

MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 22
September 6, 2007

To: Montgomery County Planning Board
From: ICC Internal Review Team (301-495-4530) *DKH*
Date: August 24, 2007
Subject: Intercounty Connector Mandatory Referral
Planning Board Briefing #2

RECOMMENDATION: Transmit recommendation to SHA supporting revision to ICC limits of disturbance affecting parkland at the Lower Oak Springs stormwater management pond in Upper Paint Branch Stream Valley Park.

This memorandum describes an SHA proposal developed in conjunction with M-NCPPC and other agency staff to revise the Limits of Disturbance affecting Section 4(f) parkland in the Upper Paint Branch Special Protection Area. SHA developed this proposal in response to the Planning Board's July 28, 2006 comments on Mandatory Referral No. 06809-SHA-1.

Staff recommends that the Planning Board concur with the proposed changes at the Lower Oak Springs stormwater management site. This change will result in a net reduction of 1.0 acres of parkland impact and a reduction of approximately 2.5 acres of forest impact.

Exhibit 1 shows the location of this site in the Upper Paint Branch Stream Valley Park, south of the Spring Oak Estates community and presents a comparison between the design in the Record of Decision (ROD) and the proposed revision. The ROD design includes a temporary erosion and sediment control (ESC) pond on the north side of the ICC directly to the west of the Gum Springs tributary. The proposed revision uses the existing stormwater management pond for erosion and sediment control during ICC construction.

Exhibit 1 shows the Limits of Disturbance (LOD) for the ICC included in the ROD, indicated by a solid black line. The proposed revisions are shown in dashed red lines with notations of "Potential Revised LOD" in three locations:

- The westernmost revision includes extending the LOD around the existing stormwater management pond near Station 730 and adjusting the LOD to match the existing parkland boundary between Stations 715 and 730 to incorporate a future path for maintenance vehicle access to the stormwater management pond.

- The center revision includes adjustment of the LOD to match the existing parkland boundary between Stations 733 and 740, eliminating the erosion and sediment control (ESC) area shown on the map.
- The eastern revision (south of the ICC) is a slight adjustment to the outfall pipe location to allow treated outfall from the ICC stormwater management system to effectively reach the Paint Branch. This pipe will be adjacent to the existing pipe that carries treated outfall from the Lower Oak Springs stormwater management pond that was installed for the protection of the highly valued Gum Springs Tributary.

Exhibit 2 provides an aerial photo perspective of the relationship between the Gum Springs community along Twig Drive, the Lower Oak Springs stormwater management pond, and the ICC. The ICC LOD included in the ROD design is indicated by a solid black line and topographic lines and streams are also shown with narrow lines.

Background

The SHA proposals shown in Exhibit 1 respond positively to staff comments developed during the ICC planning process and included in mandatory referral comment #7, which recommends reducing the impacts of certain “bump outs” in the right-of-way. Planning Board action is required at this location because the proposed revisions constitute a significant change in the ICC impact on properties in the Section 4(f) Determination chapter of the May 2006 Record of Decision (ROD). This staff recommendation is procedurally similar to the recommendations supported by the Planning Board at Stations 174 and 324 at ICC Project Briefing #1 on September 26, 2006.

The existing Lower Oak Springs pond provides water quality and quantity treatment for stormwater drainage from the Gum Springs residential community to the north. The pond is located on Commission parkland and maintained by the Department of Environmental Protection (DEP) under an agreement between the two agencies. For the pond to be used to collect runoff from the ICC construction site, the pond would be temporarily divided into two bays during ICC construction to separate the sediment control and stormwater management functions.

During spring 2007, SHA determined that the existing pond has sufficient capacity to both continue to serve its drainage function for the Gum Springs community as well as to provide erosion and sediment control for that portion of the ICC construction area that will drain to the pond. After construction of the ICC, the pond would be returned to its current sole function to serve the residential community, with improvements to meet current stormwater treatment standards for this sensitive watershed. Our staff, along with staff from DEP and the Department of Permitting Services (DPS), have concurred that this approach is feasible and desirable.

The advantages of the proposed revision include:

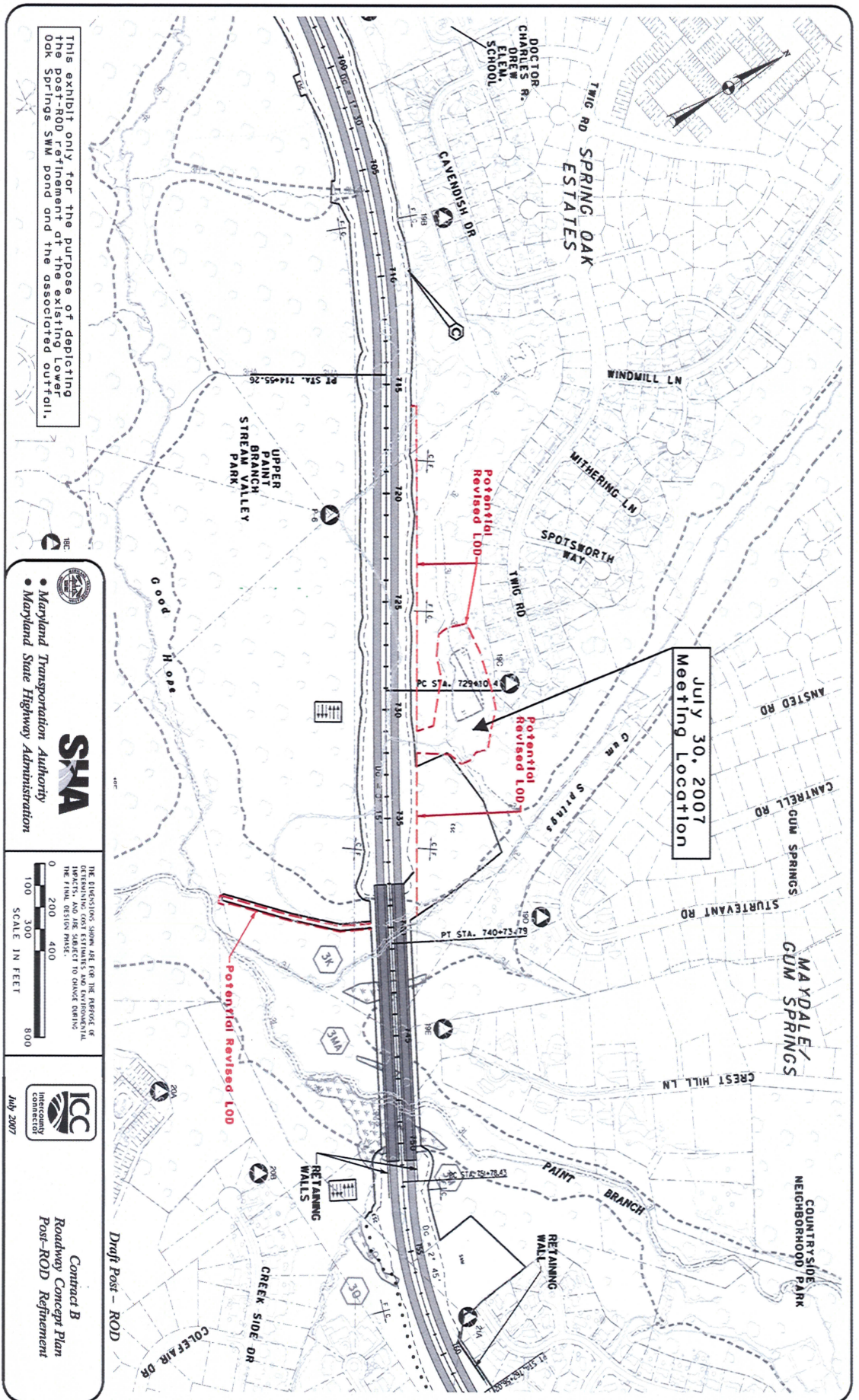
- Net reduction of a temporary construction easement for approximately 1.0 acres of parkland (the difference between the prior “bump out” and the construction area around the existing pond)

- Net reduction of approximately 3.0 acres of forest clearing
- Dredging and other structural pond maintenance/improvements will be incorporated into the ICC construction activity, saving the need for similar effort by DEP

The sole disadvantage of the proposed revision is that it will bring ICC construction closer to the Gum Springs community. This impact has been minimized by limiting the connection between the pond and the ICC mainline to the location of the existing maintenance access roadway so that most of the existing mature forest buffer between the pond and the ICC construction will be retained. Staff expects that the level of construction activity associated with the use of the pond for temporary erosion and sediment control will be commensurate with the amount of activity associated with dredging and other maintenance activities by DEP that would still be required if the proposed revision is not implemented.

Public Outreach

The request to pursue this concept was first presented publicly by staff during the mandatory referral process in 2006. Staff held a field review with the community on July 30, 2007 and mailed all residents within 1,000 feet of the existing pond a flyer inviting their attendance. Approximately twelve residents joined us for the field review. Their primary concerns related to the proposed change related to the noise and visual impacts, as described above. Residents also requested that clearing of vegetation surrounding the pond and near their properties be minimized and that the pond restoration include significant landscaping to improve habitat value and buffering from the highway. Staff sent notices of the September 6 public hearing to all area civic and homeowner associations.



This exhibit only for the purpose of depicting the post-ROD refinement at the existing Lower Oak Springs SMM pond and the associated outfall.



SHA

 Maryland Transportation Authority

 Maryland State Highway Administration

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 SCALE IN FEET



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 CONTRACTOR

July 2007

Contract B

 Roadway Concept Plan

 Post-ROD Refinement

Exhibit 1. Location of proposed revisions in vicinity of Lower Oak Springs pond



Exhibit 2. Relationship of existing Lower Oak Springs pond to Limits of Disturbance in ROD