



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

AUG 11 2021

MCPB No. 21-020

SPA Combined Preliminary and Final Water Quality Plan No. SC2019012

North Branch Trail at Rock Creek

Date of Hearing: March 25, 2021

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 19, Article V, water quality review in Special Protection Areas must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral, or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services ("DPS") and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible to review water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS' review and approval of those elements of the water quality plan for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on November 20, 2018, Montgomery County Department of Parks ("Applicant") filed an application for approval of a water quality plan for trail improvements on approximately 2000 linear feet across North Branch Park between the Inter County Connector and the Preserve at Rock Creek subdivision off Muncaster Mill Road in Rockville ("Subject Property"). The Subject Property is located in the Upper Rock Creek Special Protection Area ("SPA") within the Upper Rock Creek Master ("Master Plan") area; and

2425 Reedie Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org

Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

WHEREAS, Applicant's water quality plan application was designated Water Quality Plan No. SC2019012, North Branch Trail ("Preliminary/Final Water Quality Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated March 12, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, the Staff Report included a copy of a letter dated January 13, 2014 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on March 25, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 5-0; Chairman Anderson, Commissioners Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. SC2019012, North Branch Trail at Rock Creek on the Subject Property, subject to the following conditions:¹

1. Impervious surfaces should be limited to no more than what is shown on the plan.
2. Prior to the start of any clearing or grading, the Applicant must have the associated Final Forest Conservation Plan approved that matches the final trail improvements shown on the sediment control plan.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.

Conformance with Environmental Guidelines: Wetlands will not be disturbed by the construction of this trail. However, two minimal sections of the trail must be temporarily disturbed during the construction process. The buffer area for the two wetlands will be restored and maintained in the long-term through the installation of a retaining wall adjacent to the trail. No Runoff flow will be directed to the wetland areas.

Forest Conservation: The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. M-NCPPC Staff approved a Natural Resource Inventory and Forest Stand Delineation on July 28, 2017.

This trail improvement proposes to clear 5.11 acres of forest along the trail alignment. Mitigation for the loss of this forest is not required due to the largely forested nature of the park property. The Applicant has minimized the limits of disturbance and minimized the impacts to large and specimen trees.

Impervious Surfaces: Approximately 0.44 acres of new impervious surface will be added in order to construct the trail. Although State Highway Administration and County standards typically require an 11 to 14-foot width, the trail has been limited to a 10-foot width and there are no unnecessary impervious surfaces. Part of the trail is designed to be located along previously disturbed areas, which also minimizes the total amount of impervious surface while maintaining the public purpose.

The Application meets applicable requirements for environmental buffer protection and forest conservation. As conditioned by this approval, site impervious limits have been satisfied. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under the Board's purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 11 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, July 29, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board