



Clarksburg Road at Frederick Road, Mandatory Referral No. MR2018019



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## Description

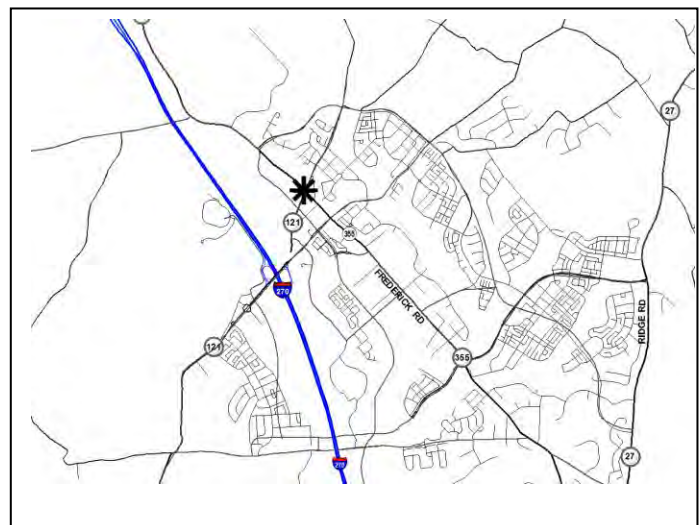
Completed: 4/16/18

### 4B. Preliminary/Final Water Quality Plan MR2018019: Clarksburg Road – Frederick Road (MD 355) Ten Mile Creek Special Protection Area

Construct improvements to a 0.49-mile-long section of Clarksburg Road and a 0.27-mile-long section of Frederick Road (MD 355) in Clarksburg.

Master Plan: 2014 Ten-Mile Creek Area Limited Amendment.

- Applicant: Montgomery County Department of Transportation
- Filing Date: March 1, 2018



## Summary

- The review of this Mandatory Referral is in two parts:  
**Item 4A – Mandatory Referral MR2018019** discussed as a separate staff report, and  
**Item 4B – Preliminary/Final Water Quality Plan MR2018019.**
- Staff recommends approval of the Preliminary/Final Water Quality Plan with conditions (Item 4B).
- This project is located within the Ten Mile Creek Special Protection Area (SPA) and on publicly owned property. Approval of a water quality plan is required under Section 19-62 of the Montgomery County Code. The Planning Board must take separate action on the Preliminary/Final Water Quality Plan (Item 4B) prior to taking action on the Mandatory Referral.

## RECOMMENDATION

Approval of the Preliminary/Final Water Quality Plan. Subject to the following conditions:

1. The impervious surfaces are limited to the area as shown on the Impervious Surface Plan Portion of the Preliminary/Final Water Quality Plan. Impervious surfaces should be limited to no more than what is shown on the plan.
2. Applicant shall mitigate forest losses on-site where possible.
3. Significant tree loss will be replaced on a 1:1 basis and shown on the tree-save plan.
4. Prior to the start of any clearing, grading, or demolition, the applicant must have an approved forest conservation exemption and tree save plan that matches the final road improvement design and mitigation measures, including the stream restoration required for mitigation.

## PROJECT DESCRIPTION

The project will widen portions of Clarksburg Road and Frederick Road (MD 355) to increase capacity and improve levels of service. The project includes the following improvements:

- Widening existing Frederick Road to provide a new 11-foot wide southbound left turn lane and 5-foot wide bicycle lanes in the southbound direction,
- Widening existing Clarksburg Road north of the intersection to provide a new 10-foot wide westbound left turn lane and minimum 5-foot wide bicycle lanes in both directions,
- Narrowing existing Clarksburg Road lanes south of the intersection to provide minimum 7-foot wide bikeable shoulders,
- Construction of a 10-foot wide sidepath along the east side of Clarksburg Road between Frederick Road and Overlook Park Drive,
- Construction of a 10-foot wide sidepath along the north side of Frederick Road between Spire Street and the northern limit of the project (approximately 700 feet west of the intersection), and
- Construction of a 5-foot wide sidewalk along the west side of Clarksburg Road between Frederick Road and across the street from Spire Street (approximately 550 feet north of the intersection) to tie into the existing sidewalk.

The Planning Board's action on the Preliminary/Final Water Quality Plan is regulatory and binding. The Planning Board must act on the Preliminary/Final Water Quality Plan before it finalizes its recommendations on the Mandatory Referral.

### A. FOREST CONSERVATION PLAN ANALYSIS AND FINDINGS

#### Review for Conformance to the Forest Conservation Law

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The Application is exempt from submission of a forest conservation plan. A forest conservation exemption (#42018006E) 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 July 28, 2017 (Attachment 1).

While the project is exempt, the applicant is still required under section 22A-9 of the County code to:

- a) Minimize forest cutting, clearing, and loss of specimen trees to the extent possible while balancing other design, construction, and environmental standards. The constructing agency must make a reasonable effort to minimize the cutting or clearing of trees and other woody plants.
- b) If the forest to be cut or cleared for a County highway project equals or exceeds 20,000 square feet, the constructing agency must reforest a suitable area at the rate of one acre of reforestation for each acre of forest cleared.
- c) Mitigation for loss of specimen or champion trees. Mitigation amounts are based on the size and character of the tree.

This road improvement proposes to clear 0.63 acres of forest. Mitigation for the loss of this forest will take place on-site and within the impacted stream valley where possible. Mitigation for the loss of specimen trees should take place on a 1:1 basis and shown on an amended forest conservation amendment and tree-save plan. Mitigation for the loss of forest and trees on Parkland should take place according to Park recommendations. The applicant has minimized the limits of disturbance and minimized the impacts to large and specimen trees. A tree save plan has been provided to highlight tree protection measures to be used during construction. However, this plan must be amended to reflect the most recent project design and limits of disturbance. Field location and protection of trees will take place at the pre-construction meeting. Additional measures for the protection and preservation of individual trees may occur at that time.

### **Environmental Guidelines**

The project area takes place in an extremely sensitive headwater area of Ten Mile Creek, a high-quality Use I stream. There are streams and wetlands on all four corners of this intersection, including the northeast quadrant owned by the Department of Parks. There is currently no quality or quantity mitigation for road runoff to these seeps and springs. The road improvements will impact approximately 0.97 acres of currently undisturbed sensitive areas. This disturbance will include the addition of the permanent road and trail improvements described above. Other impacts will include stormwater management features that will treat both the existing road and the proposed improvements.

The Department of Parks is requiring a stream restoration project downstream of Clarksburg Triangle Urban Park to provide mitigation of wetland impacts on and adjacent to the Park. This will address stormwater treatment for pavement that the project was unable to treat due to site and project constraints. This headwater stream to Ten Mile Creek has valuable macroinvertebrate potential with significant groundwater inputs and wetland seeps that drain to it, but currently suffers from eroding banks and an actively downcutting channel. The poor quality of the riparian forest around this stream reach will allow for minor shifts in the channel alignment and other restoration work without any

significant impacts to terrestrial resources. Specific details of the stream restoration and Park planting requirements will be addressed as part of the Park Permit Process. The restoration project mitigates the environmental impact of this project as well as those associated with a forthcoming mandatory referral for a sidepath on Clarksburg Road. These details should be reflected on an amended forest conservation exemption and tree-save plan.

## **B. SPA WATER QUALITY PLAN ANALYSIS AND FINDINGS**

The Application meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code for the Ten Mile Creek Special Protection Area (SPA).

### Review for Conformance to the Special Protection Area Requirements

This project is located within the Ten Mile Creek SPA and on publicly owned property. It is required to obtain approval of a water quality plan under Section 19-62(c) of the Montgomery County Code. This section of the code states:

*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 Special Protection Area law, a SPA Water Quality Plan should be reviewed in conjunction with a Mandatory Referral. Under Section 19-65 of the law, 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's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and minimization of impervious surfaces have been satisfied.

### County DPS Special Protection Area Review Elements

In a letter dated January 18, 2018, MCDPS found that the elements of the SPA Preliminary/Final Water Quality Plan under its purview were acceptable (Attachment 3).

### ***Site Performance Goals***

As part of the Preliminary/Final Water Quality Plan, the following performance goals were established for the Property:

1. Minimize storm flow run off increases.
2. Minimize sediment loading.

### ***Stormwater Management***

Stormwater management goals for the Project will be met with a combination of micro bioretention, bio swale and bioretention facilities.

### ***Sediment Control***

An engineered sediment control plan must be submitted for this project prior to permitting.

### ***BMP Monitoring***

A stream monitoring fee for the site areas and a BMP monitoring fee will be required.

### **Planning Board Special Protection Area Review Elements**

Staff recommends Planning Board approval of the elements of the SPA Water Quality Plan under its purview.

### ***Forest Conservation***

A Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) was included as part of the Forest Conservation Exemption Request #42018006E, which was approved by Staff on July 28, 2017. Also approved was a tree-save plan under the same number. Forest impacts will be mitigated on site as part of the stream restoration with the balance taking place off-site. The exact acreage of forest loss and planting must be specified on a revised forest conservation exemption and tree-save plan.

### ***Environmental Buffer Protection***

Approximately 0.97 acres of stream, wetland, and other sensitive areas will be impacted by this project. This is due primarily to the location of the existing intersection within a highly sensitive area. Impacts to these areas will be mitigated by making improvements to stormwater management, stream channel restoration, and replacement plantings in sensitive areas.

### ***Impervious Surfaces***

A main goal for development in all SPAs is to minimize impervious surfaces. The Ten Mile Creek SPA does not have a specific impervious limit.

The area of the project within the SPA is approximately 3.53 acres. In addition to the existing roadway approximately 0.84 acres of new impervious surface will be added and approximately 0.09 acres of impervious surface will be removed (Attachment 4). County regulations allow reduced width side paths (shared use paths) in environmentally sensitive areas. The side path on Clarksburg Road can be reduced from ten feet wide to eight feet wide under these regulations. The improvements are being built to current standards and there are no unnecessary impervious surfaces.

Planning staff believes that the applicant has minimized the total amount of impervious surface while maintaining the public purpose.

### **CONCLUSION**

Staff recommends the Planning Board approve the Preliminary/Final Water Quality Plan with conditions specified above.

### **ATTACHMENTS**

1. Forest Conservation Exemption Approval
2. Forest and Buffer Impact Delineation
3. Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan approval letter
4. Impervious Study



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

July 28, 2017

Mr. Bruce Johnson  
MCDOT  
100 Edison Park Drive  
Gaithersburg MD, 20850

Re: Forest Conservation Plan Exemption Confirmation  
Property Name: Clarksburg Rd and MD 355 Intersection Improvements  
Plan Number: 42018006E

Dear Mr. Johnson

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Plan Exemption Request, submitted on July 5, 2017 for the plan identified above, is confirmed. This Capital Improvement Project (CIP 508000) site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), per 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 for County Highway Projects, which states;

(a) General

- (1) This section applies to construction of a highway by the County as part of an approved Capital Improvements Program project.
- (2) The construction should minimize forest cutting or clearing and loss of specimen or champion trees to the extent possible while balancing other design, construction, and environmental standards. The constructing agency must make a reasonable effort to minimize the cutting or clearing of trees and other woody plants.
- (b) If the forest to be cut or cleared for a County highway project equals or exceeds 20,000 square feet, the constructing agency must reforest a suitable area at the rate of one acre of reforestation for each acre of forest cleared.
- (c) Reforestation for County highway projects must meet the standards in subsections 22A-12(e), (g) and (h).
- (d) Any mitigation requirement for loss of specimen or champion trees must be based on the size and character of the tree.

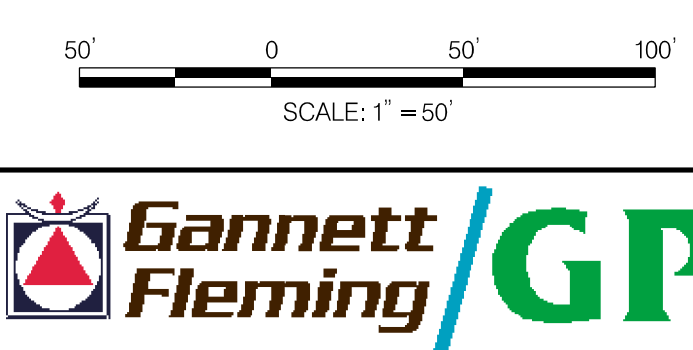
The plan minimizes tree loss, and does not remove 20,000 square feet of forest. Specimen trees to be removed will not require mitigation under this exemption plan, as there will be planting requirements associated with the Mandatory Referral plan and the other county requirements.

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this meeting. If you have any questions regarding these actions, please contact me at [michael.sharp@montgomeryplanning.org](mailto:michael.sharp@montgomeryplanning.org).

Sincerely,



Michael J. Sharp  
Senior Planner, Forestry Inspector  
M-NCPPC, DARC





## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett

County Executive

Diane R. Schwartz Jones

Director

January 18, 2018

Mr. Dennis Santeufemio  
 Gannett Fleming, Inc.  
 7133 Rutherford Road, Suite 300  
 Baltimore, Maryland 21244-2718

Re: **COMBINED PRELIMINARY/FINAL WATER  
 QUALITY PLAN/SITE DEVELOPMENT  
 STORMWATER MANAGEMENT PLAN** for  
 Clarksburg Road at MD 355 Intersection  
 Improvements  
 Preliminary Plan #: N/A  
 SM File #: 282558  
 Tract Size/Zone: 3.47 acres/Roadway  
 Total Concept Area: 3.47 acres  
 Lots/Block: N/A  
 Parcel(s): N/A  
 Watershed: Clarksburg and Ten Mile Creek  
 Special Protection Areas

Dear Mr. Santeufemio:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above-mentioned site is **acceptable**. The Water Quality Plan proposes to meet required stormwater management goals via a combination of micro bioretention, a submerged gravel wetland and providing outfall restoration at Point of Investigation 1. The outfall restoration will provide an environmental benefit by improving the existing eroded outfall with a plunge pool and rip-rap armoring and make up for a shortfall of 1,635 cubic feet of required ESD volume due to right-of-way limitations and therefore a waiver would not be required. This approval is for the elements of the Water Quality Plan that DPS has lead agency responsibility, and does not include limits on imperviousness or buffer encroachments.

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. As shown, proposed micro bioretention structure MB 2-1 and the proposed submerged gravel wetland are not providing the maximum allowable storage volume (Pe of 2.6" of runoff volume). Make every effort to provide the maximum allowable treatment volume in these structures.

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



255 Rockville Pike, 2<sup>nd</sup> Floor, Rockville, Maryland 20850 | 240-777-0311 [www.montgomerycountymd.gov/permitting-services](http://www.montgomerycountymd.gov/permitting-services)

The performance goals that were established at the pre-application meeting are to be met through the implementation of the Water Quality Plan. They are as follows:

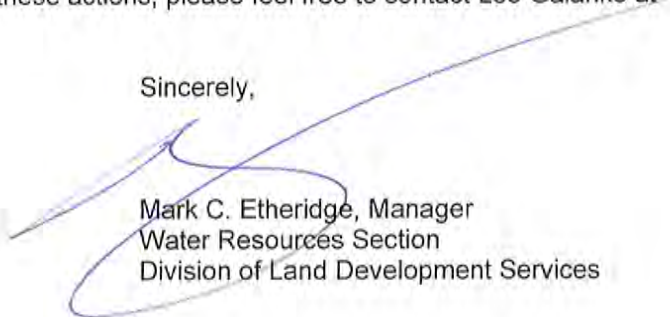
1. Minimize storm flow run off increases.
2. Minimize sediment loading.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. A stream monitoring fee for the site area and a BMP monitoring fee for the disturbed area in the SPA is required.

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.

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: lmg

cc: N. Braunstein  
SM File # 282287

ESD: Required/Provided 9,487 cf / 7,852 cf  
PE: Target/Achieved: 1.9"/1.6"  
STRUCTURAL: 0 ac.  
WAIVED: 0 ac.



