Intersection Improvements, Md. 198 (Spencerville Road) at Good Hope Road in Upper Paint Branch Special Protection Area (SPA)

The intersection improvements of Rte. 198 at Good Hope Road involve creating permanent concrete medians to replace the existing temporary medians, widening the shoulder on the westbound lane (northern side of the road), and reconfiguring and redeveloping the intersection accordingly. State Highway Administration (SHA) proposes to add 0.113 acre of new impervious surface within the right-of-way of Rte. 198. A portion of existing open section roadway will be converted to closed section.

This set of improvements is located within the Upper Paint Branch Special Protection Area (SPA) and the SPA's Environmental Overlay Zone (EOZ). However, this project was not submitted as a mandatory referral project for review by M-NCPPC.

In the past, SHA has submitted its projects that lie within a county-designated SPA as mandatory referrals with County review using SPA criteria and requirements. These projects have included the U.S. 29 improvements at Briggs Chaney Road (reviewed by the Planning Board as a mandatory referral and SPA water quality plan in June 2002) and, more recently, the Intercounty Connector segment through the Upper Rock Creek and Upper Paint Branch SPAs (conducted by the Planning Board as environmental reviews in February 2008 for the Upper Rock Creek SPA segment and in February and June, 2009 for the Upper Paint Branch SPA segments).

The original scope of this intersection improvement project was described to M-NCPPC Transportation Planning staff as the replacement of an existing striped median and flexible bollards with a curbed median; such maintenance-type projects would not normally be reviewed as Mandatory Referrals. The plans and documents that show the increase in impervious surface and proposed stormwater management measures were not provided to staff until we requested the information following a County Council staff inquiry about the project. Unfortunately, the plans and documents were provided to staff

after the contract for the project had already been awarded and a start date for the construction had been set.

Staff reviewed the plans and information provided. We also requested the Montgomery County Department of Permitting Services (DPS) do a quick review of the plans and information to determine how the plans compare to SPA stormwater management and sediment and erosion control criteria. The following is a summary of Environmental Planning Division staff's and DPS' conclusions:

- The impervious increase of 0.113 acre (or 4922 square feet) is relatively small. However, SHA has not proposed to offset the new impervious surface by taking out existing impervious surfaces to create no-net increase of impervious surfaces for the project in the SPA, as required in the Environmental Overlay Zone of the Upper Paint Branch SPA.
- No large trees or forests have been cleared.
- DPS notes that the project proposes to convert an open-section roadway segment into a closed-section design (i.e., curb and gutter). The County typically requires open section road designs in Use III and IV watersheds in the county to provide for filtering of stormwater runoff and groundwater recharge. If an open-section road is not possible, DPS typically requires additional groundwater recharge to be provided via other means. The project does not address this issue, which is of particular concern in this headwaters area.
- DPS also notes that the county usually requires the entire redevelopment area for a project provide water quality controls onsite. The project proposes to provide water quality treatment for only 0.02 acre of the 0.458 acre of new and "redeveloped" impervious area. The remainder of the impervious area will receive "credits" from a "water quality bank". According to SHA, since the project includes impervious surfaces that require water quality treatment (based on Maryland Department of the Environment criteria) but will not be treated onsite, the project will be using "credits" for water quality treatment from a water quality bank that covers the Washington Metropolitan Watershed. This watershed includes the portions of Montgomery and Prince Georges counties which drain the Anacostia and Potomac Rivers and all of Washington, D.C. This watershed covers a much larger area than the Upper Paint Branch SPA. "Credits" in the bank are created from water quality treatment measures that exceed regulatory requirements for SHA projects. Based on this bank, the water quality "credits" that SHA is proposing to use could very well be tied to water quality treatments for a project that lies outside the SPA. DPS does not believe that use of the water quality bank is appropriate since it would involve local degradation of water quality within the Upper Paint Branch.
- DPS notes that safe conveyance of stormwater runoff from the project area is provided. The project will be modifying an existing riprap outfall.
- For sediment control, DPS notes that it would have preferred the use of super silt fence rather than silt fence to provide better controls to avoid or minimize sediment leaving the project site. In addition, DPS would have recommended more emphasis on immediate stabilization.

Although SHA may indicate that the environmental impacts of this particular project to the SPA are small, the cumulative impacts of many small projects can be considerable. In addition, staff is concerned that other, larger SHA projects within the SPA that could have greater environmental impacts may progress and be finalized without mandatory referral or environmental review and input from County agencies, including the Planning Board. The absence of County-level review would not allow staff or other County agencies to minimize or offset additional impervious surfaces due to these projects in the SPA.

Staff recommends:

- (1) For the SHA Rte. 198 Intersection Improvement Project at Good Hope Road, SHA should identify and permanently remove 0.113 acre (or 4922 square feet) of existing impervious surfaces in the Upper Paint Branch SPA. This would create a no-net increase of impervious surfaces for this project. SHA should provide a progress report on meeting this recommendation to the Planning Board by January 15, 2010.
- (2) For projects that lie partly or entirely within an SPA, SHA staff should coordinate early and often with M-NCPPC and County DPS and DEP staffs so that local agencies can review and provide comments at appropriate points in these projects' timeline.
- (3) In addition, each of these projects should also be reviewed by the Planning Board to provide comments prior to the projects' final approvals by State regulatory agencies, and certainly well before the grant of contract and start of construction.

Upper Paint Branch SPA



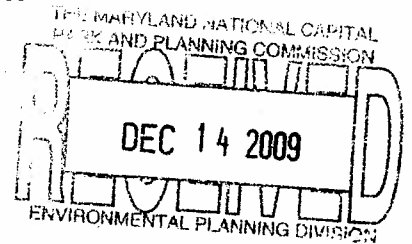


MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

December 9, 2009

Kirk McClelland, Director
State Highway Administration Transportation
Office of Highway Development
707 North Calvert Street, Mail Stop C-102
Baltimore, MD 21202



RE: MD 198 (Spencerville Road) at Good Hope Road Intersection Improvements
Contract No. MO2885176
Upper Paint Branch Special Protection Area (SPA)

Dear Mr. McClelland:

At our regularly scheduled meeting on November 5, 2009, the Planning Board discussed the Spencerville Road/Good Hope Road intersection project. We are concerned that construction of this project was begun without our review, as the project is located in the Upper Paint Branch Special Protection Area (SPA) and will result in an increase in impervious surface, a condition that warrants our review.

Given that the project is now under construction, we recommend that you identify and permanently remove 0.113 acre (or 4,922 square feet) of existing impervious surfaces in the Upper Paint Branch SPA to create no net increase in impervious surface for the SHA MD 198 (Spencerville Road) at Good Hope Road Intersection Improvement Project. Please provide a progress report on meeting this recommendation to the Planning Board by January 15, 2010.

We appreciate the working relationship our agencies have developed over the past decade to consider environmental resources in the County's SPAs on a case-by-case basis. In this case, however, the environmental impacts were not made sufficiently clear. The scope of this intersection improvement project was initially described to our staff as the replacement of an existing striped median and flexible bollards with a curbed median, a maintenance project that would not normally be reviewed as a Mandatory Referral. The increase in impervious surface alone, however, is sufficient to trigger the need for our review.

The process appears to be working well for larger projects, but more guidance may be needed on when smaller SHA projects should be submitted for our review. Please work with our staff to ensure that this coordination takes place at roughly the 30% design stage so that

Mr. Kirk McClelland
MD 198 (Spencerville Road)
Good Hope Road Intersection Improvements
December 9, 2009
Page 2

M-NCPPC and County Department of Transportation (DOT), Department of Permitting Services (DPS) and Department of Environmental Protection (DEP) staffs can review and provide comments in a timely manner.

Thank you for your attention to this matter. If you have any questions or comments concerning this project or how we can continue to improve our coordination on projects in general, please call Larry Cole at 301-495-4528.

Sincerely,

A handwritten signature in black ink, appearing to read "Royce Hanson", written in a cursive style.

Royce Hanson
Chairman

cc: Michelle Berkel, SHA
Candy Bunnag, M-NCPPC
Rick Brush, DPS



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

ATTACHMENT 4
 (1 of 2)

MEMORANDUM

April 15, 2011

TO: Candy Bunnag, Planner Coordinator
 Development Application and Regulatory Coordination Division

FROM: John Hench, Chief, Park Planning & Stewardship Division *JHench*
 Dominic Quattrocchi, Legacy Open Space Senior Planner, PPS Division *DQ*

RE: Demolition at 2831 Spencerville Road (Park Property) and SHA credit for impervious surface removal

The Maryland-National Capital Park and Planning Commission's Park Planning and Stewardship Division has agreed to allow the Maryland State Highway Administration to receive impervious area credit on park property in exchange for demolition cost associated with removal of the improvements at 2831 Spencerville Road (Park Property). Department of Parks staff has determined that impervious surface removal credits from this site is not needed for a park project, and the permanent removal of impervious surfaces on this site does not conflict with a park project.

The proposed demolition and impervious surface removal work is subject to a Special Protection Area (SPA) water quality plan, consistent with provisions of Montgomery County Code, Chapter 19, Article V. Water Quality Review in Special Protection Areas. The water quality plan will require the approval of the Montgomery County Planning Board. The portion of the SPA water quality plan that is under the jurisdiction of the Montgomery County Department of Permitting Services (MCDPS) was approved by the MCDPS on 24MAR2011. This matter is tentatively scheduled for review by the Montgomery County Planning Board on May 5, 2011. Dominic Quattrocchi will represent the Department of Parks at the up-coming Board Session.

The impervious surfaces removed at this site will all be credited towards the SHA Spencerville Road improvement project (Contract No. MO2885176). Demolition of an improved house and removal of associated driveway and infrastructure will result in the removal of 6,750 square feet of impervious surface, with an estimated demolition and restoration cost of 85,000 dollars. Any remaining impervious credit associated with 2831 Spencerville Road will be extinguished. No future development is planned for this Park property as it is located within the Upper Paint Branch Special Protection Area, and will become part of the Paint Branch Stream Valley Park with no active use area.

cc

John Nissel, M-NCPPC
 Michelle Grace, M-NCPPC
 Doug Redmond, M-NCPPC
 Darien Manley, M-NCPPC Park Police

Mike Little, M-NCPPC
 Mike Horrigan
 Jim Humerick
 Bill Gries

M-NCPPC, Department of Parks, Montgomery County - Park Planning and Stewardship Division

Steadman Property



Duvall Property

Steadman Property



1" = 50'



Today's Date: 5/26/09
Sources: M-NCPPC, 2008