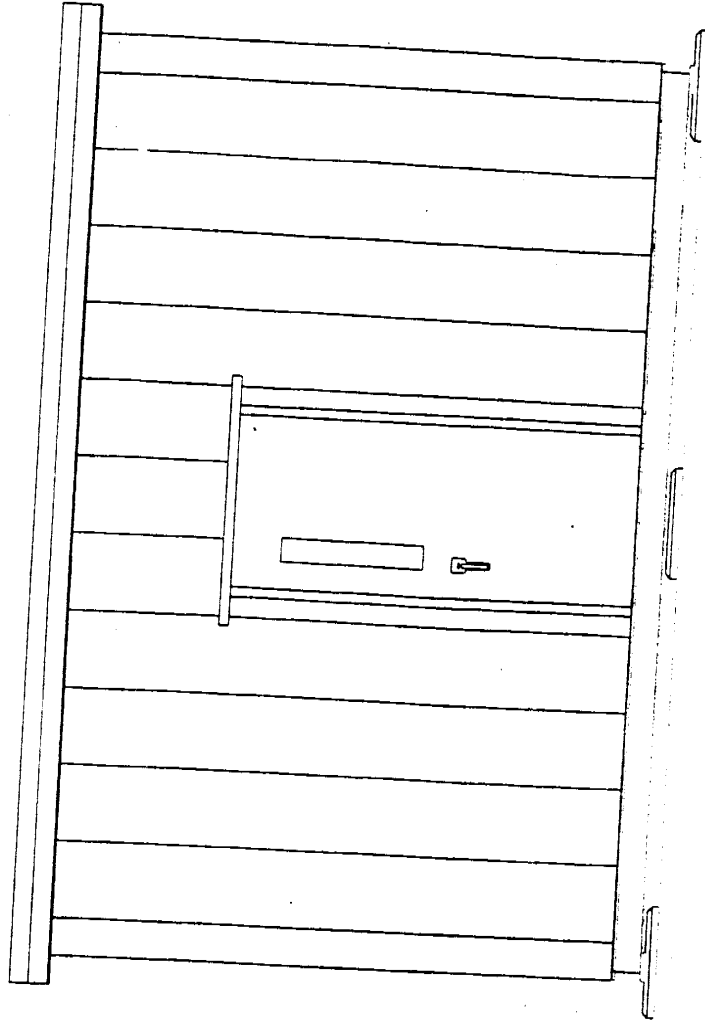


BUILDING ELEVATION



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SOUTH ELEVATION

BUILDING SOUTH ELEVATION





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: April 5, 2004

TO: Kathy Reilly, Community Based Planning Division

VIA: Mary Dolan, Environmental Planning Division 

FROM: Marion Clark, Environmental Planning Division 

SUBJECT: Special Exception request No. S-2596
Washington Gas at Lake Needwood

Recommendations

Environmental Planning staff recommends **approval** of the Preliminary Forest Conservation Plan for Special Exception request No. S-2596 with the following conditions:

- Submit a final Forest Conservation Plan (FCP) to M-NCPPC Environmental Planning staff prior to issuance of sediment and erosion control permits. This plan must demonstrate full compliance with the requirements of Forest Conservation Law Section 22A-12.
- Realign the alternative access road, if used, to preserve two-thirds or more of the 57" specimen Tulip Poplar critical root zone.
- Submit a revised FCP and detailed Tree Save Plan, prepared by an ISA certified arborist and that fully meets the directives of M-NCPPC Forest Conservation Regulations #1-01, Section 109B, if the alternative alignment of the access road is used.

Environmental Planning staff recommends **approval** of Special Exception request No. S-2596 with conditions stated above for approval of the Final FCP.

Discussion of Environmental Issues

Gas lines cross stream and bisect unforested stream valley buffer.

This site is located in the northeast corner of Lake Needwood Park in Rock Creek Regional Park. A small unnamed tributary of Lake Needwood, with no evidence of undercutting, runs along the eastern border of the property. This tributary requires a stream valley buffer varying from 150' wide, where slopes are steep, to 125' in width. The stream valley buffer is unforested, except for a 0.24-acre forest stand, along the southern property line. Washington

Gas proposes to bisect the unforested portion of the stream valley buffer with three gas lines contained in a 65' wide easement. The proposed gas lines will connect a gate station, which services the gas lines, to existing gas lines located on the east side of the stream.

The applicant plans to use an open cut method of construction across the stream to install the new gas lines. The new gas lines will be placed approximately 4'-6' below surface for the length of the installation and 4'-6' below the stream bed at the crossing. The applicant has submitted a plan to M-NCPPC Environmental Planning staff detailing the construction of the stream crossing. This plan includes specifications for construction activities and stream repair indicating replacement of the substratum with solid material similar to or the same as what was removed from the stream. The Final FCP shall indicate a native grass meadow to stabilize soil disturbed by construction within the easement area. Reforestation to fulfill Forest Conservation Plan requirements is proposed for the unforested portion of the stream valley buffer outside the easement area.

Washington Gas has a *Maryland State Programmatic Permit* from the U.S. Army Corps of Engineers allowing activities disturbing 0.25 ac. for stream crossings and in wetlands providing there is no change in preconstruction contours. The applicant also has a *Regional Letter of Authorization* and a *General Waterway Construction Permit* from the Maryland Department of the Environment authorizing disturbance activities in floodplains and waterways.

New access road aligned over landfill, alternative road potentially impacts specimen tree.

A road to access the gate station traverses Rock Creek Maintenance Yard on M-NCPPC property. The access road is aligned along the southern border of an uncontrolled landfill. Washington Gas will be required to comply with Maryland Department of the Environment (MDE) regulations with regard to the landfill prior to building the road. In the event that engineering or construction measures are not feasible to construct the road over the landfill, an alternative alignment for the access road is indicated on the application plan. The alternative alignment shown on the submitted plan potentially impacts a 57 inch Tulip Poplar tree field verified by Environmental Planning staff and the consultant for the applicant. If the alternate access road is selected, a new alignment should be designed to reduce impacts to the specimen tree and a Tree Save Plan is required if the new road alignment encroaches on the critical root zone of the specimen tree.

Forest Conservation

This application has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD). The applicant has submitted a Preliminary FCP that complies with the Forest Conservation Law. The applicant proposes to clear .25 acres and to retain 1.47 acres of forest. Planting requirements include .5 acres of reforestation and .94 acres of afforestation. The Preliminary FCP indicates 1.99 acres of reforestation provided in the stream valley buffer, a high priority reforestation area.

Environmental Guidelines

This property is not located within a Special Protection Area or Primary Management Area. A stream valley buffer varying in width from 125' to 150' where steep slopes are present. Wetland soils are indicated on the NRI/FSD, but wetlands have not been found in the field. A wetland delineation has not been performed. All necessary wetlands permits will be required prior to issuance of the park permit.

Stormwater Management

The Department of Permitting Services has approved a Stormwater Management Concept

request for this site. Water quality control for the gate station will be provided through a biofiltration facility on the easement site. Water quality control for the access road will be achieved by grading the road to disperse runoff in a sheet flow in order to prevent erosion. Water quantity control is not required for this proposal.

Regional Water Quality

This site is located in the Lake Needwood tributary of the Upper Rock Creek watershed. Upper Rock Creek south of Muncaster Mill Road is classified as a Use IV watershed by MDE. A Use IV classification means that the waters are capable of supporting put and take trout populations.

The *Countywide Stream Protection Strategy (CSPS)* categorizes this subwatershed as a Watershed Restoration Area. This category is applied to older developed areas of the County where streams are degraded to varying degrees and restoration tools are necessary to stop further degradation. The CSPS rates stream quality fair and habitat conditions good for the Lake Needwood tributary noting that there is low imperviousness overall, but the recreational facilities and upstream land uses have an impact on the eutropic (poor water quality) lake.

Noise

This use is not expected to generate a noise disturbance to surrounding uses. A Sound Analysis, performed by the applicant, uses manufacturer's data to predict expected noise levels at sixteen points around the perimeter of the property. Manufacturer's data indicate the maximum noise produced by equipment in the gate station is 75 dBA. When this sound level is projected to the sixteen perimeter points identified by the study, sound levels drop to 55 dBA, as required by the Montgomery County Noise Ordinance for residential properties. This does not account for proposed attenuation measures such as buildings enclosing the equipment, a ten-foot tall fence, and landscaping around the perimeter of the gate station. The Department of Environmental Protection administers Montgomery County Code Chapter 31B Noise Control and will verify compliance with the county code prior to issuance of permits.

Dust

There should be no objectionable fumes, noise or odors resulting from the proposed use. Dust is not expected to be problematic.