



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

MCPB No. 13-28
Water Quality Plan No. MR2013019
Project Name: Stringtown Road
Date of Hearing: February 28, 2013

APR 22 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, Water Quality Review in Special Protection Areas, must be performed in connection with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("DPS") and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible for reviewing water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and


WHEREAS, in cooperation with DPS's review and approval of other water quality plan elements, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on December 28, 2012, the Montgomery County Department of Transportation ("Applicant"), filed an application for approval of a water quality plan on approximately 4.6 acres of land located along Stringtown Road between Overlook Park Drive and Gate Rail Road ("Subject Property") in the Clarksburg Special Protection Area ("SPA") within the Clarksburg Master Plan area; and

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. MR2013019, Stringtown Road ("Preliminary/Final Water Quality Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated February 14, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency


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WHEREAS, the Staff Report included a copy of a letter dated October 11, 2005 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on February 28, 2013 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board, on motion of Commissioner Wells-Harley, seconded by Commissioner Dreyfuss, with Commissioners Carrier and Anderson, voted 4-0 to approve the Application subject to certain conditions. Commissioner Presley was absent.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. MR2013019, Stringtown Road on the Property, subject to the following condition:

Applicant must conform to the conditions stated in DPS Preliminary/Final Water Quality Plan Approval/Reconfirmation letter dated October 11, 2005 for Preliminary/Final Water Quality Plan No. MR2013019, Stringtown Road.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the condition of approval, that:

The Application satisfies all of the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

The Application meets applicable requirements for environmental buffer protection, forest conservation, and planting under an approved forest conservation plan. Site impervious minimization has been satisfied. Therefore, the Application satisfies all of the elements of the Preliminary/Final Water Quality Plan under the Board's purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS in coordination with the Montgomery County Department of Environmental Protection as the lead agencies for these components of the Water Quality Plan review.

Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under DPS's purview.

Environmental Guidelines

The roadway crosses the Clarksburg tributary of Little Seneca Creek approximately 500 feet east of Saint Clair/Overlook Park Drive. A culvert carries the stream under the existing two-lane roadway. 33,977 square feet of stream buffer disturbance will take place as part of the road realignment and widening. Extensive stormwater management will be applied. The Applicant's proposal is consistent with the environmental guidelines to either avoid the environmental impact and when that is not possible to minimize the impacts.

Forest Conservation

This 4.6-acre project is subject to the Montgomery County Forest Conservation law. The road edge is currently forested. The road widening proposes to remove all 0.5 acres of forest located within the project area. Under the Stringtown Road Forest Conservation Plan, 0.5 acres of forest will be removed to make way for road widening. The County will provide mitigation for this removal at a ratio of 1:1.

The Clarksburg Highlands and Clarksburg Village Forest Conservation Plans both accounted for the widening and realignment of Stringtown Road. However, due to an increased requirement for stormwater management, an additional 0.14 acres from Clarksburg Highlands and 0.34 acres from Clarksburg Village will be removed. Loss of forest conservation easement area will be replaced at a 2:1 ratio, the standard when easement area is permanently removed and not replaced onsite.

The combined total of 1.46 acres of forest mitigation will take place offsite at the Department of Transportation's planted forest mitigation bank in the Seneca Creek watershed. This transaction has already taken place. All three forest conservation plans meet the requirements of the Forest Conservation Law.

Site Imperviousness

The Clarksburg SPA does not have an explicit impervious surface restriction. However, impervious levels must be minimized to the extent possible. Roadway projects provide only limited opportunities to reduce impervious surfaces because of roadway standards and required sidewalks and pathways.

The Application meets applicable requirements for environmental buffer protection, forest conservation and planting requirements under an approved forest conservation plan. As conditioned by this approval, site impervious limits have been

minimized. Therefore, the Application satisfies all of the elements of the Preliminary/Final Water Quality Plan under the Board's purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under DPS's purview.

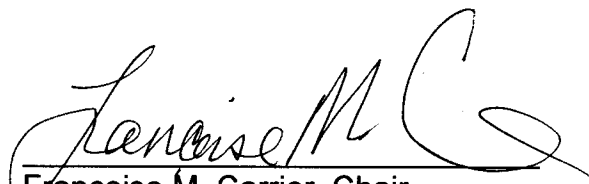
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 22 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley, voting in favor at its regular meeting held on Thursday, April 11, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board