



Preliminary/Final Water Quality Plan PP2017001 and Final Forest Conservation Plan Amendment PP2017001  
14911 Good Hope Road

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Staff Report Date: 5/18/17

#### Description

- A. 14911 Good Hope Road, Preliminary/Final Water Quality Plan No. PP2017001:** Restoration of property, including demolition and removal of all impervious surfaces including a house, other buildings and driveways on the site with no new impervious surfaces proposed; located on 14911 Good Hope Road, on the east side of Good Hope Road, approximately 500 feet south of the intersection with Briggs Chaney Road; 6.03 acres; RE-2C zone; Upper Paint Branch Overlay Zone; Upper Paint Branch Special Protection Area; 1997 Cloverly Master Plan.

**Staff recommendation:** Approval with conditions

- B. Final Forest Conservation Plan Amendment No. PP2017001:** Restoration of property, including demolition and removal of all impervious surfaces including a house, other buildings and driveways on the site with no new impervious surfaces proposed; located on 14911 Good Hope Road, on the east side of Good Hope Road, approximately 500 feet south of the intersection with Briggs Chaney Road; 6.03 acres; RE-2C zone; Upper Paint Branch Overlay Zone; Upper Paint Branch Special Protection Area; 1997 Cloverly Master Plan.

**Staff recommendation:** Approval with conditions

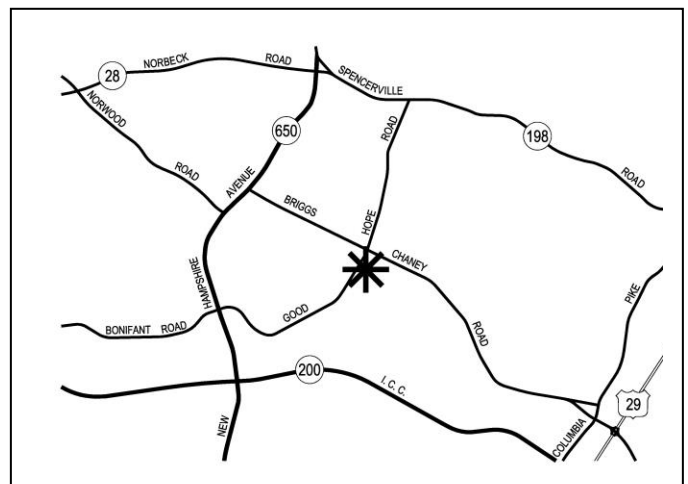
**Applicant:** M-NCPPC Montgomery County Department of Parks

**Submittal Date:** December 21, 2016

**Review Basis:** Chapter 19, Chapter 59, and Chapter 22A

#### Summary

The Application requests approval of a Preliminary/Final Water Quality Plan and approval of an amendment to the approved Final Forest Conservation Plan CBA1201A to remove all the existing impervious surfaces and restore the property to a pervious, natural condition to be maintained as a M-NCPPC Park. The site will be a conservation park and is located in the Upper Paint Branch Special Protection Area and the Upper Paint Branch Overlay Zone. The removal of approximately 31,193 square feet of the impervious surfaces will be accomplished as part of a mitigation requirement for another project located in the Upper Paint Branch SPA and Overlay Zone, which was approved by the Planning Board on March 23, 2017.



## RECOMMENDATIONS AND CONDITIONS

**A. PRELIMINARY/FINAL WATER QUALITY PLAN NO. PP2017001:** Staff recommends approval, with the following conditions.

1. Prior to December 31, 2017, the Applicant must remove 31,193 square feet of impervious surfaces in Phase I of the project as shown on the approved Preliminary/Final Water Quality Plan Impervious Surface Exhibit.
2. The Applicant must install signs along the property line adjacent to Good Hope Road indicating no vehicles are permitted on the property.
3. The Applicant must include a Planning Department Staff inspector at the pre-work meeting.
4. The Applicant must contact a Planning Department Staff inspector to conduct a post-work inspection to verify the removal of all impervious surfaces and completion of land reclamation in accordance with the guidelines outlined on the approved Final Forest Conservation Plan PP2017001.
5. The Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Services ("MCDPS") Preliminary/Final Water Quality Plan for the 14911 Good Hope Road letter dated May 15, 2017, unless otherwise amended by MCDPS provided the amendments do not conflict with other conditions of the approval.

**B. FINAL FOREST CONSERVATION PLAN AMENDMENT NO. PP2017001:** Staff recommends approval, subject to the following conditions:

1. The Applicant must plant three, 3-inch caliper native canopy trees on the Property as shown on the approved Final Forest Conservation Plan within one year or two growing seasons after the impervious surface removal and land reclamation on the Property is complete.
2. The Final Sediment Control Plan must depict the limits of disturbance (LOD) consistent with the LOD on the approved Final Forest Conservation Plan.
3. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

## SITE LOCATION AND PROJECT DESCRIPTION

The property is a 6.03-acre parcel, located at 14911 Good Hope Road, approximately 500 feet south of Briggs Chaney Road (“Property” or “Subject Property”), and adjacent to the Upper Paint Branch Stream Valley Park (Figure 1). The Property is zoned RE-2C, located in the *Cloverly Master Plan* (“Master Plan”), and identified as Parcel 880 on Tax Map KS121.

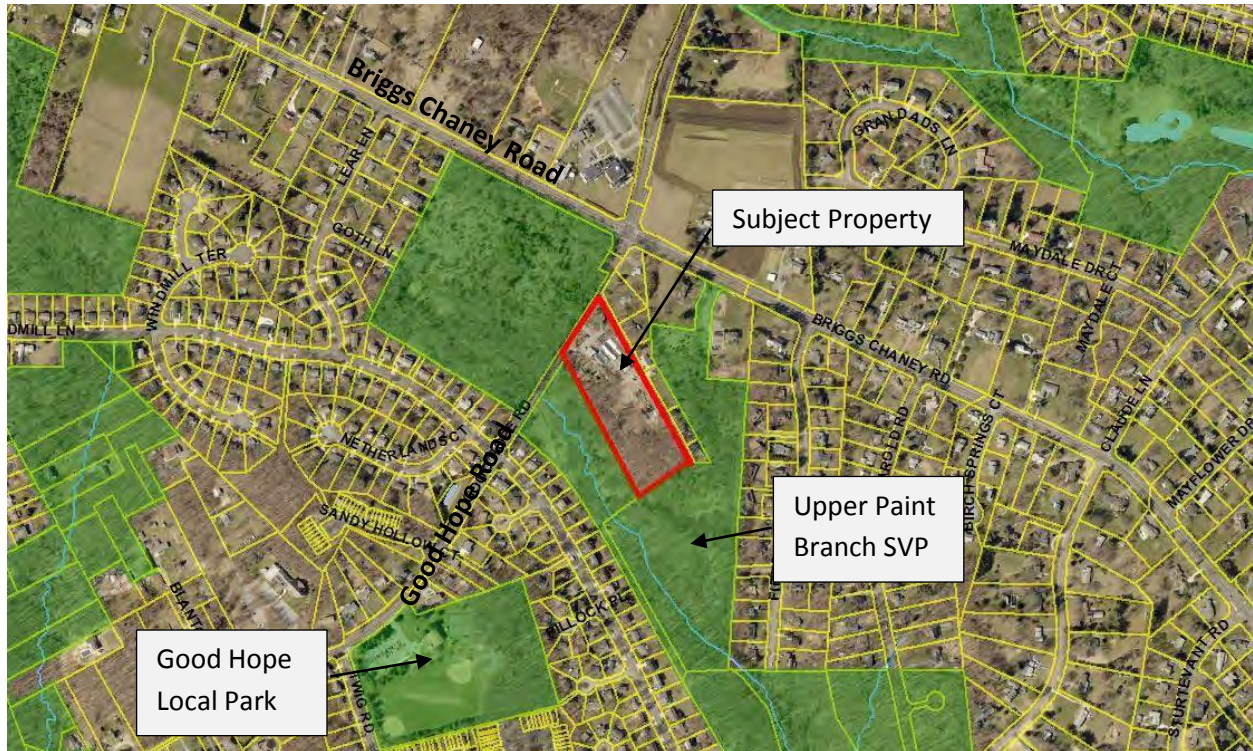


Figure 1 - Vicinity Map

The Subject Property is currently improved with a single family residential house, barn, business office, greenhouses, asphalt driveways, and gravel parking areas. The Property is currently accessed from Good Hope Road via two separate driveways. Prior to M-NCPPC Department of Park’s purchase of the Property in 2015, the Property was operating as a landscape nursery and contractor under Special Exception CBA-1201A. As a result of this use, there are many areas of fill, gravel deposits, and debris piles on the Property (Figure 2). The remainder of the Property is undeveloped with existing forest and tree cover.

The Property is in the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III waters. It is also located within the Upper Paint Branch Special Protection Area (SPA) and the Upper Paint Branch Overlay Zone, where impervious surface for new development is limited to eight percent. There are approximately 2.52 acres of forest on the Property, and there are several large trees located throughout the site. There is a forested stream buffer on the Property that is associated with an offsite stream located within the Upper Paint Stream Valley Park to the south. There are no streams, wetlands, 100-year floodplain, steep slopes, or highly erodible soils on the Property.



*Figure 2 – Aerial Map*

## **PREVIOUS APPROVALS**

The Property was granted a Special Exception for a horticultural nursery in 1962 (CBA1201). In 1985, the Special Exception was modified to allow for storage of vehicles and sale of nursery items on-site. In 1997, the Property was sold to a new owner, and included buildings, greenhouse structures, parking areas, and driveways that existed at the time of the land transfer. Forest Conservation Plan Exemption 42002127E was granted on October 15, 2001 for the Special Exception with the existing structures, and no forest or tree clearing was proposed at that time.

On February 20, 2002, the Planning Director issued a letter along with a Corrective Action for a violation of the Forest Conservation Law for approximately 0.50 acres of forest understory clearing. The Corrective Action required submission of a Natural Resources Inventory/Forest Stand Delineation and a Forest Conservation Plan that included a restoration plan to replant understory vegetation and to record a Category I conservation easement over the amount of forest acreage equivalent to the break-even point for the site and include all areas of environmental buffer on the Property. The Applicant adequately addressed the requirements of the Corrective Action at that time.

On June 5, 2003, the Board of Appeals approved a modification to the Special Exception, CBA1201A to include the addition of a landscape contractor use, expansion of an existing shade structure, and approval of an existing perimeter fence. As part of the review for the modification to the special exception, the Montgomery County Department of Permitting Services (MCDPS) determined that a Special Protection Area Water Quality Plan (WQP) was not required since no land disturbance was proposed. In addition, since the impervious surfaces on the site were legally existing, the Property was not required to conform to the ten percent impervious surface limit of the Upper Paint Branch Overlay Zone in place at the time. Approximately 1.15 acres of impervious surfaces existed, making up 19.5 percent of the Property. Over the years, additional material, including gravel was added to the site, and the definition of impervious surfaces was refined to include additional areas that weren't previously considered impervious surfaces. When the M-NCPPC Department of Parks acquired the Property in 2015, the Property was covered by Special Exception CBA1201A and an approved Final Forest Conservation Plan, which included 1.64 acres of forest protected in a Category I conservation easement. Approximately 2.17 acres of impervious surface currently exist, making up 36 percent of the Property.

## **CURRENT APPLICATION**

### **Proposal**

The Applicant, M-NCPPC Department of Parks, has requested approval for a new Preliminary/Final Water Quality Plan and an amendment to the Final Forest Conservation Plan ("Application"). The M-NCPPC Department of Parks purchased the Property in 2015, after receiving Planning Board approval of the acquisition at a hearing on July 30, 2015. The Property is an addition to the adjacent Upper Paint Branch Stream Valley Park.

#### **1. Preliminary/Final Water Quality Plan PP2017001**

An Impervious Surface Exhibit was submitted as part of the Water Quality Plan Application (Attachment A). The Application proposes to remove all the existing impervious surfaces on the property, deconsolidate the disturbed soils, and restore the entire Property to a pervious condition. The Applicant will manage the Property as a conservation park, as such the Applicant does not propose to construct any new features or impervious surfaces on the Property, and it will be preserved as a natural area. With the removal of impervious surfaces, there will be no formal parking area on the Property. According to the Department of Parks' staff, no vehicular access is anticipated. If access is needed to the Property, a vehicle can park on the portion of the existing driveway apron located offsite, along Good Hope Road. The Property is located adjacent to the existing Upper Paint Branch Stream Valley Park and includes forest and stream buffer. The project will be accomplished in two phases. Phase I will occur in the rear of the Property as noted on the Impervious Surface Exhibit (Attachment A) and includes the removal of approximately 31,193 square feet of the impervious surfaces. Phase I will be accomplished as part of a mitigation requirement for another project, Islamic Society of the Washington Area (SC2017003), located in the Upper Paint Branch SPA and Overlay Zone. SC2017003 was approved by the Planning Board on March 23, 2017. Phase II will occur in the front of the Property and include the removal of all the existing structures and other remaining impervious surfaces. Phase II is not part of any impervious surface mitigation or credit obligation and Parks' staff has indicated that they will not be requesting credit for the removal of these impervious features. Any existing pavement that is maintained as part of Good Hope Road that may be within the Property boundaries may remain.

## 2. Final Forest Conservation Plan PP2017001

A Final Forest Conservation Plan (FCP) PP2017001 was submitted for review on December 21, 2016 (Attachment B). The Subject Property contains approximately 2.52 acres of existing forest. The FCP proposes some disturbance within the forest for removal of fill material, but no forest will be removed by the disturbance. The Application proposes to retain all the existing forest and there is no forest planting required under the forest conservation law. There will be impact to trees greater than 30 inches in diameter so the Applicant has submitted a tree variance request with this Application.

## **ANALYSIS AND FINDINGS**

1. *The Application satisfies all the applicable requirements of the Montgomery County Code Chapter 19 for Water Quality Reviews in Special Protection Areas and Montgomery County Code Chapter 59 for the Upper Paint Branch Overlay Zone.*

### **Special Protection Area Preliminary/Final Water Quality Plan**

As part of the requirements of the Special Protection Area Law, a Special Protection Area Water Quality Plan must be reviewed in conjunction with this project's request for a sediment control permit. Under the provision of the law, the Montgomery County Department of Permitting Services (MCDPS), the Planning Board, and the 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 Preliminary/Final Water Quality Plan under its purview as outlined in a letter dated May 15, 2017 (Attachment C). As part of this Application, the Planning Board's responsibility is to determine if stream buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

### Planning Board Special Protection Area Review Elements

#### *Stream Buffer Protection*

Approximately 0.14 acres of the Property is located within a forested stream buffer. There are no existing structures or other impervious surfaces located within the stream buffer. The stream buffer will not be disturbed during the restoration and reclamation, and the entire Property, including the stream buffer will be protected as part of the conservation park.

#### *Forest Conservation and Planting Requirements*

This Property meets all applicable requirements of Chapter 22A of the County Code (Forest Conservation Law). All the existing forest on the Property will be protected as part of the conservation park. There will be some disturbance within the forest to allow removal of fill material deposited as part of the previous landscape contractor operation. The stream buffer is currently vegetated with forest cover and there are no additional forest planting requirements.

#### *Imperviousness*

Impervious surface restrictions for development projects in the Upper Paint Branch Special Protection Area (SPA) are set forth in the Overlay Zone for the Upper Paint Branch SPA. As per Chapter 59, Section 4.9.18, the imperviousness for the Application may not exceed 8.0 percent. At the time of the previous approval for this Property in 2003, the impervious surfaces on the site were legally existing, and the Property was not required to conform to the 10 percent impervious surface limit of the Upper Paint Branch Overlay Zone in place at the time.

There are currently 94,621 square feet of impervious surfaces on the Property, consisting of a house, building, greenhouses, ponds, driveways and compacted gravel parking and material storage areas. The impervious surfaces cover approximately 36 percent of the 6.03-acre Property, as shown on the Existing Impervious Area Exhibit (Attachment A). The Application proposes to demolish and remove all existing impervious surfaces, deconsolidate and restore the soils to a pervious condition, stabilize the site with native vegetation, and manage the Property as a conservation park. No new impervious surfaces are proposed. 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's recommendation to "reduce imperviousness where possible."

#### Montgomery County Department of Permitting Service Special Protection Area Review Elements

MCDPS has reviewed and approved the elements of the SPA Final Water Quality Plan under its purview (Attachment C). These elements include site performance goals, stormwater management, sediment and erosion control, and monitoring of Best Management Practices.

- **Site Performance Goals**  
As part of the Water Quality Plan, the following performance goals were established for the site: minimize storm flow runoff increases and minimize sediment loading.
- **Stormwater Management Concept**  
The required goals will be met via a reduction in site imperviousness from 94,620 square feet of 0.0 square feet. The stabilization and replanting of the Property will greatly reduce the runoff rate and more closely mimic the predeveloped conditions on the Property.
- **Sediment and Erosion Control**  
Sediment control will be provided via a combination of silt fence, super silt fence and filter logs. An engineered sediment control plan is required.
- **Monitoring of Best Management Practices**  
MCDEP is not requiring monitoring for this project.

Staff finds that the Preliminary/Final Water Quality Plan PP2017001 satisfactorily protects the stream buffer on the Property, satisfies the SPA forest conservation and planting requirements, and meets the imperviousness limits established in the Upper Paint Branch SPA.

2. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

#### **Forest Conservation**

##### Final Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Forest Conservation Plan (Attachment B) was submitted as part of the review process for a

sediment control permit. This FCP is an amendment to previously approved FCP CBA1201A, which was approved as part of a special exception application for the former landscape contractor use. There are approximately 2.52 acres of forest on the Property, including 1.64 acres that were previously protected in a Category I conservation easement that was recorded as part of the previous Forest Conservation Plan approval. The Application proposes to retain all existing forest and protect it as part of a conservation park. The stream buffer on the Property is already forested and no additional forest planting is required.

#### *Forest Conservation Variance*

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted and mitigation be required.

#### Variance Request

The Applicant submitted a variance request in January 2017, for the impacts/removal of trees (Attachment D). The Applicant proposes to remove one (1) Protected Tree that is 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. This tree, noted as #11 on the FCP, is a 36" DBH corkscrew willow (*Salix matsudana*) in fair condition. It is located outside of forest, within an area that is stacked with debris and dirt fill up to the trunk of the tree, covering the entire critical root zone. The proposed site cleanup and grading will result in the removal of this tree which is highlighted graphically in Figure 3.

The Applicant also proposes to impact, but not remove, thirteen (13) Protected Trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The critical root zones of these trees will be impacted during the removal of existing impervious surfaces including debris and pavement/gravel. Details of the Protected Trees to be affected but retained are listed in Table 1 and highlighted graphically in Figure 3.

**Table 1 – Protected Trees to be affected but retained**

Tree No.	Common Name	Botanical Name	Size (DBH)	CRZ Impact*	Tree Condition	Location
1	Silver Maple	<i>Acer saccharinum</i>	36"	57%	Fair	Entrance Driveway
2	Silver Maple	<i>Acer saccharinum</i>	59"	25%	Poor	Entrance Driveway
4	White Oak	<i>Quercus alba</i>	34"	18%	Fair	Murphy La. Property Line
5	White Oak	<i>Quercus alba</i>	30"	9%	Fair	Murphy La. Property Line
6	Scarlet Oak	<i>Quercus coccinea</i>	41"	28%	Fair	Murphy La. Property Line
7	White Oak	<i>Quercus alba</i>	31"	21%	Fair	Murphy La. Property Line
8	Red Oak	<i>Quercus rubra</i>	42"	30%	Fair	Murphy La. Property Line
10	Tulip Tree	<i>Liriodendron tulipifera</i>	31"/14"	73%	Poor	Within forest and fill
12	Scarlet Oak	<i>Quercus coccinea</i>	36"	100%	Fair	Center of site, near gravel
13	White Oak	<i>Quercus alba</i>	30"	100%	Fair	Center of site, near gravel
15	Red Oak	<i>Quercus rubra</i>	36"	35%	Good	Within forest and fill
17	White Oak	<i>Quercus alba</i>	42"	48%	Fair	Within forest and fill
21	Red Oak	<i>Quercus rubra</i>	32"	19%	Good	Within forest and fill

\*Although a large amount of surface around the trees is to be disturbed it is for removal of debris and pavement/gravel. Minimal root damage is expected.

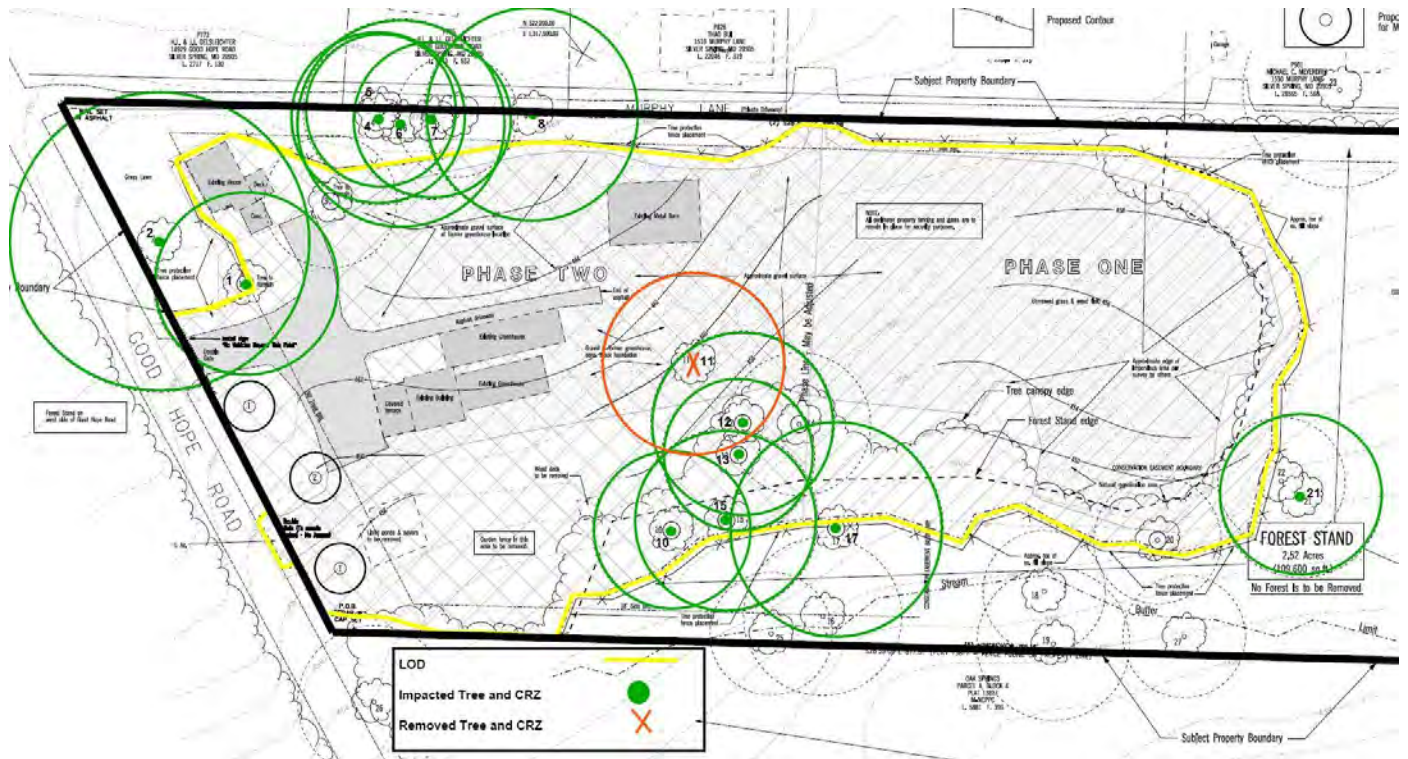


Figure 3 – Tree Variance

**Unwarranted Hardship Basis** – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Tree in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property.

The Property contains 19 trees subject to the variance provision, one of which will be removed by this Application. The tree to be removed, a corkscrew willow in fair condition, is centrally located on the Property, in an area that is stacked with debris and fill dirt up to the trunk of the tree; the entire critical root zone is covered. The Department of Parks purchased the Property as an addition to the Upper Paint Branch Stream Valley Park and it will be managed as a conservation park. It is located within the Upper Paint Branch Special Protection Area and Overlay Zone, where impervious surfaces are limited as a means of protecting water quality. The Department of Parks proposes to remove all the existing impervious surfaces and fill material and restore the Property to a pervious, natural condition. The removal of these materials so close to this tree will result in its removal. The 13 trees proposed to be impacted, but retained are located within and adjacent to driveways, gravel, and debris that will be removed to restore this Property to a natural condition. The critical root zones of these trees will be impacted by the removal of existing impervious surfaces as the Property is restored to a natural condition for protection as a conservation park within this sensitive watershed. The goal of the project is to restore the Property and because the Protected Trees are in close proximity to the impervious surfaces proposed to be removed,

it creates an unwarranted hardship. If the variance were not considered, the restoration anticipated on the Property would not be possible. Staff has reviewed the Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the Forest Conservation Plan.

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to a reasonable desire to restore the Property to a natural condition as a conservation park. The Protected Trees are located adjacent to and within the debris and impervious surfaces on the Property to be removed. Any development or restoration plan considered for this Property, would be faced with the same considerations of needing to remove the existing materials. The removal of existing debris and impervious surfaces resulting in impacts to Protected Trees is necessary to comply with the goals of the SPA and Environmental Overlay Zone and achieve the desired conservation park in this sensitive watershed. Granting a variance to allow land disturbance within the Property and removal of debris and existing impervious surfaces is not unique to this Applicant. Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing conditions on the Property, including the location of the Protected Trees adjacent to and within the debris, fill, and impervious surfaces proposed for removal to meet the goals of the Upper Paint Branch Overlay Zone.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed goal of restoring the Property and maintaining it as a conservation park, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer or wetland will be impacted or removed as part of this Application. One tree in fair condition is proposed to be removed during the removal of the fill material and debris that is currently stacked around the tree and covering the entire critical root zone, and 13 trees will be impacted during the removal of impervious surfaces from their critical root zones. The tree that will be removed will be mitigated for by planting trees on the site to replace the functions lost by the removal of this tree. The conditions immediately surrounding these 13 trees will likely be improved. The Property will ultimately be free of all impervious surfaces, planted with native vegetation, and will likely result in an improvement in water quality. In addition, MCDPS will require a detailed sediment and erosion control plan to include sediment and erosion control measures during the restoration of the Property and they've determined the stabilization and replanting of the Property will ultimately result in conditions that closely mimic predeveloped conditions.

Mitigation for Protected Trees – Mitigation for the removal of one Protected Tree is recommended at a rate that approximates the form and function of the tree removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposes to remove 39 inches in DBH resulting in a mitigation requirement of 10 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The FCP includes the planting of three native, canopy trees as mitigation for the removal of one variance tree. Although these trees will not be as large as the tree lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of this tree. Staff does not recommend mitigation for trees impacted, but not removed. The affected root systems will regenerate and the functions provided restored.

County Arborist's Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On February 9, 2017, the County Arborist provided a letter recommending that a variance be granted with mitigation (Attachment E).

Variance Recommendation – Staff recommends that the variance be granted with mitigation for the loss of one tree as described above.

## **CONCLUSION**

The proposed Preliminary/Final Water Quality Plan and Final Forest Conservation Plan Amendment meet all requirements established in the Montgomery County Code. Therefore, approval of the Applications with the conditions specified herein is recommended.

## **ATTACHMENTS**

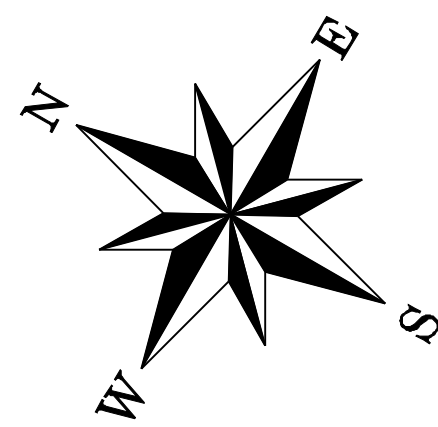
Attachment A – Impervious Surface Exhibit – Preliminary/Final WQP

Attachment B – Final Forest Conservation Plan Amendment

Attachment C – MCDPS Preliminary/Final WQP Approval Memo

Attachment D – Tree Variance Request

Attachment E – County Arborist Tree Variance Recommendation



SCALE: 1"=30'

### IMPERVIOUS AREA TABULATION

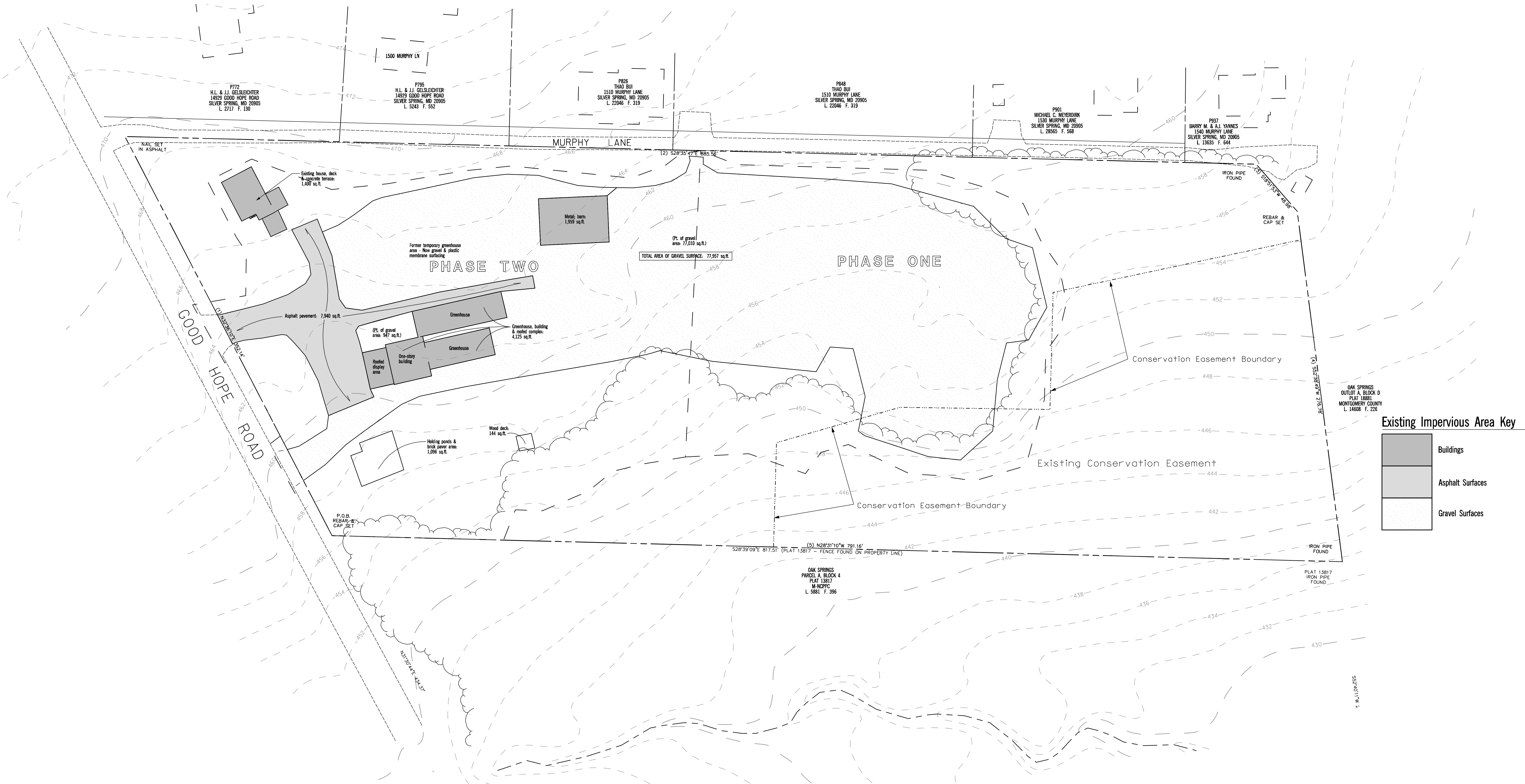
ITEM	EXISTING AREA	BY PHASE:	PHASE 1	PHASE 2	PROPOSED AREA
1. GRAVEL SURFACE	77,957 SQ.FT.		42,600 SQ.FT.	35,357 SQ.FT.	0
2. ASPHALT PAVEMENT	7,940 SQ.FT.		0	7,940 SQ.FT.	0
3. METAL BARN	1,959 SQ.FT.		0	1,959 SQ.FT.	0
4. HOUSE, DECK, CONCRETE	1,400 SQ.FT.		0	1,400 SQ.FT.	0
5. GREENHOUSE, BUILDING & ROOFED AREA COMPLEX	4,125 SQ.FT.		0	4,125 SQ.FT.	0
6. HOLDING PONDS / BRICK PAVER AREA	1,096 SQ.FT.		0	1,096 SQ.FT.	0
7. WOOD DECK	144 SQ.FT.		0	144 SQ.FT.	0
TOTAL IMPERVIOUS AREA	94,621 SQ.FT. (36% OF GROSS TRACT)		42,600 SQ.FT.	52,021 SQ.FT.	0 SQ.FT. (0% Impervious Area)

NOTE: SEE APPROVED FOREST CONSERVATION PLAN FOR ADDITIONAL INFORMATION REGARDING REMOVAL OF IMPERVIOUS SURFACES.

### PLAN NOTES

1. Tract Area: 6.03 Ac. (262,850 sq.ft.) per boundary survey
2. Area of Proposed R/W's & Easements: 0
3. Zoning: RE-2C
4. Planning Area: Cloverly
5. Area of Existing Forest Covers: 2.52 Ac.
6. Watershed: Paint Branch (State Use III)
7. This property is located in the Upper Paint Branch Special Protection Area.
8. This property is located in Flood Zone "X" per FEMA Map 24031C03800 (Not within or adjacent to 100-Year Floodplain area)
9. There is no evidence of non-tidal wetlands on the subject property; there is no hydric soil, no evidence of hydrophytic plants and no evidence of wetland hydrology on this property.

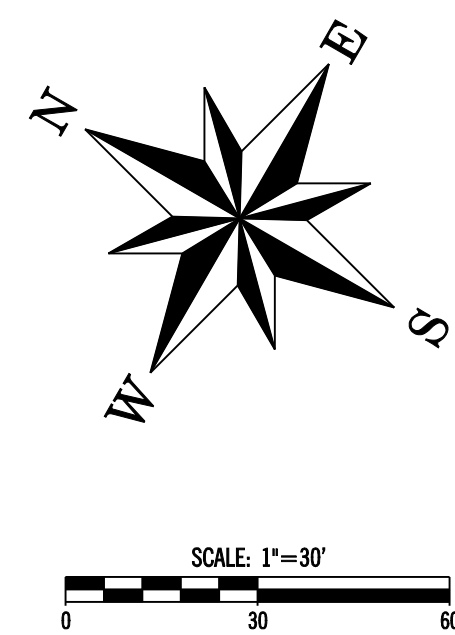
VICINITY MAP  
SCALE: 1"=2000'



### Existing Impervious Area Key

	Buildings
	Asphalt Surfaces
	Gravel Surfaces





## SPECIMEN &amp; SIGNIFICANT TREE ACTION KEY

Number	Botanical Name	Common Name	DBH	Condition	CRZ Area	% CRZ Impacted	Save / Remove	Remarks
1 *	Acer saccharinum	Silver Maple	36"	Fair	9,161 s.f.	57% **	Save	Root compaction
2 *	Acer saccharinum	Silver Maple	59"	Poor	24,486 s.f.	25% **	Save	Hollow trunk
3 *	Acer rubrum	Red Maple	26"	Fair	4,778 s.f.	52% **	Save	Root compaction
5 *	Quercus alba	White Oak	34"	Fair	8,171 s.f.	9% **	Save	Root compaction
6 *	Quercus alba	White Oak	30"	Fair	6,362 s.f.	3% **	Save	Crown loss, root disturbance, outside fence
7 *	Quercus coccinea	Scarlet Oak	41"	Fair	11,882 s.f.	20% **	Save	Root compaction
8 *	Quercus alba	White Oak	31"	Fair	6,793 s.f.	17% **	Save	Root compaction
9 *	Quercus rubra	Red Oak	42"	Fair	12,469 s.f.	29% **	Save	Root compaction, crown loss
10 *	Quercus alba	White Oak	24"	Good	4,072 s.f.	10% **	Save	Hollow trunk
11 *	Liriodendron tulipifera	Tulip Poplar (Double)	31"/14"	Poor	6,793 s.f.	13% **	Save	Root compaction, Severe grading all around tree
12 *	Salix matsudana	Corkscrew Willow	36" (5-stem)	Fair	9,161 s.f.	100% **	Remove	Root compaction
13 *	Quercus alba	White Oak	30"	Fair	5,542 s.f.	100% **	Save	Root compaction
14 *	Quercus alba	White Oak	30"	Fair	5,542 s.f.	100% **	Save	Root compaction
15 *	Quercus rubra	Red Oak (Double)	38"	Good	9,161 s.f.	35% **	Save	Root compaction
16 *	Quercus alba	White Oak	31"	Good	6,793 s.f.	0	Save	Crown loss
17 *	Quercus alba	White Oak (Triple)	42"	Fair	12,469 s.f.	48% **	Save	
18 *	Quercus alba	White Oak	24"	Good	4,072 s.f.	0	Save	
19 *	Quercus alba	White Oak	30"	Good	6,362 s.f.	0	Save	
20 *	Quercus rubra	Red Oak	25"	Poor	4,418 s.f.	58% **	Save	Deep fill on roots
21 *	Quercus alba	White Oak	25"	Good	7,238 s.f.	19% **	Save	
22 *	Quercus alba	White Oak	36"	Good	4,418 s.f.	33% **	Save	
23 *	Liriodendron tulipifera	Tulip Poplar	38"	Good	10,207 s.f.	0	Save	Off-site
24 *	Quercus coccinea	Scarlet Oak	24"	Good	4,072 s.f.	0	Save	Off-site
25 *	Quercus alba	White Oak	34"	Good	6,362 s.f.	0	Save	
26 *	Quercus rubra	Red Oak	24"	Good	4,072 s.f.	0	Save	

\* = Specimen Trees, 30" DBH and larger

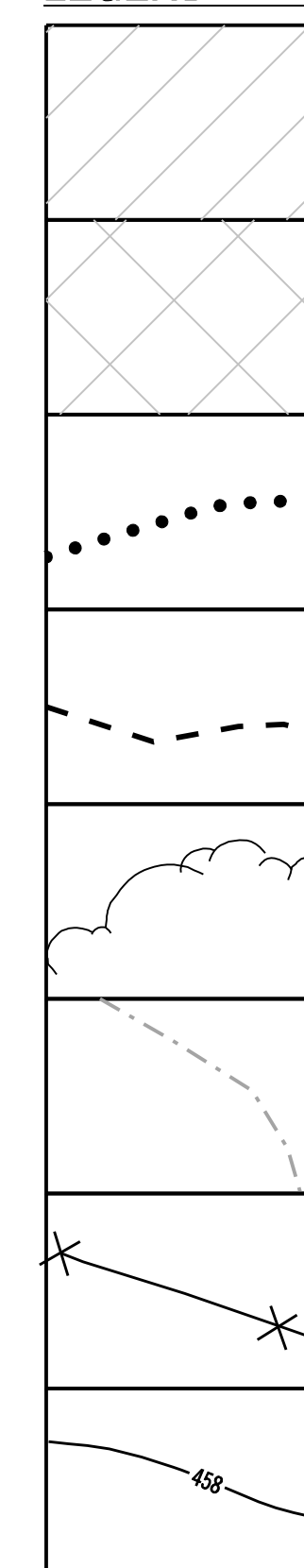
\*\* = Although a large amount of superficial surface disturbance is proposed by measured area, no excavation over 6" depth below pre-fill grade is proposed. Removal of placed fill, gravel, scarifying of the soil and removal of surface debris is the only proposed disturbance in the CRZ's of these trees. Removal of the compacted placed fill and scarifying of the soil in the new exposed surface area will enhance the root health within the CRZ's of these trees.

## PLANT LIST - Mitigation Trees

KEY #	BOTANICAL NAME	COMMON NAME	SIZE*	QUANTITY	REMARKS
1	Quercus rubra	Northern Red Oak	3" - 3-1/2" cal. / 14' - 16' Ht.	2	B & B - Well-formed crown
2	Quercus alba	White Oak	3" - 3-1/2" cal. / 14' - 16' Ht.	1	B & B - Well-formed crown

NOTE: \* At least material specified on this plan for steel columns in site, not columns and foundations, unless noted. \* All trees to be removed shall be removed by the time of construction. \* All trees to be removed shall be removed by the time of construction. \* All trees to be removed shall be removed by the time of construction.

## LEGEND



Phase 1 - Clearing &amp; Grading

Phase 2 - Clearing &amp; Grading

Proposed Limit of Disturbance (L.O.D.)

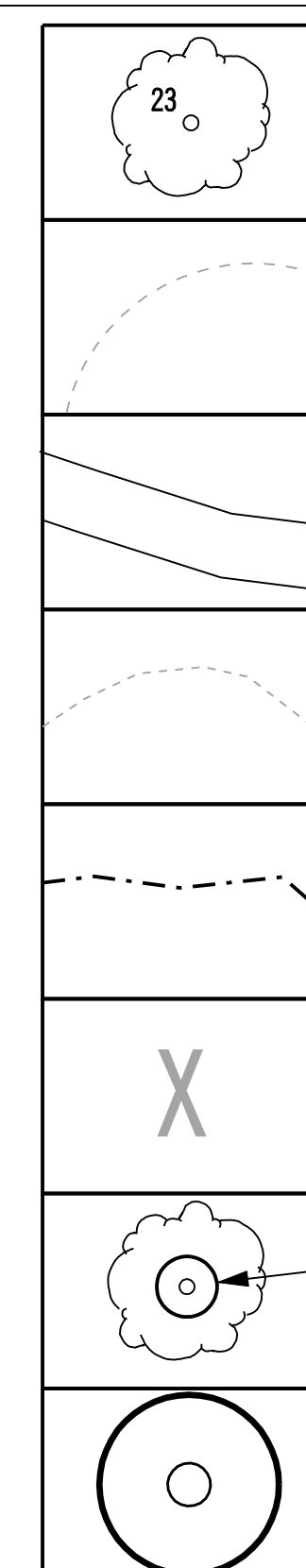
Edge of Forest Stand

Approximate Tree Canopy Edge

Approximate Toe of Fill Slope for Dirt and Rubble

Temporary Tree Protection Fence Placement - See Detail, Sheet 2

Proposed Contour



Specimen &amp; Significant Tree Locations and Tree Number (Trees marked with white flagging - on-site trees only)

Critical Root Zone for Specimen &amp; Significant Trees

Approximate Edge of Asphalt Pavement

Approximate Edge of Gravel Surface See Impervious Area Exhibit for Tabulation of Impervious Area

Stream Buffer Limit

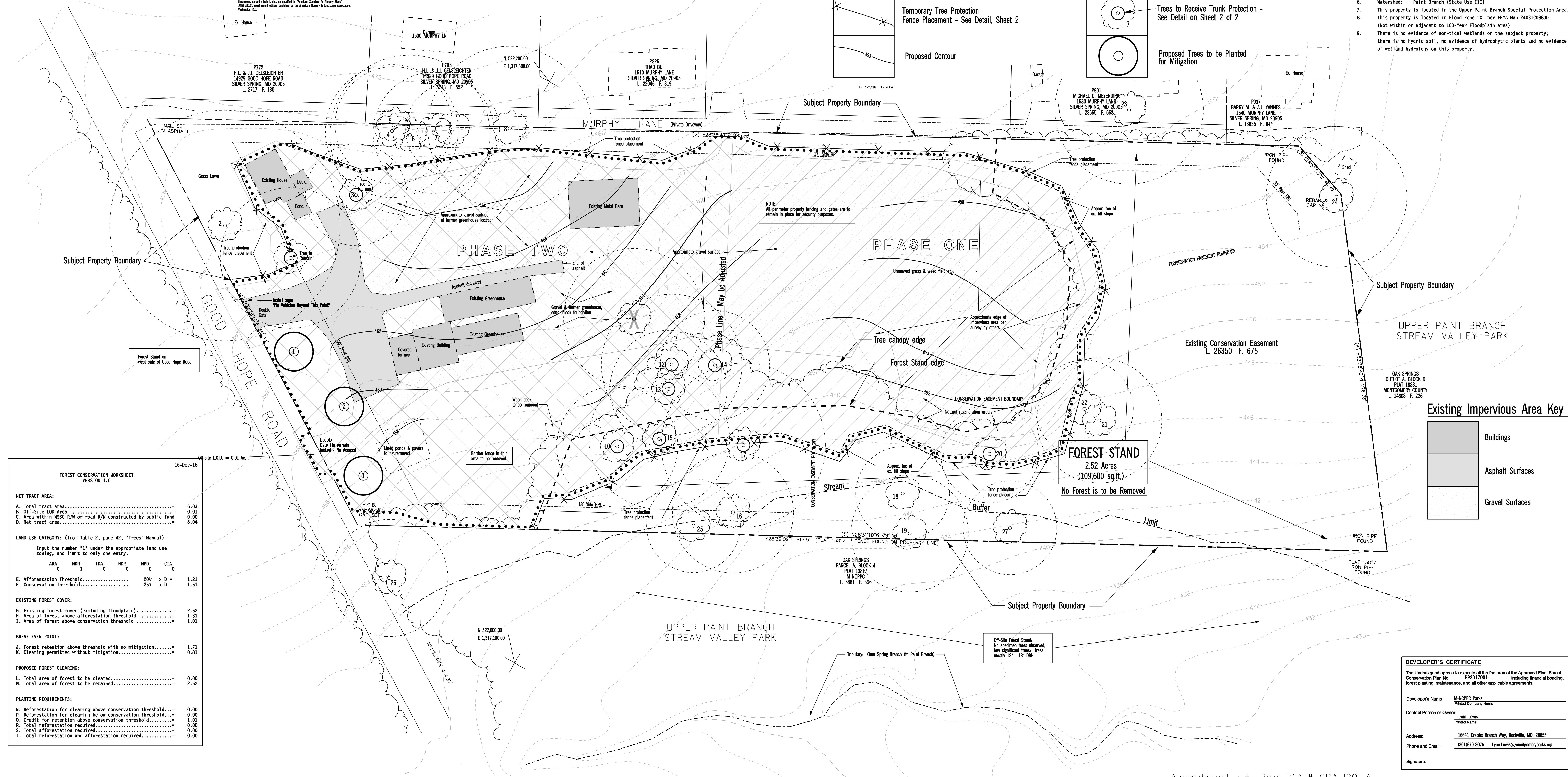
Significant / Specimen Tree to be Removed

Trees to Receive Trunk Protection - See Detail on Sheet 2 of 2

Proposed Trees to be Planted for Mitigation

## PLAN NOTES

1. Tract Area: 6.03 Ac. (262,850 sq.ft.) per boundary survey
2. Area of Proposed R/W's & Easements: 0
3. Zoning: RE-2C
4. Planning Area: Cloverly
5. Area of Existing Forest Cover: 2.52 Ac.
6. Watershed: Paint Branch (State Use III)
7. This property is located in the Upper Paint Branch Special Protection Area.
8. This property is located in Flood Zone "X" per FEMA Map 24031C03800 (Not within or adjacent to 100-Year Floodplain area)
9. There is no evidence of non-tidal wetlands on the subject property; there is no hydric soil, no evidence of hydrophytic plants and no evidence of wetland hydrology on this property.



16-DEC-81

**FOREST CONSERVATION WORKSHEET**  
VERSION 1.0

NET TRACT AREA:

A. Total tract area .....	6.03
B. Off-Site L.O.D. Area .....	0.01
C. Area within ASSC R/W or road R/W constructed by public fund .....	0.00
D. Net tract area .....	6.04

LAND USE CATEGORY: (from Table 2, page 42, "Trees" Manual)

Input the number "1" under the appropriate land use zoning, and limit to only one entry.

	ARA	HDR	IDA	HDR	MPO	CIA
E. Afforestation Threshold.....				20%	x D =	1.21
F. Conservation Threshold.....				25%	x D =	1.51

EXISTING FOREST COVER:

G. Existing forest cover (excluding floodplain).....	2.52
H. Area of forest above afforestation threshold.....	1.31
I. Area of forest above conservation threshold.....	1.01

BREAK EVEN POINT:

J. Forest retention above threshold with no mitigation.....	1.71
K. Clearing permitted without mitigation.....	0.81

PROPOSED FOREST CLEARING:

L. Total area of forest to be cleared.....	0.00
M. Total area of forest to be retained.....	2.52

PLANTING REQUIREMENTS:

N. Reforestation for clearing above conservation threshold.....	0.00
P. Reforestation for clearing below conservation threshold.....	0.00
Q. Credit for retention above conservation threshold.....	1.01
R. Total reforestation required.....	0.00
S. Total afforestation required.....	0.00
T. Total reforestation and afforestation required.....	0.00

## Existing Impervious Area Key

	Buildings
	Asphalt Surfaces
	Gravel Surfaces

**DEVELOPER'S CERTIFICATE**

The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. PP2017001 including financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: M-NCPPC Parks  
Project/Company Name: Paint Branch Valley Park

Contact Person or Owner: Lynn Lewis  
Printed Name: \_\_\_\_\_

Address: 16641 Crabbe Branch Way, Rockville, MD, 20855

Phone and Email: (301) 670-8076 Lynn.Lewis@montgomeryparks.org

Signature: \_\_\_\_\_

Amendment of Final FCP # CBA-I201-A

NO	REVISION	DATE
1	Revise per 1/12/17 E-Mail comments from M-NCPPC Planning Staff	1/16/17

Signature and Seal of Qualified Preparer

Donald W. Roubrough, II Md. R.L.A. #481

Date



**Amended Final Forest Conservation Plan**  
**14911 GOOD HOPE ROAD**

PARCEL 880 / TAX MAP KS121

L51021 / F.147

ELECTION DISTRICT #05

MONTGOMERY COUNTY, MARYLAND

DWR	1" = 30'
DESIGN	SCALE
JSL	1 of 2
CHECKED	SHEET
1/27/2017	PROJ. No. 2069
PLOT DATE	E-



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

May 15, 2017

Mr. Jeffery Lewis  
Site Solutions, Inc.  
19508-A Amaranth Drive  
Germantown, Maryland 20874

Re: **COMBINED PRELIMINARY/FINAL WATER  
QUALITY PLAN AND SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
14911 Good Hope Road  
Preliminary Plan #: N/A  
SM File #: 282643  
Tract Size/Zone: 6.0 acres/RE-2C  
Total Concept Area: 6.0 acres  
Lots/Block: N/A  
Parcel(s): P880  
Watershed: Upper Paint Branch

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above-mentioned site is **acceptable**. The goals of the Water Quality Plans are to minimize storm flow runoff increases and to minimize sediment loading. The Water Quality Plans propose to meet the required goals via a reduction in site imperviousness from 94,620 square feet (36.0% of the site) to 0.0 square feet. The site is to be stabilized and eventually reforested. This will greatly reduce the runoff rate and more closely mimic the predeveloped conditions of the site. Sediment control will be provided via a combination of silt fence, super silt fence and filter logs. An engineered sediment control plan is required for this project.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. 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 there are subsequent additions or modifications to the development, a separate Preliminary/Final Water Quality Plan request shall be required.

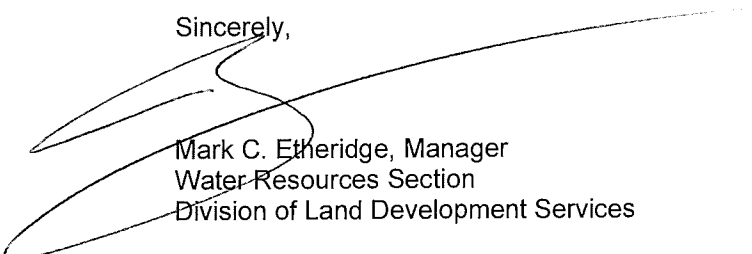


255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311  
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Mr. Jeffrey Lewis  
May 15, 2017  
Page 2 of 2

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

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: lmg

cc: C. Conlon  
M. Kishter  
J. St. John  
SM File # 282643

ESD Acres:	6.0
STRUCTURAL Acres:	0.0
WAIVED Acres:	0.0

**STATEMENT OF M-NCPPC PARKS**  
**FOR A VARIANCE IN ACCORDANCE WITH SECTION 22A-21**  
**OF THE MONTGOMERY COUNTY CODE**  
**FOREST CONSERVATION PLAN #CBA-1201-A**

**January, 2017**

**I. BACKGROUND INFORMATION.**

The Applicant for a variance pursuant to the provisions of Section 22A-21 of the Montgomery County Code is the Maryland-National Capital Park & Planning Commission Department of Parks, the owner of the property. The owner proposes to clear all of the existing surface improvements from the property and remove all impervious surfaces that includes asphalt and gravel areas. The property will be planted in a grass cover and eventually be reforested. The property consists of 6.03 acres. The site is located on the east side of Good Hope Road, approximately 500 feet south of Briggs Chaney Road in eastern Montgomery County. There are 2.52 acres of forest cover within the property boundary.

**II. APPLICANT'S PROPOSAL.**

Attached is a copy of the proposed Amended Final Forest Conservation Plan indicating the location of existing buildings, structures, paved & gravel surfaces, existing forest and the surveyed location of existing specimen and significant trees along with their CRZ's.

**III. EXPLANATION FOR NEED TO REMOVE ONE TREE AND IMPACT THIRTEEN TREES THAT ARE IDENTIFIED IN STATE LAW FOR PROTECTION**

Attached to this variance application is a copy of the Final Forest Conservation Plan (FFCP), on which one protected specimen tree is proposed to be removed and thirteen additional impacted specimen trees to be saved have been identified.

The thirteen impacted trees are described as follows (Numbering is per the FFCP):

Tree #1	Silver Maple	36" DBH	Fair Condition	57% CRZ Impacted
Tree #2	Silver Maple	59" DBH	Poor Condition	25% CRZ Impacted
Tree #4	White Oak	34" DBH	Fair Condition	18% CRZ Impacted
Tree #5	White Oak	30" DBH	Fair Condition	9% CRZ Impacted
Tree #6	Scarlet Oak	41" DBH	Fair Condition	28% CRZ Impacted
Tree #7	White Oak	31" DBH	Fair Condition	21% CRZ Impacted
Tree #8	Red Oak	42" DBH	Fair Condition	30% CRZ Impacted

Tree #10	Tulip Poplar	31/14" DBH	Poor Condition	73% CRZ Impacted
Tree #12	Scarlet Oak	36" DBH	Fair Condition	100% CRZ Impacted
Tree #13	White Oak	30" DBH	Fair Condition	100% CRZ Impacted
Tree #15	Red Oak	36" DBH	Good Condition	35% CRZ Impacted
Tree #17	White Oak	42" DBH	Fair Condition	48% CRZ Impacted
Tree #21	Red Oak	32" DBH	Good Condition	19% CRZ Impacted

Please note that although a large amount of surface around the above trees is to be disturbed, the disturbance is to be superficial on the ground surface and no more than 6" into the surrounding grade. This is for removal of debris and pavement / gravel. Minimal root damage is expected and the impacted trees' survival chances are excellent. None of the above trees are to be removed.

The one specimen tree to be removed is as follows:

Tree #11	Corkscrew Willow	39" DBH	Fair Condition	Within graded area
----------	------------------	---------	----------------	--------------------

The one tree being removed lies within an area that is stacked with debris and dirt fill up to the trunk of the tree and covering the entire CRZ. Proposed site cleanup and grading around this tree will make it impossible to save.

#### IV. **SATISFACTION OF THE CRITERIA LISTED IN SECTION 22A-21(b) OF THE MONTGOMERY COUNTY CODE.**

Section 22A-21(b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

*"(1) describe the special conditions peculiar to the property which caused the unwarranted hardship."*

This is a reclamation and site clearing project. Minor grading will be necessary to remove surface impervious area (asphalt and gravel) and return the surface grades to their original condition. To deny this work from taking place would be to deny the opportunity to enhance the forest and green area growing environment on the property. The current site conditions were caused by the previous owner and that owner's business operations.

*"(2) Describe how enforcement of these rules will deprive the owner of rights commonly enjoyed by others in similar areas."*

Enforcement of these rules would deny the opportunity for M-NCPPC Parks to reclaim and return the site to natural self-regeneration tree and vegetative cover conditions.

- “(3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance.”*

The Applicant, in conjunction with the proposed site work, is required to file a water quality plan since this property lies within the Upper Paint Branch Special Protection Area. The water quality plan will assure that no degradation of water quality will take place as a result of the proposed site clearing and grading. Additionally, all current areas of impervious surface such as asphalt, gravel and buildings will be removed from the property, enhancing natural runoff infiltration.

The Applicant confirms that the impact on the fourteen affected trees will cause no degradation to water quality associated with the proposed cleaning up and modest site grading as a result of the granting of the requested variance.

- “(4) Provide any other information appropriate to support the request.”*

The information set forth above, the Applicant believes, is adequate to justify the requested variance to impact the fourteen protected trees on the subject property. Furthermore, the Applicant's request for a variance complies with the “minimum criteria” of Section 22A-21(d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The configuration of the subject property, regulatory requirements, and the location of the protected trees are not the result of actions by the Applicant, since any similar development of the subject property involving only impervious area removal and minor grading would encounter the same constraints.
3. The requested variance is not related in any way to a condition on an adjacent, neighboring property, and
4. Impact on the CRZ's of the fourteen affected trees will not violate State water quality standards or cause measurable degradation in water quality (which is being improved by the Applicant's overall proposal).

Site Solutions, Inc.,  
Donald W. Rohrbaugh, II, R.L.A.  
January, 2017



## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

February 9, 2017

Casey Anderson, Chair  
Montgomery County Planning Board  
Maryland National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

RE: Good Hope Garden, Park Property Activity PP2017001, FCP amendment application accepted on 12/22/2016

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

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[www.montgomerycountymd.gov/dep](http://www.montgomerycountymd.gov/dep)

Casey Anderson  
February 9, 2017  
Page 2

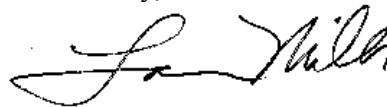
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff, as well as the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller  
County Arborist

cc: Mary Jo Kishter, Senior Planner