




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


MCPB
Item # 7
4/23/09

MEMORANDUM

Date: April 10, 2009

TO: Montgomery County Planning Board

VIA: Mary Dolan, Acting Chief, Environmental Planning 

FROM: Marco Fuster, Senior Planner, Environmental Planning 

REVIEW TYPE: Forest Conservation Plan Review

APPLYING FOR: Preliminary Forest Conservation Plan (FCP) – Proposal for stream restoration project along Northwest Branch

PLAN NAME: Bryant's Nursery Run II

PLAN NUMBER: Mandatory Referral #09003 MCDEP-1

REVIEW BASIS: This property is subject to the Chapter 22A Montgomery County Forest Conservation Law

LOCATION: Located on private land and County-owned property along Bryant's Nursery Road.

APPLICANT: Montgomery County Department of Environmental Protection (DEP)

ENGINEER: Charles P. Johnson and Associates

HEARING DATE: April 23, 2009

RECOMMENDATION: Approval of the preliminary forest conservation plan subject to the following condition:

1. Applicant to show and account for all areas of forest clearing associated with project.

SITE DESCRIPTION

The section of the Bryant's Nursery tributary of the Northwest Branch proposed for restoration is located on County owned land and private residential properties along Bryant's Nursery Road. The entire area is within the watershed of the Northwest Branch, which is a tributary to the Anacostia River. No highly erodible soils occur within the vicinity; however most of the project is located within areas of hydric soils. The project occurs entirely with the stream buffer which is partially forested. The County owned property contains a number of recently constructed wetlands which mitigated previous offsite roadway modification impacts. Construction access for the project is proposed via Bryant's Nursery Road and a separate section of ROW which contains a driveway serving 2 private lots.



March 2008 Air photo. Red outline represents approximate LOD for the restoration project.

BACKGROUND

The Montgomery County Department of Environmental Protection (DEP) is proposing a number of stream restoration projects occurring mostly within M-NCPPC parkland along the Northwest Branch. The proposed projects, originally identified as priority restoration projects in the *Anacostia River and Tributaries, District of Columbia and Maryland, Northwest Branch Watershed, Montgomery County, Final Ecosystem Restoration Report and Integrated Environmental Assessment* (U.S. Army Corps of Engineers, 2000) and were also conceptually presented to the Planning Board on May 18, 2000. The projects are designed to enhance aquatic and terrestrial habitat in the upper Northwest Branch watershed.

The Bryant's Nursery tributary to Northwest Branch was impacted by historical agricultural practices and by more recent development. Portions of the stream banks are unstable and contribute fine sediment particles into a stream. Despite the sediment burden the stream has still consistently been rated good or excellent. The proposed 1,200 foot stream restoration project is located on private and County-owned property along Bryant's Nursery Road. Minor stream bank grading and re-vegetation are proposed to stabilize the eroding areas, and grade control structures are proposed to stabilize the streambed and prevent future stream incision.

ENVIRONMENTAL GUIDELINES

The applicant submitted a Natural Resources Inventory/ Forest Stand Delineation (NRI/FSD) number 420052760 and received approval on May 14, 2007. The subject reach of stream has a partially forested buffer. The existing forest areas are a high priority for retention. There are no areas of steep slopes within the general vicinity, except for occurrences of steep stream banks. The project is not within a Special Protection Area or a Primary Management Area.

FOREST CONSERVATION

This project is subject to the Chapter 22A Montgomery County Forest Conservation Law and a Forest Conservation Plan has been submitted for approval. The work is considered to be a linear project, and therefore the net tract area is based on the project's Limits of Disturbance (unrelated to the size of the underlying properties). The net tract area for the project is 1.04 acres. Most of the work occurs within open meadows, areas of individual trees and areas of tree stands not meeting the forest definition. A minimal amount of existing forest will be disturbed by the project. Upon completion of the grading and stabilization, most of the LOD will be replanted and maintained as forest and tree stands. The proposed reforestation/afforestation for the project exceeds the actual forest conservation planting requirements. However, the plans and forest conservation worksheet must be revised to appropriately reflect and account for the proposed forest clearing. This requirement is tied with the condition of approval for the Preliminary Forest Conservation Plan.

TREE SAVE

There are approximately 12 large or specimen trees identified within the study area. The proposed work does not anticipate the removal of any trees which measure 24" in diameter or greater. The plans require that an appropriately qualified arborist supervises the work near these

trees to ensure that any adverse affects to the trees are minimized. There are a number of smaller size-class trees to be retained which are entirely within the LOD (where construction access is needed). These younger trees are more tolerant of construction impacts than more mature species. However, the young trees will be further protected by utilizing a variety of protection measures including tree armoring, tree protection fences, and temporary root protection matting or woodchip padding.

RECOMMENDATION

Staff recommends approval of the forest conservation plan # MR2009003 MCDEP-1 with the condition noted above.