



Goshen Enterprises: Forest Conservation Plan No. CU2018-06

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Staff Report Date: 06-29-2018

Description

Goshen Enterprises

A Forest Conservation Plan to address a request for a Conditional Use to operate a Landscape Contractor business on 30-acre property located at 21201 Zion Road, Brookeville, MD at the northeast corner of its intersection with Riggs Road, identified as Parcel P490 Tax Map HV21 (Addition to Brooke Grove), AR Zone, 2005 Olney Master Plan Area.

***Staff Recommendation: Approval with conditions
(Planning Board Action)***

Applicant: Kevin Bohrer
Application Filed: April 9, 2018
Review Basis: Chapter 22A, Forest Conservation Law



Summary

- The Application proposes a phased construction of a landscape contracting business utilizing one existing building and two new buildings.
- The Application does not propose any forest clearing and generates a 1.15-acre planting requirement.
- There are no outstanding issues to be addressed in this Staff Report; the application fully complies with Chapter 22A of the County Code.

STAFF RECOMMENDATION: Approval of the Forest Conservation Plan No. CU2015-04, subject to the following conditions:

1. Prior to certification of the Final Forest Conservation Plan Applicant will add a planting plan, planting notes, and planting details.
2. Within ninety days of the date of the Hearing Examiner's Opinion approving Conditional Use Application CU2018-06, the Applicant must:
 - a. Record a Category I conservation easement over all areas of forest retention and forest planting as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.
 - b. Install permanent forest conservation easement signage along the perimeter of the conservation easement, as determined by the M-NCPPC forest conservation inspector.
3. Within seven months of the date of the Hearing Examiner's Opinion approving the Conditional Use Application CU2018-06, the Applicant must plant 0.58 acres of forest as specified on the approved Forest Conservation Plan.
4. Submit financial surety for planting 0.58 acres of forest and obtain M-NCPPC approval of a two-year maintenance and management agreement for the forest planting area before any planting or land disturbing activities occur.

SITE DESCRIPTION

The subject property is identified as Parcel 490 on Tax Map HV 21, and is located at 21201 Zion Road, in the northeast quadrant of its intersection with Riggs Road in the Olney Master Plan area ("Subject Property" or "Property"). The Property is zoned Agricultural Reserve (AR), and it is 30.49 acres in size. The Property is developed as an active tree farm with one existing building near the center and gravel parking as well as operational parking areas that are used for the farm.

The entire Property drains to the Hawlings River Watershed, which is classified by the State of Maryland as Use Class IV waters. There are offsite streams to the west and east of the Property, however there is no stream valley buffer onsite. Approximately one-third of the Property is located within the Patuxent River Watershed Primary Management Area (PMA). There is no mapped 100-year floodplain on the Property. The Property contains approximately 1.21 acres of forest. Twenty-one large trees were identified on the Property, including nine specimen trees (≥ 30 inches Diameter at Breast Height (DBH)). The majority of these trees are located within the existing forest stand in the southeast corner of the Property. There are no steep slopes or highly erodible soils. Neighboring land uses include agriculture uses. The Property abuts agricultural activities on all sides (Figures 1 and 2).

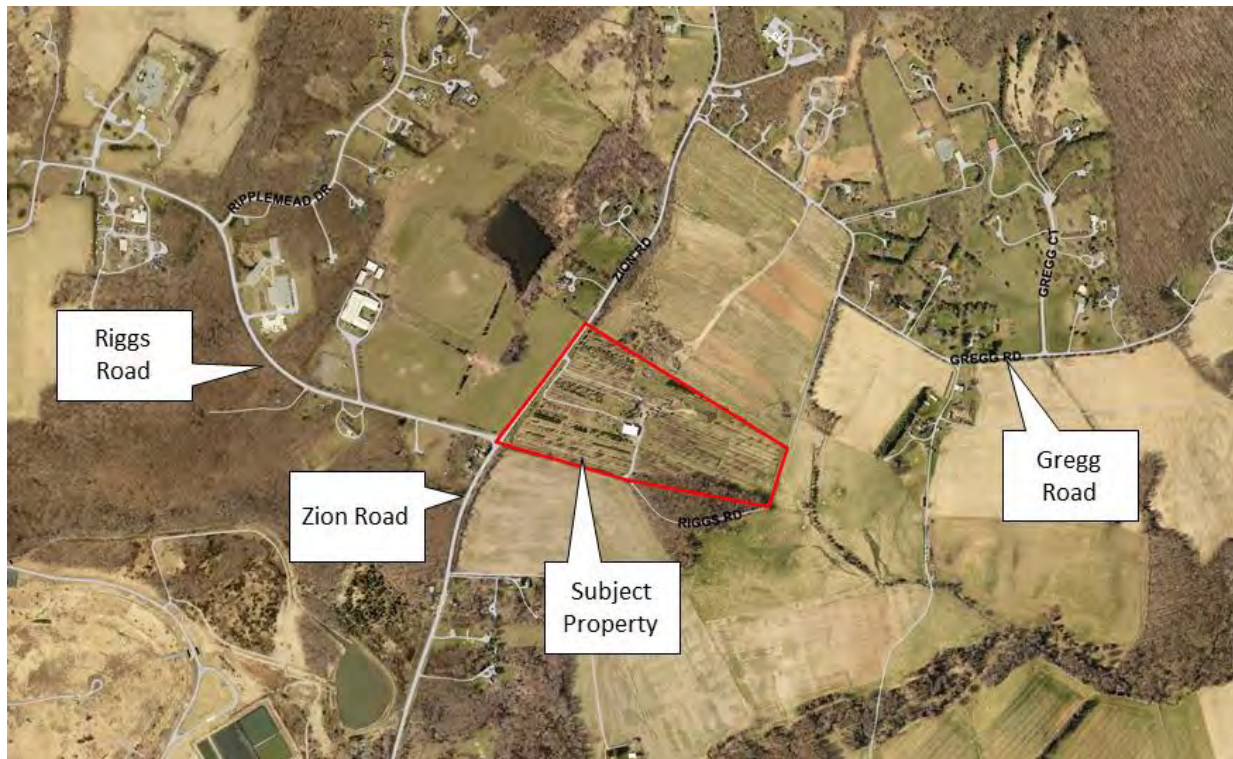


Figure 1. 2015 Aerial Photograph of Vicinity



Figure 2. 2015 Aerial Photograph of Parcel 490

PROJECT DESCRIPTION

The Forest Conservation Plan (FCP) was prepared as part of Conditional Use Application No. CU2018-06 ("Application"), to operate a landscape contractor business (Attachment A). While the Planning Board is technically advisory on Board of Appeals applications, the Planning Board must make a finding that the pending Conditional Use Application complies with Chapter 22A, the Montgomery County Forest Conservation Law.

The Application proposes the use of the one existing building and the phased construction of two additional buildings and associated gravel driveways and gravel parking areas. The Application does not propose to impact or clear any forest or specimen trees.

ANALYSIS AND FINDINGS

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Property on July 14, 2017. A Forest Conservation Plan has been submitted for review. There is approximately 1.21 acres of existing forest on the Property. The forest is comprised of one stand. The stand is a mature, mixed-hardwood forest dominated by hickory, oak, and maple. The nursery stock on the Property does not constitute forest and is not included in the 1.21 acres.

The total tract area for the Property is 30.49 acres. The Applicant has deducted 24.75 acres from the net tract area, for an area to remain in agriculture (Tree Nursery). This leaves a net tract area of 5.74 acres that is subject to the forest conservation plan. The project does not propose to clear any of the existing forest, however, based on the land use category and the forest conservation worksheet there is a 1.15-acre afforestation planting requirement. The Applicant proposes to retain 1.21 acres of existing offsite forest (within the area deducted from the forest conservation worksheet as agricultural) and plant 0.58 acres of additional forest adjacent to that within the boundary of Parcel 490.

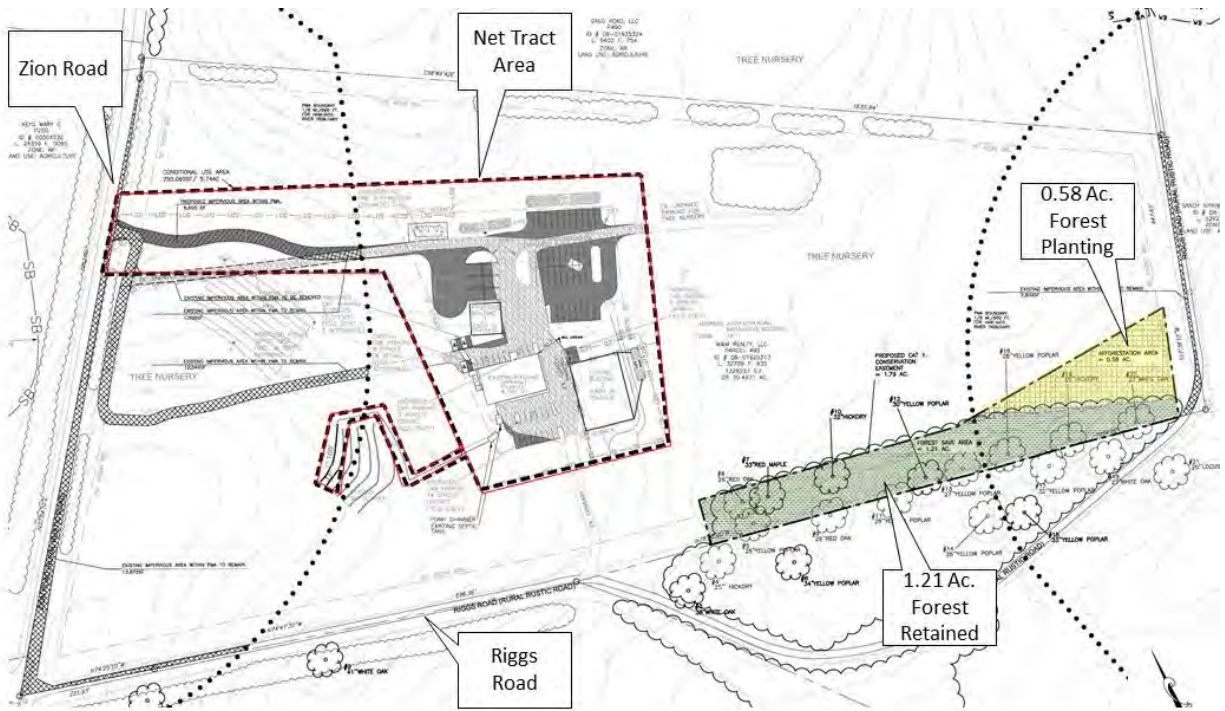


Figure 3: Illustrated Forest Conservation Plan

NOTIFICATION and OUTREACH

The Subject Property was properly signed with notification of the upcoming Conditional Use prior to submission. All adjoining and confronting property owners, civic associations, and other registered interested parties will be notified of the upcoming public hearing on the proposed amendment. As of the date of this report, staff has received no inquiries. Any comments received hereafter will be forwarded to the Board

CONCLUSION

The Forest Conservation Plan meets all applicable requirements of Chapter 22A of the County Code. Therefore, Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this Staff Report.

Attachments

Attachment A –Forest Conservation Plan

EXIST FOREST IN EASEMENT: 1.21 ACRES
PROPOSED AFFORESTATION IN EASEMENT: 0.58 ACRES
TOTAL EASEMENT: 1.79 ACRES

GENERAL NOTES

- 1) ZONE: AR
- 2) WATER CATEGORY - W-1 SEWER CATEGORY - S-6
- 3) BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY
BY: MERIDIAN SURVEYS INC, FREDERICK, MARYLAND
JUNE 7, 2017
- 4) TOPOGRAPHIC INFORMATION SHOWN IS
FROM: MNCPPC, MONTGOMERY COUNTY TOPOGRAPHY MAP SHEET 229NW05 & 229NW04
- 5) TOTAL TRACT AREA = 1,328,237 SF OR 30.49 AC
- 6) PROPERTY SHOWN ON TAX MAP HV121
- 7) PROPERTY SHOWN ON WSSC 200' SHEET 229NW05 & 229NW04
- 8) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 21
SOIL TYPE(S): 2B GLENELG SILT LOAM 3-8%
5A GLENNVILLE SILT LOAM 0-3%
5B GLENNVILLE SILT LOAM 3-8%
- 9) SITE IS PARTIALLY LOCATED IN A FLOOD ZONE: FEMA FLOOD MAP 24031 C02050
- 10) SITE IS LOCATED IN THE HAWLINGS RIVER WATERSHED USE IV-P.
- 11) LOCAL UTILITIES INCLUDE:
SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION & ONSITE SEPTIC
ELECTRIC - PEPCO
TELEPHONE - VERIZON
- 12) ALL VISIBLE WELLS WITHIN 100 FEET OF THE PROPERTY HAVE BEEN SHOWN HEREON.
THE SITE SHALL BE SERVED BY WELL.
- 13) PROPERTY ADDRESS:
21201 ZION ROAD
BROOKVILLE, MD 20833
- 14) TAX ACCOUNT NO. 08-01925313
PARCEL 490 LIBER 32709 FOLIO 635
- 15) NRI/FSD APPROVAL # 420171510
- 16) THE BUILDING FOOTPRINTS SHOWN ON THE CONDITIONAL USE PLAN ARE ILLUSTRATIVE.
BUILDING LOCATIONS WILL BE DETERMINED DURING THE BUILDING PERMIT PROCESS. PLEASE
REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS/
BUILDING RESTRICTION LINES AND LOT COVERAGE FOR EACH LOT.

SITE TABULATIONS:

ACREAGE OF NET TRACT:	5.74
ACREAGE OF TRACT REMAINING IN AGRICULTURE:	0.00
ACREAGE OF ROAD AND UTILITY R/W WHICH WILL NOT BE IMPROVED AS PART OF DEV. APPLICATION:	0
ACREAGE OF EX. FOREST:	0.00
ACREAGE OF TOTAL FOREST RETENTION:	0.00
ACREAGE OF TOTAL FOREST CLEARED:	0.00
LAND USE CATEGORY:	A
AFFORESTATION THRESHOLD	1.15
CONSERVATION THRESHOLD	2.87
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN WETLANDS	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN 100-YEAR FLOODPLAIN	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITHIN STREAM BUFFERS	0.00/0.00/0.00
ACREAGE OF FOREST RETAINED, CLEARED, AND PLANTED WITH PRIORITY AREAS	0.00/0.00/0.00
LINEAR EXTENT & AVERAGE WIDTH OF STREAM BUFFER	0'/0'

Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans

Pre-Construction

1. 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 and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

2. No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
- a. Root pruning
 - b. Crown reduction or pruning
 - c. Watering
 - d. Fertilizing
 - e. Vertical mulching
 - f. Root aeration matting

Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.

3. A Maryland-licensed tree expert or an International Society of Arboriculture- certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.

4. Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:

- a. Chain link fence (four feet high)
- b. Super silt fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
- c. 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

5. Temporary protection devices shall be maintained and installed by the contractor for the duration of construction project and must not be altered without prior approval from the forest conservation inspector. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No vehicle or equipment access to the fenced area will be permitted. Tree protection shall not be removed without prior approval of forest conservation inspector.

6. Forest retention area signs shall be installed as required by the forest conservation inspector, or as shown on the approved plan.

7. Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.

During Construction

8. Periodic inspections by the forest conservation inspector will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the forest conservation inspector, must be made within the timeframe established by the inspector.

Post-Construction

9. After construction is completed, an inspection shall be requested. Corrective measures may include:
- a. Removal and replacement of dead and dying trees
 - b. Pruning of dead or declining limbs
 - c. Soil aeration
 - d. Fertilization
 - e. Watering
 - f. Wound repair
 - g. Clean up of retention areas

10. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

INSPECTIONS

All field inspections must be requested by the applicant. Inspections must be conducted as follows:

Tree Save Plans and Forest Conservation Plans without Planting Requirements

1. After the limits of disturbance have been staked and flagged, but before any clearing or grading begins
2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin.
3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

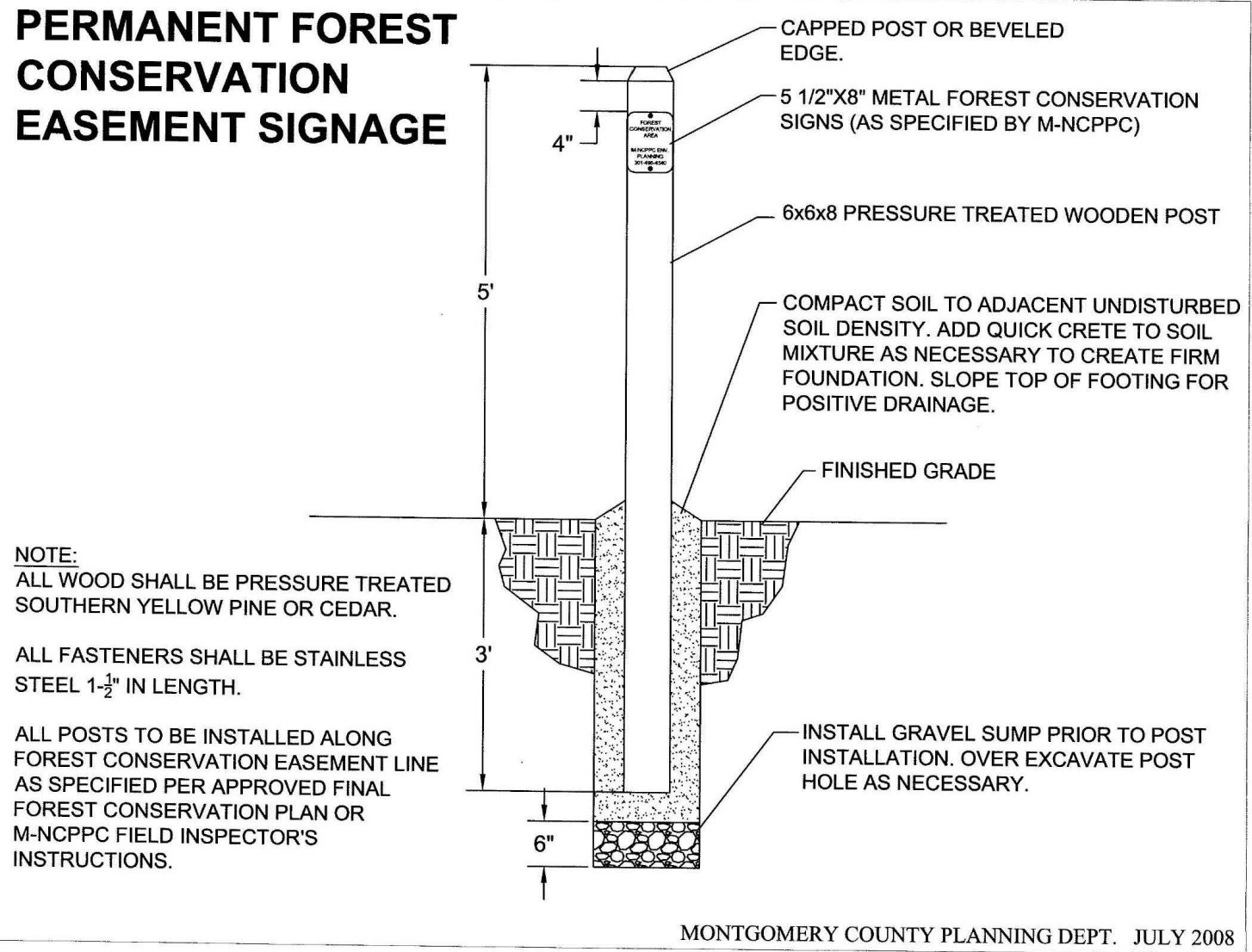
Additional Requirements for Plans with Planting Requirements

4. Before the start of any required reforestation and afforestation planting
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
6. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

Significant/Specimen Tree Summary						
Tree Species # (Scientific Name)	Species (Common Name)	D.B.H (inches)	Tree Condition	Comments	Disposition	
1	NIROUS SSP.	MULBERRY	45	GOOD	SPLITS AT 9	TO BE SAVED
2	QUERCUS ALBA	WHITE OAK	41	GOOD		TO BE SAVED
3	QUERCUS ALBA	WHITE OAK	38	GOOD		TO BE SAVED
4	CARYA SSP.	HICKORY	25	GOOD		TO BE SAVED
5	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	25	GOOD	SPLITS AT 6	TO BE SAVED
6	QUERCUS RUBRA	RED OAK	28	GOOD		TO BE SAVED
7	ACER RUBRUM	RED MAPLE	33	FAIR	COVERED IN VINES	TO BE SAVED
8	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	34	GOOD		TO BE SAVED
9	QUERCUS RUBRA	RED OAK	32	GOOD		TO BE SAVED
10	CARYA SSP.	HICKORY	28	GOOD		TO BE SAVED
11	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	28	GOOD		TO BE SAVED
12	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	30	GOOD		TO BE SAVED
13	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	27	GOOD		TO BE SAVED
14	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	31	GOOD		TO BE SAVED
15	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	33	GOOD		TO BE SAVED
16	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	28	GOOD		TO BE SAVED
17	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	32	GOOD		TO BE SAVED
18	CARYA SSP.	HICKORY	25	GOOD	SPLITS AT 6	TO BE SAVED
19	QUERCUS ALBA	WHITE OAK	27	GOOD		TO BE SAVED
20	QUERCUS ALBA	WHITE OAK	27	GOOD		TO BE SAVED
21	GLEDETIA TRIACANTHOS	LODEST	26	GOOD		TO BE SAVED

* BOLD TYPE DENOTES SPECIMEN TREES

Condition Scoring System	
No Apparent Problems	Excellent
Minor Problems	Good
Major Problems	Fair
Extreme Problems	Poor



* ONLY PROVIDE QUICK CRETE AS REQUIRED BY INSPECTOR. INSTALL BOLLARD SO AS TO MINIMIZE ROOT IMPACTS.

DEVELOPER'S CERTIFICATE	
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. _____ including financial bonding, forest planting, maintenance, and all other applicable agreements.	
Developer's Name:	_____
	Printed Company Name
Contact Person or Owner:	_____
	Printed Name
Address:	_____
Phone and Email:	_____
Signature:	_____

CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE
 ACCORDANCE WITH MARYLAND STATE, MNCP&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

6.18.2018
DATE

MICHAEL A. NORTON
MDNR / COMAR 08.19.06.01
QUALIFIED PROFESSIONAL

TITLE PRELIMINARY/FINAL FOREST CONSERVATION PLAN NOTES & DETAILS					
PROJECT <div style="text-align: center;"> GOSHEN ENTERPRISES 21201 ZION ROAD BROOKEVILLE, MD 20833 </div>					
PREPARED FOR <div style="text-align: center;"> GOSHEN ENTERPRISES 9730 HUNTMASTER ROAD GAITHERSBURG, MD 20882 </div>					
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> NORTON LAND DESIGN LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING 5146 DORSEY HALL DRIVE, 2ND FLOOR ELLICOTT CITY, MD 21042 P.443.542.9199 WWW.NORTONLANDDESIGN.COM </div> </div>					
REVISIONS <div style="display: flex; align-items: center;"> <p style="margin-left: 10px;"> "VICINITY MAP" SCALE = "1"=2,000'" </p> </div>					
WATER CLASS IV-P TRIBUTARY PATUXENT		WATERSHED HAWKINGS RIVER RIVER 229NW05		FEMA FLOODPLAIN MAP PANEL C-1 24031C0205D AISC MAP PAGE 12 GRID A-11	
TAX MAP HV121		ZOO SHEET		SHEET NO. L-52	
SCALE AS SHOWN		DATE OCT 2017		PROJ. NO. 17-043	

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LINEAR EXTENT & AVERAGE WIDTH OF STREAM BUFFER	0' / 0'

4. Before the start of any required reforestation and afforestation planting
5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
6. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.

Condition Scoring System	
No Apparent Problems	Excellent
Minor Problems	Good
Major Problems	Fair
Extreme Problems	Poor



TITLE					
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PROJECT					
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PREPARED FOR					
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NORTON LAND DESIGN					
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING			ELICOTT CITY, MD 21042		
5146 DORSEY HALL DRIVE, 2ND FLOOR			WWW.NORTONLANDDESIGN.COM		
P.443.542.9199					
REVISIONS					
WATER CLASS IV-P		WATERSHED HAWLINGS RIVER		FEMA FLOODPLAIN FIRM NO. 24031C0205D	
TRIBUTARY PATUXENT					
TAX MAP HV121		200 SHEET 229NW05		ADC MAP PAGE: 12 GRID A-11	
SCALE AS SHOWN		DATE OCT 2017		PROJ. NO. 17-043	
				SHEET NO. L-5.2	