MCPB Item No.

Date: 11-12-15

*Greenskeeper Landscaping (Mamana): Final Forest Conservation Plan No. CU2015-04

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Staff Report Date: October 30, 2015

Description

Greenskeeper Landscaping (Mamana) CU2015-04

*B. Final Forest Conservation Plan CU2015-04

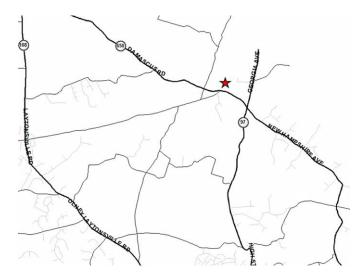
Request for approval of a Final Forest Conservation Plan as part of a Conditional Use application to operate a landscape contractor business; located at 3309 Damascus Road (MD 650); 31.58 acres; identified as Parcel 150 on Tax Map HV-53, on the north side of Damascus Road (MD 650), approximately 700 feet east of its intersection with Sundown Road; AR Zone; 2005 Olney Master Plan; Patuxent River Watershed Primary Management Area

Staff Recommendation: Approval with conditions

Applicant: David Mamana **Application Filed:** September 25, 2015

Review Basis: Chapter 22A, Forest Conservation

Law



Summary

- The Application does not propose any new construction.
- The Application proposes to retain 2.81 acres of existing forest and plant 3.51 acres of additional forest.

STAFF RECOMMENDATION: Approval of the Final Forest Conservation Plan No. CU2015-04, subject to the following conditions:

- 1. Within ninety days of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must:
 - a. Submit a revised Final Forest Conservation Plan CU2015-04 to M-NCPPC Staff for review and approval. The revised Final FCP (FFCP) must correct the Afforestation Plant List to specify a minimum size class of ¾-1" caliper trees with a minimum planting rate of 200 trees per acre.
 - b. Record a Category I conservation easement over all areas of forest retention, forest planting, and stream valley buffer as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
 - c. Install permanent forest conservation easement signage along the perimeter of the conservation easement, as determined by the M-NCPPC forest conservation inspector.
- 2. Within seven months of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2015-04, the Applicant must:
 - a. Plant 3.51 acres of forest as specified on the approved Final Forest Conservation Plan.
 - b. Submit financial surety for planting 3.51 acres of forest.
 - c. Obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting areas.

SITE DESCRIPTION

The subject property is identified as Parcel 150 on Tax Map HV 53, and is located at 3309 Damascus Road, approximately 700 feet east of its intersection with Sundown Road in the Olney Master Plan area ("Subject Property" "Property"). The Property is zoned Agricultural Reserve (AR), and it is 31.58 acres in size. The south side of the Property is developed with several buildings and gravel parking as well as operational parking areas that are used for the existing landscape contracting business. The east side of the Property has two additional buildings and a gravel parking area. The Property is accessed from Damascus Road via a pipestem that includes a gravel driveway that leads to the parking areas. The southern Property line generally varies between 200 to 400 feet north of and parallel to Damascus Road and includes a pipestem that is approximately 75 feet wide.

The northern portion of the Property drains to the Patuxent River Watershed, which is classified by the State of Maryland as Use Class III-P waters and the southern portion drains to the Hawlings River Watershed, which is classified as Use Class IV waters. Approximately 73% of the Property is located within the Patuxent River Watershed Primary Management Area (PMA). There is an existing farm pond near the north-central Property line. The pond discharges into a perennial stream channel that flows offsite at the northeastern corner of the Property. The associated stream buffer and nontidal wetland are partially located on the Property. The land surrounding the pond is maintained as open field, with a few scattered trees. There is also an offsite perennial stream to the south that originates on the south side of Damascus Road. The stream buffer for this stream does not encroach on the Property. There is no mapped 100-year floodplain on the Property. The Property contains approximately 2.81 acres of forest. Fifty-six large trees were identified on the Property, including eleven specimen trees (≥ 30 inches

Diameter at Breast Height (DBH)). The majority of these trees are located within the existing forest stand in the northwest corner of the Property. There are no steep slopes or highly erodible soils. Neighboring land uses include single-family residential on various sized lots, utility right-of-way, and agriculture uses. The Property abuts residential properties to the west and south, utility lines to the north, and farm land to the east (Figures 1 and 2).



Figure 1. 2015 Aerial Photograph of Vicinity

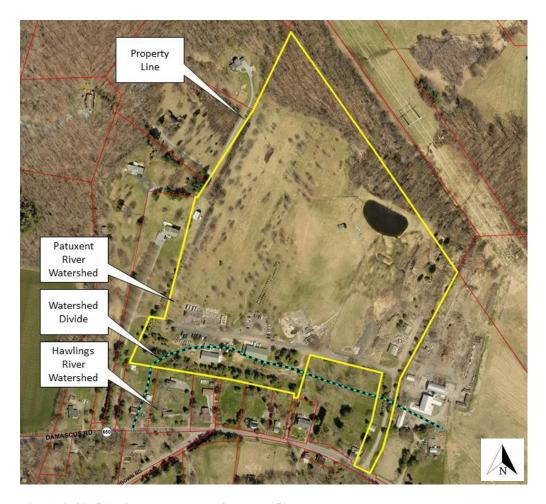


Figure 2. 2015 Aerial Photograph of Parcel 150

PROJECT DESCRIPTION

The Final Forest Conservation Plan (FCP) was prepared as part of Conditional Use Application No. CU2015-04 ("Application"), to operate a landscape contractor business (Attachment A). While the Planning Board is technically advisory on Board of Appeals applications, the Planning Board must make a finding that the pending Conditional Use Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

The Application does not propose any new construction; however, it does retain some minor existing manmade features within the stream valley buffer and PMA. The Application does not propose to impact or clear any forest or specimen trees.

ANALYSIS AND FINDINGS

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on September 24, 2015. A Final Forest Conservation Plan has been submitted for review. There is

approximately 2.81 acres of existing forest on the property. The forest is comprised of two stands. Stand A is a mature, mixed-hardwood forest dominated by mockernut hickory (*Carya tomentosa*), yellow poplar (*Liriodendron tulipifera*), and white oak (*Quercus alba*). Stand B is a mature, bottomland-hardwood forest dominated by red maple (*Acer rubrum*) and pin oak (*Quercus palustris*).

The project does not propose to clear any of the existing forest. However, based on the land use category and the forest conservation worksheet there is a 3.51 acre afforestation planting requirement generated for the Application. The planting requirement will be met onsite within the stream buffer and adjacent to existing forest. The Applicant proposes to retain 2.81 acres of existing forest and plant 3.51 acres of additional forest onsite. These areas as well as the stream, stream buffer and pond will be protected in a Category I conservation easement.

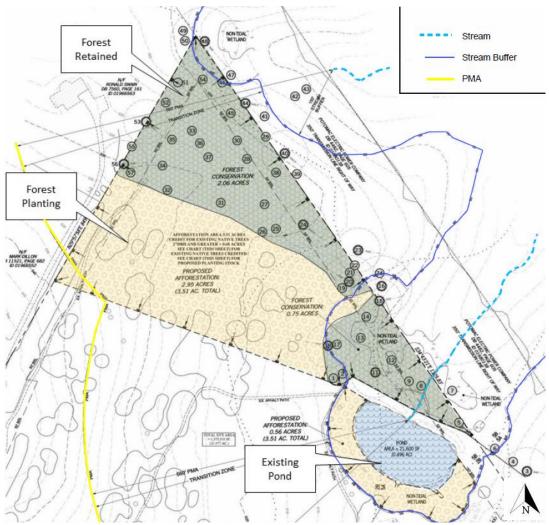


Figure 3: Illustrated Forest Conservation Plan

CONCLUSION

The Final Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Final Forest Conservation Plan with the conditions cited in this Staff Report.

Attachments

Attachment A – Final Forest Conservation Plan

