



MCPB
ITEM #
July 23, 2009

MEMORANDUM

DATE: July 10, 2009

TO: Montgomery County Planning Board

VIA: Mark Pfefferle, Acting Chief, Environmental Planning Division *MP*
Stephen Federline, Master Planner, Environmental Planning Division *SF*

FROM: *CB* Candy Bunnag, Planner Coordinator, Environmental Planning Division

SUBJECT: Staff Recommendations for Planning Board Approval of:
Special Protection Area (SPA) Water Quality Plan
For Removal of Impervious Surfaces on Parcel P362, Snowdens Manor
(14524 Good Hope Road, Silver Spring) M-NCPPC Parkland in Upper
Paint Branch SPA

STAFF RECOMMENDATIONS

Staff recommends approval of the Special Protection Area (SPA) Water Quality Plan with the following conditions:

1. Department of Parks must remove all impervious surfaces, except part of an existing driveway that allows continued, safe vehicular access for the adjoining property (14526 Good Hope Road) to Good Hope Road.
2. Documentation of the square footage of impervious surfaces to be removed must be submitted for review and approval by Environmental Planning Division prior to demolition, pending further discussion and recommendations on a policy on the use and disposition by Department of Parks of imperviousness credits in SPAs.
3. After the demolition work is completed:
 - a. Documentation of the impervious surfaces that remain must be submitted for review and approval by Environmental Planning Division. The plan must show the dimensions and area covered by each impervious surface that remains.
 - b. A plan that provides specifications for restoration of these areas to pervious surfaces must be submitted for review and approval by Environmental Planning Division.

4. Department of Parks must clearly stake out the environmental buffer prior to the pre-construction/demolition meeting. In addition, the Department of Parks must contact the Planning Department inspector to attend the onsite, pre-construction/demolition meeting with the Department of Parks representative and Montgomery County Department of Permitting Services inspector. At the pre-work meeting, the environmental buffer field markings will be verified, and appropriate sediment and erosion control and stabilization measures will be identified for the demolition work.

SITE DESCRIPTION

The 0.69-acre property lies within the Upper Paint Branch SPA. A house, driveway, and lawn lie on the eastern half of the site. The driveway is configured so that a portion serves the house on the property, and another portion extends onto the adjoining property to the north to allow access to Good Hope Road. A tributary of the Good Hope stream traverses through the western portion of the property. Forest and the 100-year floodplain cover this portion of the property. The 150-foot environmental buffer encompasses the majority of the site except for the eastern-most section of the property where the existing house and driveway are located.

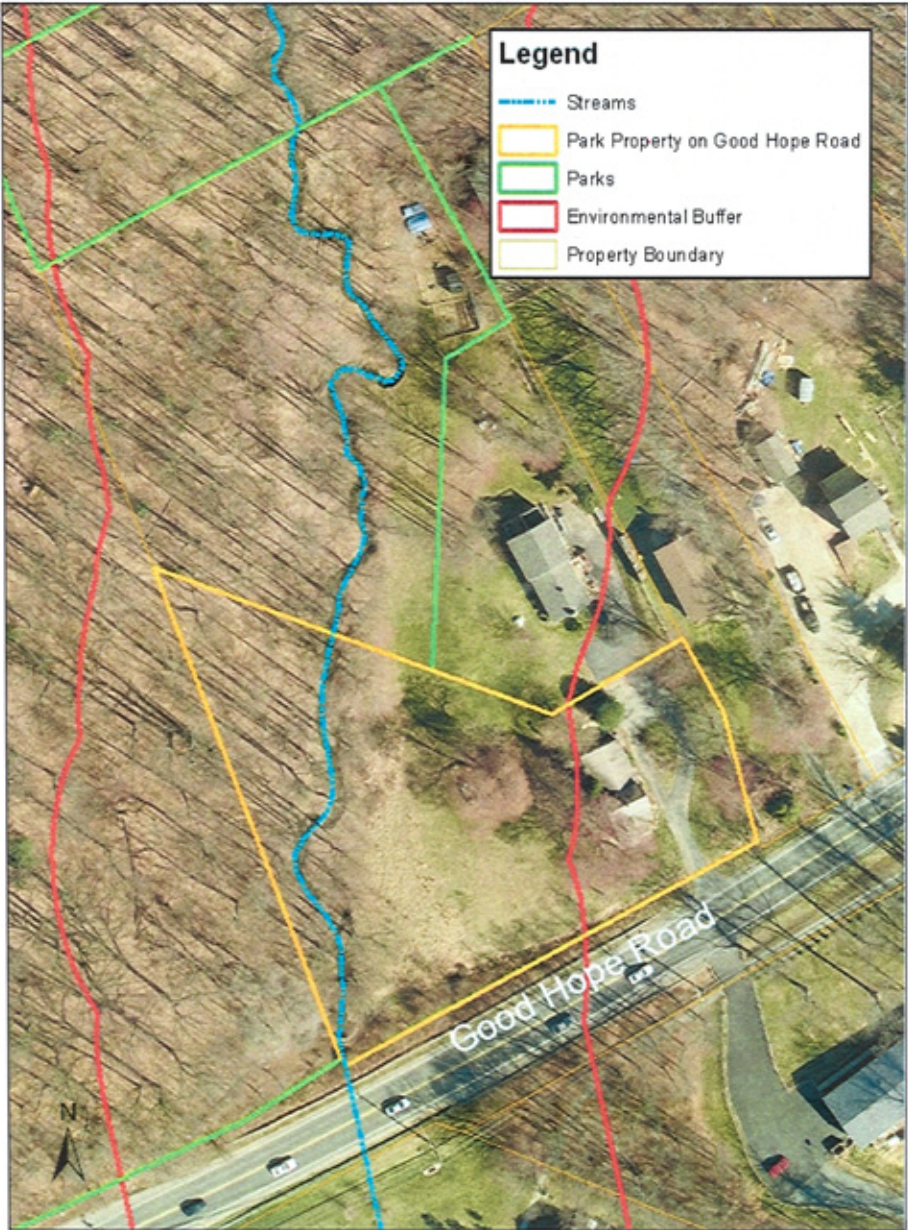
PROJECT DESCRIPTION

The site was purchased by the Department of Parks in April 2009. It has been added into the Upper Paint Branch Stream Valley Park. The Montgomery County Department of Housing and Community Affairs (DHCA) had been citing the previous property owner for violations related to the presence of solid waste and an abandoned boat on the property. After the Department of Parks took ownership of the property, DHCA cited the Department of Parks for these violations. The Department of Parks has removed the waste and boat. DHCA has contacted the Department of Parks to require the demolition of the house because it is in poor condition and is an attractive nuisance.

The Department of Parks proposes to demolish the house and the section of the driveway that serves only the existing house. The section of the driveway that provides access to Good Hope Road for the adjacent property to the north is covered by an access easement and will remain.

Upper Paint Branch SPA





ANALYSIS AND FINDINGS

Review for Conformance to the SPA Requirements

Section 19-62(c) of the County SPA law states that “before engaging in any land disturbing activity on publicly owned property in an area designated as a special protection area, the applying agency or department should prepare a combined preliminary and final water quality plan.”

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 has reviewed and approved the elements of the water quality plan under its purview. The Planning Board responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

DPS has determined that Department of Parks’ written description of the project meets the intent of the SPA regulations. DPS has approved Department of Parks’ letter of May 21, 2009 (Attachment 1) as the project’s SPA water quality plan.

Environmental Planning Staff has reviewed and recommends Board approval of the elements of the SPA water quality plan under its purview:

Site Imperviousness

The Department of Parks is requesting “pervious surface credits” for the removal of the house and part of the driveway.

Staffs of the Environmental Planning Division and the Park Planning and Stewardship Division (PPSD) are discussing the creation of a policy on the use of pervious surface credits generated on parkland within the upper Paint Branch SPA’s and other imperviousness-restricted areas.

Staff anticipates bringing a policy to the Planning Board for discussion and adoption this fall. In the meanwhile, Environmental Planning staff and PPSD staff will work to document the square footage of the imperviousness to be removed prior to demolition, and to document the impervious surfaces that will remain on the site. Environmental Planning and PPSD will also work cooperatively to create a plan to restore the part of the site that was previously covered in impervious surfaces to an area of pervious surfaces.

Environmental Buffers

A tributary of the Good Hope stream and its floodplain lie on the western portion of the property. The proposed demolition of the house and the driveway could be very near and possibly within the edges of the environmental buffer.

Although a sediment control plan is not required by DPS for this project, a sediment control permit must be issued by DPS before work can occur. However, since the majority of the site lies within the environmental buffer and the stream and its floodplain are also on the site, staff believes that it is important for these environmentally-sensitive areas to be marked in the field and to identify specific sediment and erosion control and site stabilization measures that must be installed to prevent adverse impacts to these sensitive areas. Therefore, staff recommends that prior to scheduling a pre-construction/demolition meeting, Department of Parks staff clearly delineate the environmental buffer in the field. In addition, the pre-construction/demolition meeting should include not only the DPS inspector and the Department of Parks representative, but also the Planning Department inspector. The purpose of the pre-construction/demolition meeting is to verify the field delineation of the environmental buffer boundary and identification of appropriate sediment and erosion control and site stabilization measures that must be used to avoid adverse impacts to the environmental buffer area.

Forest Conservation Law

Since the proposed project is a government project on a tract of land of less than 40,000 square feet, is not part of mandatory referral, and does not involve the loss of a champion tree, the project is not subject to the County Forest Conservation Law. Therefore a Natural Resource Inventory/Forest Stand Delineation, exemption from submitting a forest conservation plan, or a forest conservation plan is not required.

County DPS SPA Review Elements

DPS identified Parks staff's letter of May 21, 2009 as the water quality plan for this project. DPS has approved the letter (Attachment 1).

Site Performance Goals

In a typical SPA review process, a pre-application meeting is held between the applicant, DPS, DEP, and M-NCPPC. At the meeting, DPS identifies the specific performance goals that apply to the proposed project. In this case, since the project is removing impervious surfaces and does not involve new development, DPS determined that no pre-application meeting was needed and, therefore, no site performance goals were set for this project.

Stormwater Management Concept

There is no stormwater management concept for this project since existing impervious surfaces are removed and no new development or structures are proposed.

Sediment and Erosion Control

DPS has approved a Small Land Disturbance Application (SLDA) permit. The installation of silt fencing will be determined by the DPS inspector in the field.

Monitoring of Best Management Practices

Since this project does not propose any new development or structures, no monitoring is required.

CONCLUSION

Staff recommends approval with conditions of the Special Protection Area Water Quality Plan.

Fax from : 2407776339

ATTACHMENT 1

page 1 of 2



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

MONTGOMERY COUNTY
DEPARTMENT OF PERMITTING SERVICES
APPROVED FOR

WATER QUALITY PLAN

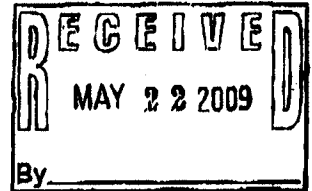
DEMO ONLY

SC 235760

S 5/22/09
Approved Date

May 21, 2009

Mr. Mark Etheridge
Senior Permitting Services Specialist
Water Resources Section
Montgomery County
Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850



RE: SLDA Permit # 235760 (14524 Good Hope Road)
Water quality plan

Dear Mr. Etheridge,

The Montgomery County Department of Parks, Property Management Office submitted a Small Land Disturbance Area (SLDA) permit application today for the property undergoing demolition on Good Hope Road. A copy of this letter is attached to the above referenced permit application.

The demolition includes the removal of the residential house, any sheds, and the driveway, which directly supports this house. The demolition also includes the removal of hazardous materials such as fuel, lead-based paint, household chemicals, trash, and asbestos. The disturbance area will probably exceed 5,000 square feet, but no more than 10,000 square feet, a small portion of the entire 30,121.00 square feet parcel.

In fact, the sediment control permit was applied for as a preventative measure and to allow for some additional job staging and turnaround areas since the driveway that accesses this house is so small.

The driveway (newer asphalt), which accesses the house adjacent to ours will be preserved since it belongs to the adjacent property owner.

The area where the house, and pavement are removed will be rough graded, seeded, and a layer of straw added to stabilize and assure growth.

ATTACHMENT 1

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DPS - SLDA (14524 Good Hope Road, Silver Spring, MD), page 2

No development is planned for this parcel as it is located within the special protection area of the Upper Paint Branch watershed.

As part of the demolition, the contractor will provide sediment control fencing as directed by your inspectors.

This parcel will grow up to be an open natural grass area, and become a significant contribution to the health and beauty of Montgomery County.

Please feel free to contact me with any questions. I can be reached at 301/495-2467.

Thank you for your time and attention to this matter.

Sincerely,



Michelle Grace
Senior Administrative Specialist