



Cabin Branch Infrastructure Site Plan, Limited Site Plan Amendment, 82005015G

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Completed: 07/07/17

Description

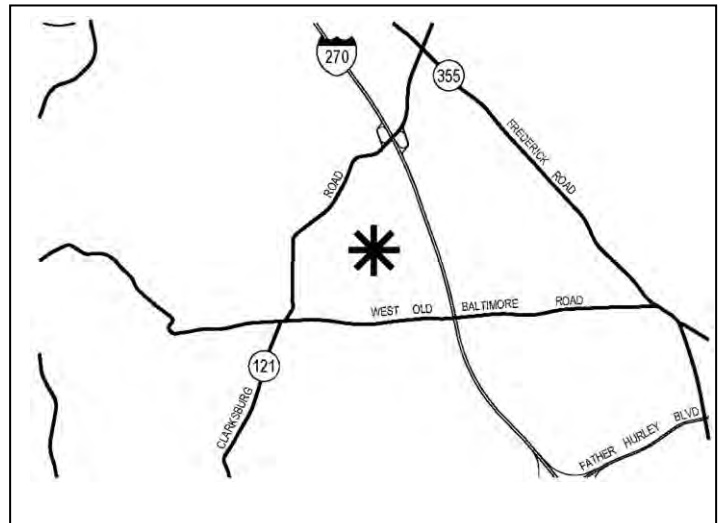
Cabin Branch Infrastructure Plan: Site Plan No. 82005015G

Limited Site Plan Amendment, for Forest Conservation purposes, to include a new pump station on adjacent land, revise the SWM plan, revise West Old Baltimore Road, minor forest conservation easement removals, and to revise various other Forest Conservation Plan elements. Located along West Old Baltimore Road between MD 121 (Clarksburg Road) and I-270, MXP and RMX-1/TDR Zones, Clarksburg Master Plan.

Staff Recommendation: Approval with conditions

Applicant: Cabin Branch Management, LLC

Submittal Date: 2/23/2017



Summary

This application is to revise the Infrastructure Site Plan to reflect forest conservation and final engineering modifications that have arisen during the build phase of the overall Cabin Branch Neighborhood.

- No revisions to the Approved Final Water Quality Plan for 820050150 are required for this application.
- No Tree Variance required
- Revisions to Final Forest Conservation Plan 820050150 sheets: 1, 3, 4, 14, 15, 16, 28, 29, 30, 44, 51, 51A, 53, 56, 57, 58, 59, 62, 63, and 63A are required, if approved.
- Approve additional Stream Valley Buffer encroachments associated with the new culvert and safe conveyance.

RECOMMENDATION: Approval of revisions to sheets 1, 3, 4, 14, 15, 16, 28, 29, 30, 44, 51, 51A, 53, 56, 57, 58, 59, 62, 63, and 63A of the Final Forest Conservation Plan, with conditions. This approval retains all previous conditions of approval for this Site Plan.

1. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must extinguish the existing Category I Conservation Easement near pond 12. The extinguishment document must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed.
2. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must record a new Category I Conservation Easement near pond 12 as specified on the approved FFCP. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed and the Liber Folio for the easement and must be referenced on the record plat.
3. Within ninety (90) days of the mailing date of the Planning Board Resolution, the Applicant must submit a complete record plat application that delineates the revised conservation easements and references the Liber/Folio of the recorded deed. The existing easement remains in full force and effect until the new Category II Conservation Easement is recorded.
4. Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
5. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspector.
6. The limits of disturbance (“LOD”) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Amended Final Forest Conservation Plan.

Background

The 540-acre Property, also known as the Clarksburg Triangle, is located west of I-270. West Old Baltimore Road forms the southernmost boundary of the Property, I-270 the eastern most boundary, and MD-121 the western and northern boundaries. The Property is zoned RMX and MXP. The site includes drainage areas to Little Seneca Creek (Use IV-P SPA stream), Cabin Branch (Use I-P non-SPA stream), and Ten Mile Creek (Use I-P SPA stream). Approximately 243-acres of the 540-acre site are within the Clarksburg Special Protection Area (SPA), however the entire property is subject to the SPA requirements in accordance with previous approvals.

The natural resources for the Property are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 4-02007, 4-02008, 4-02009, 4-02010, and 4-03340. Staff approved the NRI/FSDs in 2003. The Planning Board approved a Preliminary Plan of Subdivision (120031100 and 12003110B) and Preliminary Water Quality Plan in 2004 and 2008 totaling 1884 residential lots, 2.2 million square feet of office use, 120,000 square feet of retail, 87,500 square feet of hotel and 500 senior housing units. The Planning Board approved a site plan amendment No. 82005015A to review and approve the horizontal alignment of West Old Baltimore Road from MD 121 to the I-270 underpass.

The Property is currently under construction under multiple Site Plans, including residential (partially complete and ongoing) and an outlet mall (completed).

Table 1: Cabin Branch Neighborhood Development History

Case No.	Opinion	Type	Status
G-806	9/9/2003	Local Map Amendment	approved
120031100	6/22/2004	Preliminary Plan & Amendment	approved
12003110A	10/6/2008	Preliminary Plan Amendment	approved
12003110B			
820050150	9/19/2007	Infrastructure Site Plan	approved
82005015A	6/9/2008		
82005015B	3/17/2012		
82005015C	11/27/2012		
82005015D	05/02/2013		
82005015E	06/02/2014		
82005015F	09/23/2014		
820060290	10/20/2008	Winchester I Site Plan	approved
82006029A	07/11/2012		
820060240	9/29/2010	Gosnell Site Plan	approved
820070140	04/23/2013	Toll I Site Plan	approved
82007014A	11/03/2016		
82007014B	03/17/2016		
820100030	04/23/2013	Toll II Site Plan	approved
820110080	07/11/2012	Winchester II Site Plan	approved
820120150	04/04/2013	Winchester III Site Plan	approved
820140160	12/04/2014	Outlet Mall	Approved
MR08001	4/3/2008	Mandatory Referral	transmittal
16-35	4/1/2009	Subdivision Regulation	
17-04	4/1/2011	Subdivision Regulation	approved

Proposal and Findings

This amendment to the approved Infrastructure Site Plan for Cabin Branch is designated as No. 82005015G (“Application” or “Amendment”), and is related to the final engineering and the ongoing development of this large phased project. The Amendment is specific to the Final Forest Conservation Plan (FFCP). The Applicant has requested five categories of changes.

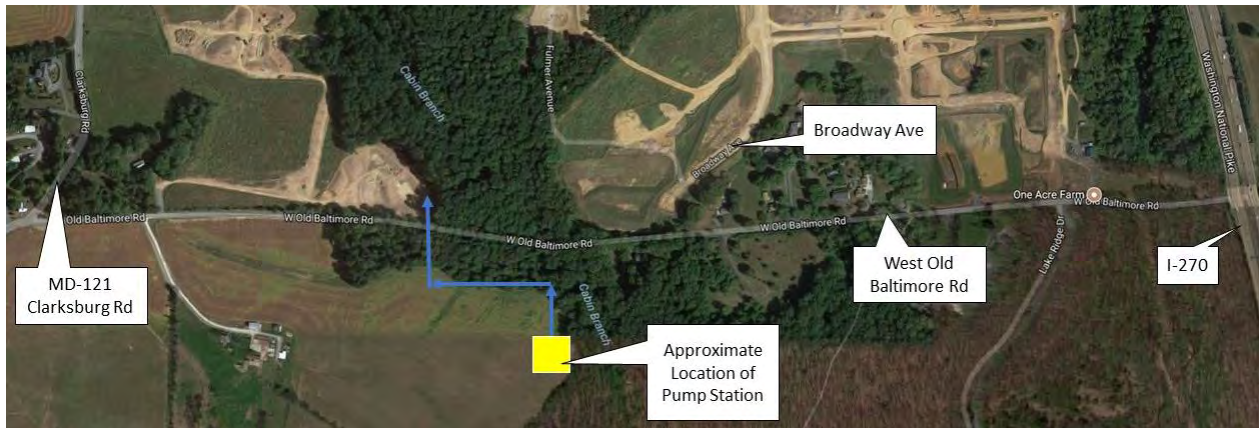


Figure 1: Approximate Location of Pump Station

1) Addition of the offsite sewer pump station.

- Increase net tract area on project to include pump station located on Linthicum West Property
- Account for additional tree clearing

A sewer pump station is necessary to serve a large portion of the Cabin Branch Neighborhood and is also necessary to serve the future development on the Linthicum West Property to the south (Fig. 1). The pump station was included in the preliminary plan of subdivision and the preliminary forest conservation plan for the Linthicum West Property. Initially Cabin Branch developers believed that the Linthicum Property would develop well ahead of Cabin Branch, however, Cabin Branch development has proceeded quicker than the development on the Linthicum West Property.

To keep Cabin Branch development moving forward, the Applicant has worked with the owners of the Linthicum West Property and they have mutually agreed to pull the construction and forest conservation requirements of the pump station from the Linthicum West subdivision, plan number 120050030, into the Cabin Branch Infrastructure site plan and forest conservation plan, even though the actual location has not changed. This proposed Amendment now shows the pump station associated lines and grading as offsite improvements to the Cabin Branch FFCP. The net tract area and forest conservation requirements on the Cabin Branch for conservation plan are updated to reflect this change.

2) Roadway improvements along west Old Baltimore

- Increase net tract area to reflect current improvements to road
- Account for additional tree clearing

The roadway improvement plans for West Old Baltimore Road have been revised in coordination with the Montgomery County Department of Transportation. Thus, the FCP net tract area of West Old Baltimore Road is revised to reflect the latest limits of disturbance required to implement the approved roadway design.

3) Storm Water Management (SWM) pond and outfall revisions.

Pond #12 Outfall

- Outfall constructed a few degrees off of the approved location
- Relocate easement areas (~5,300 SF) from the approved outfall location to where it was built.

Pond # 9 Outfall

- Additional 2,520 SF of forest loss within stream valley buffer
- Additional 104 SF of wetlands impacts
- Within recorded Category I conservation easement

No additional easement removal

The FFCP is being amended to account for revised outfall locations for Ponds 9 and 12. The revised outfalls are based on final engineering and have been modified to meet local regulations. The final design and regulations led to a change of location for the Pond 12 and an extended outfall for safe conveyance for the Pond 9 outfall with no easement removal required.

The outfall for Pond 12 is approximately the same size and shape as previously approved but the angle of the outfall was shifted north a few degrees during construction. The issue was discussed in the field with the forest conservation inspector and was decided it could be dealt with at the time of the next plan amendment. Accordingly, the Applicant requests that the Conservation Easement in the area where the outfall was built (approximately 5,300 SF) be released and the previous area that was unencumbered with a Conservation Easement be recorded as new easement (Fig. 2).

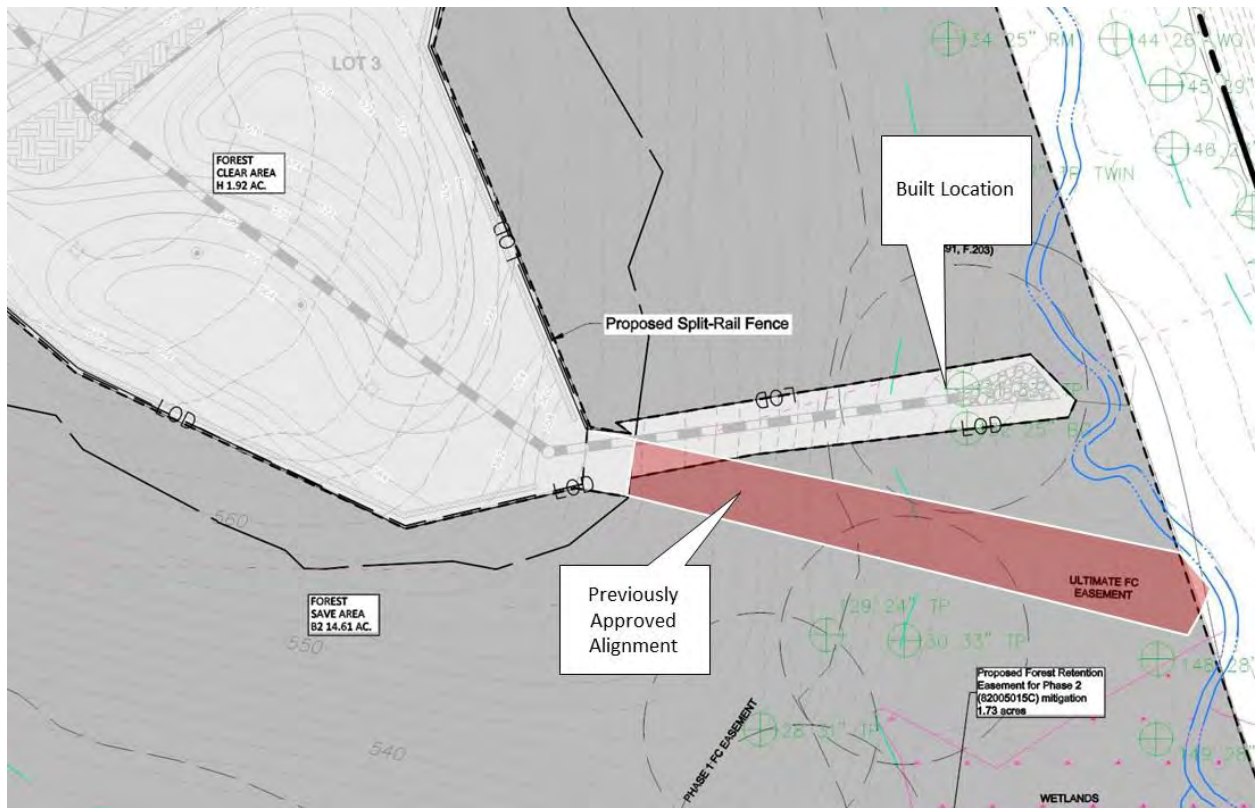


Figure 2: Outfall for Pond 12 Location Correction

The outfall for Pond 9 is in an area that is forested Stream Valley Buffer (shown as forest cleared on the approved FCP) and partially within an area to be disturbed for improvements to West Old Baltimore Rd. The Pond 9 outfall will not require any additional Conservation Easement loss because that area is already shown as a future afforestation area. In other words, there is no requirement to change the Conservation Easement for this outfall, but because this is a new construction activity in a yet-to-be planted area of an easement, this amendment simply authorizes the applicant to show the new impacts that will eventually have forest planted around it.

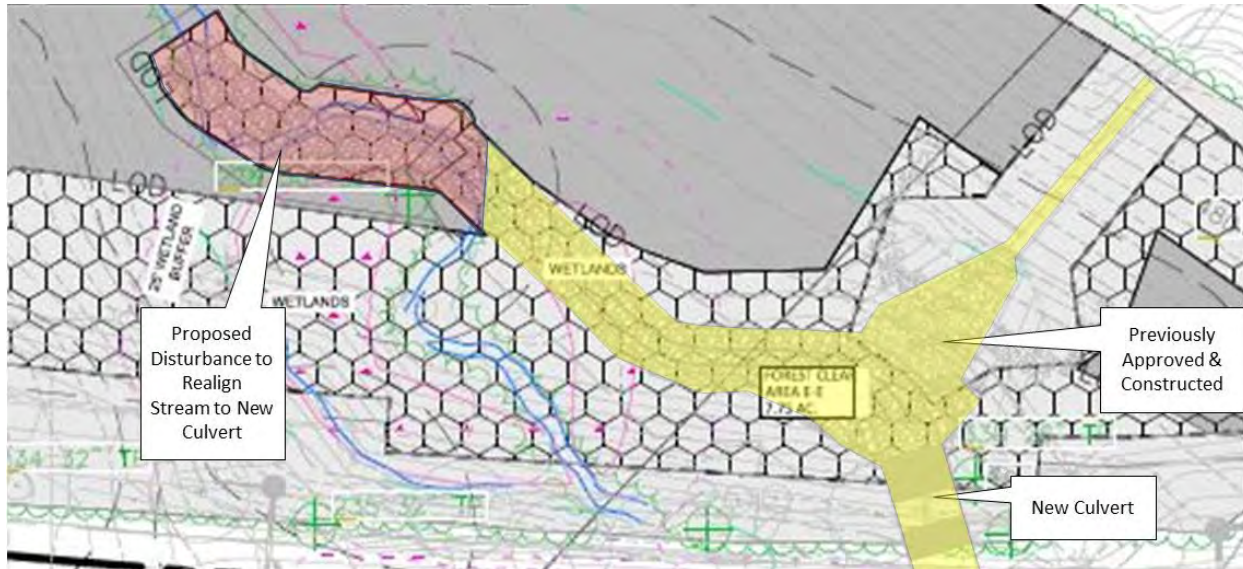


Figure 3: Pond 9 Construction Activities

- 4) Easement change to allow for land conveyance to an adjacent landowner.
 - Remove a 0.28 acre portion of the 1.14 acre planting area
 - Subsequent Conveyance of ~ 11,000 SF (0.25 ac)

Planting areas will be redistributed to other areas onsite or mitigated offsite

At the intersection (Match Line) of pages 56 and 57 of the FFCP, the Subject Property shares a common boundary with the Clagett Property (Parcel 455, tax map EV 122). A small strip of land east of Broadway Avenue on the Cabin Branch property was originally intended as an afforestation area. This strip of land is upland and contains no environmental features. The Clagett family approached Cabin Branch about conveying a strip of land to them unencumbered with easements to act as additional yard space. Cabin Branch and the Clagetts have an agreement that if the easement was relocated or removed that strip of land will be conveyed. This Amendment requests that the previously shown but not recorded Conservation Easement on this strip of land be removed; staff recommends that the Board approve this removal. This is an upland afforestation area with no environmental features the Applicant will relocate 0.28 acres of afforestation elsewhere on the property or mitigated offsite.



Figure 4: Adjacent Claggett Property

5) Minor FFCP cleanup issues.

Finally, this Amendment intends to revise the plans to reflect miscellaneous revisions and field changes associated with the wetland mitigation area in the Adventist South portion of the Cabin Branch Neighborhood, and to address small variations between record plats and the FFCP.

Water Quality Plan Review

Water quality plans are required as part of the Special Protection Area (SPA) regulations. Under the SPA law, Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan.

MCDPS has made the determination that the revisions included in this Application do not require any amendments or revisions to the previously approved Final Water Quality Plan. MCDPS confirmed the current scope of the Amendment does not require an amendment to the current Final Water Quality Plan.

All the revisions in this Application are covered by the previously approved Final Water Quality and no further Planning Board action is required as part of this Application.

Environmental Guidelines

The NRI/FSDs for the various properties included the area in which this Application is located and identified the Stream Valley Buffers (SVB). SVBs include wetlands and wetland buffers, floodplains, and streams and stream buffers. As part of the Environmental Guidelines, the SVB must be reforested. Where trees do not currently exist in the stream buffers, the Applicant will plant new forest. The Applicant will place Forest Conservation Easements on the environmental buffers, excluding necessary stormwater management easements and facilities, and all forest retention areas.

Stream Valley Buffer Encroachments

This Application contains minor SVB encroachments for the construction of wetlands mitigation area and the outfall of Pond 9.

The outfall for pond 9 ties into a stream that flows toward culvert 6. Culvert 6 was built last year and runs under West Old Baltimore Road. The stream located above the culvert will be moved from its original location to flow through culvert 6. The Applicant has been working with the County to tie into the stream at its new location with as little impact to forest and stream valley buffer as possible. To connect into the stream at its new location and provide the required amount of rip-rap to stabilize the stream, unavoidable impacts to an additional 2,520 SF of forest within stream valley buffer and 104 SF of wetlands is necessary. No additional Conservation Easement removal will be necessary for this improvement; however, it will be new activity in a recorded but unplanted Conservation Easement and the plans must be modified to show this impact.

The SVB impacts in the buffer are only slightly larger than what was previously approved and the larger disturbance area stemmed from a change in regulations for the type of outfall required. This could not be anticipated when the initial site plan was approved. The SVB impacts related to the new outfall are the minimum necessary and should not have any long-term negative effects above what was previously approved.

Overall the SVB impacts are minor in nature and required to implement the overall Cabin Branch development. The Applicant has worked with MNCPPC Planning staff and the Maryland Department of the Environment to minimize and mitigate the impacts in the SVB related to these projects.

Forest Conservation

Overview

The Applicant has an approved overall FFCP that was completed with the Cabin Branch Infrastructure Site Plan (820050150) in 2008. The Infrastructure Site Plan and FFCP was to be the guide for all future site plans, special exceptions, and mandatory referrals that were to be submitted within the Cabin Branch development. The development shown on the overall Final Forest Conservation Plan was conceptual in nature and was allowed by conditions of approval to be refined through amendments as individual site plans were brought before the Planning Board. Therefore, this Application is an

amendment to that overall FFCP to properly adjust that plan by showing the design of final grades and infrastructure for this one small project.

The overall FFCP indicated that future Applications will meet the forest conservation worksheet requirements through a combination of on-site forest retention, onsite planting of unforested stream buffers, landscape credit, and offsite planting within the Clarksburg SPA. Under the M-NCPPC implementation of the SPA regulations, the Environmental Guidelines require accelerated reforestation of stream buffers within SPAs. Since the Property includes land both in and out of the SPA and the tributaries drain to a common water body, Staff has previously established, with Planning Board concurrence, that it is appropriate to treat the planting requirements as if the entire site is located within the Clarksburg SPA. Therefore, the Applicant is required to plant the SVB in accordance with the overall FFCP planting phasing plan, sheet 63A of the FFCP, and for the Applicant to provide a five-year maintenance period for all planting areas credited toward the FFCP.

Planting Requirements

With this Amendment, the FFCP Worksheet numbers change slightly to accommodate the areas needed for the culverts and the required mitigation areas. In total (7 individual worksheets), the development of the Cabin Branch Neighborhood proposes to remove 63.79 acres of forest, retain 66.59 acres of forest, and to plant 60.32 acres of forest, of which 11.06 acres will be met via on-site landscaping credit. The revised FFCP sheets are attached (Attachment B). The Applicant will plant all unforested buffers on-site, not including required stormwater management easements. As a development using the optional method, Cabin Branch is subject to Section 22A-12(f) of the Forest Conservation Law and is required to meet certain forest retention requirements on site. The overall FFCP approval requires all subsequent Applicants to meet the conservation threshold onsite and to meet all planting requirements through a combination of onsite forest retention, onsite planting of unforested stream buffers, and landscape credit. The Applicant complies with this condition.

CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. As of the date of this report, Staff has received no correspondence regarding this Application.

Any correspondence received after posting of the Staff Report will be forwarded to the Planning Board for discussion at the hearing.

CONCLUSION

The Application is consistent with previous Project, Preliminary, and Site Plan approvals and is based upon the final engineering design.

The Application is consistent with all previous approvals and is in compliance with Chapter 22A. Therefore, approval of the Application is recommended.

Attachments

Attachment A – Revised Final Forest Conservation Plan Sheets