



Demolition on Park Property at 15210 Peach Orchard Road

WJK

Mary Jo Kishter, Senior Planner, maryjo.kishter@montgomeryplanning.org, 301.495.4701

Michelle Grace, Park Property Manager, michellegrace@montgomeryparks.org, 301.495.2467

RAW

Richard Weaver, Supervisor, richard.weaver@montgomeryplanning.org, 301.495.4544

JAC

John Carter, Chief, john.carter@montgomeryplanning.org, 301.495.4575

Completed: 8/30/13

Description

Demolition on Park Property at 15210 Peach Orchard Road:

***A. Preliminary/Final Water Quality Plan MR2014001:
Demolition on Park Property at 15210
Peach Orchard Road, Parcel P385**

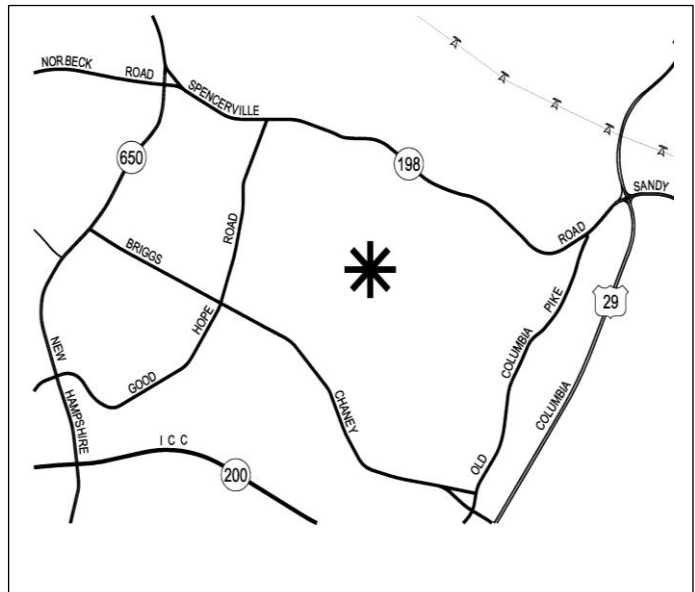
Demolition and removal of a house, other buildings and a driveway on the property with no new impervious surfaces proposed, 15210 Peach Orchard Road, 2.40 acres. RE-1 Zone, Upper Paint Branch Special Protection Area, Cloverly Master Plan

Staff recommendation: Approval with conditions

**B. Mandatory Referral No. MR2014001: Demolition on Park
Property at 15210 Peach Orchard Road, Parcel P385**

Demolition and removal of a house, other buildings and a driveway on the property with no new impervious surfaces proposed, 15210 Peach Orchard Road, 2.40 acres. RE-1 Zone, Upper Paint Branch Special Protection Area, Cloverly Master Plan

Staff recommendation: Approval and transmit comments



Summary

This report provides the Staff review, analysis and recommendations for the Preliminary/Final Water Quality Plan, and Mandatory Referral No. MR2014001 for the M-NCPPC Department of Parks proposal as follows:

- Demolish and remove all structures and the driveway on the recently acquired park property located at 15210 Peach Orchard Road
- Restore and stabilize the area
- No improvements or new impervious surfaces are proposed for the property

The property is proposed to be managed as a natural area as part of the Upper Paint Branch Stream Valley Park system.

PROJECT DESCRIPTION

The Site

The 2.40-acre property (Parcel 385, Tax Map KS 31) is located at 15210 Peach Orchard Road, on the west side of Peach Orchard Road, south of Thompson Road, within the Cloverly Master Plan area and the Upper Paint Branch Special Protection Area ("Property" or "Subject Property"). An old house, accessory building, several small sheds, and a driveway exist on the Property. A perennial tributary of the Left Fork of Paint Branch and its associated environmental buffer run through the middle of the Property. The Property abuts the Upper Paint Branch Stream Valley Park on its western boundary. Forest covers approximately 1.13 acres of the western portion of the Property.



The Proposal

The Property was purchased by M-NCPPC on December 20, 2012 and is envisioned to be added to the Upper Paint Branch Stream Valley Park as a natural area. The Department of Parks proposes to demolish and remove all of the structures and to remove the driveway and other impervious surfaces on the Property. The disturbed area will be stabilized by establishing vegetative cover in areas where impervious surfaces are removed. No new structures or new impervious surfaces are proposed for the Property and it will be managed as a natural area as part of the Upper Paint Branch Stream Valley Park system. Since the 2.40-acre Property lies within the Upper Paint Branch SPA, a water quality plan is required to address the land disturbing activity. Under the SPA Law, the water quality plan must be reviewed and approved by the Planning Board and Montgomery County Department of Permitting Services (MCDPS) in order for the Mandatory Referral project to move forward. The Planning Board must act on the preliminary/final water quality plan before it finalizes its recommendations on the Mandatory Referral and the action is regulatory and binding.

**SECTION *A. PRELIMINARY/FINAL WATER QUALITY PLAN MR2014001:
DEMOLITION ON PARK PROPERTY AT 15210 PEACH ORCHARD ROAD, PARCEL P385**

STAFF RECOMMENDATION

Approval of the Preliminary/Final Water Quality Plan with the following conditions:

1. All land disturbing activity is subject to the MCDPS Preliminary/Final Water Quality approval conditions referenced in their approval dated April 30, 2013, unless amended and approved by MCDPS - Water Resources Section.
2. The Applicant must remove all impervious surfaces as shown on the preliminary/final water quality plan dated August 20, 2013. Any existing pavement that is maintained as part of Peach Orchard Road that may be within the Property boundaries must remain.
3. The Applicant must submit a plan that provides specifications for reclamation to stable, pervious surfaces of areas where impervious surfaces had existed. The reclamation plan must reference a scaled plan that shows the proposed limits of disturbance, features to be demolished or removed, and existing stream, trees, and forest cover that is within 50 feet of the proposed limits of disturbance. The reclamation plan must be submitted to the Staff of the Planning Department for review and approval prior to the pre-work meeting.
4. The Applicant must include a Planning Department inspector at the pre-work meeting.
5. The Applicant must contact a Planning Department inspector to conduct a post-work inspection to verify the removal of all impervious surfaces and completion of reclamation.

ANALYSIS AND FINDINGS

Montgomery County Resolution No. 13-215, adopted by the County Council on July 11, 1995, designated the Upper Paint Branch Special Protection Area (SPA) and requires each applicant proposing any land disturbing 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, MCDPS, the Planning Board, and Montgomery County Department of Environmental Protection (MCDEP) have different responsibilities in the review of a water quality plan. MCDPS has reviewed and approved the elements of the water quality plan under its purview. MCDEP has also reviewed the water quality plan and will not require any monitoring for this project.

The Department of Parks submitted a Preliminary/Final Water Quality Plan to the Planning Department for review on August 20, 2013 (Attachment A). The Planning Board's responsibility is to determine if the water quality plan satisfies the following three concerns:

1. *Environmental Buffer protection*
2. *SPA forest conservation and planting requirements*
3. *Site imperviousness limits*

Environmental Buffer Protection

A Simplified Natural Resources Inventory/Forest Stand Delineation (NRI/FSD 42013160E) was reviewed in conjunction with a request for a forest conservation exemption for this project. The NRI/FSD identified the natural features on the Property including the stream, environmental buffer, forest, individual trees, and other features. Approximately 1.52 acres of the Property (63 percent) is located within the on-site stream's environmental buffer. All of the existing buildings are located within the environmental buffer, and the driveway is located outside of the buffer. The demolition and removal of these structures and stabilization of the disturbed area requires temporary impacts within the environmental buffer, with some of the work occurring close to the stream. Close coordination between Parks Staff, Parks contractors, Planning Staff, and the MCDPS sediment control inspector will be especially important to ensure that adverse impacts from the demolition and removal of impervious surfaces to the stream and its buffer are avoided and minimized. Since the overriding goal of the Park project is to remove all impervious surfaces on the Property and to return the Property to a natural state, the condition of the environmental buffer area will be substantially improved and better protected, from a natural resources perspective, as compared to current conditions.

Forest Conservation

This Site meets all applicable requirements of Chapter 22A of the County Code (Forest Conservation Law). An exemption from the requirements of a forest conservation plan was confirmed by Staff on April 18, 2013 (Attachment B). The proposed project will not remove any forest and does not require the approval of a new preliminary plan. Therefore, it qualifies for a forest conservation plan exemption as a modification to an existing developed property (Section 22A-5(t) of the County Forest Conservation Law).

Imperviousness

The Department of Parks proposes to demolish and remove all existing impervious surfaces on the Site. Based on aerial photography and the use of Geographic Information Services, Staff estimates that the impervious surfaces proposed to be removed covers approximately 6,616 square feet. The proposal to remove impervious surfaces and restore the area to a stabilized, natural area is consistent with the generalized SPA goal of protecting, maintaining, and restoring water quality and natural stream environments. The proposed project is also in substantial compliance with the Cloverly Master Plan recommendations to protect and improve water quality and aquatic habitat and to maintain overall imperviousness at or near 1990 levels in the Upper Paint Branch SPA. This project meets the master plan recommendation to "reduce imperviousness where possible."

Parks' staff does not propose to construct any new features or impervious surfaces on the Property. It is planned to remain as a natural area. With the removal of impervious surfaces, there will be no formal parking area on the Site. According the Parks' staff, no vehicular access is anticipated. If access is needed to the Site, a vehicle can park on an existing driveway on adjoining parkland. The driveway is shared with nearby properties, and it is located off of Peach Orchard Road, approximately 240 feet north of the subject Site. Staff did not require field surveys of the existing impervious surfaces that will be removed from this Property because Parks' staff has indicated that they will not be requesting credit for the removal of these impervious features. Planning Staff has reviewed and recommends that the Planning Board approve the elements of the SPA water quality plan under its purview with conditions.

MCDPS SPA Review Elements

In acting on a preliminary or final water quality plan the MCDPS Director has responsibility for:

1. Performance goals or criteria for the approved best management practices;
2. Best management practices monitoring plan;
3. Stormwater management concept plan;
4. Erosion and sediment control concept plan; and
5. Any other element of the plan for which the Department has primary lead agency design, review, and approval responsibility.

Site Performance Goals

In a SPA review process, a pre-application meeting is held between the Applicant, the staff of MCDPS, MCDEP, and the M-NCPPC Planning Department. At the meeting, MCDPS identifies the specific performance goals that apply to the proposed project. In this case, since the project is to remove impervious surfaces and does not involve new development or the creation of new impervious surfaces, MCDPS determined that a pre-application meeting was not necessary, and therefore, no site performance goals were determined for this project.

Stormwater Management

MCDPS determined that there are no stormwater management structures or features required for this project since existing impervious surfaces will be removed, and no new development or impervious surfaces are proposed.

Sediment and Erosion Control

MCDPS has approved a Small Land Disturbance Application permit for this project. Sediment and erosion control measures for this project include:

- Seeding and stabilizing with straw on all areas where impervious surfaces are removed.
- Silt fencing will be installed at the direction of the MCDPS inspector in the field.

MCDEP SPA Review Elements - Monitoring of Best Management Practices

Since this project does not propose any new development or impervious surfaces, no monitoring is required by MCDEP. MCDPS has determined that the letter, dated April 10, 2013, submitted by Norton Land Design (consultant for Department of Parks on this project), which includes a description of the project, meets the intent of the SPA regulations. MCDPS has accepted this letter (Attachment C), in lieu of an engineered plan, as the project's water quality plan. MCDEP has also approved the letter, which covers the elements that MCDEP has lead agency responsibility.

CONCLUSION

Staff finds that the Preliminary/Final Water Quality Plan submitted with Mandatory Referral 2014001 satisfactorily protects the environmental buffers on the Property, satisfies the SPA forest conservation and planting requirements, and meets the imperviousness limits established in the Upper Paint Branch SPA. Staff recommends that the Planning Board approve the Preliminary/Final Water Quality Plan with conditions cited above.

**SECTION B. MANDATORY REFERRAL NO. MR2014001:
DEMOLITION OF PARK PROPERTY AT 15210 PEACH ORCHARD ROAD, PARCEL P385**

STAFF RECOMMENDATION

Approval and transmit the following comment to the M-NCPPC Parks Department:

1. The proposed demolition project must comply with the conditions of approval set forth in the accompanying Special Protection Area Preliminary/Final Water Quality Plan No. MR2014001.

ANALYSIS AND FINDINGS

Master Plan

The Property is located in the Cloverly Planning Area and the Upper Paint Branch SPA. The 1997 Cloverly Master Plan recommends the establishment of a greenway system that links the greenways in the Northwest Branch, Paint Branch, Patuxent River watersheds, and the surrounding communities. The Plan also recommends the acquisition of parkland to protect natural resources. In the Paint Branch watershed, the Plan recommends acquiring additional parkland to protect natural resources, and reducing existing impervious area where possible. The demolition and removal of impervious surfaces proposed in the Upper Paint Branch SPA furthers the goals and objectives of the Master Plan.

Development Standards

The Property is zoned RE-1. The Zoning Ordinance sets out a series of development standards for buildings located in the zone; however, this project does not propose any new development on the property so the development standards are not applicable.

Environment and Compatibility

This Property meets all applicable requirements of Chapter 19 of the Montgomery County Code. 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.” The Parks Department submitted a Preliminary/Final Water Quality Plan for review and approval on August 20, 2013 (Attachment A).

Under the provision of the law, the MCDPS, the Planning Board, and MCDEP have different responsibilities in the review of a water quality plan. MCDPS has reviewed and approved the elements of the water quality plan under its purview (Attachment D). MCDEP has determined that monitoring will not be required. As part of this Application, the Planning Board is fulfilling its responsibility to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site impervious limits are all addressed by the associated Preliminary/Final Water Quality Plan.

The M-NCPPC has acquired the Subject Property for the purpose of demolishing and removing the existing impervious surfaces. The proposal to remove impervious surfaces and restore the area to a stabilized, natural area is consistent with the generalized SPA goal of protecting, maintaining, and restoring water quality and natural stream environments.

This Property meets all applicable requirements of Chapter 22A of the County Code (Forest Conservation Law). The proposed project will not remove any forest and does not require the approval of a new preliminary plan. Therefore, it qualifies for a forest conservation plan exemption as a modification to an existing developed property (Section 22A-5(t) of the County Forest Conservation Law). An exemption from the requirements of a forest conservation plan was confirmed by Staff on April 18, 2013 (Attachment B).

The proposal includes some disturbance within the environmental buffer on-site. All of the existing building structures are located within the buffer. The driveway lies outside of the buffer. The demolition and removal of these structures and stabilization of the area requires temporary disturbance within the environmental buffer, with some of the work occurring close to the stream. Close coordination between Parks' staff, Parks' field crew or contractor, and the MCDPS sediment control inspector will be especially important to ensure that adverse impacts from the demolition and removal of impervious surfaces to the stream and its buffer are avoided and minimized. Since Parks will be creating stable, pervious surfaces after removal of the impervious surfaces, the environmental buffer area including the stream will be improved and better protected, from a natural resources perspective, compared to current conditions.

The resulting condition on the Property and incorporation into the existing, adjacent stream valley park is compatible with the residential nature of the surrounding land use.

Transportation and Safety

After completion of the demolition of structures and removal of impervious surfaces, the Property will be stabilized and vegetated. There will no longer be driveway access to the Property and with the removal of impervious surfaces. There will be no formal parking area on the Site. No improvements or new impervious surfaces are proposed for the Property. The Property is to be managed as a natural area as part of the Upper Paint Branch Stream Valley Park system. The removal of the existing driveway improves safety along Peach Orchard Road. The removal of neglected structures will result in improved neighborhood safety.

CONCLUSION

Planning Staff recommends that the Mandatory Referral be approved, with the condition that the project must comply with the conditions of approval set forth in the accompanying Special Protection Area Preliminary/Final Water Quality Plan No. MR2014001.

OUTREACH

Planning Staff notified adjacent residents, community meeting participants and local civic associations of the proposal and the Mandatory Referral and Water Quality Plan reviews, inviting their comments. No formal correspondence on the project had been received as Planning Staff finalized this memorandum.

Attachments:

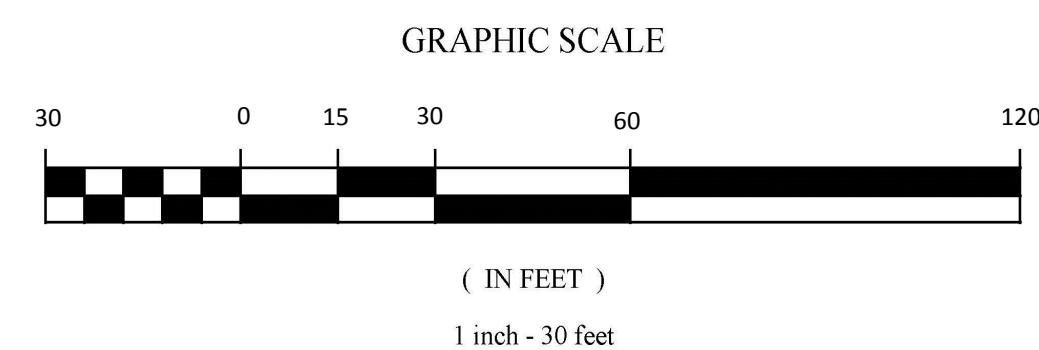
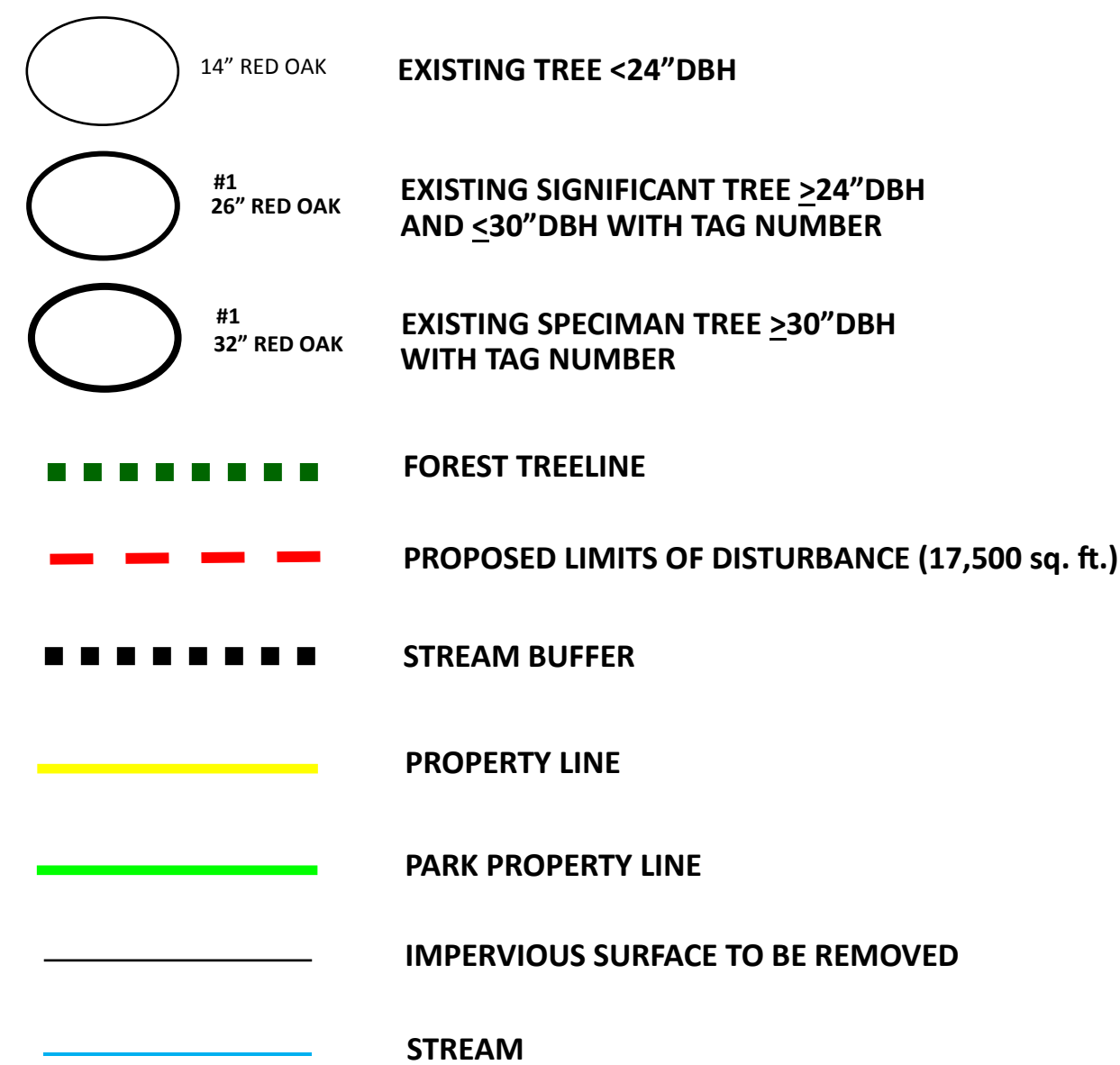
- A- Preliminary/Final WQP dated August 20, 2013
- B- Simplified NRI/FSD and Forest Conservation Plan Exemption Confirmation
- C- DPS Preliminary/Final Water Quality approval letter dated April 30, 2013

<p>TITLE</p> <p>SPA WATER QUALITY PLAN FOR DEMOLITION AND REMOVAL OF IMPERVIOUS SURFACE AT 15210 PEACH ORCHARD ROAD IN SILVER SPRING (Parcel P385)</p>
--

NOTE

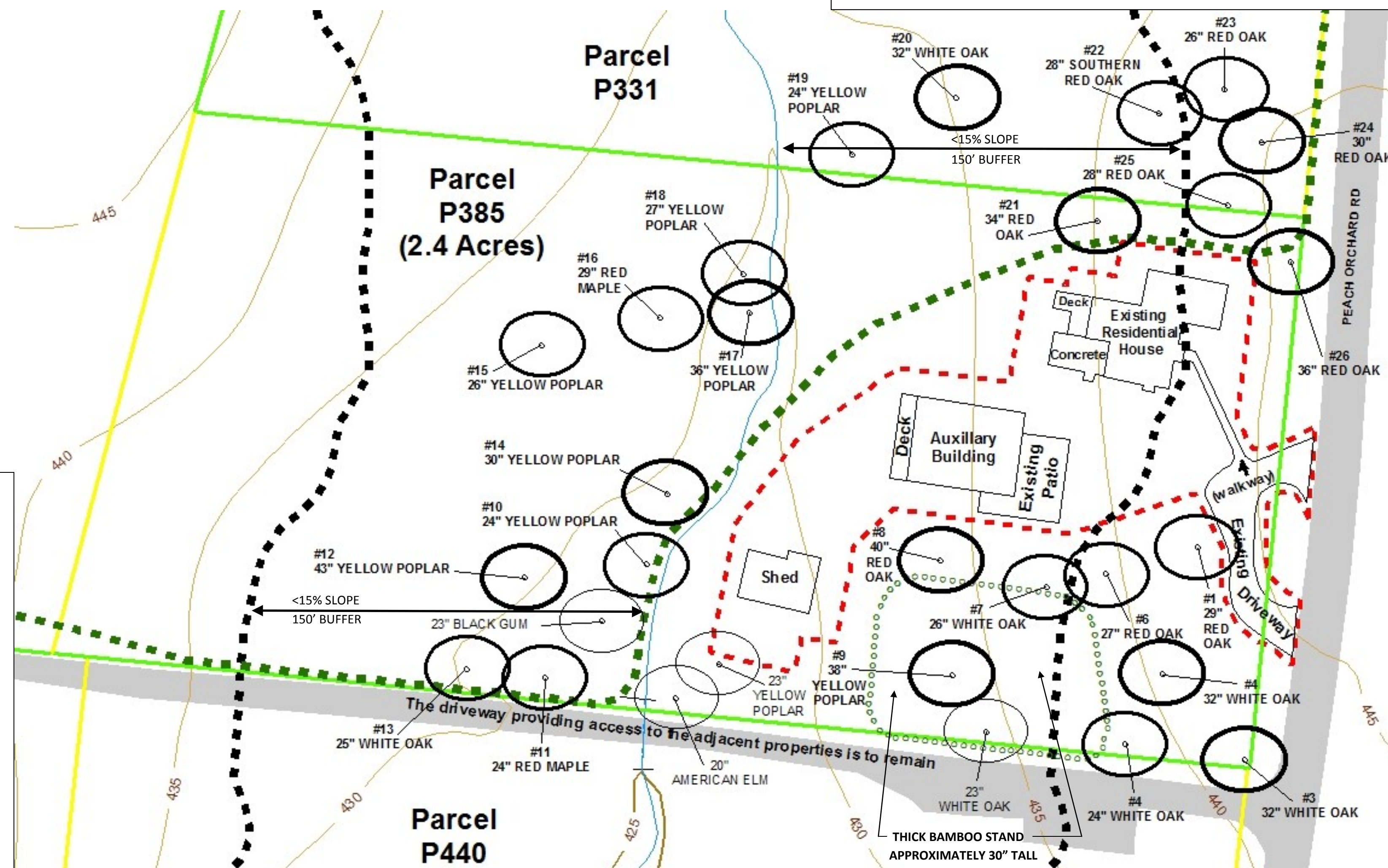
**ALL AREAS WHERE IMPERVIOUS SURFACES ARE REMOVED WILL BE RESTORED TO STABLE
PERVIOUS SURFACE**

LEGEND



	Tree Species	Species	D.B.H.	Tree	
#	(Scientific Name)	(Common Name)	(Inches)	Condition	Comments
1	QUERCUS RUBRA	RED OAK	29	FAIR/POOR	TRUNK SPLIT WITH DAMAGE AND INTERNAL DECAY/TOPPED/DEAD & BROKEN LIMBS
2	QUERCUS FALCATA	SOUTHERN RED OAK	30	GOOD	OFFSITE/DEAD & BROKEN LIMBS
3	QUERCUS ALBA	WHITE OAK	32	GOOD	DEAD & BROKEN LIMBS
4	QUERCUS ALBA	WHITE OAK	32	FAIR	CUT LEADER/VINES/DEAD & BROKEN LIMBS
5	QUERCUS ALBA	WHITE OAK	24	GOOD	DEAD & BROKEN LIMBS
6	QUERCUS RUBRA	RED OAK	27	FAIR	VINES/DEAD & BROKEN LIMBS
7	QUERCUS ALBA	WHITE OAK	26	FAIR/POOR	TRUNK SPLIT WITH INTERNAL DECAY/DEAD & BROKEN LIMBS
8	QUERCUS RUBRA	RED OAK	40	GOOD	BROKEN LIMBS
9	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	38	GOOD	BROKEN LIMBS
10	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	24	GOOD	BROKEN LIMBS
11	ACER RUBRUM	RED MAPLE	24	GOOD	PRUNED/BROKEN LIMBS
12	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	43	GOOD	BROKEN LIMBS
13	QUERCUS ALBA	WHITE OAK	25	GOOD	
14	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	30	FAIR	VINES/DEAD & BROKEN LIMBS
15	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	26	GOOD	
16	ACER RUBRUM	RED MAPLE	29	POOR	TOPPED/TRUNK DAMAGE WITH DECAY/HOLLOWING
17	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	36	GOOD	EXPOSED ROOTS/BROKEN LIMBS
18	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	27	GOOD	BROKEN LIMBS
19	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	24	FAIR	OFFSITE/VINES/BROKEN LIMBS
20	QUERCUS ALBA	WHITE OAK	32	FAIR	OFFSITE/INCLUDED BARK/DEAD & BROKEN LIMBS
21	QUERCUS RUBRA	RED OAK	34	FAIR	OFFSITE/VINES/DEAD & BROKEN LIMBS
22	QUERCUS FALCATA	SOUTHERN RED OAK	28	GOOD	OFFSITE/BROKEN LIMBS
23	QUERCUS RUBRA	RED OAK	26	GOOD	OFFSITE/BROKEN LIMBS
24	QUERCUS RUBRA	RED OAK	30	GOOD	OFFSITE/BROKEN LIMBS
25	QUERCUS RUBRA	RED OAK	28	GOOD	OFFSITE/BROKEN LIMBS
26	QUERCUS RUBRA	RED OAK	36	FAIR	VINES/LEAN/BROKEN LIMBS

Condition Scoring System	
No Apparent Problems	Excellent
Minor Problems	Good
Major Problems	Fair
Extreme Problems	Poor



TABULATION TABLE


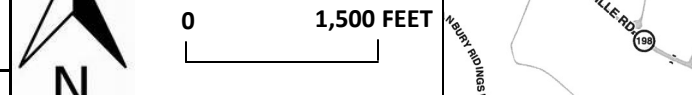
ACREAGE OF TRACT:	2.40
ACREAGE OF EX. FOREST:	1.13
ACREAGE OF EXISTING WETLANDS:	0.00
ACREAGE OF FORESTED WETLANDS:	0.00
ACREAGE OF WETLAND BUFFERS:	0.00
ACREAGE OF STREAM BUFFERS:	1.52
ACREAGE OF FORESTED STREAM BUFFERS:	0.79
ACREAGE OF 100 YEAR FLOODPLAIN:	0.00
LINEAR EXTENT OF STREAMS:	220'
AVERAGE WIDTH OF STREAM BUFFER:	150'

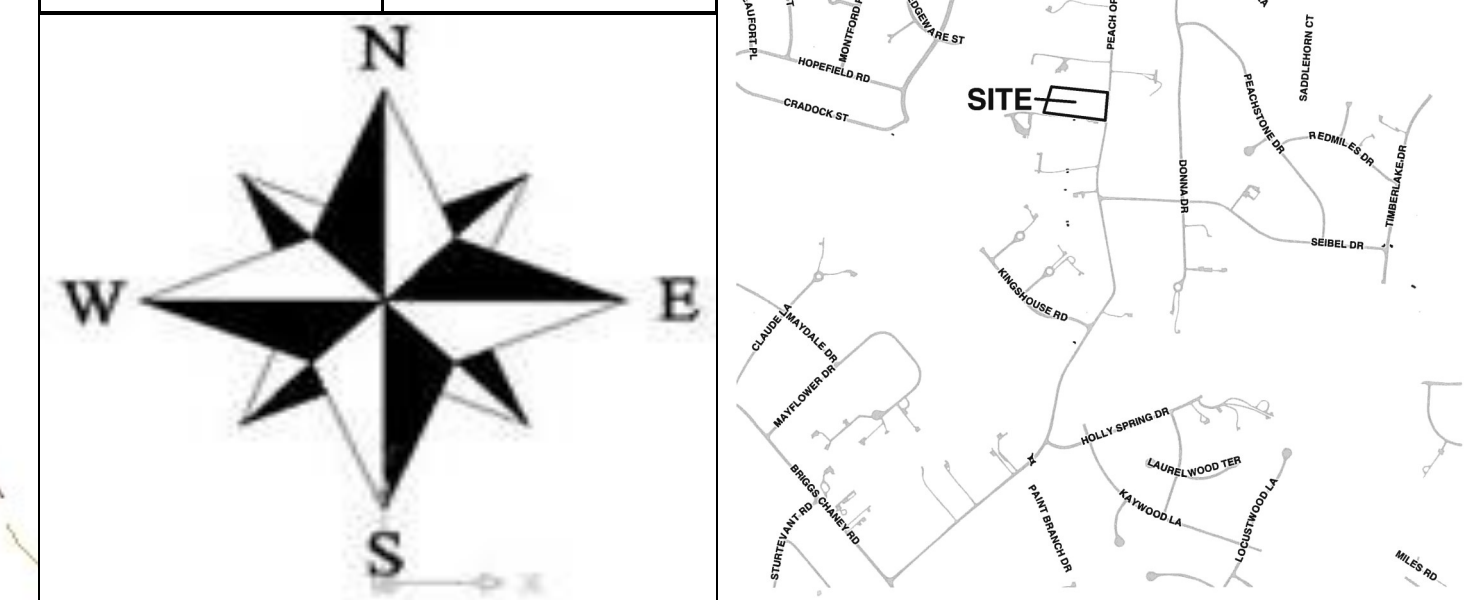


m-nepce

Department of Parks, MC
Facilities Management Division
Park Property Management
16641 Crabbs Branch Way
Rockville, Maryland 20855
(301) 495-2520



200 SCALE BASE MAP	TAX MAP	
220NE03	KS341	
SPECIAL PROTECTION AREA	ADC MAP	
PAINT BRANCH	PAGE 32 GRID A-2	
SCALE	DATE	
AS SHOWN	AUGUST 16, 2013	



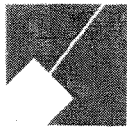
PREPARED BY:

Peter J. Gilman

PETER J. GILNER, PARKS PROJECT MANAGER, M-NCPPC/FACILITIES MANAGEMENT DIVISION

3/20/13

ATE



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

April 18, 2013

Mr. Lynn Lewis
M-NCPPC, Department of Parks, Property Management
16641 Crabbs Branch Way
Rockville, MD. 20852

Re: 15210 Peach Orchard Road; Parcel 385 P; Forest Conservation Exemption 42013160E

Dear Ms. Lewis:

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on April 11, 2013 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(t) because the site is a modification to an existing developed property: (1) the modification will not remove more than 5,000 square feet of forest, (2) does not affect any forest in a stream buffer or located on property in a special protection area which must submit a water quality plan and (3) the modification does not require approval of a new subdivision plan.

Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions please feel free to contact me at 301-495-4581 or david.wigglesworth@montgomeryplanning.org.

Sincerely,

A handwritten signature in cursive script that reads "David Wigglesworth".

David Wigglesworth
Sr. Planner
Development Applications & Regulatory Coordination


CC: Michael Norton (Norton Land Design)

 **NORTON LAND DESIGN**
 LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
 17830 NEW HAMPSHIRE AVENUE, SUITE 101
 P.240.342.2329 F.240.342.2632

ASHTON, MD 20861
 WWW.NORTONLANDDESIGN.COM
 MONTGOMERY COUNTY
 DEPARTMENT OF PERMITTING SERVICES
APPROVED FOR

April 10, 2013

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

WATER QUALITY PLAN
FOR DEMOLITION ONLY

30 APRIL 2013
 Date

Re: SLDA Permit # 250632 (15210 Peach Orchard Road) Approved
 Water Quality Plan

Dear Mr. Etheridge,

The Montgomery County Department of Parks, Property Management Office submitted a Small Land Disturbance Area (SLDA) permit application for the property undergoing demolition on Peach Orchard Road. A copy of this letter is attached to the above referenced permit application.

The demolition includes the removal of the residential house, auxiliary buildings and sheds and the drive and walkway access which directly support the residence. The demolition includes the removal of hazardous materials such as fuel, lead-based paint, household chemicals, trash and asbestos. The disturbance area will exceed 5,000 square feet but no more than 25,000 square feet, a small portion of the entire 2.40 acres.

The sediment control permit was applied for to ensure the proper protection of the County's streams and waterways.

The driveway providing access to the adjacent properties is to remain.

The area where the house and pavement are removed will be rough graded, seeded and stabilized with straw to ensure growth.

No development is planned for this parcel as it is located within the special protection area of the Upper Paint Branch watershed.

As part of the demolition, the contractor will provide sediment control fencing as directed by your inspectors.

This parcel will soon provide an ecologically sound and beautiful contribution to Montgomery County.

Please feel free to contact me with any questions. I can be reached at 240-342-2329.

Sincerely,

Norton Land Design LLC



Michael A. Norton, ASLA

enc.