



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
ITEM # 3
July 25, 2002


July 17, 2002

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Candy Bunnag, Environmental Planner
County-wide Planning Division

VIA: Jeff Zyontz, Chief
County-wide Planning Division

Jorge A. Valladares, P.E., Chief, Environmental Planning
County-wide Planning Division 

SUBJECT: Special Protection Area (SPA) Combined Preliminary and Final
Water Quality Plan for Great Hope Homes (associated with special
exception modification request no. CBA-2876-A)

STAFF RECOMMENDATION

Staff recommends approval of the Special Protection Area (SPA) combined preliminary and final water quality plan with the following conditions:

1. Prior to issuance of a building permit for the community center building, the following items shall be completed:
 - a. Applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 31.74 percent as shown on the site plan for the special exception modification and the revised proposed impervious area exhibit. (Site imperviousness includes Parcel P566). Any modifications to these plans which increase site imperviousness may require a revision to the SPA

water quality plan and Planning Board action on the revised water quality plan.

- b. Record a Category I conservation easement on Parcel P566 so as to create a forested pervious area reserve for the project.
 - c. Plan to restore construction staging area on Parcel P566 to allow for regrowth of vegetation to be submitted for staff review and approval. Restoration plan to include the following items:
 - i. Existing paved and gravel drive to be removed and properly disposed offsite no later than six months after completion of construction of community center building.
 - ii. Loosen and amend soils in construction staging area to allow for planting and growth of native plants.
 - iii. A planting plan for native plants on the construction staging area that is coordinated with staff.
 - iv. A schedule of implementation for each of the above items.
2. Conformance to the conditions as stated in DPS' water quality plan approval letter dated June 6, 2002. (Attachment A).

DISCUSSION

There are two items for Planning Board review for the Great Hope Homes project: the Special Protection Area (SPA) Combined Preliminary and Final Water Quality Plan and the special exception modification application, which is the subject of the agenda item immediately following this item.

This memorandum contains staff's review and recommendations on the SPA combined preliminary and final water quality plan for the proposed project. A separate memorandum, prepared by Community-based Planning staff, covers the special exception modification application.

The Planning Board must act on the SPA water quality plan before it can act on the special exception modification application.

Site Description

The 11.5-acre site lies within the Good Hope Tributary drainage basin of the Upper Paint Branch Special Protection Area. The Good Hope Tributary is the primary trout-spawning stream of Paint Branch.

The eastern tributary of the Good Hope flows through the western end of the site within a storm drain and "daylights" within parkland south of the site. Its environmental buffer extends into the subject site. There are three small forest

stands along the southern property line, which are extensions of the larger forest on adjoining Upper Paint Branch Stream Valley Park (see Attachment B).

The site was constructed as a low- and moderate-income housing project in the early 1970's. There are 104 townhouse units and two old stormwater management (SWM) quantity facilities. The southeastern SWM facility has recently been retrofitted by the Montgomery County Department of Environmental Protection (DEP) to add some water quality controls. The southwestern SWM facility lies within the westernmost forest stand.

Proposed Project

The proposed project consists of renovating the existing townhouses and constructing a new community center building. Some sidewalks within the project area will be relocated, and concrete patios in the backs of units are being reconstructed.

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the Special Protection Area law, a SPA water quality plan must be reviewed in conjunction with a modification to a special exception application¹. 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 preliminary 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 reviewed and conditionally approved the elements of the SPA water quality plan under its purview (see Attachment A).

Site Performance Goals

As part of the water quality plan, several site performance goals were established for the site: minimize storm flow runoff increases, minimize increases to ambient stream water temperatures, minimize sediment loading, maintain stream baseflow and groundwater recharge, minimize pollutant loading (nutrient and toxic substances), and protect streams and aquatic habitat.

¹ Section 19-62 (b) of the Montgomery County Code states that " Except as otherwise expressly provided in this Chapter, the requirements of a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property: ... (2) who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan."

Site Imperviousness

The Upper Paint Branch SPA is the only SPA that has regulatory impervious surface restrictions for development projects. These are set forth in the environmental overlay zone for the Upper Paint Branch SPA. On new development, there is a ten percent (10%) site imperviousness limit. There is also a provision for projects with existing impervious surfaces lawfully existing before July 1, 1997 that already exceed the 10 percent limit and are proposing to reconstruct features within the project area; such projects may maintain, but not increase, impervious surface coverage.

Section 59-C-18.152 (a)(1) of the Montgomery County Code states:

“Any development must not result in more than 10 percent impervious surface of the total land area under application for development.

“(A) Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 1997 that exceeds the 10 percent restriction, may continue or be reconstructed under the development standards in effect when the building permit was issued.”

Staff believes that Section 59-C-18.152(a)(1)(A) of the environmental overlay zone applies to this project. That is, for the purposes of reviewing impervious surface coverage, the project should be classified as one that is undergoing reconstruction. Although the project involves the construction of a new building (the community center), it is proposed on a site with lawfully existing impervious surfaces that are to remain and it also involves repair and modification of existing pavement. In addition, a community center building is part of the original approved special exception.

To conform to the environmental overlay zone as a “reconstruction” project, the site imperviousness cannot be increased over what exists today. That is, there cannot be any net gain in impervious surfaces.

The project proposes to construct a 2164-square foot community center and a walkway in front of the center. To offset these new impervious surfaces, the project also includes the relocation and shortening of some sidewalks and the reconstruction of concrete patios in the backs of residential units that slightly reduces the footprints of some of these patios. The proposed project slightly reduces the site imperviousness from 37.22 percent to 37.15 percent on the 11.5-acre site. (This calculation does *not* include Parcel P566, which is the proposed pervious area reserve, as discussed below.) Staff believes that this is in conformance with the environmental overlay zone and is consistent with Planning Board prior actions on other reconstruction projects.

In addition, the applicant has purchased an adjoining, undeveloped parcel (Parcel P566) for the purposes of using it as a pervious area reserve for the project (see letter from William Chen, applicant's attorney, dated May 6, 2002 -- Attachment C). **The creation of a pervious area reserve on the 1.99-acre parcel allows the project's proposed site imperviousness to be reduced from 37.15 percent to 31.74 percent and the existing forest on the parcel to be protected. The applicant has also agreed to remove an old, existing paved and gravel driveway and some old sheds on the parcel. Staff commends the applicant for this proposal. The applicant will be providing environmental protection measures that are over and above those required to meet both the environmental overlay zone and the forest conservation law.**

Staff recommends that Parcel P566 be recorded with a Category I conservation easement and that the southern end of the property that is not wooded and currently being used as a construction staging area be restored to allow for the planting of native vegetation (condition nos. 1b and 1c, above). The applicant has agreed to these conditions.

Environmental Buffers

Part of the environmental buffer for a stream on adjacent parkland lies on the southwestern part of the site. There are existing features on the site (the western SWM facility, part of the site's driveway, some sidewalks, and a corner of a townhouse) that lie within the environmental buffer. These features will remain in the environmental buffer. There may be some renovation and repair work on some of these features within existing footprints, but there is no new construction proposed within the buffer area.

Forest Conservation

The three existing forest stands along the southern property line comprise a total of 1.29 acres of forest. Since none of the forest or specimen trees are to be disturbed with the proposed special exception modification, and the original special exception was approved before July 1, 1991, the proposed project is exempt from the forest conservation law.

As noted earlier in this memorandum, the applicant proposes to create a pervious area reserve on the 1.99-acre parcel that adjoins this site. Roughly 1.7 acres of the parcel are forested and will be protected with a Category I conservation easement. In addition, staff recommends that 0.2 acre of the site that is currently not forested be restored after its use as a construction staging area is completed. Staff recommends that a planting plan for native trees and shrubs be implemented (part of condition no. 1c). Staff has suggested to the applicant that the planting be a joint effort with Planning Board staff and the residents of Great Hope Homes, in which staff may be able to provide trees and

shrubs using money from the forest conservation law violation fund and the residents planting and caring for the trees and shrubs.

Stormwater Management Concept

A small, new SWM facility will be located at the southeastern corner of the property to provide quantity and quality controls for about 0.9 acre (39,000 square feet) of the site that was previously uncontrolled. The facility will be a combined surface sand filter and dry pond.

In addition, two underground structures near the proposed community center will provide infiltration for the runoff generated from the rooftop of the community center.

It should be noted that one of DPS' conditions of approval of the water quality plan includes creating an easement over the existing western SWM facility. The purpose of the easement is to enable the county to upgrade the facility in the future if it is identified as a beneficial retrofit as part of the county's on-going evaluation of retrofit/restoration projects in the Upper Paint Branch SPA.

Sediment and Erosion Control

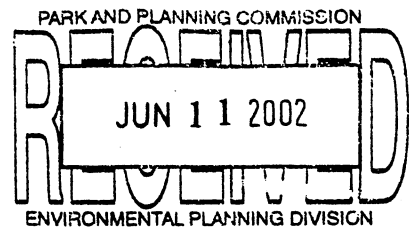
DPS is requiring the use of super silt fencing around the perimeter of disturbed areas. Minimizing site grading with immediate stabilization is also strongly encouraged.

Monitoring of Best Management Practices

DPS has determined that this project does not need to conduct any monitoring because the proposed project is relatively minor and there is little opportunity for collecting meaningful data.

Attachments:

- Attachment A -- DPS letter on the SPA water quality plan (2 pages)
- Attachment B -- Map of subject site and proposed pervious area reserve (1 page)
- Attachment C -- Letter from William Chen, applicant's attorney (3 pages)



ATTACHMENT
A
(1 of 2)

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

June 6, 2002

Robert C. Hubbard
Director

Mr. Steven L. Wilde
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **Preliminary/Final Water Quality Plan** for Great Hope Homes
SM File #: 205173
Tract Size/Zone: 11.5 Ac/R-200
Tax Plate: JR563 & KR123
Montg. Co. Grid: 31G5
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is conditionally approved.

Site Description: The site consists of 11.5 acres located on Good Hope Drive. The property was originally developed under an approved Special Exception in the early 1970's. The current proposal is to renovate the existing buildings and add a small community center. The new impervious area of the community center will be 2,250 square feet. However, the over all site imperviousness will actually be slightly reduced by the removal of existing impervious area. The property is located within the Upper Paint Branch Watershed, a designated Special Protection Area (SPA).

Stormwater Management: A new stormwater management facility will be constructed in the southeastern corner of the site to provide water quality and quantity control for the tributary drainage area (39,000 square feet) that was previously untreated. The structure will be a combined surface sand filter/dry pond, which will provide quantity control of the one-year storm (with a pre-developed release rate), and twelve-hour extended detention. The surface sand filter will be sized to treat a total of one-inch over the tributary impervious area. One foot of recharge storage below the underdrain pipe is also provided. Additionally, one inch of recharge volume over the community center rooftop will be provided underground adjacent to the new building.

Sediment Control: Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for the small areas of disturbance as shown on the conceptual sediment control plan. The site grading shall be limited as much as possible with immediate stabilization emphasized.

Performance Goals: The performance goals that were established at the pre-application meeting will be met as specified in the Preliminary/Final Water Quality Plan. They are as follows:

1. Protect the streams and aquatic habitat.
2. Minimize storm flow run off increases.



Steven L. Wilde
June 6, 2002
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3. Minimize increases to ambient water temperatures.
4. Minimize sediment loading.
5. Maintain stream base flows.
6. Minimize pollutant loading (nutrient and toxic substances).

Monitoring: Monitoring of the site is not deemed necessary based on the minor nature of the new construction, and minimal opportunity for collecting meaningful data.

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the review:

1. Placements of the groundwater recharge structures are to be a safe distance from building foundations.
2. Provide an easement on the old existing stormwater management/sediment control structure on Parcel "A" near the site entrance. This easement is to be provided so that the county could retrofit this structure in the future if deemed necessary.
3. Minimize the use of insecticides and fertilizers via a residential Integrated Pest Management (IPM) Plan as part of the Homeowners Association (HOA) documents. It is to be noted that the IPM Plan is to be mailed out to residents at least once every year (this may be done as part of a community newsletter). A draft of this plan/document is to be submitted at the detailed sediment control plan stage, and the final document is to be submitted prior to bond release.

Payment of the stream monitoring fee is required (in this case based on the proposed disturbed area since the majority of the site is already developed) prior to the approval of the sediment control plan. The stream monitoring fee computation is to be submitted for verification during the stormwater management/sediment control review process. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

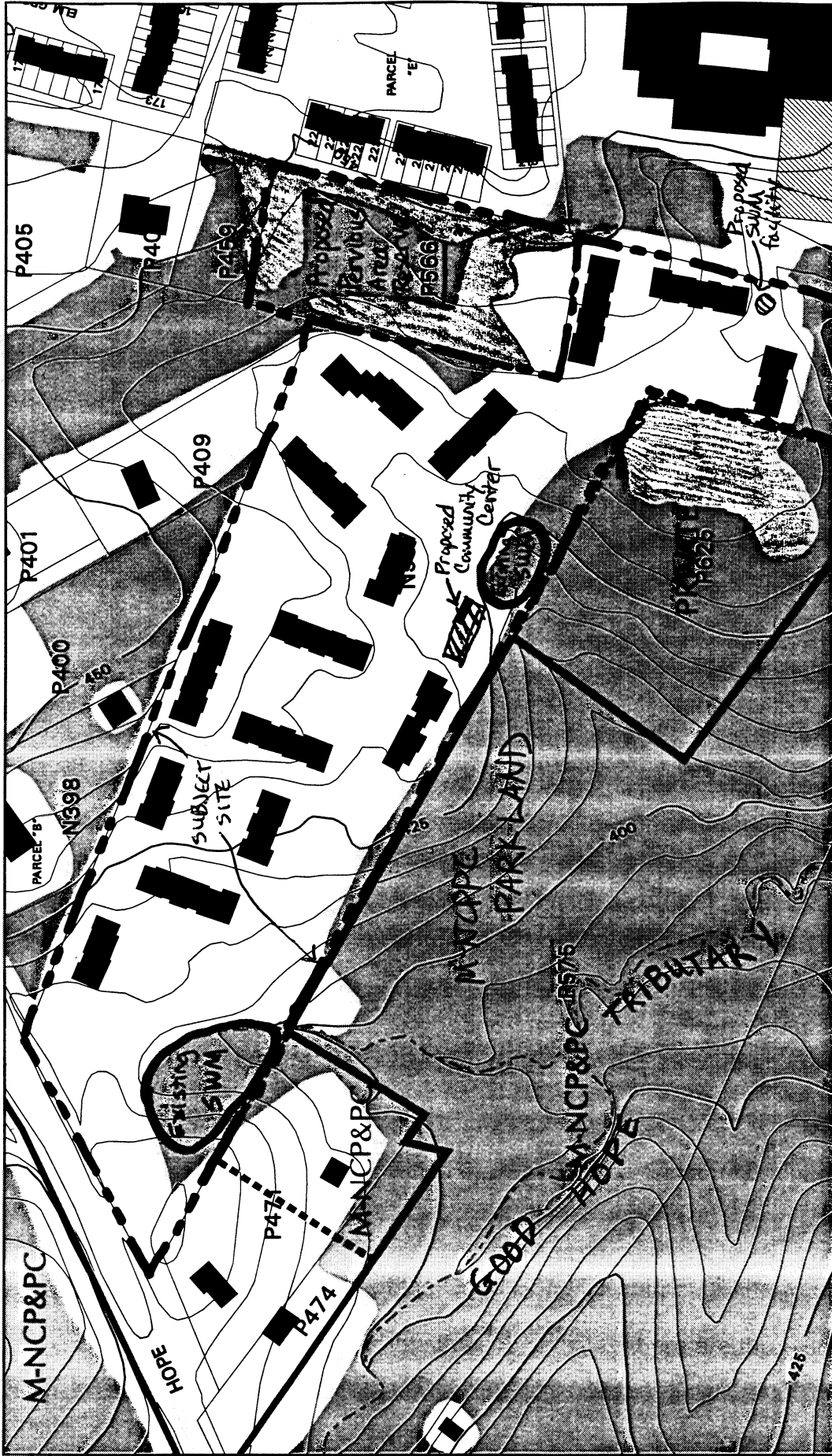
RRB:enm:CN205073

cc: M. Shaneman
M. Sommerfield
C. Bunnag
L. Galanko
SM File # 205173

Qn on-site; 1 acres

Ql on-site ; 1 acres

VICINITY MAP FOR
GREAT HOPE HOMES



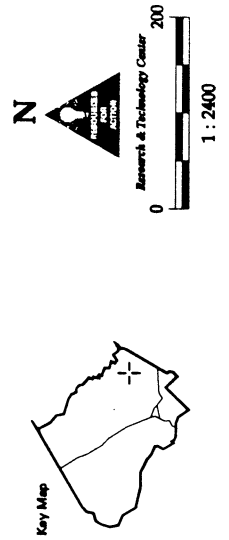
Map compiled on July 12, 2002 at 1:43 PM | Site located on base sheet no. - 219NE01

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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CHEN, WALSH, TECLER & MCCABE, L.L.P.

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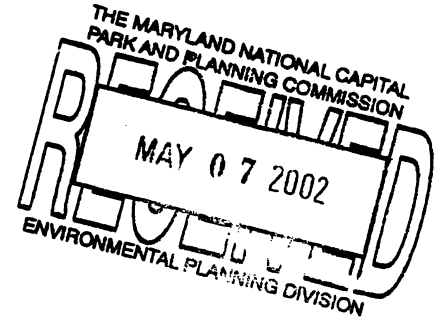
*ALSO ADMITTED IN THE
DISTRICT OF COLUMBIA

1-800-229-9510

JOHN BURGESS WALSH, JR.
WILLIAM JAMES CHEN, JR.*
KENNETH B. TECLER*
JOHN F. MCCABE, JR.*

May 6, 2002

Candy Bunnag, Environmental Planner
County-Wide Planning Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



Re: Good Hope Community Redevelopment Area
Special Exception Case No. 2876

Dear Ms. Bunnag:

This letter is transmitted in conjunction with the Special Protection Area Preliminary/Final Water Quality Plan that has been filed on behalf of Great Hope Homes 2001, L.P., for the requested modification of the above-referenced special exception.

The special exception is within the Upper Paint Branch Special Protection Area, and a Preliminary/Final Water Quality Plan was filed with the Water Resources Section (Mr. Leo Galanko) of the Montgomery County Department of Permitting Services pursuant to a cover letter dated March 20, 2002, from Macris, Hendricks and Glascock, P.A. The Planning Board has lead agency responsibility for acting on elements of the Preliminary/Final Water Quality Plan under §19-65(a)(2) of the Montgomery County Code (1994).

Great Hope Homes 2001, L.P., has acquired a residentially zoned parcel adjacent to the special exception amounting to 1.99 acres in size. I enclose herewith an exhibit illustrating this adjacent parcel. Like the special exception, this parcel also is within the Upper Paint Branch Special Protection Area. If developed, the parcel would permit 8,660 square feet of impervious surface area which, after sale to a homeowner, could be increased without regulation by the construction or installation of home improvements such as a tennis court.

Even though not required to do so, Great Hope Homes 2001, L.P., proposes to impose a covenant on the adjacent parcel in conjunction with approval of the Preliminary/Final Water Quality Plan. It is recognized that this is an environmentally sensitive area, particularly as the sub-watershed of the primary trout spawning stream of the Upper Paint Branch Special

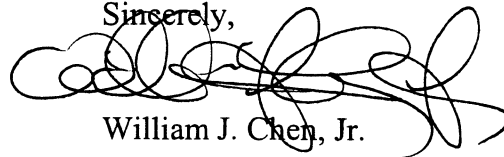
CHEN, WALSH, TECLER & MCCABE, L.L.P.

Protection Area. The covenant would preserve the parcel, in perpetuity, as open unimproved land area which could not be developed, precluding any possibility that the parcel would add any new impervious surface area within the Upper Paint Branch Special Protection Area.

Further, the Great Hope Homes 2001, L.P., will cause an existing gravel driveway on the adjacent parcel to be removed. Additionally, there is a stand of trees on the parcel, and those trees will not be removed.

As previously stated, this information and commitment is provided in conjunction with consideration and approval of the aforesaid Preliminary/Final Water Quality Plan.

Sincerely,



William J. Chen, Jr.

WJC:mml

Enclosure

cc: William R. Barron, M-NCPPC, CBP (w/encl.)
Leo Galanko, DPS (w/encl.)
David Dunmire, Eyes of the Paint Branch (w/encl.)
Robert A. Goldman, Esq., Montgomery Housing Partnership, Inc. (w/o encl.)
Pamela Bolden Thompson, Montgomery Housing Partnership, Inc. (w/o encl.)
John Sekerak, Jr., ASLA, AICP, Macris, Hendricks & Glascock, P.A.

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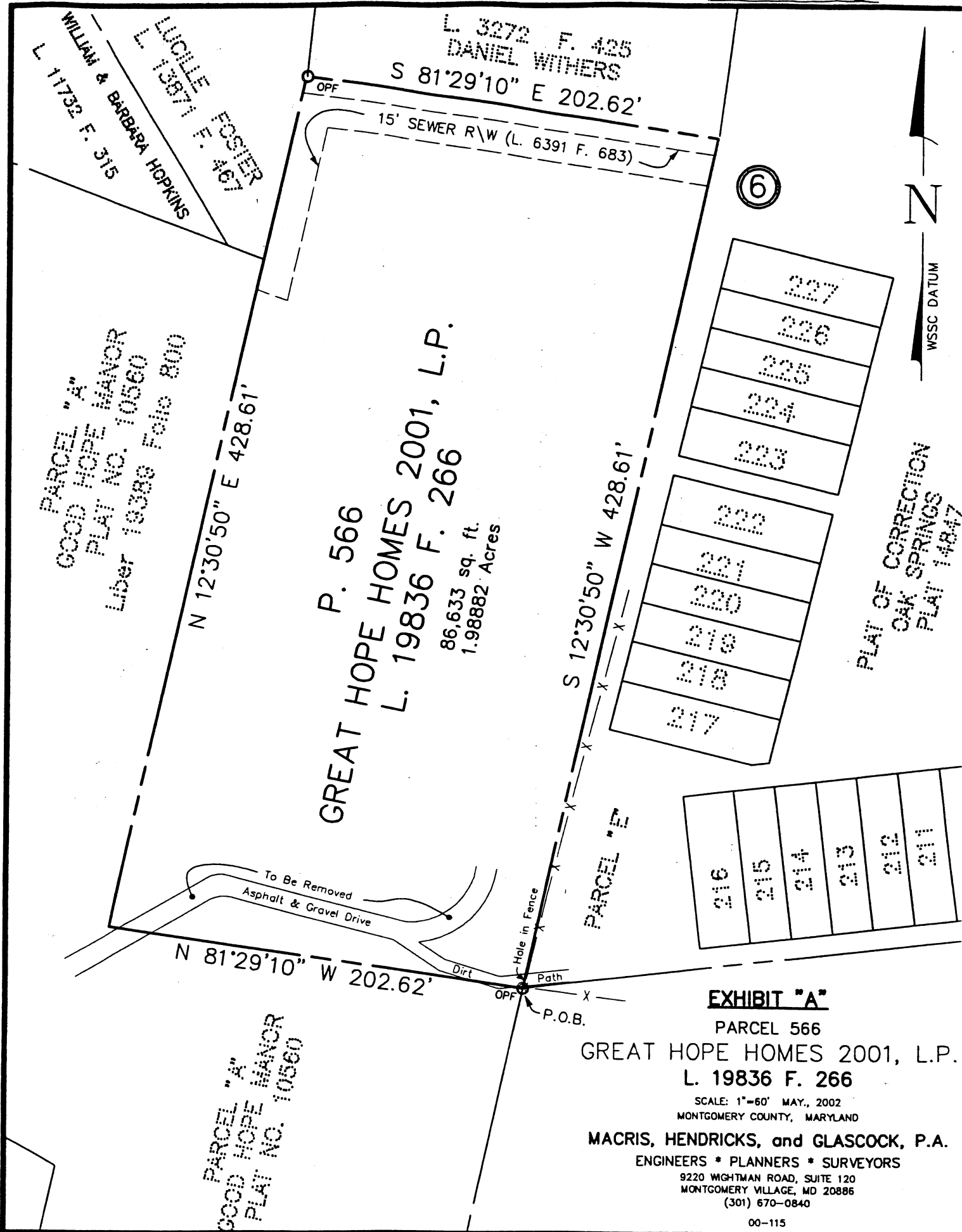


EXHIBIT "A"

PARCEL 566
GREAT HOPE HOMES 2001, L.P.
L. 19836 F. 266

SCALE: 1"=60' MAY., 2002
MONTGOMERY COUNTY, MARYLAND

MACRIS, HENDRICKS, and GLASCOCK, P.A.
ENGINEERS * PLANNERS * SURVEYORS

9220 WIGHTMAN ROAD, SUITE 120
MONTGOMERY VILLAGE, MD 20886
(301) 670-0840