



Good Hope Road Sidepath, Mandatory Referral MR2020035

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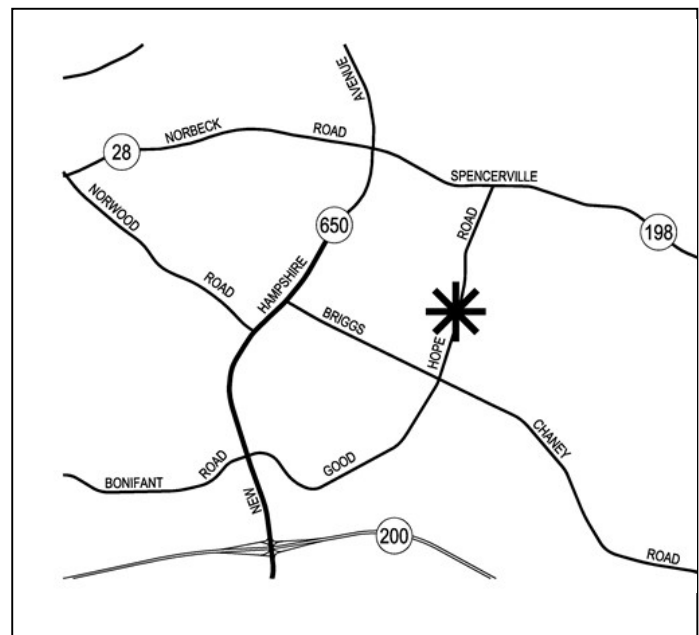
Description

Completed: 9/10/20

12A. Preliminary/Final Water Quality Plan MR2020035: Good Hope Road Sidepath, Paint Branch Special Protection Area

Construction of pedestrian, Bicycle and safety improvements on Good Hope Road along the east side of Good Hope Road between Windmill Drive and Briggs Chaney Road, crosswalk improvements at the intersection of Good Hope Road with Briggs Chaney Road, and a sidepath along the west side of Good Hope Road between Briggs Chaney Road and Windmill Drive. in Cloverly.

- Applicant: Montgomery County Department of Transportation (DOT)
- Cloverly Master Plan, 1997



- 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 Upper Paint Branch 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.
- A forest conservation exemption (42020087E) was granted under the provisions of Section 22A-5(e) as “a State or County highway construction activity...”

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. Final location of the impervious surface mitigation must be completed prior to the pre-construction meeting.
3. Applicant shall provide tree protective measures and tree mitigation according to the approved Tree Save Plan and at the direction of the Forest Conservation Inspector.

PROJECT DESCRIPTION

The Montgomery County Department of Transportation (MCDOT) is proposing to construct pedestrian, bicycle and safety improvements along Good Hope Road in Cloverly. The project includes the following improvements:

- Construction of an 8-foot wide sidepath with a five-foot wide minimum buffer on the east side of Good Hope Road between Windmill Drive and Briggs Chaney Road for a total distance of 5,405 linear feet,
- Construction of an 8-foot wide sidepath with a five-foot wide minimum buffer on the west side of Good Hope Road between Briggs Chaney Road and Rainbow Drive for a total distance of 330 linear feet,
- Crosswalk improvements at the intersection of Good Hope Road with Briggs Chaney Road,

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 (42020087E) 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 January 22, 28, 2020 (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 0.36 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 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. 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 within the Paint Branch Special Protection Area (SPA). There are two existing stream crossings along this section of Good Hope Road. The southernmost stream is within the Upper Paint Branch Stream Valley Park. The Pathway will impact approximately 0.65 acres of sensitive areas, about half of which is already disturbed by the existing road.

The Department of Parks has their own additional requirements to mitigate disturbance to Park Property. Specific details of these requirements will be addressed as part of the Park Permit Process.

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 Upper Paint Branch Special Protection Area (SPA).

Review for Conformance to the Special Protection Area Requirements

This project is located within the Upper Paint Branch 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 28, 2020, MCDPS found that the elements of the SPA Preliminary/Final Water Quality Plan under its purview were acceptable (Attachment 2).

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 increased to ambient water temperature.
3. Minimize sediment loading.

Stormwater Management

Stormwater management goals for the Project will be met with a combination of bioswales, permeable pavement and structural filtering device coupled with underground storage.

Sediment Control

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

BMP Monitoring

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

Planning Board Special Protection Area Review Elements

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

Forest Conservation

Forest Conservation Exemption request #42020087E was approved by Staff on January 22, 2020. Also approved was a tree-save plan under the same number. Approximately 0.36 acres of Forest will be impacted and will be mitigated on Park Property as shown on the Park permit.

Environmental Buffer Protection

Approximately 0.65 acres of stream, wetland, and other sensitive areas will be impacted by this project. This is due primarily to the existing stream crossings and the need for some additional disturbance. Impacts to these areas will be mitigated by making improvements to stormwater management, stream channel restoration, and replacement plantings on Park property.

Impervious Surfaces

A main goal for development in all SPAs is to minimize impervious surfaces.

The area of the project within the SPA is approximately 3.74 acres. In addition to the existing roadway approximately 0.75 acres of new impervious surface will be added and approximately 0.13 acres of impervious surface will be removed. The Applicant has proposed to mitigate the remaining 0.62 acres within the SPA in potentially four different locations (Attachment 3). A finalized plan should be completed prior to the start of the project. County regulations allow reduced width side paths (shared use paths) in environmentally sensitive areas. The side path on Good Hope 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. Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan approval letter
3. DOT Impervious Mitigation Proposal