



Frederick Road Bike Path, Mandatory Referral, MR2015025: Preliminary/Final Water Quality Plan

MJK Mary Jo Kishter, Senior Planner, Area 3 Division, maryjo.kishter@montgomeryplanning.org, 301-495-4701

RAW Richard Weaver Supervisor, Area 3 Division, richard.weaver@montgomeryplanning.org, 301-495-4544

KRR Kipling Reynolds, Chief, Area 3 Division

Completed: 6/5/15

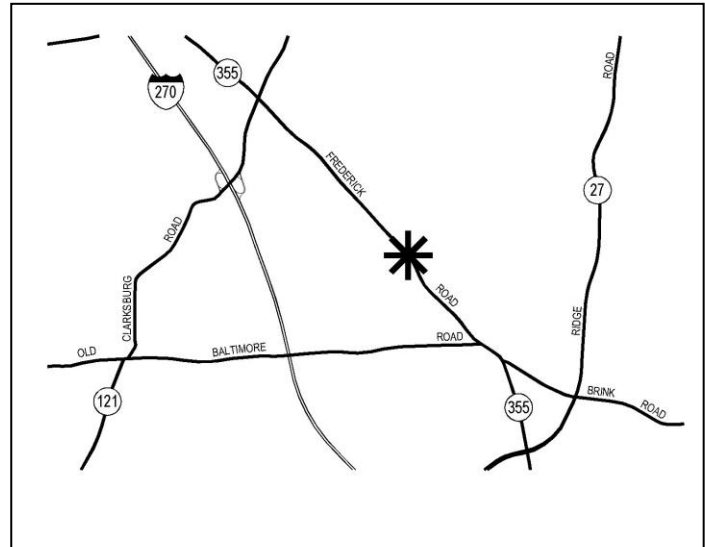
Description

**4B. Frederick Road Bike Path: MR 2015025
Preliminary/Final Water Quality Plan**

Construction of a ten-foot-wide shared use path on the west side of Frederick Road (MD 355) extending 2.5 miles from the intersection of Stringtown/Frederick Road in Clarksburg to 300 feet south of the intersection of Milestone Manor Lane/Frederick Road in Germantown; Clarksburg and Germantown Master Plans; Clarksburg Special Protection Area.

Staff Recommendation: Approval with Conditions

Applicant: Montgomery County Department of Transportation



Summary

- The Montgomery County Department of Transportation proposes to construct a ten-foot-wide shared use path on the west side of Frederick Road (MD 355) from the intersection of Stringtown/Frederick Road in Clarksburg to 300 feet south of the intersection of Milestone Manor Lane/Frederick Road in Germantown.
- The Mandatory Referral is exempt from the requirement to submit a Forest Conservation Plan but is subject to a Special Protection Area (SPA) Water Quality Plan review.
- This memorandum (Item 4B) discusses the staff review and recommendations for the SPA Water Quality Plan. The Planning Board’s action on the Water Quality Plan is regulatory and binding. The Planning Board must take action on the Preliminary/Final Water Quality Plan prior to taking action on the Mandatory Referral. The review and recommendations for the Mandatory Referral (Item 4A) are covered in a separate memorandum.

RECOMMENDATION: Approval of the Preliminary/Final Water Quality Plan.

SITE DESCRIPTION

The project area is located along the west side of Frederick Road (MD 355) within its right-of-way from the intersection of Stringtown/Frederick Road in Clarksburg to 300 feet south of the intersection of Milestone Manor Lane/Frederick Road in Germantown (Property) (Figure 1). The portions of the shared use path that are included in this Application are highlighted in green in Figure 1. Those areas not in green are built or are to be built by others. These newly constructed portions will tie into existing as well as planned and funded paths along Frederick Road. The project area is located in the Clarksburg and Germantown Master Plan areas, the Clarksburg Special Protection Area, and within the Little Seneca Creek watershed, which is classified by the State of Maryland as Use Class IV-P waters.

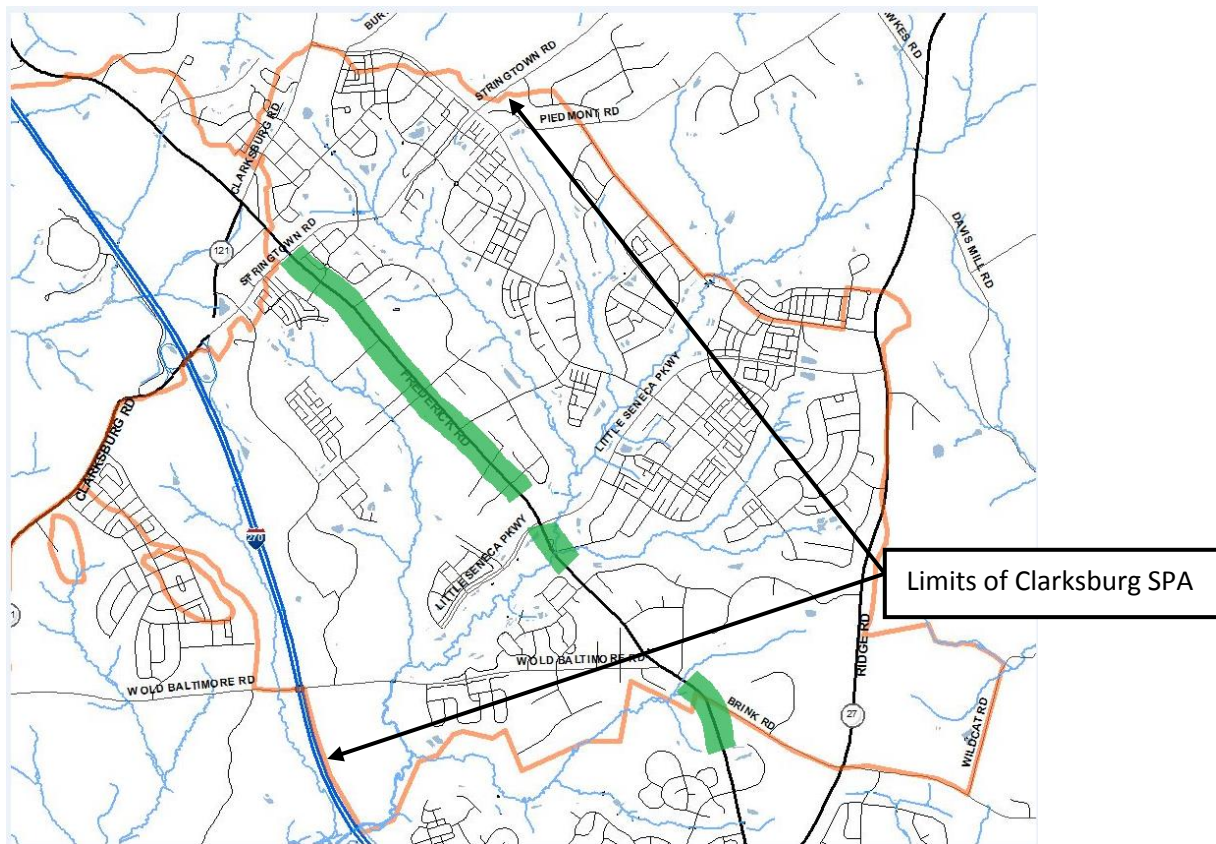


Figure 1. Project Location within the Clarksburg SPA and Surrounding Area

PROJECT DESCRIPTION

The shared use path will be located within dedicated right-of-way of MD 355 and is recommended in the 1994 Clarksburg Master Plan and the 2005 Countywide Bikeways Master Plan – shared use path (SP-72). The path will cross Little Seneca Creek adjacent to Frederick Road on an eight foot wide bridge separated from the road for a distance of 68 feet.



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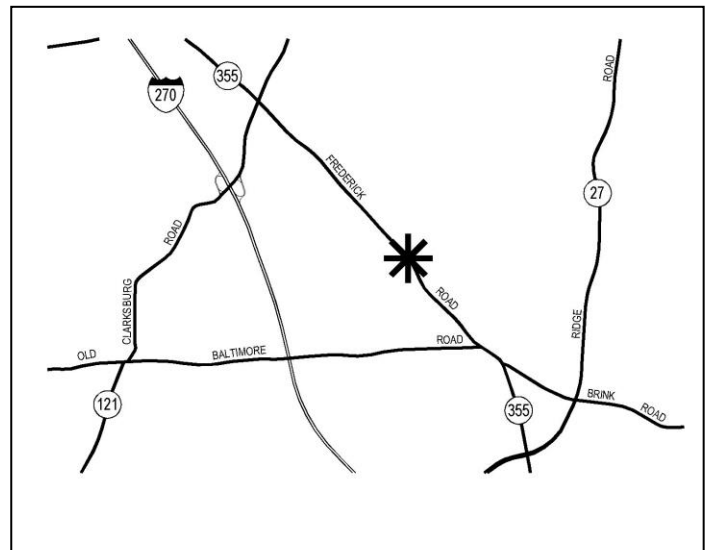
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Applicant: Montgomery County Department of Transportation



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RECOMMENDATION: Approval of the Preliminary/Final Water Quality Plan.

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The project area is located along the west side of Frederick Road (MD 355) within its right-of-way from the intersection of Stringtown/Frederick Road in Clarksburg to 300 feet south of the intersection of Milestone Manor Lane/Frederick Road in Germantown (Property) (Figure 1). The portions of the shared use path that are included in this Application are highlighted in green in Figure 1. Those areas not in green are built or are to be built by others. These newly constructed portions will tie into existing as well as planned and funded paths along Frederick Road. The project area is located in the Clarksburg and Germantown Master Plan areas, the Clarksburg Special Protection Area, and within the Little Seneca Creek watershed, which is classified by the State of Maryland as Use Class IV-P waters.

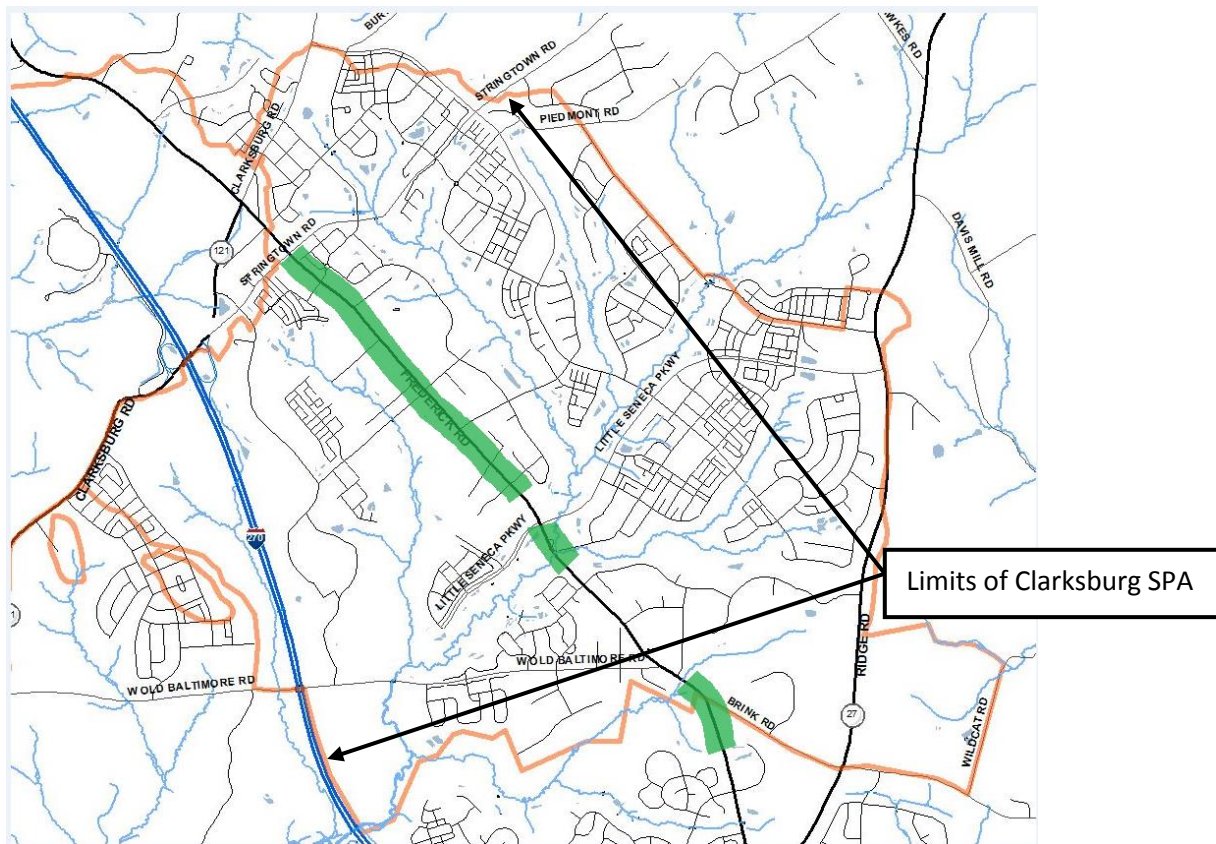


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SPECIAL PROTECTION AREA REQUIREMENTS

The Application meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code. This project is located within the Clarksburg SPA on publicly owned property and is, therefore; required to obtain approval of a water quality plan under Section 19-62 of the Montgomery County Code. This section of the code states:

(c) Publicly owned property. 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.

As part of the requirements of the SPA law, a Water Quality Plan should be reviewed in conjunction with a Mandatory Referral. Under Section 19-65 of the Montgomery County Code, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and conditionally approved the elements of the water quality plan under its purview. The Planning Board must determine if environmental buffer protection, SPA forest conservation and planting requirements, and limits on impervious surfaces have been satisfied. Following is a discussion of the MCDPS review and the Planning Board review:

MCDPS Special Protection Area Review Elements

In a letter dated January 23, 2015, MCDPS has conditionally approved the elements of the SPA Preliminary/Final Water Quality Plan under its purview including a) stormwater management facilities, b) sediment control measures and c) Best Management Practices (BMP) monitoring. A synopsis is provided below (Attachment A).

a) Stormwater Management

Stormwater management will be provided via permeable pavement, Bioswales, and biofilters.

b) Sediment Control

Sediment control measures will be determined by MCDPS during the detailed review stage.

c) BMP Monitoring

Required stream and BMP monitoring will be performed by the Montgomery County Department of Environmental Protection with the Applicant(s) required to pay a fee for this monitoring.

Planning Board Special Protection Area Review Elements

The Mandatory Referral has met all requirements under the Planning Boards review. Staff recommends approval of the SPA Preliminary/Final Water Quality Plan.

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A forest conservation exemption (#42015156E) was granted under the provisions of Section 22A-5(e) as "a State or County highway construction activity..." M-NCPPC Staff confirmed the exemption in a letter dated April 9, 2015 (Attachment B). The Natural Resource Inventory/Forest Stand Delineation submitted with the exemption request shows 32,600 square feet of total forest removal including forest removal in environmental buffers discussed below. Although the Application is exempt from submitting

a forest conservation plan, it is subject to Section 22A-9 which requires mitigation in the form of 1:1 reforestation for the proposed removal of the 32,600 square feet of forest. The April 9, 2015 exemption confirmation letter stipulates that the mitigation requirement must be satisfied prior to the pre-construction meeting.

Environmental Buffer Protection

The shared use path will impact Little Seneca Creek and its associated environmental buffer as shown on Sheet 10 of the approved Forest Conservation Plan Exemption and Tree Save Plan 42015156E (Figure 2). The path is narrowed down to eight-feet wide at the bridged stream crossing to decrease impacts to the stream and forest loss. There will be approximately 15,285 square feet of disturbance within the environmental buffer which results in 7,975 square feet of forest loss. The impact to the stream and environmental buffer are necessary and unavoidable if this master plan path connection is to be achieved. The impacts have been minimized to the greatest extent possible while maintaining the accepted MDSHA design standards for constructing this regional shared use path.

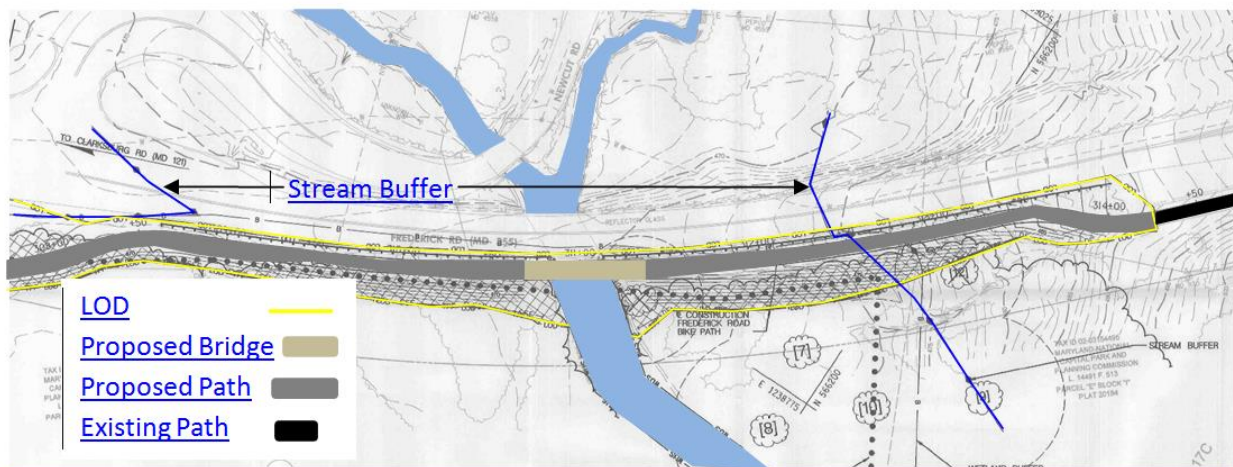


Figure 2. Shared Use Path in area of proposed stream crossing

Impervious Surfaces

The Clarksburg SPA does not have a specific numerical limit on impervious surfaces; however, a main goal for development in all SPAs is to reduce or minimize the amount of impervious surfaces. The width of the path is the minimum recommended to allow for comfortable bike and pedestrian travel and is the minimum generally accepted by MDSHA under AASHTO standards. The path will be reduced to an eight-foot width for a 68 foot long section where the bridge will span Little Seneca Creek. The proposed path and bridge widths are in conformance with Chapter 5 (Design of Shared Use Paths) of AASHTO's Guide to Bicycle Facilities. The Applicant has designed the path with the minimum amount of impervious surface given the recommended design standards.

CONCLUSION

Staff recommends that the Planning Board approve Preliminary/Final Water Quality Plan - MR2015025.

ATTACHMENTS

- A. MCDPS Preliminary/Final Water Quality Plan approval letter dated January 23, 2015.
- B. Forest Conservation Plan Exemption confirmation letter dated April 9, 2015.

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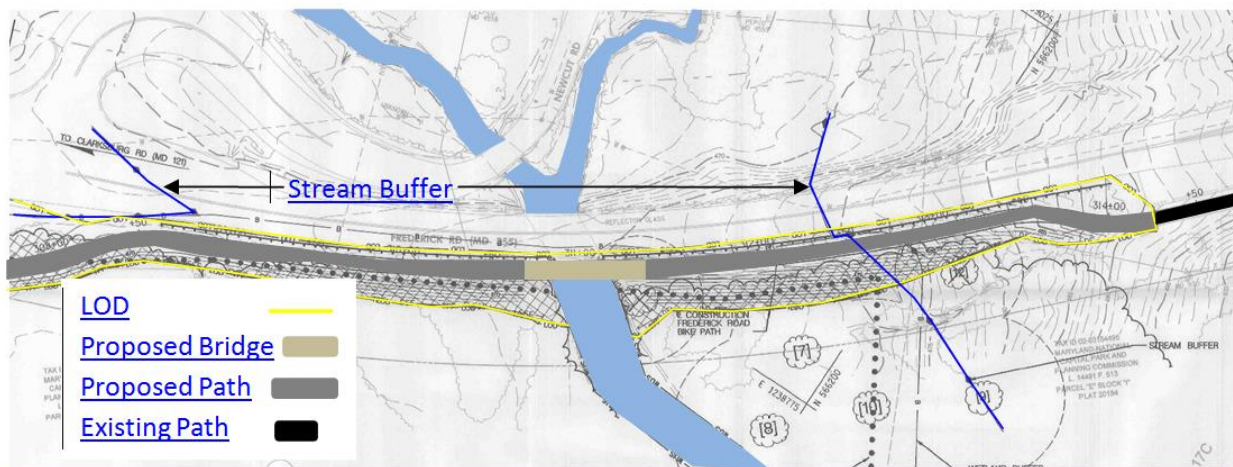


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DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

January 23, 2015

Mr. Baozhu Wei, P.E.
Endesco Inc.
438 N. Frederick Avenue, Suite 455
Gaithersburg, Maryland 20877

Re: Stormwater Management **CONCEPT** and
Preliminary/Final Water Quality Plan Request
for Frederick Road Bike Path
SM File #: 241728
Tract Size/Zone: 7.05 acres
Total Concept Area: 7.05 acres
Watershed: Little Seneca Creek

Dear Mr. Wei:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept and Preliminary/Final Water quality Plan for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via permeable pavement, Bioswales and biofilters.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All of the proposed stormwater management features are to be sized and designed per the most recent Montgomery County Department of Permitting Services criteria.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. Payment of stream and BMP monitoring fees will be required for the disturbed area within the Special Protection Area boundary.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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.

Baozhu Wei
January 23, 2015
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me lmg

cc: C. Conlon
M. Curtis (MCDEP)
SM File # 241728

ESD Acres:	5.35
STRUCTURAL Acres:	1.7
WAIVED Acres:	N/A



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

April 9, 2015

Mr. Bruce Johnston, Chief
Montgomery County Dept. of Transportation
100 Edison Park Dr., 4th Floor
Gaithersburg, MD 20878

Re: Forest Conservation Exemption
Property Name: Frederick Road Bike Path
Plan Number: 42015156E

Dear Mr. Johnston:

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption and Tree Save Plan submitted on March 31, 2015 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(e) because the site is a State or County highway construction activity that is subject to Section 5-103 of the Natural Resources Article of the Maryland Code or Section 22A-9 of the Forest Conservation Law.

Section 22A-99(b) states:

“If the forest to be cut or cleared for a County highway projects equals or exceeds 20,000 square feet, the construction agency must reforest a suitable area at the rate of one acre of reforestation for each acre of forest cleared.”


This project calls for the removal of 32,600 square feet of forest. It has been indicated in the cover letter that this reforestation will occur at the Great Seneca Park Reforestation Bank. Documentation of satisfying this requirement must be provided to the Montgomery County Planning Department inspector at the time of the pre-construction meeting.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance. The property owner, construction superintendent, Montgomery County Planning Department inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

If there are any subsequent modifications to the plan approved on this date, a separate amendment must be submitted to M-NCPPC for review and approval prior to the submission of a tree save plan.

If you have any questions regarding these actions, please feel free to contact me at 301-495-4712 or at douglas.johnsen@montgomeryplanning.org.

Sincerely,

A handwritten signature in black ink that reads "Doug Johnsen". The signature is written in a cursive style with a large, sweeping initial "D".

Doug Johnsen, PLA
Senior Planner
Development Application and Regulatory Coordination Division

Cc: 42015156E
Mr. Harry Canfield (Stantec)