



February 12, 2015

**MEMORANDUM**

February 5, 2015

**TO:** Montgomery County Planning Board

**VIA:** Mike Riley, Director of Parks *MGR*  
Mitra Pedoeem, Acting Deputy Director of Parks *Mitra Pedoeem*  
John E. Hensch, Ph.D., Chief, Park Planning and Stewardship Division *JEH*

**FROM:** Matt Harper, Principal Natural Resources Specialist, *MHarper*  
Park Planning and Stewardship Division

**PROJECT:** ICC Environmental Stewardship-Compensatory Mitigation (ES-CM) Projects  
RC-73 and RC-74

**REVIEW TYPE:** Mandatory Referral No. MR2015-915 ICC Compensatory Mitigation

**APPLICANT:** Montgomery County Department of Parks

**APPLYING FOR:** Plan Approval

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**RECOMMENDATION:** Approve the construction of two stormwater management retrofit projects RC-73 and RC-74 in Crabbs Branch Stream Valley, located within parkland, Derwood Station Homeowner Association (HOA) property, and private property.

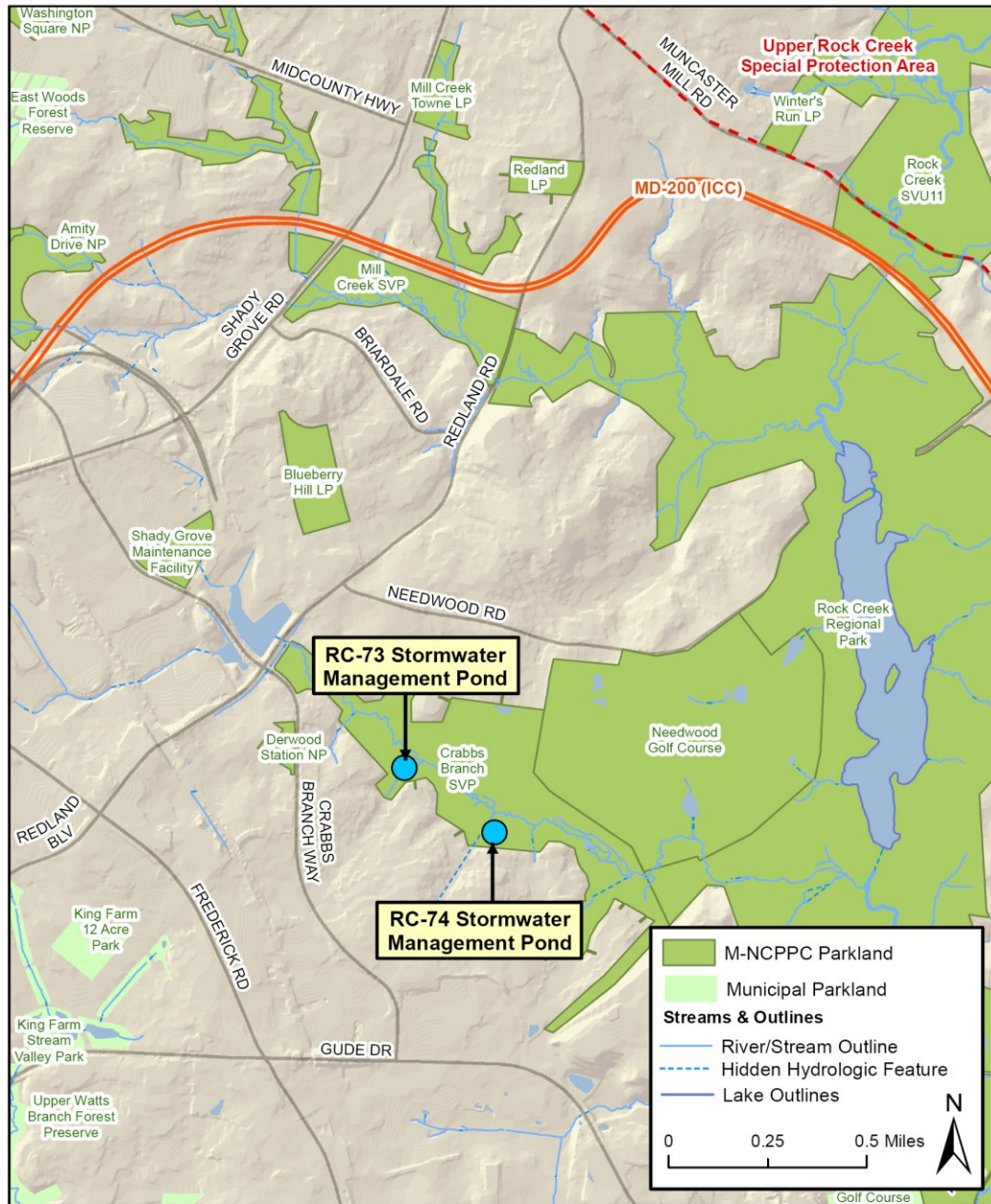
**Background**

As part of the ICC Environmental Stewardship and Compensatory Mitigation Program (ES/CM), the Maryland State Highway Administration (SHA) is completing a number of stream restoration, wetland creation, and stormwater management projects throughout Montgomery County. As part of the Memorandum of Understanding (MOU) between Maryland-National Capital Park and Planning Commission (M-NCPPC) and SHA, a 2011 Agreement states that these two projects will be built by Montgomery County Parks.

The RC-C Contract comprises two (2) stormwater management (SWM) pond retrofit sites (RC-73 and RC-74) located within the Derwood Station Community and Crabbs Branch stream valley - a Use IV tributary (Recreational Trout Waters) of Upper Rock Creek (Figure 1). The drainage area for RC-73 is 92.2 acres and 88.7 acres for RC-74.

The existing SWM facilities at each site were constructed prior to, and therefore are not in accordance with, current SWM regulations found in the Maryland Department of the Environment’s 2000 Maryland Stormwater Management Design Manual Volumes I and II. The objective of these projects is to improve stormwater treatment benefits within the ICC project corridor by providing water quality and channel protection volume benefits while bringing the facilities as close to current day stormwater management design criteria as is possible.

**Figure 1. RC-73 & RC-74 Location Map**



Map compiled by Amanda Matheny  
 Park Planning & Stewardship Division  
 M-NCPPC Dept. of Parks, Montgomery, Cnty.  
 Based on best available M-NCPPC GISData.  
 Intended for general planning purposes only.

Collocated in Crabbs Branch Stream Valley Park, RC-73 is located off of Indianola Drive and RC-74 off of Oskaloosa Drive within the Derwood Station Community (Figure 2). Crabbs Branch is part of the Upper Rock Creek watershed, which contains many subwatersheds supporting excellent stream conditions. Biological data indicates that portions of Upper Rock Creek have started to show signs of impairment, which could compromise the overall resiliency of this high quality headwater system in the future.

While the proposed work is largely limited to Crabbs Branch Stream Valley Park, some grading will affect a small portion of two private properties, and construction access will primarily fall within HOA property.

**Figure 2. RC-73 and RC-74 Vicinity Map and Construction Access Locations**



Map compiled by Amanda Matheny  
Park Planning & Stewardship Division  
M-NCPPC Dept. of Parks, Montgomery County.  
Based on best available M-NCPPC GIS Data.  
Intended for general planning purposes only.

## **Design**

The goal of Contract RC-C is to improve the performance of the existing facilities at each site to satisfy current Maryland Department of the Environment (MDE) regulations as closely as possible while minimizing impacts to existing environmental features (i.e., forest stands, specimen trees, wetlands), the existing embankment, and outfall features (where they function properly). Key features of the retrofits include:

- Excavation to provide additional storage volume for improved water quality treatment and/or detention storage time within the facility;
- Incorporation of a deeper outfall pool to promote sediment deposition from incoming runoff;
- Replacement/modification of the existing inflow structures to facilitate increased storage and extended detention of storm flows;
- Clearing and grubbing of vegetation whose roots could grow too close and over the long term could weaken the pond embankment and emergency spillway;
- Improved maintenance access; and
- Improved grading according to safety requirements.

### RC-73

The proposed design at RC-73 is to convert an existing dry pond into extended detention wetland comprised of a forebay (settling basin for excess sediment), stone spillways, and two shallow wetland cells.

The forebay configuration includes a five-foot wide safety bench around the perimeter to be used for wetland plantings. From the forebay, flow would be conveyed through the wetland cells via a series of stone spillways before draining through the existing reinforced concrete riser (a grated structure that allows flows to exit the pond at specified elevations and rates). The proposed shallow wetland consists of two cells that vary in depth from six inches in the high marsh zones to a maximum 3.5 feet in the micropools, and provides water quality storage. Construction access for this project will follow HOA property onto parkland off Indianola Drive, just northwest of the intersection with Buena Vista Drive.

### RC-74

The proposed design at RC-74 is a retrofit of an existing dry pond into a shallow detention wetland system comprised of two Basins.

Storm flows entering Basin 1 at the east end of the project will travel into a shallow marsh cell before exiting the facility through a proposed reinforced concrete riser. The replacement riser would raise the existing water elevation 2.8 feet to establish a permanent water quality pool. Additional storm flows would enter the shallow marsh cell of Basin 2 on the western end of the project. Discharge on this side of the project would be regulated by a proposed reinforced concrete riser that includes a low flow orifice approximately three feet above the proposed pond bottom, to establish a permanent water quality pool. Construction access for this project will follow HOA property onto parkland at two different locations, opposite each of the two ends of Titonka Way where it meets Oskaloosa Drive.

Currently, two adjacent residential private properties, 7335 and 7337 Oskaloosa Drive are partially located within the 100-year floodplain and are often flooded. To resolve the flooding of these two properties, the proposed work for the project would include grading of the two properties. Property owner agreements and temporary construction easements were obtained to complete the work on these two properties.

## **Traffic Control**

M-NCPPC will coordinate with the appropriate staff of the Montgomery County Department of Transportation for construction. The project plans address maintenance of traffic and safety considerations for access from residential streets, parks, and county roads. In areas where communities are adjacent to work areas, blaze orange fencing and signage will be installed for safety purposes. Temporary signage for the projects has been proposed in areas that will alert the public to trail closures well in advance and allow deliveries to take place safely and with minimal impact to traffic.

## **Wetland and Stream Impacts**

SHA and the Department of Parks have coordinated efforts to ensure that natural resources impacts are avoided or minimized to every extent possible while still meeting the goals of the restoration. Numerous field reviews have taken place to ensure that access, grading, and landscaping do not unduly impact natural resources.

Jurisdictional wetlands and waters are present at the RC-73 facility. The area within the existing stormwater footprint has developed into palustrine emergent wetlands on either side of the intermittent stream which runs through the pond. RC-73 construction will result in approximately 0.54 acres of wetland impacts, 0.37 acres of wetland buffer impact, and 575 linear feet of stream impacts.

No jurisdictional wetlands or waters are present within the RC-74 footprint; therefore, no wetland or stream impacts are anticipated.

Wetland and stream impacts are being coordinated as required with the Maryland Department of Environment and the U. S. Army Corps of Engineers.

## **Maryland Historical Trust**

*Cultural or Historic Architectural Resources:* The completed ICC Cultural Resource Studies have not identified any historic standing structures or recorded archeological sites are within the Areas of Potential Effect (APE) for either of the RC-73 and RC-74 projects. No buildings, structures, or landscapes fifty years old or older were identified within the APEs and the projects have no potential to impact historic standing structures. Both sites are limited to areas of low archeological potential and are areas disturbed by prior development, and therefore have no potential to impact significant archeological sites. As such, no impacts to National Historic eligible properties or to cultural resources significant to Montgomery County are anticipated. SHA coordinated this determination of effect with the Maryland Historical Trust (MHT) by letter on May 24, 2011, with their concurrence dated June 13, 2011.

## **Natural Resource Inventory and Forest Stand Delineation (NRI/FSD)**

SHA and the Department of Parks have coordinated efforts to ensure that natural resource impacts are avoided or minimized to every extent possible while still meeting the goals of the pond retrofits. Strategies for protecting trees adjacent to and within the work areas would be applied to the greatest extent possible. Numerous field reviews have taken place to ensure that access, pond work, and replanting do not unduly impact natural resources. Wherever possible, access will be coordinated along existing access routes for pond maintenance and municipal utilities. Disturbed and impacted areas will be stabilized and replanted once construction is complete.

Both project sites are deemed exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(u) because the proposals are for maintaining or retrofitting existing stormwater management structures (Attachments A & B). All clearing of vegetation or removal and trimming of trees is for retrofitting of ageing structures within the original limits of disturbance of the existing facilities and the tracts where they are located are not included in any previously approved forest conservation plans.

## **Air and Noise**

As proposed, the project is not expected to have any significant effect on traffic within the adjacent communities. Therefore, an environmental traffic noise analysis and assessment was not conducted. The construction phase of the project has the potential to temporarily affect the local ambient air quality by generating dust through activities such as vehicle traffic, excavation, and materials handling. SHA has addressed this possibility by establishing "*Standard Specifications for Construction and Materials,*" which specifies procedures to be followed by contractors that minimize these polluting factors.

M-NCPPC will abide by the Montgomery County Noise Ordinance. If it becomes necessary to deviate from that ordinance, M-NCPPC will notify Montgomery County and the public of the proposed new work schedule prior to making any changes.

## **Public Meetings**

A public meeting was held September 15, 2010 to provide the community an opportunity to review and comment on plans for the proposed projects. Representatives from M-NCPPC and SHA met with local residents in the project areas at this time. The meeting was well attended and reactions were favorable. No comments were received. A site meeting was also held on November 19, 2010 as a follow up. Since these meetings, representatives from SHA and the HOA met on October 24, 2011 at the sites to discuss access and design. The HOA board of directors is in favor of the projects. Delays in project implementation due to obtaining landowner permissions and permit review edits have extended the intended timeframe of these projects, but the scope and design of the two SWM retrofits has not changed significantly since the initial public meeting.

## **Funding**

The proposed environmental stewardship projects are being funded by SHA.

## **Implementation**

Construction on both pond retrofit projects is expected to begin Fall of 2015, following the award of the contract under the M-NCPPC advertisement process.

## **Maintenance**

Following construction, monitoring of RC-73 will be conducted by SHA for one year, or until deemed necessary by the permitting agencies. Once construction is completed at each project, aesthetic and everyday maintenance (e.g. regular mowing, trash cleanup, etc.) will be done by Parks. The long-term structural maintenance and monitoring of both sites will be assumed by the County Department of Environmental Protection.

PC:

John Nissel, Deputy Director of Operations, Department of Parks

Doug Ludwig, Chief, Northern Region, Department of Parks

Mike Jones, Park Manager, Department of Parks

Nancy Blum, Water Quality Manager Northern Region, Department of Parks

Michael Ma, Acting Chief, Park Development, Department of Parks

Andy Frank, Environmental Engineering Section Leader, Park Development, Department of Parks

Jai Cole, Natural Resources Manager, Park Planning and Stewardship, Department of Parks

**Attachment A: RC-73 Forest Conservation Exemption Confirmation**



**MONTGOMERY COUNTY PLANNING DEPARTMENT**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 29, 2015

Mr. Matt Harper  
M-NCPPC – Park Development Division  
9500 Brunett Avenue  
Silver Spring, MD 20901

Re: Forest Conservation Exemption Request  
Property Name: ICC Environmental Stewardship Site RC-73  
Plan Number: 42011165E

Dear Mr. Harper:

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on January 9, 2015 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(u) because the proposal is for maintaining or retrofitting an existing storm water management structure, and (1) the clearing of vegetation or removal and trimming of trees is for the maintenance or retrofitting of the structure in the original limits of disturbance for construction of the existing facility, or within any maintenance easement for access to the facility; and (2) the tract is not included in a previously approved forest conservation plan.

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. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions please feel free to contact me at 301-495-4701 or [maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org).

Sincerely,

A handwritten signature in black ink that reads "Mary Jo Kishter".

Mary Jo Kishter  
Planning Area 3

Cc: 42011165E  
Ashby Strassburger



**Attachment B: RC-74 Forest Conservation Exemption Confirmation**



**MONTGOMERY COUNTY PLANNING DEPARTMENT**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 29, 2015

Mr. Matt Harper  
M-NCPPC – Park Development Division  
9500 Brunett Avenue  
Silver Spring, MD 20901

Re: Forest Conservation Exemption Request  
Property Name: ICC Environmental Stewardship Site RC-74  
Plan Number: 42011164E

Dear Mr. Harper:

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on January 9, 2015 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(u) because the proposal is for maintaining or retrofitting an existing storm water management structure, and (1) the clearing of vegetation or removal and trimming of trees is for the maintenance or retrofitting of the structure in the original limits of disturbance for construction of the existing facility, or within any maintenance easement for access to the facility; and (2) the tract is not included in a previously approved forest conservation plan.

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If you have any questions regarding these actions please feel free to contact me at 301-495-4701 or [maryjo.kishter@montgomeryplanning.org](mailto:maryjo.kishter@montgomeryplanning.org).

Sincerely,

A handwritten signature in cursive script that reads "Mary Jo Kishter".

Mary Jo Kishter  
Planning Area 3

Cc: 42011164E  
Ashby Strassburger