



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 22, 2004

MEMORANDUM

TO: Cathy Conlon, Development Review Division

FROM: Candy Bunnag, *CB*
Environmental Planning
County-wide Planning Division

SUBJECT: Preliminary Plan No. 1-04027, and Special Protection Area (SPA)
Preliminary and Final Water Quality Plan for Briarcliff Meadows North

STAFF RECOMMENDATION

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

1. Prior to record plat, applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10 percent as shown on the revised preliminary plan.
2. Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as shown on the revised preliminary plan. Any modifications to these plans which increase site imperviousness may require Planning Board action.
3. Compliance with the conditions of approval for the preliminary forest conservation plan dated 10/22/04. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:
 - a. Category I conservation easement to be placed over afforestation area. Easement to be shown on record plats.
 - b. Final forest conservation plan to include methods to clearly mark the Category I conservation easement boundary, such as permanent fencing and signage.
 - c. Planting plan to include a mix of 1" and 2" caliper native trees. The specific mix to be determined as part of the final forest conservation plan.

5. Conformance to the conditions as stated in DPS' water quality plan approval letter dated October 5, 2004 (Attachment A).

DISCUSSION

Site Description

The 11.56-acre site lies within the Upper Paint Branch Special Protection Area (SPA). Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters)¹. The site drains to the Left Fork Tributary of Paint Branch. The site is in an upland area and there are no on-site forests, streams, wetlands, or environmental buffers. There are trees on the site which had been part of a horticultural nursery and landscaping operation.

Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan². 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 reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. **DPS has reviewed and approved the elements of the preliminary water quality plan under its purview (see Attachment A).** The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Site Performance Goals

As part of the preliminary and final water quality plan, several performance goals were established for the site: minimize storm flow runoff increases, minimize increases to ambient stream water temperatures, minimize sediment loading, and minimize pollutant loadings.

¹ Paint Branch supports a naturally reproducing brown trout population. This stream system is a unique resource for Montgomery County because it is the only stream system in the county with a proven, consistent long-term self-sustaining trout population.

² Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for 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:... 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 a ten percent (10%) site imperviousness limit on new development. The imperviousness limit is set forth in the environmental overlay zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness of 10 percent. This consists of nine single-family detached houses and driveways, a short road ending in a cul-de-sac, and a sidewalk on one side of the road. The house footprints range from 2050 to 2150 square feet. The site imperviousness also include a small area of Thompson Road improvement for access along the frontage of the site that will be constructed as part of the subdivision. The applicant's proposal conforms to the environmental overlay zone.

Environmental Buffers

There are no streams, floodplains, wetlands, or environmental buffers on or adjacent to the site.

Forest Conservation

There is no existing forest or large or specimen trees on the site. To meet the forest conservation requirements, 2.31 acres of afforestation are required. The applicant proposes to afforest 4.98 acres of the 5.62-acre HOA common open space. The excess forest planting is the major component of the applicant's justification for using the cluster option of the RE-1 zone on a property less than 50 acres (see discussion later in this memorandum). The configuration of the afforestation area is such that part of it abuts existing conservation easements to the north and a proposed conservation easement area to the south that is part of the proposed Briarcliff Meadows South preliminary plan (no. 1-04036).

Stormwater Management Concept

To help meet the project's performance goals, the stormwater management (SWM) concept includes the following features:

- A dry facility will provide water quantity controls.
- Stormwater management quality controls will be provided by vegetated swales next to the road and in the backs of lots and two sand filters that drain to the dry facility..

Sediment Control

DPS is requiring the use of redundant sediment control measures, such as sediment traps with forebays.

Monitoring of Best Management Practices

DPS requires monitoring of best management practices that meets the monitoring protocols established by DPS and the Department of Environmental Protection (DEP).

Cluster Development on Sites Less than 50 Acres

Section 59-C-1.532 of the zoning ordinance establishes 50 acres as the minimum size of a site for a cluster development in the RE-1 zone. However, footnote 6 of this section of the zoning ordinance states: "This minimum area requirement may be waived by the planning board upon a finding that the cluster development is more desirable for environmental reasons."

The applicant has submitted a request to waive the minimum area requirement for cluster (Attachment B). In addition, a concept of a non-cluster subdivision was also submitted to compare to the proposed cluster subdivision. Since there are no environmentally-sensitive features (e.g., streams, wetlands, floodplains, forest, or environmental buffers) on the subject site, the primary environmental benefit of the proposed cluster plan is afforestation on common open space that exceeds the required forest conservation law requirements. The applicant proposes to plant 4.98 acres of forest, but is required to plant only 2.31 acres under the law.

Compared to the cluster subdivision, the non-cluster subdivision layout would have less land available for forest planting because land is needed not only for roads, homes, driveways, and usable yards, but suitable land must also be set aside for septic systems. Unlike the cluster proposal, a non-cluster plan would not be able to create a sizable afforestation area that is connected to existing and proposed conservation easements on adjacent properties. In addition, afforestation areas would be located on private lots (as opposed to common open space in the cluster subdivision). It is staff's experience that when afforestation areas are on private lots, there is more likelihood that encroachments into the afforestation areas will occur (e.g., mowing of planted trees and shrubs, construction of structures, etc.) even with Category I conservation easements recorded on the afforestation areas. Staff, therefore, believes the proposed cluster subdivision is better for environmental reasons than a non-cluster one for this site.

Ownership of Stormwater Management Facility (SWM)

The proposed SWM facility will be owned and maintained by the subdivision's HOA. Staff supports this and does not recommend that this facility be owned and maintained by M-NCPPC because it is not adjacent to existing or proposed parkland.

In some of the other new subdivisions³ in the Upper Paint Branch SPA, the SWM facilities are adjacent to existing or dedicated parkland, and the Planning Board has required M-NCPPC ownership of these SWM facilities supplemented by a developer-

³ These subdivisions include: Allnutt Property, preliminary plan 1-94096; Peach Orchard Property, 1-95050; Baldi Property, 1-98065; Hunt Lion's Den Property, 1-98095, Hunt-Miles Property, 8-02024.

created maintenance fund. The intent is to ensure that these facilities have a relatively high chance of being adequately maintained in the long-term. A public agency with a major commitment to protect a valuable natural resource is better able to properly monitor and maintain a SWM facility than a private entity, such as a HOA. Proper maintenance of SWM facilities is critical if the high water quality conditions of this SPA stream system are to be preserved.

Staff believes that ideally, the SWM facility within this subdivision should be owned and maintained by M-NCPPC. However, the proposed facility will be surrounded by residential lots and is isolated from parkland. Such a configuration of the SWM facility will make it difficult for Parks staff to access the facility for inspection and maintenance activities. Therefore, staff believes the facility should be privately owned and maintained. It should be noted the current county stormwater management law provides for some degree of county maintenance of residentially-owned SWM facilities.



ATTACHMENT A

OCT - 7 2004 (1 of 3 pages)

ENVIRONMENTAL PERMITTING DIVISION

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

October 5, 2004

Robert C. Hubbard
Director

Mr. Robert Dennis
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **Preliminary/Final Water Quality Plan**
Briarcliff Meadows North
SM File #: 210219
Tract Size/Zone: 11.56 Ac/RE-1
Tax Plate: KS-122 and 342
Montg. Co. Grid: 31K01
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Dennis:

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. This approval is for the elements of the Preliminary/Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is located off of Thompson Road adjacent to the Phillips Oaks subdivision which is within the Upper Paint Branch Special Protection Area. The development will consist of ten single family dwelling units and the associated infrastructure on 11.56 acres.

Stormwater Management: Channel protection measures for this site will be provided via a dry pond. Quality control will be provided via open section roads and a dual cell sandfilter for the road and the fronts of the lots, and vegetated swales for the backs of the lots.

Sediment Control: Redundant sediment controls are required. The sediment traps with forebays as shown on the sediment control concept are acceptable. Super silt fence may be used for small areas of disturbance.

Performance Goals: The performance goals that were established at the pre-application meeting are to be met with the implementation of this Final Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize increases to ambient water temperatures.
3. Minimize sediment loading.
4. Minimize pollutant loading.



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Robert Dennis
October 5, 2004
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Conditions of Approval: The following condition must be addressed at the detailed sediment control/stormwater management plan stage. This list may not be all inclusive and may change based on available information at the detailed plan review stage.

1. A grading as-built must be submitted with the stormwater management as-built for the area along the western side of lot one and behind lots 1 through 5. This is to insure that the sump area was provided with storage volume for the possible dam breach of the Phillips Oaks dry pond.
2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
3. Provide an easement and covenant on the dam breach sump area so that it can't be filled in by future home owners.
4. Provide a dual cell surface sand filter instead of the proposed biofilter due to the size of the contributing impervious drainage area. Also, one foot of dead storage is to be provided below the outlet pipe for additional recharge volume.
5. If Briarcliff Meadow Court is to be a public road, the proposed modified side ditch with a 2' flat bottom will require approval from the Department of Public Works and Transportation. If this section is not approved the full one inch of quality volume and the required recharge volume must be provided in the proposed surface sand filters.
6. Provide a 12 hour draw down time for the proposed Cpv pond due to this site being located in a use III watershed.
7. Minimize the use of insecticides and fertilizers via a residential Integrated Pest Management Plan as part of the Homeowners Association (HOA) documents. 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.

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS and those responsible for conducting the monitoring to establish the monitoring parameters. **The pre-construction monitoring must be completed prior to the issuance of a sediment control permit.** See the attachment to this approval letter for Phase I titled "Description of Monitoring Requirements" for the detailed monitoring requirements.

Payment of the stream monitoring fee is required 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.

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 concept request shall be required.

Robert Dennis
October 5, 2004
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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:dm:CN210219

cc: C. Bunnag (MNCPPC-EP)
C. Conlon (MNCPPC-DR)
L. Galanko
D. Marshall (MCDEP)
SM File # 210219

Qn on-site; Acres: 11.56
QI on-site ; Acres: 11.56

Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
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October 13, 2004

Ms. Catherine Conlon, Acting Subdivision Supervisor
Development Review Division
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Briarcliff Meadows North, 1-04027
MHG Project No. 97.355.21

Dear Ms. Conlon:

We are requesting Staff support and Planning Board approval for a waiver of §59-C-1.532, the minimum area required for the Cluster Option of Development. There are no significant hydrologic features or areas of existing forest; however, granting the waiver and allowing the cluster option facilitates the ability to coordinate reforestation efforts in the Paint Branch watershed, this property and the adjacent pending preliminary plan 1-04036, Briarcliff Meadows South. Granting the waiver will allow:

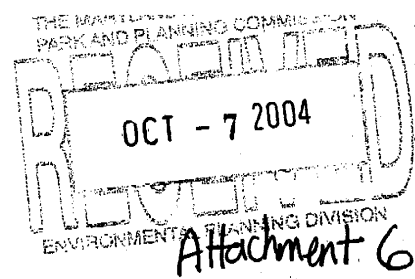
- a reduction in lot sizes permitting 5 acres of the 11.5 acre property to be encumbered in a Category 1 Conservation Easement and planted for future forest.
- Along with meeting required forest conservation on-site, this project provides 2.6 acres above the required afforestation requirements.

Combined with the adjacent pending preliminary plan, over 8 acres of forest will be created and preserved. We also believe the waiver is warranted to fulfill goals stated in the Cloverly Master Plan and create a more environmentally sensitive development. The cluster option will allow the creation of a significant open space area, enhance compliance with the environmental overlay zone regulations, and provide the required forest conservation on-site. Standard development would not require forest conservation on-site and any easements created would have to be placed on the lots rather than creating open space parcels maintained by the HOA.

Please let me know if I can be of assistance in your review of the preliminary plan and assessment of the requested waiver.

Best Regards,

Michael J. Watkins



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

October 5, 2004

Robert C. Hubbard
Director

Mr. Robert Dennis
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

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Robert Dennis
October 5, 2004
Page 3

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Sincerely,



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

RRB:dm:CN210219

cc: C. Bunnag (MNCPPC-EP)
C. Conlon (MNCPPC-DR)
L. Galanko
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SM File # 210219

Qn on-site; Acres: 11.56
QI on-site ; Acres: 11.56



Attachment 7

Douglas M. Duncan
County Executive

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Michael C. Hoyt
Acting Director

September 7, 2004

Ms. Catherine Conlon, Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-04027
Briarcliff Meadows North

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated October 9, 2003. This plan was reviewed by the Development Review Committee at its meeting on November 3, 2003. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to MCDPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for future widening of Thompson Road in accordance with the Maryland-National Capital Park and Planning Commission and the master plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

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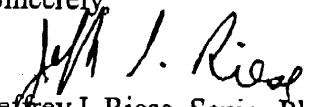
Ms. Catherine Conlon
Preliminary Plan No. 1-04027
September 7, 2004
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5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
 6. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s).
 7. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public streets unless the applicant is able to obtain a waiver from the appropriate government agency. We can support the waiver of sidewalk on one side of Briarcliff Meadow Court.
 8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
 9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Patrick Bradley of our Traffic Control and Lighting Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
 10. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Robert Gonzales of our Traffic Management Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
 11. Trees in the County rights of way - species and spacing to be in accordance with the applicable MCDPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
 12. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along Briarcliff Meadow Court.
- * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
- B. Construct a cul-de-sac at the end of Briarcliff Meadow Court.

Ms. Catherine Conlon
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- C. Enclosed storm drainage and/or engineered channel (in accordance with the MCDPWT Storm Drain Design Criteria) within all drainage easements.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Montgomery County Department of Permitting Services (MCDPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the MCDPS.
- F. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- G. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDPWT Division of Traffic and Parking Services.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please call Mr. Jeffrey Riese on (240) 777-2190.

Sincerely,

Jeffrey I. Riese, Senior Planning
Specialist, Traffic Engineering and
Operations Traffic Safety
Investigations and Planning Team

m:/subd/aps/1-04027 Briarcliff Meadows North

Enclosures (2)
cc: Albert Van Overeem, Winchester Homes, Inc.
Michael Watkins, Macris, Hendricks & Glascock, P.A.
Joseph Y. Cheung; MCDPS Subdivision Development
Christina Contreras; MCDPS Subdivision Development