



JUN 24 2016

MCPB No. 16-074
Water Quality Plan No. MR2012001
Project Name: Clarksburg Fire Station #35
Date of Hearing: June 16, 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("MCDPS") and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible for reviewing water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with MCDPS' review and approval of those elements of the water quality plan for which MCDPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on July 11, 2012, the Planning Board, by Resolution MCPB No. 11-87 approved SPA Final Water Quality Plan No. MR2012001 for approximately 4.04 acres of land in the R-200 zone, located at 23420 Frederick Road (MD 355) just north of the intersection of Frederick Road (MD 355) and Clarksburg Road (MD 121), in the Clarksburg Master Plan ("Master Plan") area; and

WHEREAS, on May 6, 2016, Montgomery County Department of General Services ("Applicant"), filed an application for approval of an amendment to the previously approved Water Quality Plan on approximately 7.35 acres of land including approximately 3.99 acres of CRN zoned property identified as Parcels P050 and P004 located at 23420 Frederick Road (MD 355) and 3.36 acres of R-90 zoned property identified as Parcel P888 located on the west side of Frederick Road (MD 355), approximately 1,500 feet northwest of P050 and P004 ("Subject Property") in the Ten Mile Creek Special Protection Area ("SPA") within the Clarksburg Policy Area, Clarksburg Master Plan & Hyattstown Special Study Area and the 10 Mile Creek Area

Approved as to
Legal Sufficiency: 

Limited Amendment Master Plan ("Master Plan") area to demonstrate conformance to the 10 Mile Creek Area Limited Amendment Master Plan and the Clarksburg East Environmental Overlay Zone; and

WHEREAS, Applicant's application to amend the water quality plan was designated Water Quality Plan No. MR2012001, Clarksburg Fire Station #35 ("Preliminary/Final Water Quality Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated June 3, 2016, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, the Staff Report included a copy of a letter dated May 10, 2016, from MCDPS reconfirming its letter dated July 29, 2011 conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on June 16, 2016, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. MR2012001, Clarksburg Fire Station #35 on the Subject Property, subject to the following conditions:¹

1. Prior to the start of any demolition, clearing, or grading for the construction of the fire station, M-NCPPC Staff must approve a removal and reclamation plan to be submitted by the Applicant that provides specifications for removal of existing impervious features and reclamation to stable, pervious surfaces of area where impervious surfaces exist on Parcel P888. The reclamation plan must reference a scaled plan that shows the proposed limits of disturbance, features to be demolished or removed, and existing streams, trees, and forest cover that are within fifty feet of the proposed limits of disturbance.
2. Prior to the start of any demolition, clearing, or grading for the construction of the fire station, the Applicant must remove all impervious surfaces as shown on the approved NRI/FSD for Parcel P888 and restore these areas to a

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

pervious condition. An M-NCPPC forest conservation inspector must be present at a pre-work meeting prior to the removal of the impervious surfaces.

3. Prior to the start of any demolition, clearing, or grading for the construction of the fire station, the Applicant must contact an M-NCPPC forest conservation inspector to conduct a post-work inspection to verify the removal of all impervious surfaces and completion of reclamation in accordance with the approved reclamation plan.
4. Prior to the start of any clearing, grading, or demolition for the construction of the fire station, the Applicant must place a Category I conservation easement over Parcel P888 in its entirety. Conservation easements must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
5. Prior to the start of any demolition, clearing or grading for the construction of the fire station, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 15 percent, which shall include the impervious surfaces on the 7.25 acres that includes Parcel 888, Parcel 004, and Parcel 050, excluding the portion of MD 355 that is located on Parcel 050, as shown on the Impervious Surface Plan portion of the Preliminary/Final Water Quality Plan. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
6. Prior to the release of building permit, the Applicant must demonstrate conformance to the impervious surface limit. Any modifications which increase imperviousness beyond 15 percent will require Planning Board approval.
7. The Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan Approval letter dated July 29, 2011 and reconfirmed by MCDPS in a letter dated May 10, 2016.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

Environmental Buffer Protection

All three parcels composing the Subject Property are located in the LSTM 206 sub-watershed of the Little Seneca Creek-Ten Mile Creek watershed (Use Class I/I-P waters). A Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) #420110590 for parcels P004 and P050 was approved by Staff on November 12, 2010. There are no streams, floodplains, wetlands, or environmental buffers on or affecting these parcels. NRI/FSD #420161910 for P888 was approved by Staff on June 1, 2016. This parcel contains environmentally sensitive features, including streams and associated environmental buffers that will be protected by a conservation easement proposed as part of this Application.

Forest Conservation

The Planning Board approved a Final Forest Conservation Plan amendment alongside this Application. The amended Forest Conservation Plan shows the removal of 2.58 acres of forest and the retention of 1.06 acres of forest, resulting in a planting requirement of 0.40 acres. The planting requirement will be met through 0.13 acres of landscape planting onsite, 0.12 acres of reforestation onsite, and 0.15 acres to be met by protecting 0.30 acres of existing, offsite forest within the Ten Mile Creek Special Protection Area and Clarksburg East Environmental Overlay Zone.

Impervious Surfaces

A main goal for development in all SPAs is to reduce the amount of impervious surfaces. The Clarksburg East Environmental Overlay Zone, which was created following approval of the 10 Mile Creek Area Limited Amendment Master Plan, specifies maximum imperviousness of 15 percent. Both the Master Plan and the Overlay Zone contain language pertaining to limiting impervious surfaces for this project.

The originally approved Water Quality Plan for the fire station depicted a design that included approximately 64,033 square feet or 1.47 acres of impervious surface on parcels P050 and P004. This Application proposes 46,483 square feet or 1.07 acres of impervious surface. Per Section 4.9.4 (B)(4) of the Clarksburg East Environmental Overlay Zone, which exempts publicly funded roads from the impervious surface restriction, the 4,420 square foot portion of Frederick Road (MD 355) that is located on Parcel P050 is excluded from the impervious surface calculations. In conformance with the Master Plan recommendations specific to the proposed fire station to minimize impervious surfaces to the extent feasible, as well as efforts to comply with the Clarksburg East Environmental Overlay Zone to limit impervious surfaces to 15 percent, the amended Application includes the following revisions to the plans:

- Redesigned building from one-story to two-story to reduce overall footprint
- Reduced the number of parking spaces from 34 to 29
- Reduced the individual parking space dimensions from 9 feet x 18 feet to 8.5 feet x 18 feet
- Reduced the size of the apparatus bay apron by moving the building closer to MD355.

In addition to redesigning the project to reduce impervious surfaces to the extent feasible, the acquisition of an additional, developable parcel of land, P888, within the same sub-watershed as the proposed fire station and its inclusion in the Application further reduces imperviousness and will help maintain the health of the sub-watershed's tributary streams. The existing impervious surfaces on P888 will be removed and restored to a pervious condition but no credit will be taken for the removal itself. Rather, the entire restored parcel is included in the net tract area for purposes of calculating the imperviousness for the project.

The Application will result in approximately 46,483 square feet, or 1.07 acres, of impervious surfaces, which translates to 14.7 percent of the 7.25-acre area included in the impervious surface calculations. The inclusion of P888 in the net tract area and its protection in a Category I conservation easement, the removal of existing impervious surfaces on P888 and the restoration of these areas to a pervious condition, along with the redesign of the project results in an impervious area below the 15 percent impervious surface limit set by the Overlay Zone and conformance with the 2014 10 Mile Creek Area Limited Amendment Master Plan.

The Application meets applicable requirements for environmental buffer protection with a proposed Category I conservation easement and forest conservation and planting requirements under an approved forest conservation plan. As conditioned by this approval, the Application satisfies site impervious limits. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan requirements under the Board's purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by MCDPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under MCDPS' purview.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is ~~_____ JUN 24 2016 _____~~ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Fani-González, with Vice Chair Wells-Harley and Commissioners Dreyfuss, Presley, and Fani-González voting in favor, and Chair Anderson absent at its regular meeting held on Thursday, June 16, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board