Gate of Heaven Cemetery, Amended Forest Conservation Plan, 11993048C

Description

Request to amend the Preliminary Plan for the purpose of reconfiguring Category I Conservation Easements on the Final Forest Conservation Plan.

Location: 13801 Georgia Avenue, Silver Spring, Maryland 20906.
Size: 127.47 acres.
Zone: RE-2 Zone.
Applicant: Archdiocese of Washington.
Acceptance Date: 3/2/2018.
Review Basis: Chapter 22A and Chapter 50.

Summary

- Staff recommends approval with conditions.
- Pursuant to Chapter 22A Forest Conservation Law of the Montgomery County Code, the Planning Board's actions on Forest Conservation Plans are regulatory and binding.
RECOMMENDATION AND CONDITIONS

Pursuant to Chapter 22A Forest Conservation Law of the Montgomery County Code, the Planning Board’s actions on Forest Conservation Plans are regulatory and binding. Staff recommends approval of the amended Final Forest Conservation Plan, subject to the following conditions:

1. The limits of disturbance on the Sediment Control Plan must match the limits of disturbance shown on the amended Final Forest Conservation Plan.
2. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record a deed of release to remove approximately 1,396,471 square feet of Category I Conservation Easement on the Subject Property as shown on the amended Final Forest Conservation Plan. The deed of release must be in a form approved by the Maryland-National Capital Park & Planning Commission Office of the General Counsel.
3. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must:
   a. Record a Category I Conservation Easement over approximately 1,334,974 square feet of reforestation/afforestation areas and retention areas credited toward the forest conservation requirements as shown on the amended Final Forest Conservation Plan. The Category I Conservation Easement must be recorded in the Montgomery County Land Records in the form of a deed approved by the M-NCPPC Office of the General Counsel, and the Liber Folio for the easement must be referenced on the record plat.
   b. Provide financial surety to the M-NCPPC Planning Department for the on-site forest planting areas.
   c. Submit a two-year Maintenance and Management Agreement for the forest planting areas for review and approval by Planning Staff and the M-NCPPC Office of the General Counsel.
4. All forest planting must begin within the first planting season after issuance of the first grading permit.
5. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easements, or as determined by the M-NCPPC forest conservation inspector. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
6. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.

PROJECT DESCRIPTION AND BACKGROUND

Project Description
The Applicant proposes to create additional burial plots, with associated access roads and stormwater management in the northeast area of the cemetery. The additional burial plots are located in an area designated for this purpose on Preliminary Plan No. 119930480. While the area is currently forested, the forest is not covered by a Category I Conservation Easement. Category I Conservation Easements cover areas of forest and stream valley buffers. However, the Category I Conservation Easements also cover roads and other infrastructure, as approved on Preliminary Plan No. 119930480. The amended Final Forest Conservation Plan proposes to remove the existing Category I Conservation Easements and record new Category I Conservation Easements, to allow for the complete use and maintenance of the cemetery while protecting the natural resources.
Site Description
The 127.47-acre property (Subject Property or Property – outlined in red in Figure 1) is located at 13801 Georgia Avenue, south of Connecticut Avenue. The Property is surrounded by commercial development to the north, west, and south and a mix of residential and institutional uses to the southeast and east. A tributary of the Turkey Branch of Rock Creek bisects the property from north to south. The Property is located in the Turkey Branch watershed and not within any Special Protection Areas.

ANALYSIS

Forest Conservation
This Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). The Planning Board approved a Preliminary Plan (Attachment 1) on December 2, 1993, showing an overall plan with conservation easements. Staff approved a Final Forest Conservation Plan (FFCP) (Attachment 2) that included limits of disturbance and construction details. A Category I Conservation Easement was recorded over all areas of forest retention. On September 21, 2016, the Planning Board approved a Preliminary Plan No. 11993048A (Attachment 3) to amend the FFCP No. 11993048A, which included temporary disturbance within a Category I Conservation Easement for Montgomery County Department of Transportation to replace a culvert under Connecticut Avenue. It required the clearing of 0.03 acres of forest within a Category I Conservation Easement, which were replanted within the easement area.

On October 24, 2016, the Applicant applied for Preliminary Plan No. 11993048B to amend the Final Forest Conservation Plan. This application was withdrawn, due to a revision to the scope of work. On March 2, 2017, the Applicant applied for Preliminary Plan No. 11993048C (Attachment 4) to amend the Final Forest Conservation Plan to allow for the development of a new burial area and associated circulation and stormwater management improvements. Additionally, the existing Category I Conservation Easements will be reconfigured to allow for easier operation and maintenance while complying with the easements. Currently, the Category I Conservation Easements cover roadways and supporting infrastructure, as shown on FFCP No. 119930480. This amendment removes unforested areas from the easements and adds additional planting areas to increase the width of all easements to a 50’ minimum. The current easement is approximately 32.06 acres and the proposed easement covers 30.65 acres. No protected forest is proposed for removal – changes in easement area are due to removal of unforested areas and existing WSSC easements. An additional 1.55 acres of forest will be planted with this amendment.
Figure 2: Existing easements (in white)

Figure 3: Proposed easements (additions in green)
CONCLUSION

Staff concludes that the Forest Conservation Plan meets the requirements of Chapter 22A Forest Conservation Law. Therefore, Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan, with the above conditions.

ATTACHMENTS:
1. Preliminary Plan No. 119930480
2. Final Forest Conservation Plan No. 119930480
3. Amended Final Forest Conservation Plan No. 11993048A
4. Proposed Amended Final Forest Conservation Plan No. 11993048C
GRANT OF LAND FOR BIKE PATH

Bike path will require the addition of 4' to the existing sidewalk. Since there is no substantial change in grade within the secured 4', the existing slope transition will be adequate.
Please Note:
1. A preconstruction meeting shall be held at least five working days before the commencement of construction activities to review the contractor with the intent of the Forest Protection Plan.
2. Based upon the contractor's estimate, a final determination of the final list of endangered trees and their ages is conducted by the architect and the construction engineer.
3. Specimen trees to be preserved will be marked with stake and marker by the architect and the construction engineer.
4. Tree protection fencing shall be installed at the boundary of the tree retention zone.
5. Fencing shall be maintained throughout construction.
6. Protective signage shall be posted 50 feet on center.
7. Root damage shall be avoided.
8. No signage shall be placed on trees.
SEQUENCE OF EVENTS FOR PROPERTIES REQUIRED TO COMPLY WITH FOREST CONSERVATION

EXEMPTIONS FROM SUBMITTING FOREST CONSERVATION PLANS, AND TREE SAVE PLANS

Amendment List:
1. Extinguish FC easement along Georgia Avenue and Connecticut Avenue to just south of stream.
2. Extinguish FC easement in southwest corner of site; overlap of existing maintenance yard.
3. Extinguish FC easement on southeast edge of site.
4. Extinguish FC easement over north stream crossing; discontinue a line of easement since plots were inadvertently laid out into the edge of the FC easement.
5. Extinguish FC easement over south stream crossing.
6. Add area to FC easement along southern edge of site.
7. Add area to FC easement along edges of new plots.
8. Add area to FC easement around stockpile and cell tower.
9. Add area around cuts between existing sections.
10. Add small area in area north of stream near cell tower.

INSPECTIONS:
All final inspections must be performed by the applicant. Final inspections shall include a visual survey of the property and any required paperwork. The final inspections shall be performed by the developer prior to obtaining a Certificate of Completion. The developer shall submit a Certificate of Completion to the Forest Conservation Inspector before any forest conservation easements or tree save easements are removed from the property. The Certificate of Completion shall certify that all required measures have been completed and that the property is in compliance with the forest conservation plan. The certificate shall be submitted to the Forest Conservation Inspector._

DEVELOPER'S CERTIFICATE:
The undersigned certify to execute all the features of the approved final forest conservation plan. This developer's certificate is an integral part of the FC plan and must be submitted to the Forest Conservation Inspector when a Certificate of Completion is requested. The developer's certificate shall include an agreement to comply with all forest conservation plan requirements and to maintain the forest conservation plan for the duration of ownership. The developer's certificate shall be signed by the owner of the property and any responsible official of the property. The developer's certificate shall be submitted to the Forest Conservation Inspector when a Certificate of Completion is requested. The developer's certificate shall be signed by the owner of the property and any responsible official of the property. The developer's certificate shall be submitted to the Forest Conservation Inspector when a Certificate of Completion is requested. The developer's certificate shall be signed by the owner of the property and any responsible official of the property.

SIGNATURE:
[Signature]
CATHOLIC CEMETERIES OF THE ARCHDIOCESE OF WASHINGTON, INC.
JOHN A. SPALDING, PRESIDENT/CEO
13801 GEORGIA AVE, SILVER SPRING, MD 20906
301-871-1300      JAS@CCAW.ORG

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