



**MR2020025, Clarksburg Fire Station #35: Final Forest Conservation Plan Amendment**

*WJK* Mary Jo Kishter, Planner Coordinator, Area 3, [maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org), 301-495-4701

*BCB* Benjamin Berbert, Acting Supervisor, Area 3, [benjamin.berbert@montgomeryplanning.org](mailto:benjamin.berbert@montgomeryplanning.org), 301-495-4644

*RAW* Richard Weaver, Chief, Area 3, [richard.weaver@montgomeryplanning.org](mailto:richard.weaver@montgomeryplanning.org), 301-495-4544

**Staff Report Date: 05/08/20**

**Description**

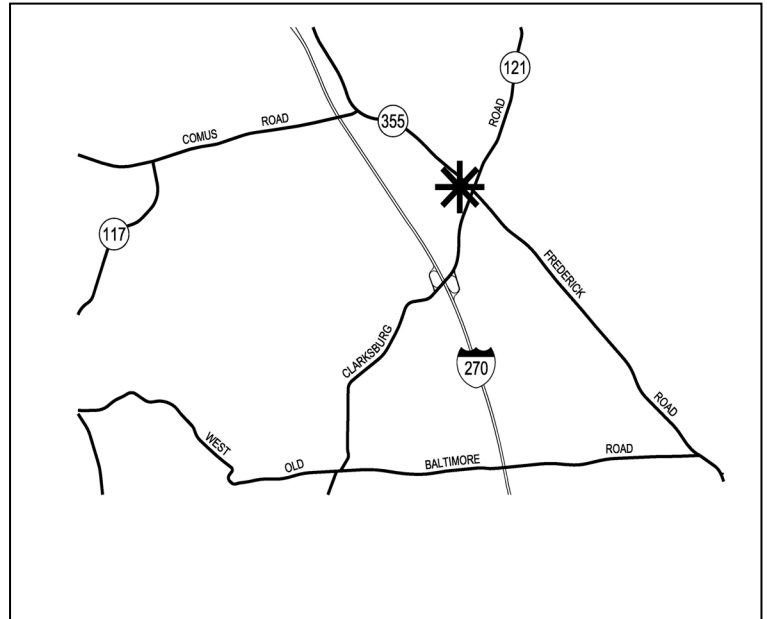
**Clarksburg Fire Station #35: Amended Forest Conservation Plan No. MR2020025 (Amending Forest Conservation Plan No. MR2012001):** Amendment to extend a stormwater outfall and to revise the off-site planting requirement in Planning Board Condition 2 of the MCPB Resolution No. 16-073 dated June 24, 2016 for MR2012001; located at 23420 Frederick Road (MD 355), Clarksburg; 3.99 acres; CRN Zone and Clarksburg East Environmental Overlay Zone; *Clarksburg Master Plan & Hyattstown Special Study Area (1994) and 10 Mile Creek Area Limited Amendment Master Plan (2014).*

**Recommendation:** Approval with conditions

**Applicant:** Montgomery County Department of General Services

**Submittal Date:** April 7, 2020

**Review Basis:** Chapter 22A



**Summary**

- Staff recommends **Approval with conditions.**
- Amendment to extend the stormwater management outfall, increase the amount of on-site forest retention, decrease the amount of on-site forest clearing, adjust the amount of on-site landscaping credit, and revise Condition 2 to reflect an increase in the amount of forest mitigation to be met off-site.
- The Montgomery County Department of General Services proposes to construct a new fire station. The review of the stormwater management plan resulted in the need to extend a proposed stormwater outfall, requiring an amendment to the approved Final Forest Conservation Plan.
- The changes as proposed do not require an amendment to the approved Preliminary/Final Water Quality Plan.
- To date, Staff has not received any community correspondence regarding this Application.

## RECOMMENDATION AND CONDITIONS

Staff recommends approval of Final Forest Conservation Plan No. MR2020025 with all site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the Maryland-National Capital Park and Planning Commission (M-NCPPC). All previously approved plans, findings, and conditions of approval for MR2012001 and MCPB Resolution 16-073 remain in full force and effect, except as modified by the following condition:

2. Prior to the start of any clearing, grading, or demolition on the Subject Property, the Applicant must satisfy the 0.22-acre offsite planting requirement.

## SITE LOCATION AND DESCRIPTION

The Clarksburg Fire Station #35 will be constructed on a 3.99-acre site comprised of two parcels, P050 and P004, located at 23420 Frederick Road (MD 355), just north of the intersection of MD 355 and Clarksburg Road (MD 121) ("Property" or "Subject Property"). Both parcels are zoned CRN. The Property is adjacent to, but outside of the Clarksburg Historic District. The Property contains 3.64 acres of existing forest. There are no streams, wetlands, 100-year floodplain or stream buffers located on the Property. There are fourteen (14) trees between 24-29.9" Diameter at Breast Height (DBH) and seven (7) trees greater than or equal to 30" DBH located throughout and immediately adjacent to the Property. The Property is currently undeveloped, with the exception of a portion of MD 355 paving on P050 and an existing driveway apron adjacent to MD 355 on P004 (Figures 1 and 2).



Figure 1. Fire Station #35 Property Location and Vicinity



Figure 2. Fire Station #35 Property Location

The Property is located in the *Clarksburg Master Plan & Hyattstown Special Study Area (1994)*, the *10 Mile Creek Area Limited Amendment Master Plan (2014)*, the Ten Mile Creek Special Protection Area, and the Clarksburg East Environmental Overlay Zone. The Property is located within the LSTM 206 sub-watershed of the Little Seneca Creek-Ten Mile Creek watershed, which is classified by the State of Maryland as Use Class I/I-P waters.

## PROJECT ANALYSIS

### Previous Regulatory Approvals

### Mandatory Referral No. MR2012001

The Property was approved for the construction of a fire station to serve the Clarksburg area. The Final Forest Conservation Plan and the Preliminary/Final Water Quality Plan were approved by the Planning Board at a hearing on September 22, 2011 and the associated Planning Board Resolutions, MCPB No. 11-86 and MCPB No. 11-87 have a mailing date of July 11, 2012.

### Amendment to Mandatory Referral MR2012001

The Mandatory Referral, Final Forest Conservation Plan and Preliminary/Final Water Quality Plan were amended in 2016 to demonstrate conformance with the *10 Mile Creek Area Limited Amendment Master Plan*, the Clarksburg East Environmental Overlay Zone and the Ten Mile Creek SPA requirements. After the original approvals in 2012, the *10 Mile Creek Area Limited Amendment Master Plan (2014)* was adopted, the Clarksburg Environmental Overlay Zones were enacted, the Ten Mile Creek Special Protection Area was created, and the boundaries of the Clarksburg Special Protection Area were revised to accommodate the new SPA. The location of the fire station did not change; however, it was now subject to the new *10 Mile Creek Area Limited Amendment Master Plan*, Clarksburg East Environmental Overlay Zone, and the Ten Mile Creek Special Protection Area requirements. The Planning Board approved the amended Preliminary/Final Water Quality Plan as documented in MCPB Resolution No. 16-074 dated June 24, 2016 and the amended Final Forest Conservation Plan as documented in MCPB Resolution No. 16-073 dated June 24, 2016 (Attachment A).

### **Current Application**

#### Final Forest Conservation Plan Amendment MR2020025

Final Forest Conservation Plan Amendment MR2020025 (“Application”)<sup>1</sup>, proposes to modify Condition of Approval No. 2 of MCPB Resolution No. 16-073 dated June 24, 2016 (Attachment B). All other Conditions of Approval remain valid, unchanged and in full force and effect. Approved Condition No. 2 states:

*2. Prior to the start of any clearing, grading, or demolition on the Subject Property, the Applicant must satisfy the 0.15-acre offsite planting requirement.*

The Applicant proposes to revise this condition to read:

*2. Prior to the start of any clearing, grading, or demolition on the Subject Property, the Applicant must satisfy the 0.22-acre offsite planting requirement.*

The Application also proposes to extend a storm drain off-site, expanding the limits of disturbance. The storm drain for the Clarksburg Fire Station is proposed to tie into an existing storm drain that outfalls into the State Highway Administration (SHA) Right-of-Way. SHA determined that the existing ditch does not meet the 9” minimum freeboard from the roadway requirement; and therefore, the project cannot outlet there without adjustments to the existing ditch. The Applicant redesigned the outfall ditch to allow for the 9” of freeboard. The storm drain will now outfall directly into a concrete trapezoidal channel to an endwall. The endwall leads to a culvert that directly enters the inlet which crosses Clarksburg Road and outfalls into the stream. The off-site limits of disturbance (LOD) must be included

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<sup>1</sup> This property was assigned a new MR number because of limitations in the Department’s tracking system that do not allow for the characters “A”, “B” etc. to be added at the end of the original plan number.

on the Final Forest Conservation Plan (“FCP”) and in the net tract area for forest conservation purposes. The additional disturbance does not impact any forest or trees subject to the tree variance provision of the Forest Conservation Law. The Application also adjusts the grading on-site resulting in an 0.13 acre increase in forest retention. All retained forest will be protected in a Category I conservation easement. The forest conservation worksheet was updated to reflect these changes to the FCP and the amount of credit obtained via on-site landscaping was recalculated. These changes result in an increase in the required amount of off-site forest planting, requiring a revision to Condition No. 2 as noted above. The Applicant proposes to meet the forest planting requirements through 0.05 acres of landscape planting onsite and 0.22 acres to be met through preserving 0.44 acres of existing forest on Parcel P888, which is a property owned by Montgomery County and located within the same sub-watershed, Special Protection Area and Environmental Overlay Zone as the fire station Property. This 3.36-acre parcel is located on the west side of Frederick Road (MD 355), approximately 730 feet southeast of its intersection with Snowden Farm Parkway, and approximately 1,500 feet northwest of the proposed location of the Fire Station #35 (P004 and P050) (Figure 3). P888 is zoned R-90 and contains approximately 2.88 acres of existing forest. A Simplified Natural Resource Inventory/Forest Stand Delineation #420161910 was approved for P888 on June 1, 2016. The previous FCP approval also noted that the off-site planting requirement would be satisfied on Parcel P888.



Figure 3. Parcel P888 Property Location

The changes to the FCP are summarized in the table below.

**Comparison of Approved FCP MR2012001 and Proposed Amended FCP MR2020025**

	Approved FCP MR2012001	Proposed Amendment FCP MR2020025 (Current Application)
Net Tract Area*	4.07	4.22 acres
Existing Forest	3.64 acres	3.64 acres
Retained Forest	1.06 acres	1.19 acres
Cleared Forest	2.58 acres	2.45 acres
Total Reforestation Required	0.40 acres	0.27 acres
• On-site Landscape Credit	0.13 acres	0.05 acres
• On-site Reforestation	0.12 acres	0.00 acres
• Off-site Credit Required	0.15 acres	0.22 acres

\*includes off-site LOD

**CONCLUSION**

The Application meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law, and continues to meet the requirements of Chapter 59, Chapter 19, and the recommendations of the *Clarksburg Master Plan & Hyattstown Special Study Area Master Plan (1994)* and the *10 Mile Creek Area Limited Amendment Master Plan (2014)*. Staff recommends the Planning Board approve the Amended Final Forest Conservation Plan MR2020025, with a revision to Condition 2 as specified above.

**ATTACHMENTS**

Attachment A - MCPB Resolution No. 16-073 dated June 24, 2016

Attachment B - Final FCP Amendment Plan MR2020025