Glenstone II, Forest Conservation Plan Amendment, SC2013009
T.C. Thompson Property, Preliminary Plan Amendment for Forest Conservation Plan Purposes, 11987272A

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Completed: 02/08/18

Description

Glenstone II FCP Amendment SC2013009
Preliminary Plan No. 11987272A
Application to remove 0.05 acres of Category I Conservation Easement; Located at 12311 Stoney Creek Rd., Parcel 578, Potomac, MD; and 12500 and remove 0.17 acres of Category I Conservation Easement; Located at 12504 Hunt Ridge Lane, Block C, Lots 24 and 25; approx. 200 acres; Zoned RE-2; 2002 Potomac Subregion Master Plan.

Applicant: Glenstone Foundation
Acceptance Date: December 26, 2017
Review Basis: Chapters 59 and 22A

Summary

- Staff Recommendation: Approval with Conditions
- Proposal to remove approximately 0.17 acres of Category I Conservation Easement on Lots 24 and 25 of the Thompson Farm and .05 acres of Parcel 578 of the Glenstone Properties to construct a vehicle and pedestrian bridge and elevated roadway.
- 0.22 acres of on-site replacement for removal of Category I Conservation Easement.
- Remove 1.14 acres of Category I Conservation Easement from the dam maintenance area of a large existing pond that will remain a permanent feature of the site.
- Revise existing easement language to allow certain improvements and on-going maintenance to the Bridle Trail along Greenbriar Branch.
- Mitigate the realignment, resurfacing and extension of the Greenbriar and Sandy Branch Trails with 1.04 acres of on-site reforestation.
- Meets requirements of Chapter 22A, Forest Conservation Law.
SECTION 1 – RECOMMENDATIONS AND CONDITIONS

FOREST CONSERVATION PLAN NO. SC2013009: Staff recommends approval of the amendment to the Forest Conservation Plan with the conditions below. All conditions of the original forest conservation plan and previous amendments, remain in full force and effect except as modified below:

1. Within sixty (60) days of the mailing date of the Planning Board Resolution and approval letter for these amendments, the Applicant must revise the Existing Conservation Easement language to account for the improvements and on-going maintenance of the Greenbriar Branch Bridle Trail. This 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. The Applicant must execute a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the Forest Conservation Plan.

3. The Applicant must provide financial surety to the M-NCPPC Planning Department for the mitigation planting shown on the approved amended Final Forest Conservation Plan.

4. The Applicant must install the mitigation plantings within 6 months following the pre-construction meeting unless modified by the M-NCPPC Forest Conservation Inspector.

5. The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

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 FFCP.

PRELIMINARY PLAN NO. 11987272A: Staff recommends approval of the limited amendment to the Preliminary Plan for Forest Conservation Plan purposes with the conditions below. All conditions of Preliminary Plan No. 119872720 as contained in the Montgomery County Planning Board’s Resolution mailed May 30, 2003, or as amended, remain in full force and effect except as modified below:

1. Within sixty (60) days of the mailing date of the Planning Board Resolution and approval letter for these amendments, the Applicant must record the new Conservation Easement reflecting the easement area that is not authorized to be removed. This 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 and reflected on the record plat.

2. Within ninety (90) days of the mailing date of the Planning Board Resolution and approval letter for these amendments, the Applicant must extinguish the proposed area of Category I Conservation Easement. 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.
3. Within one hundred and twenty (120) days of the mailing date of the Planning Board Resolution and approval letter for these amendments, the Applicant must submit a complete record plat application that delineates the revised conservation easement and references the Liber/Folio of the recorded deed. The existing easement remains in full force and effect until the Category I Conservation Easement is recorded as removed.

4. The Applicant must execute a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the Forest Conservation Plan.

5. The Applicant must provide financial surety to the M-NCPPC Planning Department for the mitigation planting shown on the approved amended Final Forest Conservation Plan.

6. The Applicant must install the mitigation plantings within 6 months following the pre-construction meeting unless modified by the M-NCPPC Forest Conservation Inspector.

7. The Applicant must have all required site inspections performed by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

8. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Amended FFCP.
SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location
The subject properties are located on the south side of Glen Road and include the Corcoran, Three Sisters, and part of the Thompson Farm Subdivisions in Potomac, MD, with a total area of approximately 200 acres (“Property”). The Property is zoned RE-2 and located in the Potomac Subregion 2002 Master Plan area.

Site Vicinity
The Properties are located between Glen, Stoney Creek, Travilah and Piney Meeting House Roads. They are primarily accessed from Glen Road. The Glenstone Forest Conservation Plan covers 8 lots. The Thompson Farm subdivision is covered by Forest Conservation Plan #119872720. Two properties adjacent to the Glenstone plan are owned by Glenstone and the subject of this revision. The Glenstone properties are currently being redeveloped as a museum and educational center. Two existing homes will remain on the Property. The Property is surrounded by RE-2-zoned residential properties and confronts the South Unit of the Serpentine Barrens Conservation Park. (Figure 2).
Figure 2 – Site Vicinity

Figure 3 – 2017 Aerial Photograph of Site
SECTION 3 – APPLICATION AND PROPOSAL

Previous Approvals
The Montgomery County Planning Board approved Preliminary Plan #119872720 “T.C. Thompson Farm”, on April 24, 2003. The original approval was for the creation of thirty-four (34) lots on 102.067-acres of land in the RE-2 zone. The forest conservation law of Montgomery County (Chapter 22A of the County Code) applied to this plan; thus, a Forest Conservation Plan was required. The FCP (Attachment B) had no existing onsite forest. The planting requirement was 20.15 acres, which was to take place within the Sandy Branch stream valley that had previously been pasture. The entire Sandy Branch stream valley buffer was placed into Category I Conservation Easement.

The Glenstone FCP was approved by the Planning Director in 2013 since it is associated with a sediment control permit and does not require Planning Board action. The original plan, along with several subsequent amendments has generated approximately 64.2 acres of Conservation Easement along the Greenbriar Branch and Sandy Branch stream valleys. Much of this conservation easement area is existing forest, but there are also planting areas totaling approximately 3.64 acres.

Current Application
Easement Removal

Figure 4 – Proposed Easement Removal for Pond Maintenance Area
The Applicant requests the Planning Board amend the Final Forest Conservation Plans to remove two sections of the Category I Conservation Easement (see figures 4 and 5). The first area is 1.14 acres within the Greenbriar Branch stream valley. This easement area is a 50-foot slope that forms the dam to a pond that was built over 25 years ago on the higher elevation of the site. This area must be maintained on a regular basis to ensure the safety of the dam. It has been established that the pond is to remain a permanent feature of the site. A non-disturbance conservation easement in this location is not appropriate and should be removed from the Conservation Easement with no mitigation requirement. The second area is 0.22 acres within the Sandy Branch stream valley. The Sandy Branch stream valley separates the original Glenstone site from an increasing large land holding on the other side. The Glenstone Foundation requests the ability to build a vehicular bridge and elevated road within the stream valley to provide both vehicular and pedestrian access to Glenstone properties on the west side of Sandy Branch. These 0.22 acres will be mitigated 1:1 on-site (0.17 acres) on the Thompson Farm and 1:1 on-site (0.05 acres) on the Glenstone Property by extending the existing stream valley easements a total of 0.22 acres. (See Easement Attachment)
Easement Modification

The Applicant proposed to make improvements to the existing bridle trail along Greenbriar Branch within the existing easement. The bridle trail easement was established with the approval of the Corcoran Property Preliminary Plan approval on July 9, 1987. The bridle trail connects to other trail easements on adjacent properties and to the trails that are planned for the South Serpentine Barrens Conservation Park located across Glen Road from the Subject Properties. The Applicant has extended their modern art collection to certain locations along Greenbriar Branch and would like to improve accessibility to these features by improving the trail. They propose to:

- Realign the trail in limited areas where inundation from Greenbriar Branch frequently make the trail unusable;
- Extend the trail to make connections with trails from outside the easement areas;
- Resurface the trail with decomposed granite;
- Repair existing culverts;
- Create two pedestrian bridges to the southeast side of Greenbriar Branch;
- Place interpretive signage for the art installations; and
- Install lights and security cameras along the trail.
SECTION 4 – ANALYSIS AND FINDINGS

PLANNING BOARD REVIEW AUTHORITY
The Forest Conservation Regulations require Planning Board action on certain types of modifications to an approved FFCP. COMCOR 22A.00.01.13 A (2), the Forest Conservation Regulations, state:

Major amendments which entail more than a total of 5000 square feet of additional forest clearing must be approved by the Planning Board or the Planning Director (depending on who approved the original plan).

FOREST CONSERVATION PLAN
The Glenstone project is currently under construction on many different fronts. First, the new museum building is in the final stages of construction and will be completed later this year. The Applicant is also constructing an environmental educational center in association with the Museum. In addition, the Applicant has undertaken stream restoration plans for both Sandy Branch and Greenbriar Branch.

The Easement changes within Sandy Branch are timely, in that the on-going stream restoration has necessitated significant disturbance to the stream valley. The Applicant would like to build the proposed vehicular bridge over Sandy Branch during this process rather than after the stabilization has taken place. The bridge location has been chosen to minimize disturbance to stream valley features and the future stream alignment. Removal of 0.22 acres of easement area will allow this permanent structure to be built and maintained. The future raised 10-foot wide roadway will allow vehicular and pedestrian crossing while allowing the flood plain to function normally rather than being forced into a culvert crossing with the associated fill within the stream valley.

The Applicant has proposed to mitigate for the loss of the 0.22 acres of conservation easement onsite by increasing the easement area within the Sandy Branch stream valley on a 1:1 basis. 0.05 acres will be placed on Parcel 578 in the Glenstone plan area and 0.17 acres will be placed on Lots 24 and 25 of the Thompson Farm plan area.

Trails within a Category I Conservation Easement are typically limited to natural surfaces. Other circumstances have persuaded Staff to consider the proposed improvements. First, several large and permanent art pieces were in place along the bridle trail prior to establishment of the easement in 2013. As this trail will continue to remain open to the public, the owner wishes to provide security, access for viewers, and the ability to do minor maintenance from time to time.

Park, Planning and Legal staff have had both on and off-site meetings with the Applicant to discuss these trail revisions and have agreed that the proposed improvements can take place within a modified Category I Conservation Easement. Mitigation for improvements to the entire length and width of the trail will take place by planting 1.04 acres of forest within un-forested sections of the Sandy Branch Conservation Easement area within the Glenstone site.
SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

As of the date of this report, Staff has not received any citizen correspondence and is not aware of any outstanding issues associated with this project. The Applicant has met all noticing and submittal requirements.

SECTION 6 – CONCLUSION

The proposed amendment meets all requirements established in Chapter 22A, Forest Conservation Law. Therefore, approval of the Application with the conditions specified herein is recommended.

Staff recommends that the Planning Board approve these Amended Forest Conservation Plans purposes with the conditions specified above.

ATTACHMENTS

A. Original Glenstone Forest Conservation Plan
B. Original Thompson Farm Forest Conservation Plan
C. Easement Exhibit
D. Trail Alignment Exhibit
E. Bridge Detail