Item 7 - Correspondence

From:	Quentin Remein
To:	MCP-Chair; Anderson, Casey
Cc:	Gonzalez, Angelica; Pereira, Sandra; Sanders, Carrie
Subject:	Comments on Hill Farm Lot 12 Block A Subdivision Plan No. 620200100 October 1, 2020 Item No. 7
Date:	Wednesday, September 30, 2020 11:57:02 AM
Attachments:	Hill Farm Lot 12A Plan 620200100 Oct 1, 2020 Item 7.docx

Chair Casey Anderson
Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Please consider the following comments on the Hill Farm Lot 12 Block A Subdivision Plan No. 620200100 October 1, 2020 Item No. 7

Thank you,

Quentin Remein, President, Cloverly Civic Association.
201 Bryants Nursery Road, Silver Spring, Maryland 20905 Phone 301 421-1152

Cloverly Civic Association

PO Box 233, Spencerville, MD 20968

September 29, 2020

Chair Casey Anderson
Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Subject: Comments on Hill Farm Lot 12 Block A Subdivision Plan No. 620200100 October 1, 2020 Item No. 7

Hill Farm Lot 12 Block A, Administrative Subdivision Plan No. 620200100: Application to create one lot without frontage; +/-2.01 acres, on Norwood Road, located approximately 1,500 feet west of the intersection of New Hampshire Avenue and Norwood Road, Parcel: P715, Residential Estate (RE-2) Zone, 1997 *Cloverly Master Plan* (see more in Attachment 1).

The Cloverly Civic Association requests that the decision be deferred so that staff can address the following four concerns. The staff report does address the Cloverly Master Plan criteria found the Cloverly Master Plan section on Water Resources on pages 88 and 89 (Attachment 2). The Master Plan was not concerned that development meet some impervious level but that that the environment and streams be protected. The watershed is undergoing extensive erosion and biological deterioration.

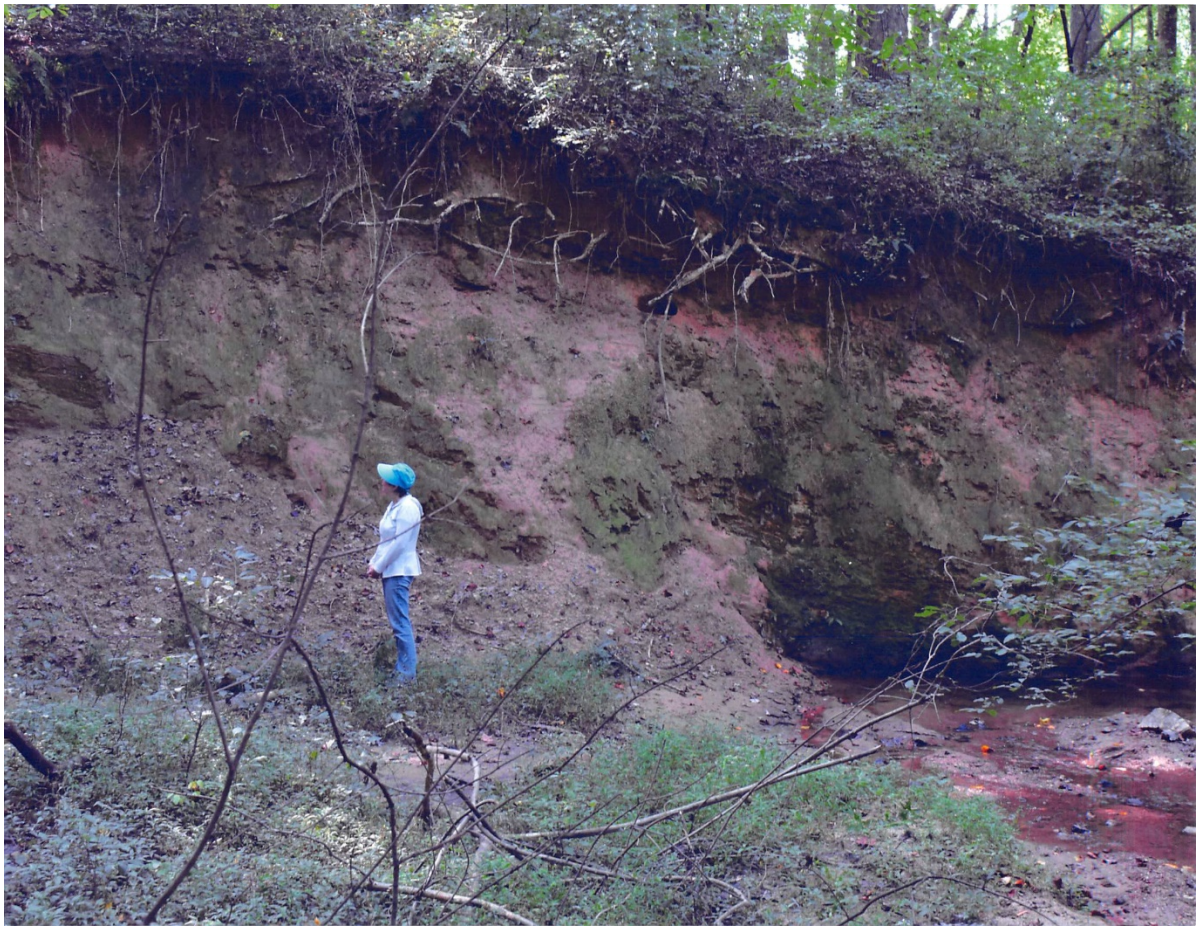
Second, current subwatershed imperviousness is in StreamStats Reports from the US Geological Survey. These reports are based on information provided by Montgomery County. These StreamStats Reports show higher levels of subwatershed imperviousness than the staff report. The StreamStats report for the Bryant's Nursery Run subwatershed from the tributary beginning at Bryants Nursery Road is 17.1%. For the subwatershed beginning at the Northwest Branch, the imperviousness is 14.2%, while on page 9 of the staff report, the impervious level of the subwatershed beginning at the Northwest Branch is 11.66%. Mr. Richard Kline an expert witness in the Jesus House Property concluded that the current imperviousness for the watershed is actually 14.2 (See testimony in attachment 4).

Third, the staff report uses the on-site Hill Farm, lot 12A imperviousness of 13.75%. From Attachment H of the staff report, adding the project off-site, the total new imperviousness would be 24.39% (Attachment 3). The staff report does not address the off-site imperviousness. This driveway is located in three subwatershed areas with current imperviousness of 17.1%, 26.7% and 19.7%. All of these impervious levels are greater than the Cloverly Master Plan recommendation of an impervious level between 15% and 20%

Fourth, on page 11 of the staff report, the following information is of concern:

> "There are no streams, wetlands, 100-year floodplain, stream buffers, or slopes greater than 25 percent located on the Property. There is an area of highly erodible soils located in the rear of the Property. Existing streams and associated buffers are located off-site to the north, east and west of the Property."

The Bryants Nursery Tributary is located about 150 feet from the rear property line, the 100 (year) stream buffer shown on Attachment H surrounds the rear of the property, which is comprised of highly erodible soils. This is located over a stream that has had significant erosion. A nearby, probably several hundred feet, portion of the bank at the rear of the Hill Farm property has eroded leaving a 16-foot wall of dirt and loose rock.



As you consider this plan, please carefully consider the impact of approving a project of high imperviousness in our community, not only impacting our health and safety but also impact the environment.
Sincerely,

Quentin Remein, President Cloverly Civic Association
201 Bryants Nursery Road, Silver Spring, Maryland 20905
Phone 301 421-1152
Four Attachments

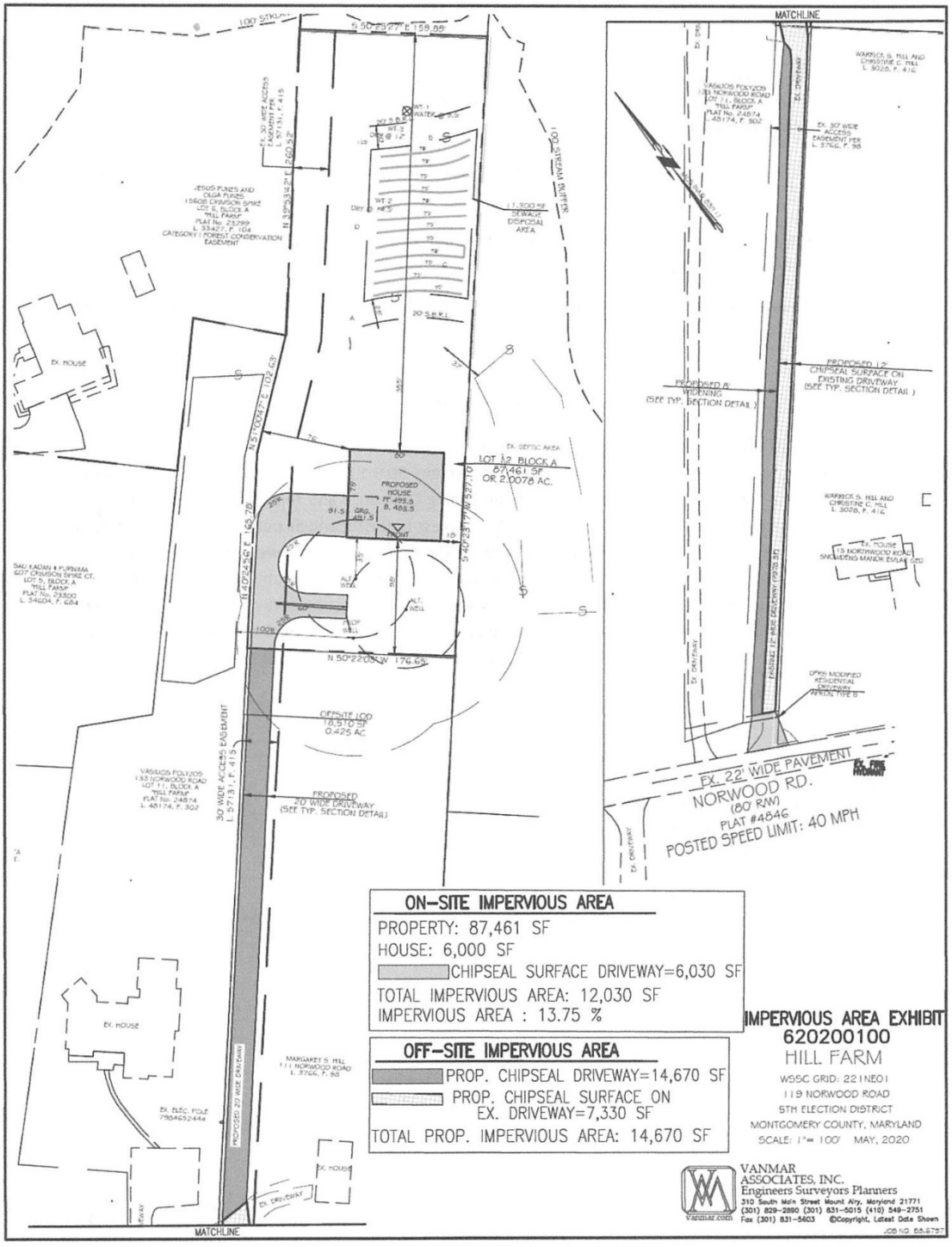
Attachment 1

Staff Report on Hill Farm Lot 12 Block A Subdivision Plan No. 620200100, completed 9/18/20, Section dealing with conforming to the Master Plan impervious levels page 9

"The Master Plan recommends that "ultimate subwatershed imperviousness levels should remain
in the 10 to 15 percent range…." (p. 21). The Bryants Nursery Run tributary, in which the Property
is located, has an imperviousness level of approximately 11.66 percent, which includes the impervious surfaces proposed by the approved RCCG Jesus House Application (120160040), and two other applications under review at the same time as this one, Mar Thoma (120200080), and
Snowden's Manor Parcel P870 (120200230). This Application proposes approximately 12,030 square feet of impervious surfaces for the construction of the house and driveway, resulting in 13.75 percent impervious cover on the proposed lot (Attachment H). In addition, the Application
requires the widening of the off-site driveway, adding approximately 14,670 square feet of additional impervious area. In total, the Application will add approximately 26,700 square feet of
new impervious area, resulting in a total of approximately 11.72 percent imperviousness in the Bryants Nursery Run subwatershed. Therefore, the proposed development on Hill Farm, Lot 12 is
consistent with the Master Plan recommendation to maintain impervious surface levels between
10-15 percent for the subwatershed."

Attachment H page 33 Impervious Surface Exhibit (Next Page)

Attachment H



Attachment 2

VII. ENVIRONMENTAL RESOURCES -Cloverly Master Plan page 85

ENVIRONMENTAL GOAL:

Conserve and protect natural resources to provide a healthy and beautiful environment for present and future generations. Manage the impacts of human activity on our natural resources in a balanced manner to sustain human, plant, and animal life.

Protection of Sensitive Areas Figure 30

Page 87

WATER RESOURCES

Northwest Branch Watershed (Pages 88-89)

The Northwest Branch, is a tributary of the Anacostia River. The upper headwater streams of the Northwest Branch in Cloverly and Sandy Spring/Ashton are generally high quality. The Northwest Branch sustains diverse, environmentally sensitive aquatic communities, including aquatic macroinvertebrates. The M-NCPPC Environmental Planning Division found healthy, diverse aquatic macroinvertebrate communities in the very limited monitoring that was conducted in the summer of 1993 and 1996. The Northwest Branch in Montgomery County, a Use IV stream system, supports an adult brown trout fishery. The trout population is sustained mainly by the Maryland Department of Natural Resources stocking of the stream system, although there are some trout surviving from year to year.

The headwater streams in Northwest Branch tend to be siltier and carry a higher sediment load than the headwater streams in Paint Branch, which prevent them from supporting a self-sustaining trout population. This condition is due to a combination of factors, including erodible soils and geology. The Northwest Branch watershed contains more erodible soils than the Paint Branch watershed. In addition, the agricultural uses in the Northwest Branch watershed cover a larger area than in upper Paint Branch and this use typically results in significant sediment loads to streams. Even without the ability to support trout spawning, the Northwest Branch is a high quality stream requiring a high level of protection. This protection is provided, in large part, by the density of land use approved in the 1981 Plan, stream valley parkland, and through existing regulations and guidelines.

In Cloverly, the Northwest Branch headwaters subwatersheds are sufficiently protected by the land use zoning densities proposed in the 1981 Plan, and thus are considered Regular Protection Areas which rely on implementation of standard environmental protection requirements. No significant changes are planned for this subwatershed that would jeopardize its water quality. The lower part of Northwest Branch and some of its tributaries within Cloverly, however, are currently under stress because existing development predates stormwater management controls or because the facilities are outdated. This area is shown as an Environmental Restoration Area where some problems can be addressed through the Anacostia Watershed Restoration effort.

The current master plan analysis on imperviousness levels indicate that 1990 levels for the Northwest Branch headwater subwatersheds ranged from 5.3 to 8.0 percent. (See Appendix I.) In the lower part of the Northwest Branch mainstem, which extends into the White Oak Master Plan Area, 1990 imperviousness is 16 percent, with buildout expected to result in 17.3 percent imperviousness. The 1981 Plan zoning of RE-2 and RE-2C, with a very small area of RE-1 on the east side of New Hampshire Avenue, would result in subwatershed imperviousness ranges from 9.2 to 15.0 percent at build-out. This range is within the generally acceptable limits for protection of coldwater streams in Maryland. New development in the upper Northwest Branch should minimize imperviousness and stormwater management waivers should be avoided to the greatest extent possible.

OBJECTIVE: Protect the Northwest Branch mainstem by assuring that new development in the subwatershed does not create significant negative impacts on the mainstem.

RECOMMENDATIONS:

- Protect headwater streams in the Northwest Branch by assuring that ultimate subwatershed imperviousness remains within the 10 to 15 percent range that the generally acceptable limit for protection of coldwater stream systems in Maryland and by discouraging individual developments with high site-imperviousness.
- Support County programs to implement a process to manage and protect the Northwest Branch and its headwaters, that includes the following components:

– Prioritize subwatersheds based on health, quality of resources, and anticipated threats to these resources from increases in impervious cover.
– Assess changes in subwatershed imperviousness and relate those changes to the stream system′s conditions on a continuing and regular basis.
– Define subwatershed imperviousness thresholds above which additional protection measures may be needed to protect the resource.
– Identify and implement appropriate protection measures when such imperviousness thresholds are reached for each applicable subwatershed.

Most of the above components are being developed as part of the County-wide Stream Protection Strategy (CSPS) to protect and manage all of the County′s subwatersheds, including those in Northwest Branch. Implementation of protection measures recommended through the CSPS for specific subwatersheds may require programs or actions outside the CSPS process.

- Maintain the low-imperviousness land use pattern and encourage continuation of low-density residential land uses in the Hampshire Greens, Bryant′s Nursery Run, Ednor Road, and Johnson Road subwatersheds.
- Use best available technology for stormwater, sediment, and erosion control measures for the remaining developable properties.
- Avoid stormwater management waivers to the greatest extent possible.
- Support the consideration by DEP of shared stormwater facilities when possible and beneficial to the environment.

Attachment 3

The Plan does not address the total imperviousness created by the project including the off-site imperviousness listed in attachment H of the staff review. The impervious area of the project is 24.39%

Total Percent Impervious On-site/Off-site		
Property	87,461	SF
Off-site area	22,005	SF
Total Project Area	109,466	SF
Impervious area for house	6,000	SF
Impervious area for onsite driveway	6,030	SF
Impervious area for new off-site driveway	14,670	SF
total Impervious area	26,700	SF
Percent impervious area	24.39%	

Attachment 3 continued

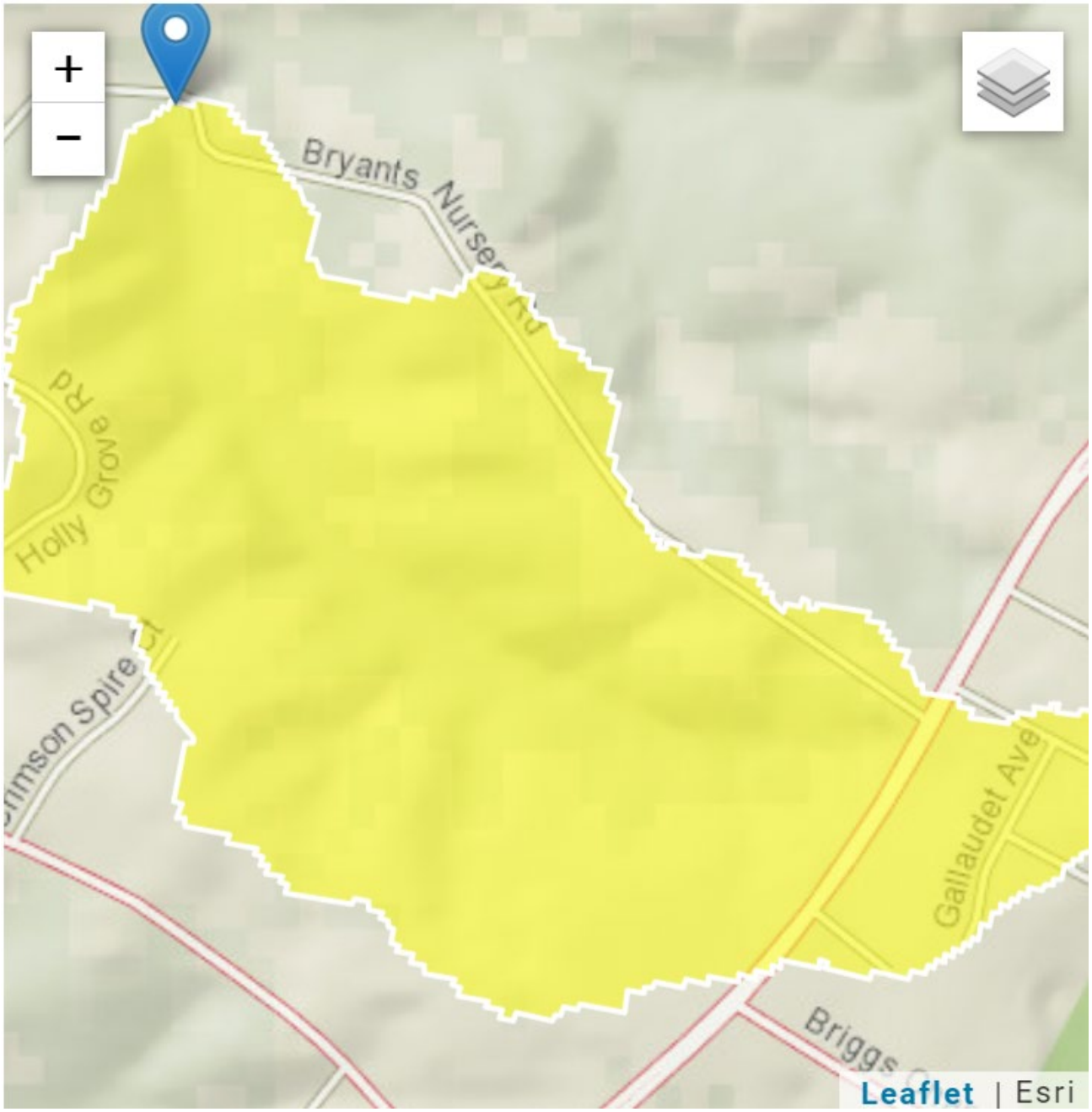
StreamStats Subwatershed Impervious Reports.

Impervious levels of Subwatersheds Onsite	Impervious
Bryants Nursery Run subwatershed beginning where the tributary divides South of Bryants Nursery Road	17.10%
Bryants Nursery Run subwatershed beginning at Northwest Branch	14.20%
Off-Site	
Bryants Nursery Run subwatershed	17.10%
Subwatershed adjacent to Norwood Road	19.70%
Subwatershed running through Awkard Lane	26.70%

StreamStats Report: Nursery Run* South of Bryant's Nursery Road

Region ID:	MD
Workspace ID:	MD20200928144137363000
Clicked Point (Latitude, Longitude):	39.11934, -77.00659
Time:	2020-09-28 10:41:53 -0400

*Stream named Nursery Run on McAtlas, also known as Bryant's Run or Bryant's Nursery Run



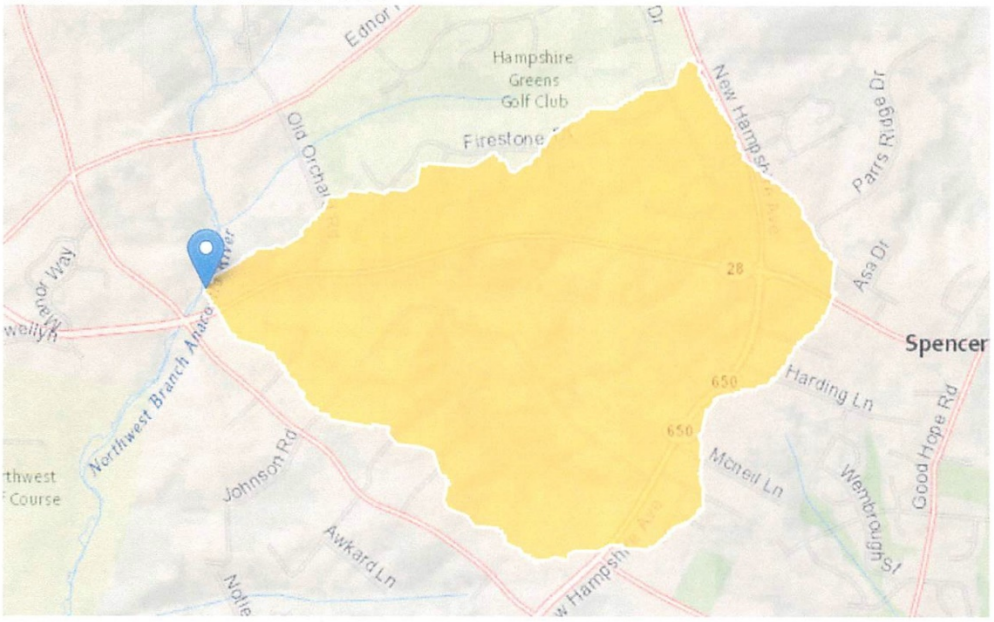
Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
BSLDEM10ff	Mean basin slope computed from 10 m DEM in feet per foot	0.0666	foot per foot
DRNAREA	Area that drains to a point on a stream	0.36	square miles
FOREST	Percentage of area covered by forest	41.9	percent
FOREST_MD	Percent forest from Maryland 2010 land-use data	34.9	percent
IMPERV	Percentage of impervious area	17.1	percent
PRECIP	Mean Annual Precipitation	44.2	inches
SOILCorD	Percentage of area of Hydrologic Soil Type C or D from SSURGO	18.6	percent

Bryants Nursery Run Watershed beginning at Northwest Branch

StreamStats Report - Bryants Nursery Run tributary

Region ID: MD
Workspace ID: MD20200928161458545000
Clicked Point (Latitude, Longitude): 39.12024, -77.02008
Time: 2020-09-28 12:15:17 -0400



Bryants Nursery Run Watershed beginning at Northwest Branch - page 2

Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
BSLDEM10ff	Mean basin slope computed from 10 m DEM in feet per foot	0.0621	foot per foot
DRNAREA	Area that drains to a point on a stream	1.6	square miles
FOREST	Percentage of area covered by forest	36.1	percent
IMPERV	Percentage of impervious area	14.2	percent
PRECIP	Mean Annual Precipitation	44.3	inches

Application Version: 4.4.0

StreamStats Report - Norwood Road Tributary

Region ID: MD
Workspace ID: MD20200929213605124000
Clicked Point (Latitude, Longitude): 39.11841, -77.02143
Time: 2020-09-29 17:36:22 -0400

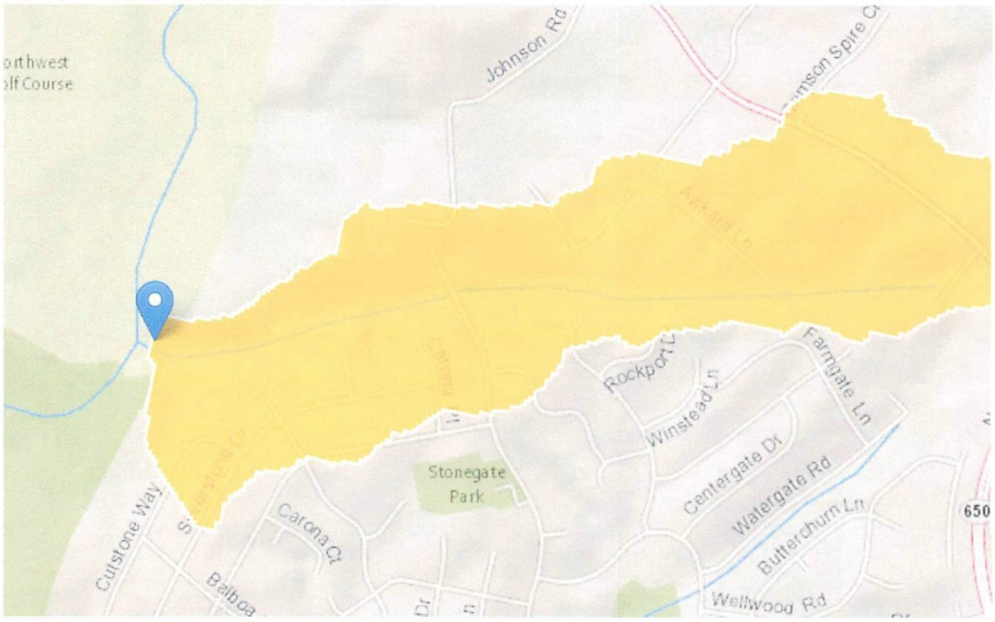
Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
BSLDEM10ff	Mean basin slope computed from 10 m DEM in feet per foot	0.0599	foot per foot
DRNAREA	Area that drains to a point on a stream	0.17	square miles
FOREST	Percentage of area covered by forest	18.8	percent
IMPERV	Percentage of impervious area	26.7	percent
PRECIP	Mean Annual Precipitation	44	inches

Subwatershed running through Awkard Lane

StreamStats Report

Region ID: MD
Workspace ID: MD20200929212557486000
Clicked Point (Latitude, Longitude): 39.10582, -77.02714
Time: 2020-09-29 17:26:15 -0400



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
BSLDEM10ff	Mean basin slope computed from 10 m DEM in feet per foot	0.0732	foot per foot
DRNAREA	Area that drains to a point on a stream	0.41	square miles
FOREST	Percentage of area covered by forest	33.4	percent
IMPERV	Percentage of impervious area	19.7	percent
PRECIP	Mean Annual Precipitation	44	inches

Attachment 4

TESTIMONY BY RICHARD KLEIN BEFORE THE MONTGOMERY COUNTY PLANNING BOARD REMAND FROM THE CIRCUIT COURT FOR MONTGOMERY COUNTY RCCG JESUS HOUSE: PRELIMINARY PLAN NO. 120160040 APRIL 30, 2020

My name is Richard Klein. I am president of Community & Environmental Defense Services, located at 24 Greenshire Lane, Owings Mills, Maryland 21117.

I am testifying at the request of the Concerned Citizens of Cloverly regarding the potential effect of the Jesus House project on the quality of the unnamed stream known as Bryants Nursery Run. I have been assessing the effects of land use changes on stream quality since the 1970s. In 1979, I published what's been called the first research paper on the stream health effects of building, streets, parking lots and other impervious surfaces. I have also published a number of studies on the effectiveness of stormwater management measures and other practices for mitigating the effect of impervious surfaces on aquatic ecosystems. Further detail on my background will be found in the resume attached to these comments.

Before getting to specifics of my assessment I'd like to say that my goal is always to find ways of
resolving adverse effects that allow property owners to achieve their goals. This goal was of particular importance to me in this case because I believe we need more houses of worship. Last Saturday I assessed the health of Bryants Nursey Run near the confluence with Northwest Branch. Based on the insects, crustaceans, and fish present, I found the stream to be of good quality on a scale of poor, fair, good and excellent. As such the Run meets a level of quality I call Child Safe and Friendly.

The Jesus House impervious cover exhibit indicates all of the proposed rooftops, parking areas and other impervious surfaces will drain to what appear to be bioretention facilities. Normally these highly effective Best Management Practices would resolve much of the impact. Unfortunately, the forest cover in the Bryants Nursery Run watershed has fallen below a threshold for preserving the stream in its current good quality, child safe and friendly condition. Also attached to these comments is a 2003 study conducted in Montgomery County which noted that good quality streams drain a watershed which has 44% forest cover. Fair quality is associated with 37% watershed forest cover.

According to the U.S. Geological Survey StreamStats report attached to these comments, the Bryants Nursery Watershed has a forest cover of 36%. In other words, the watershed has already lost sufficient forest cover that the stream may soon drop from good to fair quality and lose portions of the abundant aquatic life and other attributes which make it a great source of enjoyment for kids and their parents.

The applicant's forest conservation plan shows that 4.16 acres of forest will be cleared from the Bryants Nursery Run watershed. This action will further reduce watershed forest cover below the threshold needed to preserve a good quality stream. So even with the proposed highly-effective BMPs, the project may still have a net negative impact on the health of Bryants Nursery Run. The Cloverly Master Plan calls for keeping watershed imperviousness in the 10 to 15 percent range and discouraged individual developments with high site-imperviousness. The proposed Jesus House project would be 29% impervious which certainly meets the definition of high site-imperviousness.

The staff report for this project states that existing Bryants Nursery Run watershed imperviousness is 11% which would increase to 11.5% if the project is built as proposed. However, the attached U.S. Geological Survey StreamStats report indicates that the watershed is 14.2% impervious – not 11%. If the USGS figure is right then the project would raise watershed impervious to 14.6% which is dangerously close to the 15% maximum called for in the master plan.

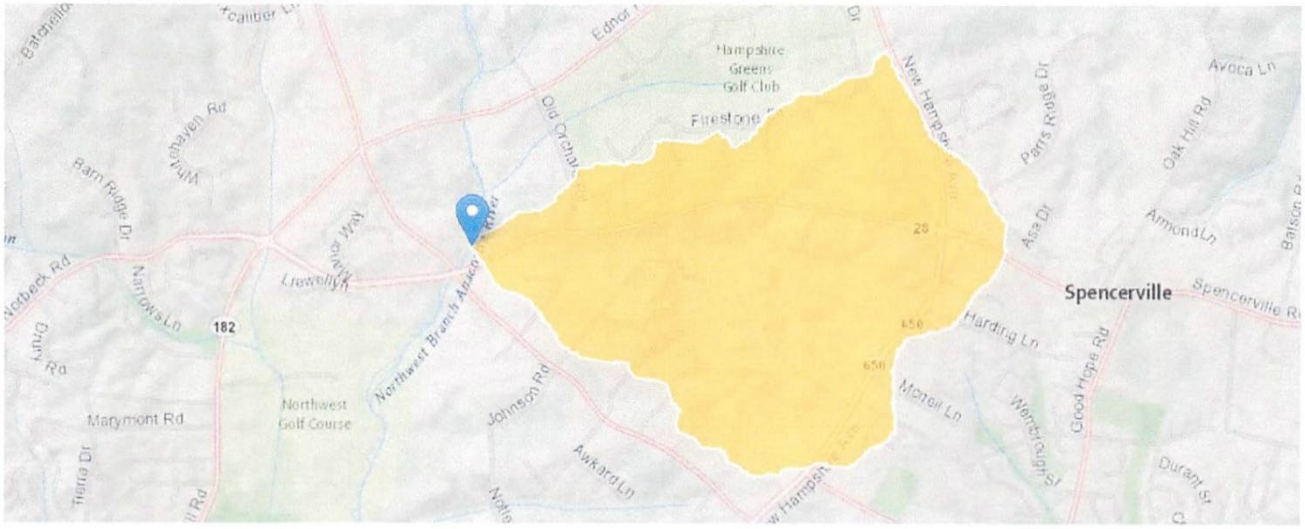
In summary, I am deeply concerned that even with the highly-effective BMPs the combined loss of forest cover and increased impervious area will push Bryants Nursery Run closer to the point where area residents can no longer enjoy the many benefits of this good quality stream. If the Jesus House were proposed for a site lacking forest where space was available to plant trees and highly-effective BMPs were used then the project might result in a net improvement in stream quality. Sadly, though, this is not the case for the project before you.

Richard Klein
Community & Environmental Defense Services
24 Greenshire Lane
Owings Mills, MD 21117
410-654-3021
Rklein@ceds.org
Only Attachment E enclosed

E

StreamStats Report

Region ID: MD
Workspace ID: MD20200425142536765000
Clicked Point (Latitude, Longitude): 39.12032, -77.02019
Time: 2020-04-25 10:25:54 -0400



Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
DRNAREA	Area that drains to a point on a stream	1.6	square miles
IMPERV	Percentage of impervious area	14.2	percent
FOREST	Percentage of area covered by forest	36.1	percent

Application Version: 4.3.11