Item 3 - Correspondence

From: leedyt@aol.com
To: MCP-Chair
Cc: leedyt@aol.com
Subject: Testimony of Thomas Leedy, "Consideration of Alternative Sewage System for Creekside Project"
Date: Tuesday, December 1, 2020 4:25:04 PM
Attachments: Threat to Little Seneca Reservoir-1.pdf

Mr. Anderson

Please accept the attachment as my three minute testimony for "Consideration of Alternative Sewage System for Creekside Project".

Thank you.

Thomas Leedy
15720 Comus Road
Clarksburg, MD 20871
(301) 972-2376 (Home)
(240) 620-3864 (Mobile)
leedyt@aol.com

Consideration of Alternative
Sewage System for Creekside Project.
Testimony to the Maryland-National Capital Park and Planning Commission
December 3, 2020

The development of new materials and construction techniques in the design of dwellings has progressed markedly in the last hundred years. However, it could be argued that the implementation of infrastructure needed to safely take advantage of such developments has not progressed at such a rapid rate, particularly concerning the protection of the land and water in the area.

One area where the infrastructure has progressed is that of the transport of sewage such that the reliability and efficiency of the process has improved dramatically. The projects that are discussed in this session today require that wastewater be transported over undulating ground with a minimum risk of spilling caused by power outages, heavy rains, and mechanical failures. These are the most common causes of sewage contaminating the land and adjacent streams and creeks. In the case of Creekside and similar projects, there is a high probability that Ten Mile Creek will be contaminated and that contamination will be transported to Little Seneca Reservoir. This will render Little Seneca Reservoir incompatible with its intended use, as a backup water supply for the District of Columbia, until the reservoir is restored.

To address the mitigation of this risk, The Friends of Ten Mile Creek made a presentation in 2015 to the Citizens Advisory Committee on the Ten Mile Creek sewer study concerning the use of pressure grinder pumps as an alternative (or to augment) gravity sewer systems [Fig 1, 2]. The use of pressure grinder systems fundamentally improves the reliability of the sewer system and reduces the risk of a large spill if a component part fails [Fig 3]. In addition, the cost of the entire system is reduced since smaller pipes can be buried compared to gravity systems [Fig 4]. The pressure grinder system has been used in housing projects near the Creekside project [Fig 5].

It is recommended that the developer consider the use of pressure grinder pumps as the primary way to transport wastewater from homes to the main interceptor. Further, the system should be planned such that if power is disrupted or a component fails, the waters of Ten Mile Creek and those of Little Seneca Reservoir should not be compromised.

Respectfully,

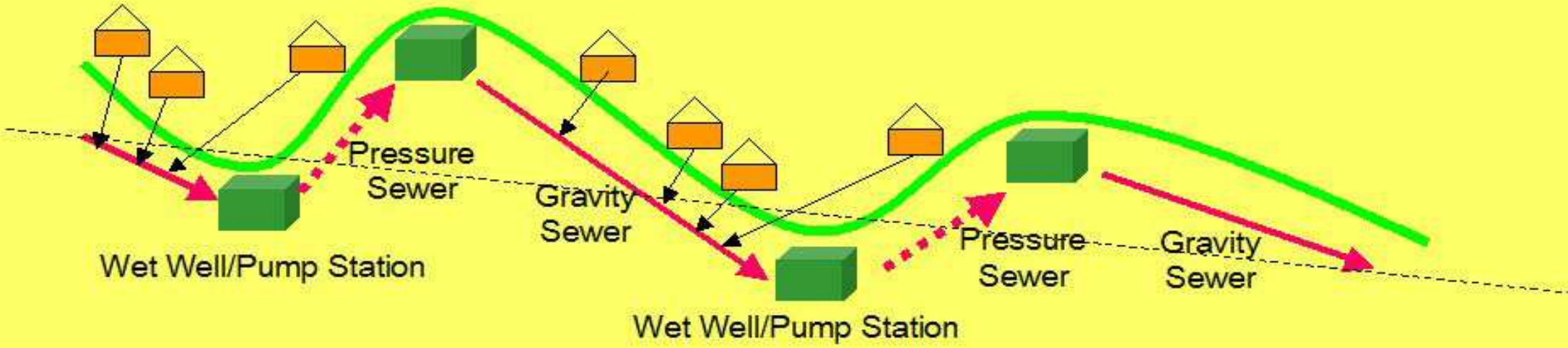
Thomas Leedy
Vice President, The Friends of Ten Mile Creek.
15720 Comus Road, Clarksburg, MD 20871

The Friends of Ten Mile Creek and Little Seneca Reservoir

Figure 1

Reliability of transport of sewage

Using the traditional gravity sewer



The Friends of Ten Mile Creek and Little Seneca Reservoir

Figure 2

Reliability of transport of sewage

Using the newer pump-grinder technology.

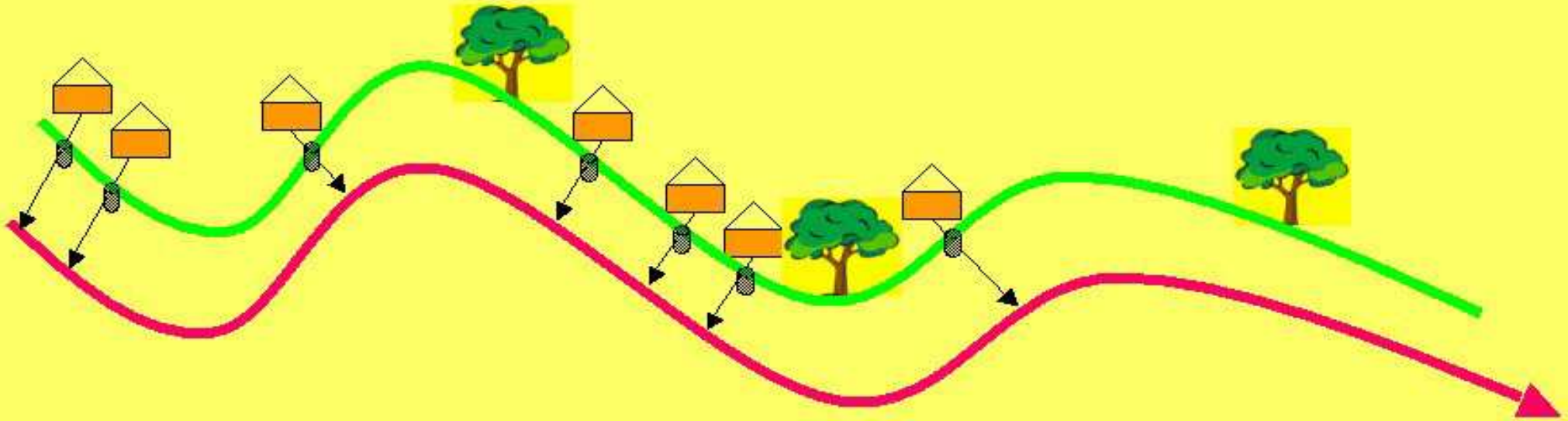
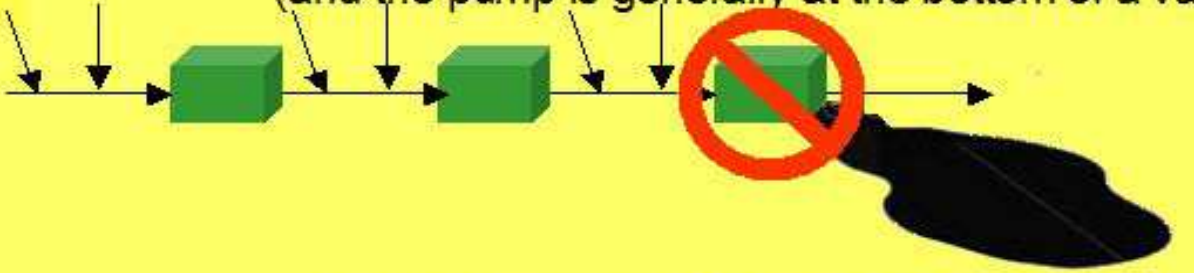


Figure 3

The Friends of Ten Mile Creek and Little Seneca Reservoir

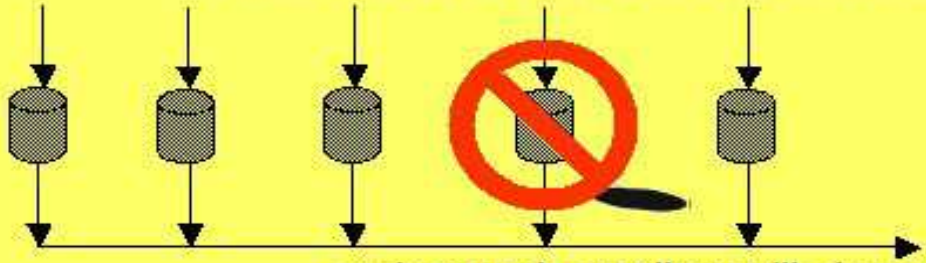
Reliability model for each case

In a SERIAL model, the failure of any one pump results in a system failure
(and the pump is generally at the bottom of a valley)



Spill is proportional to number of houses "upstream."

In a PARALLEL model, the failure of any one pump does not result in a system failure,
just loss of capability at that one site.



and a much smaller spill since it
is only the output of one house.

Figure 4

The Friends of Ten Mile Creek and Little Seneca Reservoir

Construction Cost

Construction costs are less for PG systems

- Less excavation costs; narrower trench, less soil disturbance (see below);
- Less materials costs; much less mass to handle;
- Less operational costs because less ground water infiltration.

Construction of a 12" pipe line

Data from press release "BGE Begins Route 27 Natural Gas Reinforcement Project" March 19, 2014, POC: Rachael Lighty, rachael.lighty@bge.com Baltimore Gas and Electric Company.

Construction of a grinder pump sewer system

The Friends of Ten Mile Creek and Little Seneca Reservoir

Figure 5

What do Grinder Pumps look like?

From: Cinque, Julius (NIH/CSR) [E]
To: MCP-Chair; and
Subject: Testimony for Creekside at Cabin Branch, Preliminary Plan No. 120200050T
Date: Tuesday, December 1, 2020 4:56:43 PM

Dear Chair Anderson and Members of the Planning Board:

Testimony for Creekside at Cabin Branch, Preliminary Plan No. 120200050T

I am Anne Cinque, I live at 22300 Slidell Rd, Boyds.

I speak today to, first express sincere gratitude for the generous support the Council has given towards the preservation of Ten Mile Creek and the Little Seneca Reservoir and make a specific request for further support that might be given right now.

First, I would like to remind people of how incredibly concerned and supportive the Council has been in the past. An aside that you might find interesting. I was visiting my brother in Florida about 10 years ago, he had saved a copy of the Palm Beach Post that had a long article on MoCo and the Agricultural Reserve. The article described MoCo as a "prescient county well worth following" and described the county's purchase of land to protect TMC and the reservoir. It was an amazing feeling to read about our county's accomplishments so far from home. The preservation of TMC has long been a very high priority in the upper county.

Within the past 20 years the Council has spent 7 and a half million dollars to help preserve the purity of Ten Mile Creek. Bucklodge Forest Conservation Park on Slidell Rd was purchased through Legacy Open Space. These 216 acres were slated for a golf course with 20 large houses surrounding it. This was very upsetting to MoCo citizens as a stream ran into TMC. MoCo bought the land through Legacy Open Space for 3 and a half million dollars. It is now a beautiful forest with trails throughout. Similarly, the Thompson farm on Slidell Rd, 174 acres with streams running to TMC, was also slated for development. MoCo bought that land for almost 3 million dollars and added it to its parkland. Other properties bought by MoCo to protect TMC include the Beck farm purchased for almost 100K and the Bennet-Farquar farm for $743K. All through Legacy Open Space.

MoCo's support has been strong. Council members recognized- and acted upon- the significance of maintaining the purity of TMC and the Seneca Reservoir.

I speak today to suggest that there is another rather small but critical piece of property that will probably not be too expensive. It is 61 acres that surrounds the Pulte development and has been designated as a Home Owner Association property. On the map, it is the salmon colored area. The map is courtesy of John Parrish. This land abuts already designated donated Pulte acres. Why do we suggest buying it? It is land on a very vulnerable water-shed area that

needs the protection of trees and a guarantee that no additional impervious surface would be created. It is not a huge area, but it's particularly sensitive as a potential threat to the creek.

Thank you so much for your time and your past generosityJulius J Cinque
Scientific Review Officer
BDCN J-81 Review Committee
Center for Scientific Review
NIH
Room 5198
6701 Rockledge Drive
Bethesda, Md. 20892

From: Cinque, Julius (NIH/CSR) [E]
To: MCP-Chair; and
Subject: Testimony for Creekside at Cabin Branch, Preliminary Plan No. 120200050
Date: Tuesday, December 1, 2020 5:06:48 PM

Dear Chair Anderson and Members of the Planning Board

I support the Friends of Ten Mile Creek's call for a better science- based protections for our water supply and urge you to follow their recommendations regarding Pulte's proposed development Creekside at Cabin Branch.

Testimony for Creekside at Cabin Branch, Preliminary Plan No. 120200050.

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Thank you so much for your time and your past generosity.

From: Mark Gochnour
To: MCP-Chair
Subject: The Master Plan Must Followed to Protect 10 Mile Creek
Date: Tuesday, December 1, 2020 5:27:35 PM

Casey Anderson,

It is imperative that development projects by Pulte or any other company adhere to the impervious surface caps in the Master Plan. Ten Mile Creek is a fragile part of our back-up drinking water supply for the entire Metropolitan Area and deserves protection.

A 5% cap on impervious surface is just that - a cap, a hard stop. Going above 5% will irrevocably harm water quality as we have seen too often - particularly in neighboring Cabin Branch.
This Pulte "Creekside" development needs to be shrunk to a size where it can meet a 5% impervious cap on impervious surfaces and moved back from buffer areas.

When is this going to stop? Interested and concerned individuals have been fighting against development along this creek for years. You would think Pulte and other others including the Planning Commission and the County Council would get the message. They keep hoping that someone won't be watching. End this ongoing assault now so other developers will understand their gambling and speculating by them needs to stop. They must learn they cannot buy land with the intent of building houses which endangers the environment and most especially our water supply.

Mark Gochnour
m123hunt1@verizon.net
18937 Red Robin Terrace
Germantown, Maryland 20874

From: Cinque, Julius (NIH/CSR) [E]
To: MCP-Chair; and
Subject: FW: map of Pulte land and surrounding parcels and testimony of Anne Cinque
Date: Tuesday, December 1, 2020 5:27:40 PM
Attachments: Testimony for Creekside at Cabin Branch.docx


BECK
MONTGOMERY COUNTY
TMCP
TMCP
Clarkwood
TMCP
KING
KING
NORMAN
MEASE
TEN MILE
CREEK
GREENWAY
10 ACRE PARK
Key
Green = 280acres Pulte dedication for Parkland
BLUE = Existing Parkland
Yellow = Land to become parkland
Salmon = 61 acres of HOA land
LINTHICUM
CREEKSIDE
AT CABIN BRANCH
RODGERS
CONSULTING

Testimony for Creekside at Cabin Branch, Preliminary Plan No. 120200050

I am Anne Cinque, I live at 22300 Slidell Rd, Boyds.

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Thank you so much for your time and your past generosity.

From: Cinque, Julius (NIH/CSR) [E]
To: MCP-Chair; and
Subject: Testimony for Creekside at Cabin Branch, Preliminary Plan No. 120200050
Date: Tuesday, December 1, 2020 5:44:14 PM

Dear MNCPPC Commissioners

Dear Chair Anderson and Members of the Planning Board

I support the Friends of Ten Mile Creek's call for a better science- based protections for our water supply and urge you to follow their recommendations regarding Pulte's proposed development Creekside at Cabin Branch.

Testimony for Creekside at Cabin Branch, Preliminary Plan No. 120200050

My name is Jay Cinque, I have lived at 22300 Slidell Rd in Boyds since 1972. I have been a past President of the Boyds Civic Association and the Sugarloaf Citizens Association and I am currently a Board member of the Sugarloaf Citizens Association. I have also had the privilege of serving as a member of the Citizens Advisory Committee for the Clarksburg Ten Mile Creek Sewer Study conducted by WSSC. This committee met on numerous occasions throughout 2015, submitting their final report in March of 2016. During this period the Advisory Committee worked intensely with DEP, WSSC, Pulte representatives, Parks Dept, and County Council representatives in considering the sewer alternatives for this very sensitive and critical area. Twelve (12) alternative strategies were exhaustively considered and presented separately to the public, MNPPC, to State Delegation Representatives and to the WSSC Commissioner.

The WSSC study concluded with a recommendation for Alternative 12 which included one control area or "Pod" of development on (Pulte/ King) which could be served by grinder pumps/low flow system. They specifically stated, "Further design and review of low pressure grinder system for Pulte/ King and other properties would be required as developments are submitted for WSSC hydraulic planning analysis (HPA)". The Planning Board endorsed Alternative 12. It was adopted by the County Council.

It is now troubling and of concern that the MNPPC Staff Report does not include or even mention the conducting or results of a Hydraulic Planning Analysis by WSSC for the proposed Pulte Development.

I would also like to note and express appreciation for the staff report which recommended Approval with Conditions for reduced dwelling units from 326 units to 187 units based on the School capacity limitations. The report notes however that the Applicant will request approval of the additional units once school capacity becomes available. The staff report implies approval once

school capacity is available but the staff report fails mention where the reduction in dwelling units should be taken or to mention any concerns, conditions or limitations based on the results of water quality, stream health or degradation prior to the future approval of these additional units. The approval of any and all current or future development in this sensitive and critical area should depend on the water quality and stream health which should be the prime concern prior to any approval decision.

Thank you for opportunity to express my concerns with the staff report on the Pulte development plan. Sincerely, Jay Cinque

From: Norman Mease
To: MCP-Chair; marc.elrich@montgomerycounty.gov; lifeonurth@gmail.com
Subject: Pulte development called CREEKSIDE at CABIN BRANCH
Date: Tuesday, December 1, 2020 7:00:28 PM

I am especially concerned about the lack of information of a plan to transport the sewerage that will be generated
by the over 300 homes that are planned for this development. I understand grinder pumps will be used but such units
are usually used to service individual homes to pump sewerage up a moderate elevation into a main pipe that then
connects into a receiving tank associated with a large pumping station. It seems obvious that this development will
require such a a general scheme, including the pumping station(s).

At this time no information about such a system is publicly available other than that grinder pumps will be used.

Properly handling the sewerage generated by such a large development is crucial to protecting the watershed
in the drainage area of the Little Seneca Reservoir. The Montgomery Count Government should take no action
in approving this development until details of the proposed sewerage system are publicly available.

I would also like to remind you that all local government water systems that tap water from the Potomac River
downstream of Great Seneca Creek own rights to the water in the Little Seneca Reservoir. This County must remain a good custodian of this precious water resource.

Thank you,

Norman E. Mease
Board Member,
Friends of Ten Mile Creek
and Little Seneca Reservoir

From:	Andrew Ireland
To:	marc.elrich@montgomerycountymd.gov; MCP-Chair
Subject:	Protecting Ten Mile Creek Watershed
Date:	Tuesday, December 1, 2020 7:13:22 PM

Dear Mr. Elrich and members of the Montgomery Planning Board,

I am writing in support of the Audubon Naturalist Society's push to ensure that the county continues to prioritize and maintain clean water, and minimize development that would unnecessarily damage that effort.· Ten Mile Creek is critical to the future of our drinking water supply. As the cleanest, tributary flowing into Little Seneca Lake Reservoir, our region's emergency back-up drinking water supply, Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, its sister tributary to Little Seneca Lake Reservoir. Cabin Branch Creek has been severely degraded by an ongoing, massive housing development. And now a sediment plume of silt and mud steadily fill Little Seneca Reservoir. We must not repeat this tragedy by allowing large residential developments in the Ten Mile Creek Watershed.Protecting Ten Mile Creek is key to assuring the adequacy and safety of our region's drinking water supply. In addition to being an important source of back-up water supply for the county, the Ten Mile Creek Watershed supports a bountiful native ecosystem. The watershed is home to at least a seven state-rare plants and over 450 native plant species, representing over one-third of Montgomery County's native plants. Because of these unique characteristics, Ten Mile Creek warrants extraordinary protection.

<!--[endif]-->The proposed development in the Ten Mile Creek Watershed poses risks of irreversible degradation to the two tributaries that the Master Plan recognizes as the most sensitive and high quality subwatersheds in the Ten Mile Creek Watershed. A key recommendation of the Master Plan is to "… **protect existing stream conditions in the high quality headwater sub-watersheds LSTM110 (King Spring) and LSTM111**." The Master Plan also tells us how to protect these highest quality subwatersheds: "…if imperviousness is kept as near to five percent as possible, stream conditions can be maintained in the good to excellent range."·

To conform to the Master Plan objective to protect the quality of Ten Mile Creek, the development footprint should be reduced by at least 50%, bringing the sub-watershed imperviousness closer to 5%, as recommended by the Master Plan. In particular, removing the two intrusive extensions of the development that plunge deep into the watershed would significantly reduce the impervious impacts on LSTM 110 and 111.

Thank you for the opportunity to comment, and I hope you follow the recommendations of the Master Plan and choose to properly balance development with conservation priorities.

Best regards,

Andrew Ireland
Bethesda, MD

From: Susan Tipton
To: MCP-Chair
Subject: Protect Ten Mile Creek
Date: Tuesday, December 1, 2020 7:37:24 PM

Dear Chair Anderson and Members of the Planning Board:

I support Friends of Ten Mile Creek's call for better science-based protections for our water supply and urge you to follow their recommendations regarding Pulte's proposed development Creekside at Cabin Branch.

Our natural resources are more important than profits for the few (developers)!

Respectfully,

Susan Tipton
10301 Gary Road
Potomac, Maryland 20854

From:	350 Montgomery County
To:	MCP-Chair
Cc:	marc.elrich@montgomerycountymd.gov
Subject:	Little Seneca Reservoir and the proposed Pulte development
Date:	Tuesday, December 1, 2020 9:06:30 PM

Dear Chair Anderson and Members of the Planning Board,

In light of Thursday's hearing on the proposed Pulte development, I request that you scrutinize the impact that the "Creekside at Cabin Branch" would have on our Ten Mile Creek watershed.

If this development degrades LSTM 110 and 111, the two most sensitive and quality tributaries in the Ten Mile Creek watershed, by adding a much higher level of imperviousness - you must reject the proposal as it stands.

As development continues unabated in the upper county, the preservation of our finite sources of clean water is not being adequately protected. Any future development must conform to the Master Plan objective "…if imperviousness is kept to near to five percent as possible, stream conditions can be maintained in the good to excellent range."

To conform to the Master Plan and to achieve protection, the Pulte Development must be shrunk by at least 50% and most importantly, remove the two intrusive extensions of the development that plunge deeply into the watershed.

DO NOT follow the path of Cabin Branch Creek, the sister tributary of Ten Mile Creek that flows into Little Seneca Reservoir, which has been severely degraded by an ongoing massive housing development. We know the importance of Little Seneca Reservoir to the future of our drinking water supply and the value of the Ten Mile Creek watershed to Montgomery County.

It is our collective responsibility to protect them.

Respectfully,

Kristin Cook
9408 Jongroner Court
Potomac, MD 20854
240.493.6789

From: rg steinman
To: MCP-Chair
Cc: Marc Elrich; county.council@montgomerycountymd.gov
Subject: Creekside at Cabin Branch: Preliminary Plan No. 120200050
Date: Tuesday, December 1, 2020 9:21:10 PM
Attachments: Pulte written testimony, Dec3,2020.doc

Written testimony submitted by Roberta G. (rg) Steinman

Creekside at Cabin Branch: Preliminary Plan No. 120200050

Dec 3, 2020
Please see attached Word document.
Thank you,
~ rg Steinman
Silver Spring, MD

Written Testimony – Pulte's Development, Creekside at Cabin Branch

Preliminary Plan No. 120200050

Date: December 3, 2020

To: Chair, Casey Anderson & Montgomery County Planning Board Commissioners

From: Roberta G. (rg) Steinman

Subject: **Creekside at Cabin Branch: Preliminary Plan No. 120200050**

"Good afternoon and thank you. My name is rg Steinman. I live in downtown Silver Spring, and I am on the Board of Friends of Ten Mile Creek.

Conclusion and Recommendation: Based on our impervious analysis of Pulte's proposed development project, if you allow this development to go forward as proposed, the *Ten Mile Creek Area Limited Amendment adopted in 2014* (hereafter referred to as, Master Plan) recommendation to protect existing stream conditions in the high quality headwater sub-watersheds cannot be achieved. **The development footprint has to be shrunk by at least 50% to reduce sub-watershed imperviousness to 5%**, as recommended by the Master Plan, so that we can maintain the high quality of the sub-watersheds as well as the main stem of Ten Mile Creek, and protect Little Seneca Lake Reservoir, the back-up drinking water supply for our region. Removing the two intrusive extensions of the development that plunge deeply into the watershed would help bring the impervious impact closer to 5%, although additional shrinkage is required to bring the impervious cover down to 5%.

Explanation of Conclusion and Recommendation:
Ten Mile Creek is a reference stream against which other streams in Montgomery County are compared. Ten Mile Creek is the cleanest tributary flowing into Little Seneca Lake Reservoir. And Little Seneca Lake Reservoir is the closest, back-up emergency drinking water supply to the Potomac for over 400 million people in the Washington DC region.

Ten Mile Creek's high quality reflects the excellent condition of two of the highest quality streams in Montgomery County, LSTM110 and 111. And **it is precisely these two streams that the Pulte development would destroy**.

The Master Plan and the accompanying Environmental Analysis repeatedly refer to these two sub-watersheds, LSTM 110 and 111, describing them as "the most sensitive and highest quality streams," with "existing low levels of imperviousness", and supportive of many "sensitive species." According to the Master Plan, "any development of these properties will have a negative impact on stream quality."

According to the Master Plan: "This area "includes the most sensitive sub-watersheds, LSTM 110 and 111…The very low existing imperviousness and long-term agricultural uses have resulted in excellent stream conditions that have been maintained since monitoring began in 1994. **Even small changes in imperviousness will likely affect these sub-watersheds, but if imperviousness is kept as near to five percent as possible, stream conditions can be maintained in the good to excellent range, based on the majority opinion of environmental experts**." (Master Plan, p. 41)

Yet even while the goal of keeping imperviousness as near to 5% as possible is a step in the right direction, based on an extensive study of streams in Maryland, "it is now known that substantial degradation and loss of biodiversity begins at much lower levels of impervious cover between 0.5% and 2%." (King, Baker, Kazyak, Weller, 2011, p.1666, *How Novel is too Novel? Stream Community Thresholds at Exceptionally Low Levels of Catchment Urbanization*. 'Ecological Applications' Vol. 21. Cited in Appendix A, Bibliography, p. A-7, Ten Mile Creek Watershed Environmental Analysis For the Clarksburg Master Plan Limited Amendment.) The more sensitive macroinvertebrates suffer declines at impervious levels much less than 5%.

Written Testimony – Pulte's Development, Creekside at Cabin Branch

Preliminary Plan No. 120200050

Pulte's Development Impact on the Most Sensitive and High Quality Sub-watersheds, LSTM 110 and 111

Pulte's proposed development would straddle the sub-watersheds of LSTM 110 and 111, the two highest quality and most sensitive tributaries of the TMC watershed, and would irreparably harm the streams.

The existing imperviousness of LSTM 110 is 1.6%. The portion of the Pulte development that occurs in the 110 subwatershed would raise the impervious cover from 1.6% to 7.3%. If the King development also gets built – and most of this development would occur in the 110 subwatershed – the combined impact of these two developments would raise the impervious cover to 10.1%. A nearly 700% increase in imperviousness! (See Table on p.2)

The existing imperviousness of subwatershed LSTM 111 is 1.2%. The portion of the Pulte development that would occur in the 111 subwatershed would raise the impervious cover to 12.7%. That would be more than a 1000% increase from the pre-existing impervious level. (See Table on p.2)

While the 2014 Master Plan Amendment made significant progress in halting some of the worst incursions into the Ten Mile Creek Watershed, it had a significant flaw. The 6% overlay zone requirement was written to apply to the property owner's tract, and not to the subwatershed that would be impacted. Hence a 6% impervious allowance on a very large property would overwhelm a much smaller subwatershed. Pulte's property is 400 acres. A 6% Environmental Overlay Zone (EOZ) means 24 acres of imperviousness. LSTM 111 watershed is only 104 acres. Thus, half of Pulte's impervious acre allowance, or 12 acres of imperviousness, totally overwhelms this tributary. The same goes for subwatershed 110, which is 211 acres.

Furthermore, **the 6% EOZ is an upper limit – not a requirement**! M-NCPPC planners have the authority to prescribe an acceptable level of impervious cover, between zero and 6%, that does not exceed science-based thresholds for protection of water quality in sensitive watersheds. Permitting the maximum 6% impervious cover for this development is neither desirable nor science-based.

How Can We Protect These High Quality Headwater Tributaries?

The science of watershed protection shows us that 5% is the upper threshold for stream degradation. As we add pavement to a watershed, stream conditions decline. According to the Master Plan, recent studies have shown that impervious cover levels as low as 5% are correlated with significant degradation in water quality.

The Master Plan tells us how to protect existing stream conditions in the high quality headwater sub-watersheds, LSTM 110 and LSTM 111.

-- Reduce the development footprint and impervious cover.
-- Keep imperviousness as near to 5% as possible
-- Limit development to tightly-clustered residential uses.

Following these instructions will avoid irreparable harm.

We can begin to achieve these three Master Plan recommendations by removing the two intrusive prongs of Pulte's development, which reach deep into the watershed, three-fourths of way downhill toward the Ten Mile Creek main stem. If you look at a map, the Pulte (and King) developments would be encroachments into what otherwise comprises **Ten Mile Creek Conservation Park**. It makes no environmental or ecological sense to allow these massive developments to intrude into the Park and irreparably harm the two highest quality tributaries of the TMC watershed. The development, if it is to be allowed at all, needs to be pushed back toward the ridgeline at Clarksburg Rd. to keep it from destroying the tributaries and main stem of Ten Mile Creek.

Table. Impervious Impact of Pulte Development on Sub-Watersheds LSTM 110 and LSTM 111

Sub-watershed of Ten Mile Creek	Acres in sub-watershed	Pre-existing imperviousness in sub-watershed	Impervious acres Pulte development would add (6% EOZ)*	Pulte's % contribution to impervious cover	Percent imperviousness of sub-watershed after buildout
LSTM 110	211	1.6%	12.01	5.7%	7.3%
LSTM 111	104	1.2%	12.01	11.5%	12.7

Note: *EOZ=Environmental Overlay Zone. Pulte's property size is approx. 402 acres. The maximum 6% EOZ allows for 24 impervious acres (6% of 400 acres). Pulte's proposed development evenly straddles both sub-watersheds, adding approx. 12 impervious acres to each sub-watershed, LSTM110 and LSTM 111.

Long Term Decline in Ten Mile Creek

In the October 8, 2020 report to Montgomery County Planning Board regarding the recent acquisition of the 18.5 acre Bennett-Faquhar property abutting both Black Hills Regional Park and the Ten Mile Creek Main stem, staff reported on the condition of Ten Mile Creek: "**While Ten Mile Creek still rates as one of the County's highest quality stream systems, measurable declines in stream conditions have been documented over the last 20 years due to changes in land use and associated development across the watershed**."

Ten Mile Creek's declining condition was similarly noted in the Environmental Analysis accompanying the 2014 Master Plan. In the Environmental Analysis Attachment (Appendix 3) of the Master Plan Amendment, DEP noted a slow decline in Ten Mile Creek from 1994-2012. This from the Biohabitats Report: "instream physical habitat conditions such as streambed and bank condition show signs of decline since 2007, while the change is subtle over time, these conditions are indicative of a watershed that is sensitive and is responding to various stressors. Evidence of declining habitat conditions include increased embeddedness, (the degree to which coarse bed material is choked by fine sediments) sedimentation, and decreased streambank vegetation."

Also, long-term monitoring data collected by DEP generally indicate that the proportion of sensitive taxa, both fish and benthic macro invertebrates, present within the Ten Mile Creek watershed are declining.

Despite the county's regulatory framework to protect sensitive environmental resources, indicators such as water quality of the streams, physical stream impairments, loss of forest, and increased imperviousness point to a downward trend. Clearly, we have been unable to protect our watersheds under the current regulations.

Imperviousness Magnifies the Impacts of Climate Change on the Ten Mile Creek Watershed

Climatic disruptions are certainly a factor in the decline in the condition of Ten Mile Creek. We can expect **climate extremes** to continue to increase in frequency and severity, bringing more frequent large rainfall events, more flooding, increased velocity and volume of storm run-off, as well as more droughts (such as the record breaking annual rainfall in 2018 followed by a "flash drought" in 2019). These climatic events will continue to have a negative impact on the water quality and stream condition of all the streams in our County, including Ten Mile Creek.

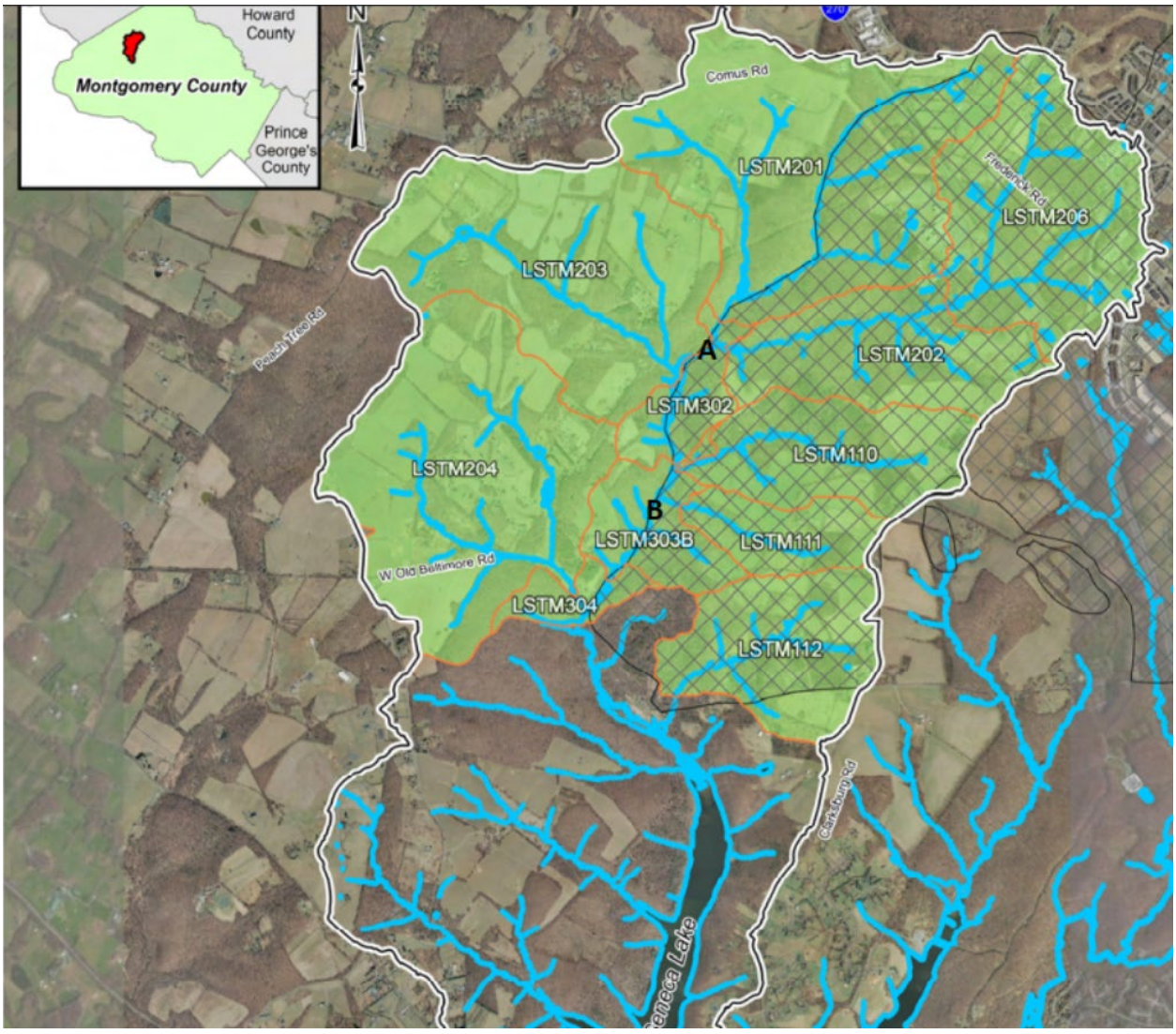
However, while the downward trend in water quality and stream condition may be due in part to the more intensive and erosive storms related to climate change, the **loss of natural areas and the degree of imperviousness are more significant factors affecting water quality and stream condition**, according to the January 29, 2020 briefing by the Planning Department to the Planning, Housing, and Economic Development (PHED) Committee. "Higher impervious cover leads to higher amounts of stormwater runoff and urban pollutants that tend to erode and degrade stream channels and habitat and the biologic communities they support, leading to degraded stream condition scores and narrative rankings," according to the report.

If we are really serious about protecting water quality and stream habitats, if we are really serious about responding to the ongoing challenges of climate change (and greenhouse gas emissions), then we must protect the natural areas, suffer no additional loss of forest trees, and severely limit impervious cover. Further intrusions into the watershed are simply not acceptable if we are to prevent further decline and degradation of the Ten Mile Creek watershed.

Ten Mile Creek Cannot Survive the Assault of the Four Developments Proposed in the Watershed

It is disingenuous to study the impacts on Ten Mile Creek only from the Pulte development. A piecemeal approach time and again proves true the maxim, "Death by a thousand cuts."

Pulte's Creekside at Cabin Branch proposed development is one of 3 developments in the pipeline (Pulte, Miles-Coppola, Egan) and a 4th (King) waiting in the wings. Taken together, these developments spell certain demise for the Ten Mile Creek main stem. Pulte's development would destroy the two highest quality streams in the Ten Mile Creek Watershed. But all the other developments combined, through their impact on the other tributaries to the Ten Mile Creek main stem, would devastate the clear flowing waters of Ten Mile Creek.



(Refer to above Map of the Ten Mile Creek Watershed, with Points A & B)

Point **A**, immediately below where LSTM202 meets the main stem of Ten Mile Creek in the upper part of the watershed, is where the Egan and Miles-Coppola developments would impact Ten Mile Creek. The combined impervious impact of the Egan and Miles-Coppola developments **would raise the impervious level, at point A, in the very heart of the upper watershed from 7% to 10%**. (See point **A** on Map of the Ten Mile Creek Watershed) The pre-existing imperviousness is already greater than 5% as a result of the heavy development east of 270, all of which lies is the headwaters of LSTM206.

Point **B**, immediately below where LSTM111 meets the main stem of TMC, is where all 4 developments (Pulte, Egan, Miles-Coppola, & King) would impact Ten Mile Creek. The combined impervious impact on Ten Mile Creek of all 4 developments (Pulte, Egan, Miles-Coppola, & King) would raise the impervious level from 5% to **7.5%**, measured at a point just upstream of the Ten Mile Creek ford. (See point **B** on Map of the Ten Mile Creek Watershed)[1] At point B, pre-existing imperviousness is just under 5%, partly owing to the inclusion of large tracts of land in the agricultural reserve, with little pre-existing imperviousness

Impervious levels above 5% are consistently associated with stream degradation. The impervious impacts on Ten Mile Creek are well beyond the 5% threshold required to keep the good to excellent rating of the stream, as stated in the Master Plan. Once again, this analysis illustrates the importance of preserving what's intact by **preventing increases in imperviousness by further curtailing the size and configuration of Pulte's proposed development**.

The whole thrust of the 2014 Master Plan Amendment is to protect the high quality of Ten Mile Creek and its most sensitive and highest quality tributaries, LSTM 110 and 111. Allowing this development would violate the spirit, the intent, and the recommendations of the Master Plan.

Sewer System Plan Conflicts with Planning Board and County Council's Endorsement of Alternative 12

It appears that the Pulte development plans to use the low pressure grinder pump system in their development, though we don't know to what extent. The issues are (1) whether the development plan intends to **include a pump station** (which contradicts the Planning Board's endorsement to implement Alternative 12, which specifies no pump station on the Pulte tract) and, if so, **where they would locate it** and **what are the environmental impacts**, and (2) the **complete lack of transparency** regarding the sewer system plan.

The Alternative 12 sewer plan that was approved by the County Council and endorsed by the Planning Board specifically excluded a pump station for the Pulte development due to the major damage it would cause to the TMC Watershed.

The County Council expressed their concern with sewer infrastructure in environmentally sensitive areas in the Ten Mile Creek watershed in their Resolution in The WSSC Ten Mile Creek Area Sewer Facility Study, dated 5/26/16:

"The County Council expects the Washington Suburban Sanitary Commission's comprehensive sewer study of the Ten Mile Creek Limited Master Plan Area to review all feasible alternatives for the maximum environmental protection of the area. Sewer infrastructure should avoid Ten Mile Creek, its tributaries, and other water resources unless it is technologically infeasible to do so. **Disturbance to all environmentally sensitive areas should be minimized**."

Despite the Planning Board's endorsement and the County Council's approval of Alternative 12, the Nov 23, 2020 Staff Report on Creekside at Cabin Branch describes the likelihood of a pump station, p. 30:

"Direct new sewers away from Ten Mile Creek, utilizing proposed and existing roads; **pump stations may be required to make connections to sewer lines in Cabin Branch**; Sewers will be directed away from the Ten Mile Creek since the residential development has been designed using individual grinder pumps and the proposed force main sewer system will provide service without the need to be located near Ten Mile Creek or cross its tributaries." [My Bold]

Furthermore, the **non-transparency of the sewer system plan** is a major concern. We know very few details about Pulte's grinder pump sewer plan because the plan is being designed out of sight of the public view, and apparently in contravention to Alternative 12 that excludes a pump station in the Pulte tract, which the Council and Planning Board endorsed and approved. This is likely being done to accommodate the massive size of this development, including the two lengthy downhill extensions into the watershed (which were not originally planned for when Alt. 12 was created). But we have not been able to obtain any details about this plan - neither from Planning staff nor WSSC, despite our inquiries.

Recommendation – Deny Approval of Preliminary Plan

People who are speaking here today are raising significant issues – destruction of the highest quality subwatersheds, violation of the agreement for no pump station in the Pulte plan and risk of failure of the proposed grinder pump system, development impacts on highly erodible soils that were not accounted for in the development plans, failure to account for impacts on Little Seneca Lake reservoir and the region's emergency back-up drinking water supply. Commissioners, it's your watch now. Please do not let this development move forward until these issues have been remedied.

I urge you to deny approval of this plan as presented. At a minimum, require the removal of the development's very intrusive extensions into the most sensitive LSTM110 and LSTM111 sub-watersheds. This would help reduce impacts on these watersheds, as well as reduce erosion hazards on steep slopes and lower the risk of sewer failure.

We would like to invite you on a socially distant hike to show you the beautiful, clear running Ten Mile Creek and point out the striking beauty of the slopes and valleys with their diverse flora, especially the habitat where some of the rare plants and other unusual species are found.

Let's Preserve what's intact. Limit Imperviousness. Prevent future transgressions.

What is Good for the Earth is Good for us all.

From:	Cathy Wiss
To:	MCP-Chair
Subject:	Testimony of Cathy Wiss on Creekside at Cabin Branch, Preliminary Plan No. 120200050
Date:	Wednesday, December 2, 2020 11:08:18 AM
Attachments:	Testimony of Cathy Wiss, Creekside at Cabin Branch, Preliminary Plan No. 120200050.pdf

Dear Chairman Anderson,

Attached is testimony I plan to give at the December 3 hearing on the preliminary plan for Creekside at Cabin Branch, Preliminary Plan No. 120200050.

Best regards,
Cathy Wiss
202-664-3810

Creekside at Cabin Branch: Preliminary Plan No. 120200050

Montgomery County Planning Board
December 3, 2020

Testimony of Cathy Wiss

Good morning, Chairman Anderson and Members of the Board. My name is Cathy Wiss. I had the privilege of serving on WSSC's Citizens Advisory Committee for the Clarksburg Ten Mile Creek Sewer Study.

I was surprised to read in the staff report that Pulte's "residential development has been designed using individual grinder pumps and the proposed force main sewer system". Installing a force main on Pulte's property, along with an implied pump station to power it, does not conform to WSSC's preferred sewer plan, "Alternative 12", which the Planning Board endorsed and the Montgomery County Council adopted in Resolution 18-551. No force mains or pump stations are slated for this part of the Ten Mile Creek watershed. Some of WSSC's earlier alternatives did have a pump station and force main on Pulte's property, but these were dropped in favor of a low pressure sewer system with grinder pumps.[1] This newer technology was chosen to eliminate a stream crossing and reduce environmental impacts, such as the potential for sewage spills into the two very sensitive tributaries. Grinder pumps have been used successfully to sewer developments in other environmentally-sensitive areas of the County.[2]

This raises many questions that must be resolved before the application can be approved: what exactly is Pulte's sewer plan? Do they plan to use grinder pumps throughout the project, as called for in Alternative 12, or only in a few places? Where would the force main be and the pump station needed to power it? What changes must be made both to the sewer and the development plans to come into compliance with what the Council approved in Resolution 18-551? The staff report failed to address these questions.[3]

I was also struck by the degree to which Pulte proposes to change the grade of the property. For example, I count 14 new contour lines at the westernmost edge of the development by Connor

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[1] For the Sewer Study, WSSC designed twelve concept plans. In the first two alternatives, a pump station would be located Pulte's property on the banks of Ten Mile Creek to receive and convey wastewater from almost all of the properties in the watershed, both east and west of I-270. WSSC determined that these concepts would have unacceptable impacts on this sensitive ecosystem. In Alternatives 3-8, a pump station would be built on Pulte's property to serve the area under consideration for this development. It would be located south of the proposed development and cross LSTM111. A force main would convey wastewater to Cabin Branch. WSSC further refined the sewer plan for Pulte's property in Alternatives 9-12 to eliminate the pump station and force main. Instead, the development would be served by low pressure sewers with grinder pumps. They would join a gravity sewer along Clarksburg Road connecting to sewers in Cabin Branch without a central pump station or force mains. This is what the Planning Board endorsed and the Council approved.

[2] One example is the Palatine development adjacent to the Serpentine Barrens in Potomac, off Piney Meetinghouse Road.

[3] In a July 2, 2015, letter from Robert R. Harris of Lerch, Early & Brewer to Kenneth Dixon of WSSC, Mr. Harris, who was representing Pulte, wrote, "Details with respect to design of any sewer and water system should be left to determination at the time of Preliminary Plan of Subdivision." This is a preliminary plan, and Pulte is requesting subdivision.

Court. In places the grade looks almost vertical. The change would be substantial. So many tons of fill would certainly compact the underlying soil, something the master plan sought to avoid:

> Minimize grading the thin and rocky soils in Ten Mile Creek, which help sustain groundwater flows to the many springs and seeps and indicate the importance of limiting grading and soil compaction as much as possible through creative site design and development staging

It would also change the hydrology of these tributaries and possibly snuff out the springs, seeps, and wetlands at the base of the fill. And how many rare, threatened, and endangered plants would be buried? A thorough study should be made of how the regrading will impact the sensitive hydrology, underlying soils, and rare, threatened, and endangered plants. The preliminary plan must be modified to minimize any impacts, even if it means eliminating Connor Court and Creekside Court.

Finally, from comparing earlier maps to Pulte's site plan, I believe some ephemeral streams and part of LSTM111 will be buried by the fill. The Master Plan states:

> Maintain natural drainage patterns, especially around ephemeral (zero order) streams, by:
> -- preserving and designing around ephemeral streams within the limits of disturbance
> -- maintaining existing natural topography and vegetation within 50 feet of ephemeral streams

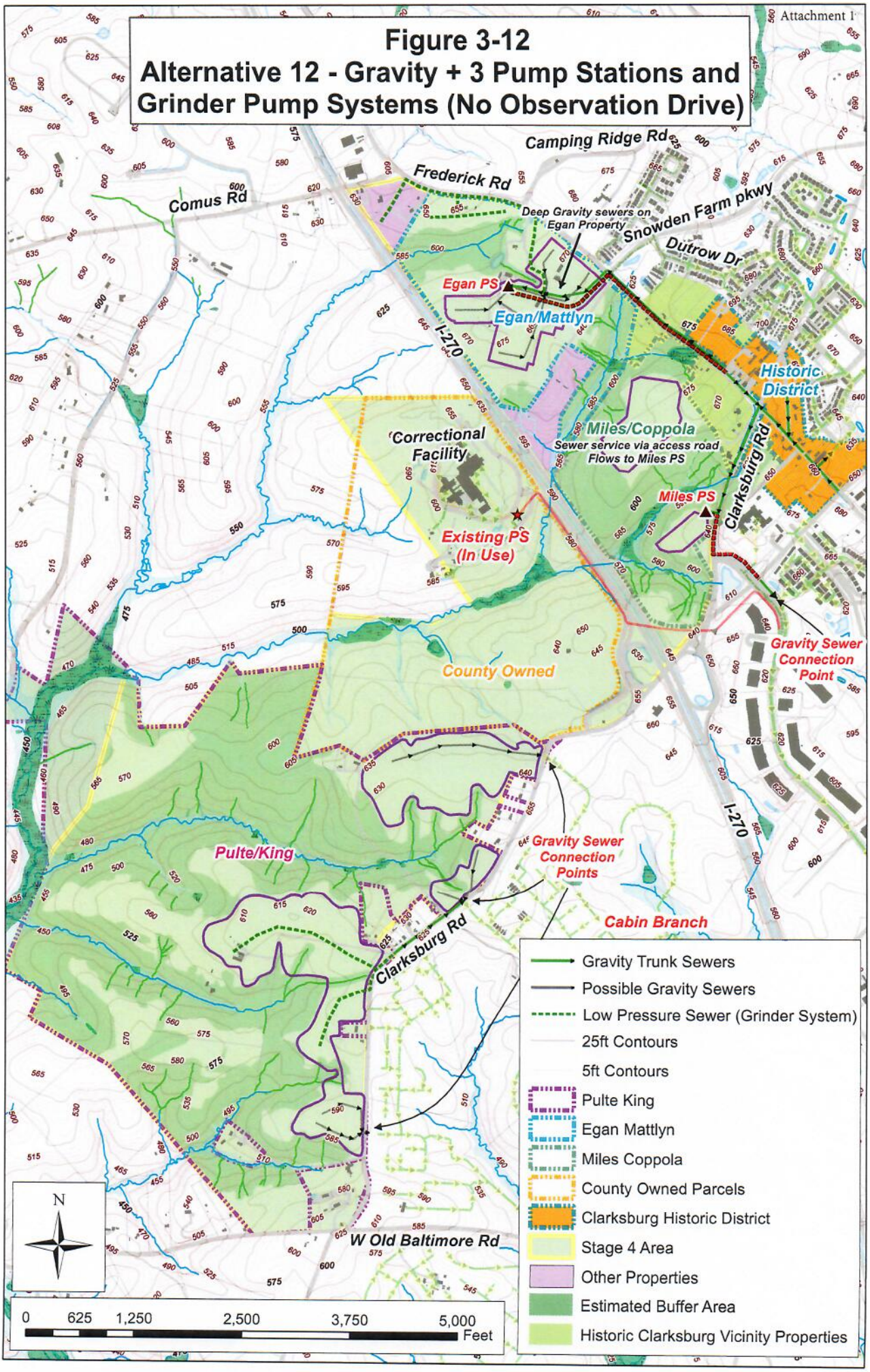
Planning staff should ascertain whether Pulte is complying with these provisions of the Master Plan, and if not, require Pulte to amend the preliminary plan in order to come into compliance.

Thank you for your attention to these matters.

Attachments:

WSSC Alternative 12
Sanitary Sewer Overflows Reported by WSSC September-November 2020

Figure 3-12
Alternative 12 - Gravity + 3 Pump Stations and Grinder Pump Systems (No Observation Drive)



Sanitary Sewer Overflows Reported by WSSC September-November 2020

Gravity sewers utilize large-diameter sewer mains, manholes, pump stations, and force mains. Low pressure sewer systems with grinder pumps use small-diameter pipes and do not have manholes, pump stations, or force mains. In contrast to overflows from gravity sewer systems, overflows from low pressure sewers are usually very small and on private property They are ideal in ecologically-sensitive watersheds. Although WSSC does not say whether the following overflows are from gravity or low pressure sewer systems, the rate and size of the overflows and their source indicate that almost all of them were from gravity systems:

11/28/2020 – one gallon overflow at a property line cleanout in Clarksburg caused by roots entering the pipe

11/13/2020 – dry weather overflow of 564 gallons, flowing at a rate of 5 gallons per minute from a manhole in Silver Spring and entering a storm drain in the Sligo Creek watershed; overflow caused by debris in sewer line; noticeable odor

11/12/2020 – wet weather overflow of 160,200 gallons from a manhole in Germantown caused by a collapsed pipe; overflow entered a catch basin and waterway in the Seneca Creek watershed and lasted an estimated 45.20 hours; noticeable odor and discoloration

11/12/2020 – wet weather overflow of 18,934 gallons from 3 manholes during a heavy rain in Accokeek, entered Piscataway Creek near the Piscataway Water Resource Recovery Facility; the overflow ended when the rain stopped 8.60 hours later (inflow of rainwater into the sewer system)

11/10/2020 dry weather overflow of 756 gallons flowing at a rate of 7 gallons per minute from a manhole in Forestville into a storm drain in the Broad Creek basin, caused by a blockage of grease and debris; discoloration and odor

11/10/2020 – dry weather overflow of 527 gallons from a manhole in Beltsville into a storm drain in the Northeast Branch basin; caused by a blockage of paper

11/5/2020 – dry weather overflow of 454 gallons, at a rate of 3 gallons per minute, from a manhole in Hyattsville, Beaverdam Branch watershed; caused by a heavy grease obstruction; noticeable odor

11/2/2020 – dry weather overflow of 4,275 gallons from a broken 10" pipe in Upper Marlboro, flowing at a rate of 15 gallons per minute into a stream in the Western Branch basin; discoloration, noticeable odor, and visible solids were observed in the stream

10/19/2020 – dry weather overflow of 344 gallons, at a rate of one gallon per minute, from 2 manholes in Bethesda caused by a grease and rag obstruction; sewage entered a nearby storm drain in the Rock Creek watershed; duration of overflow was 2.87 hours

10/15/2020 – 100 gallons overflowed into the street from a home in Takoma Park in the Sligo Creek watershed; the overflow was caused by an obstruction in the property line cleanout; duration of overflow was 9.42 hours

9/30/2020 – dry weather overflow of 2 gallons from cleanout at the property line at a home in Upper Marlboro, caused by rags in the line

9/24/2020 – dry weather overflow of an estimated 3,450 gallons from a broken pipe in Temple Hills; discoloration, noticeable odor, and visible solids were observed on the banks of Henson Creek

9/19/2020 – 5 gallons overflowed from a hard paper stoppage in a property line cleanout in Silver Spring, Paint Branch watershed; duration of overflow 1.08 hours

9/10/2020 -- wet weather overflow of an estimated 27,000 gallons flowing at a rate of 75 gallons per minute from a manhole in Hyattsville due to "excess flow"; the sewage was contained in an onsite construction excavation; visible solids

9/7/2020 – dry weather overflow of 616 gallons from a broken sewer main in Silver Spring entering a dry creek in the Northwest Branch watershed

9/6/2020 – dry weather overflow of an estimated 10,500 gallons into Charles Branch, a tributary of Western Branch in Upper Marlboro, from a broken sewer main; visible solids observed in stream

From:	M Schoenbaum
To:	MCP-Chair
Cc:	Hammet Hough; Elena Shuvalov; Maggie Bartlett
Subject:	Creekside at Cabin Branch: Preliminary Plan No. 120200050
Date:	Wednesday, December 2, 2020 11:11:17 AM

Dear Planning Board Chair,

The Boyds Civic Association (BCA) supports the testimony from the Friends of Ten Mile Creek and Little Seneca Reservoir (FoTMC).

BCA was organized in 1965 to represent the members of the community of Boyds, Maryland, in their dealing with the county, state, and federal governments and to assure that Boyds develops as a rural, residential community.

BCA believes that there are 3 major problems with the proposed preliminary plan.

THE TEN MILE CREEK LIMITED MASTER PLAN AMENDMENT CAPPED IMPERVIOUS SURFACE AT 6% TO PROTECT WATER QUALITY

In 2013-2014, BCA testified in support of the Ten Mile Creek Limited Master Plan Amendment with the 6% impervious cap in order to protect the water quality in Ten Mile Creek and Little Seneca Reservoir. Unfortunately, this proposed preliminary plan would increase impervious-surface percentages to greater than 10% in two sub-watersheds. Like FoTMC, BCA believes that this is counter to the master plan and that, as stated in the master plan, such impervious-surface percentages would fail to protect the water quality in Ten Mile Creek and the lake.

THE PLANNING BOARD HAS A RESPONSIBILITY TO PROTECT MONTGOMERY PARKS RESOURCES

Black Hill Regional Park and Little Seneca Reservoir have both long been highly-popular regional resources for hiking, biking, boating, fishing, birding, picnics, prom/senior/wedding pictures, birthday parties, and festivals. They have been even more popular recently, during the pandemic. Now imagine the Parks Department annually warning visitors to avoid direct contact with lake water due to microcystin, as they already do at Lake Needwood. The Planning Board is also in charge of the parks system and should act to protect Montgomery County's parks by protecting, not degrading, the water quality in Ten Mile Creek and the lake.

THE PLANNING BOARD HAS A PUBLIC RESPONSIBILITY TO PROTECT DRINKING WATER IN LITTLE SENECA RESERVOIR

Little Seneca Reservoir was completed in 1984 as a back-up drinking water reservoir

for the Washington Suburban Sanitary Commission, which supplies water to 1.8 million residents in Montgomery and Prince George's Counties. Since then, there has been continuous development of the land around the reservoir. As seen most recently on the Cabin Branch arm of Little Seneca Reservoir, the effects of development on reservoir water quality will only become more damaging as the climate warms, storms become more intense and frequent, and the need for back-up drinking-water supply increases. The Planning Board must decide which is more important, developing the land around the reservoir, or protecting the water quality in the reservoir. You can't have both.

Thank you for considering the public testimony from BCA.

Miriam Schoenbaum
President, Boyds Civic Association
15004 Clopper Rd
Boyds MD 20841

From:	lifeonearth@verizon.net
To:	MCP-Chair; Marc.Elrich@montgomerycountymd.gov; county.council@montgomerycountymd.gov
Subject:	Creekside at Cabin Branch Preliminary Plan in the Ten Mile Creek watershed
Date:	Wednesday, December 2, 2020 11:20:36 AM
Attachments:	Planning Board Public Hearing Dec 3, 2020.doc

Attached is the testimony of John Parrish on the Creekside at Cabin Branch Preliminary Plan in the Ten Mile Creek watershed, Dec 3, 2020

The substance of my testimony focuses on the irreparable harm that the Pulte development would have on the Ten Mile Creek watershed if approved.

Thank you,

John Parrish

December 3, 2020

RE: Creekside at Cabin Branch Preliminary Plan 120200050

Submitted by John Parrish, 9009 Fairview Road, Silver Spring, MD 20910

Dear Planning Board Commissioners,

I am a lifelong 62-year resident of Montgomery County and an advocate for protection of Ten Mile Creek since 2013. I also serve as an advisor to the Friends of Ten Mile Creek.

Please include my testimony in the public record for the Creekside at Cabin Branch Preliminary Plan application.

How Pulte's Development Plan Fails to Conform With Goals and Recommendations of the Ten Mile Creek Area Limited Amendment Adopted in 2014 (TMA) to protect water quality.

Is it wise to place 326 housing units and 24 acres of impervious cover within two of the most sensitive and high quality subwatersheds in all of Montgomery County? I argue that it is not, because it directly undermines the very reason why the TMA was undertaken in the first place. That reason was to protect the quality of Ten Mile Creek. The protection of Ten Mile Creek begins with protecting its high quality headwater tributaries LSTM 110 and LSTM 111.

The overarching goal of the TMA is to achieve desired community elements while protecting the quality of Ten Mile Creek (TMA pg. 5). The Pulte plan over achieves the community elements at the expense of protecting the quality of Ten Mile Creek. The following explains why this is so by examining language in the TMA and showing how the Pulte plan falls short of meeting watershed protection goals.

1) Size and placement of Pulte's development within two of Ten Mile Creek's highest quality subwatersheds, LSTM 110 and LSTM 111 and why the 6% environmental overlay zone impervious cap fails to protect LSTM 110 and LSTM 111.

The Pulte development plan shows a 62 acre development footprint straddling the highly sensitive LSTM 110 and 111 sub-watersheds. The combined land area of the two sub-watersheds is 315 acres (211ac. for LSTM 110 and 104ac. for LSTM 111). Twenty percent of this 315 acre land area would be bulldozed to reshape the topography resulting in soil erosion, soil compaction and excessive amounts of impervious surfaces. According to Pulte's impervious exhibit, the impervious surfaces (roads, buildings, driveways, sidewalks) would cover 24 acres of the 62 acre development footprint. Approximately 12 acres of imperviousness would cover each of the sub-watersheds.

According to the TMA (pg.16), "***Impervious cover continues to be widely accepted as an indicator of the complex impacts that are difficult to model sufficiently, including pollutants such as oil, gasoline, and salt associated with roads and parking areas, and impacts to groundwater quality and quantity, as well as heat island effects and the effects of more severe storms."***

The current impervious cover percentage for LSTM 111 is very low at 1.2% and LSTM 110 stands at 1.6%. **According to our analyses, post development, the impervious cover for LSTM 111 would rise to 12.7% and to 10.1% for LSTM 110.** Note: the rise of LSTM 111 to 12.7% is entirely due to Pulte's

development. The rise to 10.1% for LSTM 110 is due to the Pulte development (7.3%) plus future development on the King Property (2.8%) assuming that a King development maximizes impervious cover under the 6% Environmental Overlay. **According to environmental experts, this level of increased imperviousness would devastate the very two tributaries the TMA (pg.18) recommends for special protection.**

The TMA (pg. 14) states **"*LSTM 110 (King Spring Tributary) is considered one of the highest quality streams in Montgomery County, as measured by the Department of Environmental Protection countywide stream monitoring program and in an assessment by the U.S. Environmental Protection Agency using the Biological Conditions Gradient (See Appendix 8, Attachment 18)*.

The TMA (pg.17) states "***High quality subwatersheds with very low impervious cover, such as LSTM 110 (1.6%) and LSTM 111 (1.2%), are more sensitive to changes in impervious cover than watersheds like LSTM 206 (16.6%) and LSTM 202 (11%), which already have a significant amount of existing impervious cover and are showing signs of degradation. Recent studies, (see Appendix 9, Attach. 18) have shown that impervious cover levels as low as 5 percent are correlated with significant degradation in water quality."***

Also, the TMA (pg. 41) specifies how to protect LSTM 110 and 111. "***This area includes the most sensitive subwatersheds LSTM 110 and 111 and the monitoring stations for the reference stream reach. The very low existing imperviousness and long-term agricultural uses have resulted in excellent stream conditions that have been maintained since monitoring began in 1994. Even small changes in imperviousness will likely affect these sub-watersheds, but if imperviousness is kept as near to 5% as possible, stream conditions can be maintained in good to excellent range based on the majority opinion of environmental experts***."

The bottomline is that the 6% Environmental Overlay Zone fails to protect LSTM 110 and 111 when the impervious cover is allowed to be maximized. Post buildout of the Pulte and King properties under the 6% environmental overlay zone translates to 10.1% impervious cover for LSTM 110, and 12.74% impervious cover for LSTM 111. This is unacceptable and contradicts the science of watershed protection and the TMA mandate to protect the quality of Ten Mile Creek.

The 6% overlay zone impervious cap applied to Pulte's 402 acre property (.06 x 402 = 24.12) allows for up to 24 acres of impervious surfaces. As shown above, Pulte's plan far exceeds the 5% threshold recommended by environmental experts to assure protection of LSTM 110 & 111. The TMA (pg.18) states **"*In particular protect existing stream conditions in the high quality headwater subwatersheds LSTM 110 King Spring and LSTM 111."*** Quite simply, the Pulte Plan fails to protect the two most sensitive and high quality sub-watersheds in Montgomery County. In order to better protect these special tributaries and keep impervious cover "***as near to 5% as possible***", the development footprint needs to be cut in half. **The western half of the development including the two street extensions should not be built**.

2) <u>The Ten Mile Creek Area Limited Amendment (TMA) calls for "*tightly clustered residential uses*" to protect LSTM 110 & LSTM 111. The western end of the Pulte Plan is not tightly clustered.</u>

The TMA (pg 12) states "*In the western portion of the Plan area, the presence of significant, sensitive tributaries requires limiting development to* ***tightly clustered*** *residential uses ….*"

Under "Recommendations West of I-270" (TMA pg. 18). **"*Reduce development footprint and impervious cover, emphasizing reduced impacts to upland forest areas and steep slopes. In particular protect existing stream conditions in the high quality headwater subwatersheds LSTM 110 King Spring and LSTM 111.*"**

TMA (pg.42) states "***The stream impacts should be minimized by making preservation and protection of natural resources a clear priority; maintaining natural drainage routes and patterns; minimizing imperviousness; clustering development; planting all stream buffers in forest; and minimizing grading, soil disturbance and soil compaction***."

The western and northwestern ends of the Pulte development certainly cannot be considered to be "*tightly clustered*." Two streets extend far from the compact portion of the development and surround a wetland. The two extensions must be eliminated to reduce the development footprint and to truly achieve a "*tightly clustered*" housing plan. This would provide a better buffer for the wetland while reducing impervious impacts to LSTM 110 and 111. The undeveloped area should be reforested to protect water quality and to increase the size of the forest interior for the benefit of forest-interior dwelling plants and animals.

3) <u>Highly Erodible Soils Underlie a Significant Portion of the Pulte Development Footprint – Stream and Wetland Buffers Must Be Expanded to Reflect Current Standards of Soil Erodibility</u>

The TMA (pg.42) states "***The stream impacts should be minimized by minimizing grading, soil disturbance and soil compaction***."

The Pulte plan would require bulldozing 20% of the land area (62 acres) within the highest quality and most sensitive subwatersheds in the Ten Mile Creek watershed, LSTM 110 and LSTM 111. This amount of soil disturbance and subsequent erosion and impervious cover would seriously degrade these subwatersheds and Ten Mile Creek mainstem.

Soil erosion and resulting sedimentation pose a major threat to aquatic habitats in the Ten Mile Creek watershed by smothering stream beds with silt. A large portion of the Pulte development would bulldoze into 3 soil units considered to be highly erodible lands by the USDA/Natural Resource Conservation Service (USDA-NRCS). The three soils types include:

9C – Linganore – Hyattstown Channery Silt Loam (8-15% slope)
16C – Brinklow – Blocktown Channery Silt Loam (8-15% slope)
109D – Hyattstown Channery Silt Loam (15-25% slope)

The erosion hazard for each is rated to be "severe" by the USDA-NRCS.

This most up-to-date data conflicts with the M-NCPPC Environmental Guidelines list of highly erodible soils which do not recognize these soil types as highly erodible. **The MNCPPC list is based on outdated USDA/NRCS guidance from 25 years ago (1995).** It does not reflect the current science related to erosion hazard classification.

The following data is from a Soils Erodibility Ratings Report prepared by Jason Martin, Soil Scientist with the USDA –NRCS, Oct. 2020 at the request of RG Steinman and John Parrish.

Tables—Erosion Hazard (Off-Road, Off-Trail)				
Map unit symbol	**Map unit name**	**Rating**	**Component name (percent)**	**Rating reasons (numeric values)**
9B	Linganore-Hyattstown channery silt loams, 3 to 8 percent slopes	Moderate	Linganore (50%)	Surface kw times slope times R index (0.52)
			Hyattstown (30%)	Surface kw times slope times R index (0.52)
			BAILE (5%)	Surface kw times slope times R index (0.05)
9C	Linganore-Hyattstown channery silt loams, 8 to 15 percent slopes	Severe	Linganore (50%)	Surface kw times slope times R index (0.84)
			Hyattstown (30%)	Surface kw times slope times R index (0.84)
			OCCOQUAN (15%)	Surface kw times slope times R index (0.93)
16C	Brinklow-Blocktown channery silt loams, 8 to 15 percent slopes	Severe	Brinklow (50%)	Surface kw times slope times R index (0.80)
			Blocktown (30%)	Surface kw times slope times R index (0.87)
			GLENELG (10%)	Surface kw times slope times R index (0.93)
			OCCOQUAN (5%)	Surface kw times slope times R index (0.93)
109D	Hyattstown channery silt loam, 15 to 25 percent slopes, very rocky	Severe	Hyattstown (90%)	Surface kw times slope times R index (0.95)
			LINGANORE (5%)	Surface kw times slope times R index (0.84)

The current USDA-NRCS data is the National Standard to be used when determining erosion hazard ratings. Even the City of Rockville Environmental Guidelines considers the 3 soil types to be highly erodible (see https://www.rockvillemd.gov/DocumentCenter/View/511/env_guidelines?bidId=). **M-NCPPC is using out of date standards that compromise environmental protection and result in damaged streams**.

The stream and wetland buffers must be expanded to take into account all erodible soil units and reflect the current science-based USGS-NRCS erosion classifications. Soil types within the proposed development footprint that constitute a severe erosion hazard should remain in a natural condition such as grassland or be reforested and set aside as public open space to protect Ten Mile Creek and its tributaries LSTM 110 and 111. **Development needs to be directed to the less erodible soils on gentle slopes at higher elevations closer to Clarksburg Road.** Three other soil units found within Pulte's development footprint are more suitable for development. These include 9B, 16B, and 17B. Restricting development to these areas would reduce the development footprint, help minimize the risk of erosion and sedimentation, and reduce stream degradation. Following this guidance would help fulfill the directive (TMA pg.42) to minimize grading, soil disturbance, and soil compaction. It would also greatly support the directive in the

TMA (pg.18) **"*In particular protect existing stream conditions in the high quality headwater subwatersheds LSTM 110 King Spring and LSTM 111.*"**

4) <u>Rare, Threatened and Endangered Species (RTE), the Legacy Open Space (LOS) evaluation of the Ten Mile Creek watershed, and why the Pulte property needs to be surveyed for RTE plant and animal species</u>.

<u>My Relevant Background</u>
I am a professional botanist and ecologist with expertise on the flora native to the Mid-Atlantic bioregion. I also serve as a member of the Legacy Open Space Master Plan Advisory Group.

<u>TMA Background Information</u>
The Legacy Open Space evaluation of the Ten Mile Creek watershed (TMA pg. 48) states that the forest "***has particular countywide, regional or national significance for its ability to support rare, threatened, or endangered species, aquatic communities, and its varied habitats***."

Regarding the Ten Mile Creek watershed study area, the Department of Parks Analysis and Recommendations (Appendix 7 of the TMA) states: "***further study is needed to evaluate whether the site may harbor rare, threatened or endangered and watch-listed plant and animal species***."

The Maryland Department of Natural Resources (DNR) submitted a response (April 9, 2013) to a request by Biohabitats (a consultant to M-NCPPC) for information regarding state rare, threatened, and/or endangered species within or near the Ten Mile Creek watershed. The DNR letter stated that there were **"*no State or Federal records for rare, threatened, or endangered species within the boundaries of the project site as delineated*."** However, DNR went on to say "***if appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.***" This letter is found in the TMA Appendix 3.

<u>My flora surveys found RTE species in 2019 and 2020</u>
In the summer and fall of 2019, I began to conduct an inventory of the flora of public lands in the Ten Mile Creek watershed. This included lands formerly known as the Beck and Thompson farms which became part of the Ten Mile Creek Conservation Park in 2009 and 2016. My surveys also included the Ten Mile Creek Greenway, the Clarkwood property, and property owned by Montgomery County designated to become parkland. In the winter of 2019-2020 (Dec.-Jan.) I first communicated to M-NCPPC staff that I had located 4 RTE plant species. At that time I requested that M-NCPPC require surveys for RTE species of plants and animals in the Ten Mile Creek watershed, especially for private lands identified in the TMA for future development such as the Pulte property. To date this has not occurred.

I resumed surveys in the spring of 2020. I located three more RTE plant species during this time and communicated my findings to M-NCPPC staff and to Maryland DNR. Thus far, my limited surveys documented over 450 species of native plants in the Ten Mile Creek watershed west of I-270 and north of West Old Baltimore Road. This represents over one-third of Montgomery County's native plant species.

The known RTE species in the Ten Mile Creek watershed now include seven plants as follows:

1) Asclepias purpurascens – Purple Milkweed (State Rare), a plant of open field habitats (LSTM 201)
2) Trichophorum planifolium – Bashful Bulrush (State Rare), a plant of forested habitats (LSTM 202)
3) Liparis liliifolia – Lily-leaved Orchid (State Rare/Watchlist), a plant of forested habitats (LSTM 202)

4) Eupatorium altissimum – Tall Boneset (State Watchlist), a plant of open field habitats (LSTM 112)
5) Packera paupercula – Balsam Ragwort (State Watchlist), a plant of open field habitats (LSTM 201/204)
6) Solidago patula – Sharp-leaved Goldenrod (State Watchlist), a plant of open wet habitats (LSTM 202)
7) Sparganium eurycarpum – Giant Bur-reed (State Watchlist), a plant of open wet habitats (LSTM 202)

According to MD DNR, this is the first time Solidago patula and Sparganium eurycarpum have been documented to occur in Montgomery County. This shows that **the Ten Mile Creek watershed has specialized habitat niches that can harbor RTE species**.

It is important to note that five of the seven RTE species were found in open habitats. Only two occur in forested habitat. **It is also very important to note that the RTE species occur in all of the LSTM subwatersheds surrounding the Pulte property. This fact makes it very likely that the Pulte property may also support RTE species.**

Four large privately owned properties in the Ten Mile Creek watershed are targeted for development. The largest is the 402 acre Pulte property followed by the Egan (140ac.), King (137ac.), and Miles-Coppola (100ac.) properties. This totals 779 acres of privately owned lands that has never been surveyed for RTE plant and animal species. By contrast, my surveys on public lands covered about 600 acres of land. Proper surveys by qualified botanists and animal biologists would support the recommendation by the Department of Parks Analysis in Appendix 7 of the TMA cited above.

The Pulte and Egan properties constitute the most urgent need for RTE surveys. Pulte's proposed development footprint as well as the creation of park trails and park access infrastructure can destroy habitats of RTE species unless care is taken to determine the presence or absence of these species via proper surveys. The two day "plant habitat assessment" performed by Pulte's consultants in April 2020 is laughable, wholly inadequate, and does not qualify as a proper survey for locating RTE species. **The bottom line is that RTE species cannot be protected unless detected**. Adequate surveys for RTE plant and animal species have not been conducted on lands proposed for development in the Ten Mile Creek watershed and if M-NCPPC is to fulfill its obligation to protect these species, surveys must be performed by qualified botanists and biologists. This will require surveys throughout the growing season in spring, summer and fall to more fully assess the presence or absence of RTE plant species.

5) <u>Pulte Sewer Facility Plan Threatens Ten Mile Creek and Little Seneca Reservoir With or Without a Pump Station Due to the Large Size and Configuration of the Development</u>

Many Friends of Ten Mile Creek (FoTMC) members participated in the Clarksburg Ten Mile Creek Area Sewer Facility Plan (SFP) process which led to a final report completed in 2016. FoTMC were pleased that the chosen alternative (Alt. 12) avoided environmentally sensitive areas by recommending a grinder pump system **without a pump station** to serve the proposed Pulte housing development. **However, the staff report indicates a pump station may now be used to service the Pulte development.** This contradicts the Planning Boards endorsement, and County Council's approval of Alternative 12.

Staff fails to elaborate why a pump station is proposed, where it would be located, and what environmental impacts are associated with it. Indeed the entire WSSC sewer planning process for the Pulte development has been concealed from public view. The FoTMC reached out to WSSC early this year to learn about the sewer facility plan for the Pulte development. The reply from WSSC told us the sewer facility plan and hydraulic planning analysis was strictly between Pulte and WSSC. Essentially, we were told that the plan was none of our business. Simply put, adding a new pump station and

associated force mains could further compound the environmental impacts to Ten Mile Creek. Those impacts and the pros and cons must be presented in a transparent way.

Assuming the development plan **does not** utilize a pump station per the recommendations of the County Council and WSSC (Alt. 12), the following are serious concerns. **The large size and layout of the sewer system poses a significant risk of failure and potentially dire consequences for Ten Mile Creek and Little Seneca Reservoir**. In fact, my research indicates that grinder systems perform best and are at a more acceptable risk when serving 50 or fewer housing units. Indeed, WSSC's own data says that most of the existing grinder systems in Montgomery County serve 50 or fewer homes and that as of 2016 only 1,300 individual grinder pumps were in use in the County. They go on to state that grinder systems serving more than 50 homes are rare. **Reducing the development size will lower the risk of a catastrophic failure**. **At a minimum, eliminating the two lengthy street extension prongs at the western end of the development will help alleviate stress on the system**. However, a greater reduction may be needed to assure a minimal risk of failure.

A Pulte development plan under Alternative 12 would rely on the collective pressure of grinder pumps from each housing unit to get waste water uphill and over the ridge into the adjacent gravity fed system. Grinder pump systems are at less risk for failure when used across a limited area in smaller scale housing developments. Due to the large development size (326 units across 62 acres), configuration of the system, and distance required to convey waste water uphill to reach the gravity fed system in the Cabin Branch watershed, even under Alternative 12, the Pulte sewer plan poses a high risk of failure. Eliminating homes planned at the lowest elevation (west end) of the development can help minimize risks by reducing the distance that waste water must travel to be pumped out of the watershed. It is interesting to note that maps of Alternative 12 showing the sewer facility envelope for the Pulte property do not show two prongs of the sewer system extending at the west and northwest ends of the development envelope. **The Pulte plan is a departure from, and not in conformance with, Alternative 12.**

Whether or not a pump station is used in conjunction with a grinder system, a hybrid gravity and grinder system, or not at all, sewer main breaks can result in a catastrophic failure contaminating ground and surface waters flowing directly to Ten Mile Creek and the Little Seneca Reservoir.

Many failures have occurred in the recent past associated with pump stations and force mains in the WSSC system. They are described in the WSSC SFP (4.4.1 Recent Force Main Failures in WSSC system). These breaks have happened repeatedly in Montgomery and Prince Georges Counties releasing millions of gallons of contaminated water into local watersheds. For example, in Montgomery County, three failures occurred in the Olney area in 2015 releasing over one million gallons of sewage. In 2013 over 2 million gallons of raw sewage was spilled into the Reddy Branch watershed in the Olney area. These are scenarios we do not want to see play out in the Ten Mile Creek watershed.

The Planning Board's decision about the size, location, and layout of the Pulte development determines the degree of the risk of failure of the sewer system. **A smaller and more tightly clustered layout that directs development uphill closer to Clarksburg Road will greatly help minimize this risk.** However, building a pump station would violate the WSSC's chosen Alternative 12, the intent of the Planning Board, County Council, and exacerbate environmental impacts to the Ten Mile Creek watershed.

6) <u>The 6% Environmental Overlay Zone (EOZ) impervious cap should not be treated as an entitlement to guarantee a maximum yield of housing units and impervious cover when the science of watershed protection tells us this will result in irreparable harm to the aquatic ecology of LSTM 110 and 111, and to the Ten Mile Creek mainstem.</u>

The 6% EOZ cap implies that **a range anywhere between zero and 6% can be acceptable,** provided that the impervious cover does not exceed science-based thresholds of 5% cover within sensitive sub-watersheds. **The impervious cap should not be treated as if it were a requirement to maximize the impervious cover at 6%. Six percent is an upper limit, not a requirement!** After careful analysis, it is clear that impervious surfaces must be reduced substantially to assure that LSTM 110 and 111 do not exceed the science-based five percent impervious cover threshold necessary to protect these highest quality and sensitive subwatersheds. The Pulte Plan abuses the intent of the EOZ by seeking maximum impervious cover at the expense of two of Montgomery County's best tributaries and the ecological health of the Ten Mile Creek main stem.

7) Summary

Concerned citizens with the Friends of Ten Mile Creek organization first brought our concerns to MNCPPC staff a year ago in December 2019 to discuss the preliminary plan and issues regarding impervious cover, storm water runoff, long-term health of the Little Seneca Reservoir, soil erosion, rare species, and downward trends in habitat conditions and water quality in the Ten Mile Creek watershed. Sadly, little has been done to alter the development plan to reduce impacts to the values cited above. Now it is up to the Planning Board to make decisions to uphold the letter, spirit and intent of the Ten Mile Creek Master Plan Amendment to truly protect the quality of Ten Mile Creek and its tributaries LSTM 110 and 111. The science of watershed protection dictates that you must sharply reduce the size of the development if you are to really maintain the high quality conditions in LSTM 110 and 111 and the Ten Mile Creek main stem. **I urge you to deny approval of Pulte's preliminary plan**.

From:	Diane Cameron
To:	MCP-Chair
Cc:	Margaret Schoap; Anne James; Caroline Taylor; John Parrish; rg steinman
Subject:	Testimony of the TAME Coalition re: Pulte proposed development in Ten Mile Creek
Date:	Wednesday, December 2, 2020 11:25:38 AM
Attachments:	Testimony of TAME Coalition_Diane Cameron_re Pulte Proposed Site Plan.pdf

Dear Chair Anderson,

Attached please find my testimony regarding the proposed Pulte development project in Ten Mile Creek.

Diane Cameron

--

Diane Cameron, Director
301-933-1210
Margaret Schoap, Organizer
240-581-0518

tamecoalition@gmail.com
tamecoalition.org

TAME
Transit Alternatives to Mid-County Highway Extended

To protect Ten Mile Creek, Pulte's site plan must be downscaled.

Testimony by Diane Cameron
Director, TAME Coalition tamecoalition@gmail.com
Advisor, Friends of Ten Mile Creek and Little Seneca Reservoir
December 3, 2020

Summary: TAME Coalition supports protecting Ten Mile Creek, as part of our work in the Upcounty for climate resilience, smart growth, and transit. We support the testimonies of the Friends of Ten Mile Creek, Montgomery Countryside Alliance, John Parrish, and rg steinman. Pulte proposes to build a subdivision with 326 dwelling units and 24.15 acres of imperviousness in the two most sensitive subwatersheds of Ten Mile Creek. The Environmental Overlay Zone's 6% imperviousness cap is intended to be a ceiling, not a guaranteed yield. In the 2014 Ten Mile Creek Limited Master Plan Amendment, the goal for these two most-sensitive subwatersheds is to keep their total imperviousness at 5% or less for each of Subwatershed 110 and 111.

Ten Mile Creek is the cleanest tributary flowing into Little Seneca Reservoir, the only nearby emergency drinking water supply for the Washington DC region. It serves as a reference stream, used by scientists to gauge the health of other streams.

Master Plan calls for protection of Ten Mile Creek's two highest-quality tributaries: The staff report notes that the Clarksburg West Environmental Overlay Zone (EOZ) 6% cap on imperviousness is applied to a development site, not to subwatersheds. If approved, Pulte's site plan, though comprised of 400 acres spanning four subwatersheds, will focus earthwork and pavement within only the two most sensitive, highest biological quality tributaries of Ten Mile Creek: Little Seneca-Ten Mile 110 (LSTM 110) and LSTM 111.

A key recommendation of the Master Plan is to protect these two subwatersheds, quote: "… ***protect existing stream conditions in the high quality headwater sub-watersheds LSTM110 (King Spring) and LSTM111***." further stating, "…***if imperviousness is kept as near to five percent as possible, stream conditions can be maintained in the good to excellent range.***"

The protections provided to these two highest-quality tributaries are central to the compromise embodied in the 2014 Limited Master Plan Amendment. Yet, an analysis of the buildout plans for these watersheds shows a fivefold increase in imperviousness of LSTM 110 from 1.6% to 10.1%, and a nearly tenfold increase in

imperviousness of LSTM 111, from 1.2% to 12.75%. Pulte's project would significantly and irreversibly degrade Ten Mile Creek and its two most biodiverse, sensitive tributaries. Pulte's plan must be rejected, as it is counter to the intent of the 2014 Limited Master Plan Amendment and would increase pollution loadings to Little Seneca Lake.

Fully enforce the Master Plan: You have the power to enforce the intent of this Master Plan by requiring Pulte to down-scale its development so that imperviousness is kept below five percent within each of subwatersheds 110 and 111.

To use your authority to the highest public interest, in fulfilling the Master Plan objective to protect the quality of Ten Mile Creek, you must require that Pulte shrink its development footprint by at least 50%, bringing the two sub-watersheds' imperviousness closer to 5%, as recommended by the Master Plan. We also request removal of the two intrusive extensions of the development that plunge deep into the watershed, as a related step to reduce the damage done to LSTM 110 and 111.

From:	Hammet Hough
To:	M Schoenbaum
Cc:	MCP-Chair; Elena Shuvalov; Maggie Bartlett
Subject:	Re: Creekside at Cabin Branch: Preliminary Plan No. 120200050
Date:	Wednesday, December 2, 2020 12:15:23 PM

Nicely done.

The Petroleum guys were back at Anderson's this a.m. digging close to the entrance to the old Poolesville Small Engine store.

H

Sent from my iPhone

On Dec 2, 2020, at 11:10 AM, M Schoenbaum <mwschoenbaum@yahoo.com> wrote:

> Dear Planning Board Chair,
>
> The Boyds Civic Association (BCA) supports the testimony from the Friends of Ten Mile Creek and Little Seneca Reservoir (FoTMC).
>
> BCA was organized in 1965 to represent the members of the community of Boyds, Maryland, in their dealing with the county, state, and federal governments and to assure that Boyds develops as a rural, residential community.
>
> BCA believes that there are 3 major problems with the proposed preliminary plan.
>
> THE TEN MILE CREEK LIMITED MASTER PLAN AMENDMENT CAPPED IMPERVIOUS SURFACE AT 6% TO PROTECT WATER QUALITY
>
> In 2013-2014, BCA testified in support of the Ten Mile Creek Limited Master Plan Amendment with the 6% impervious cap in order to protect the water quality in Ten Mile Creek and Little Seneca Reservoir. Unfortunately, this proposed preliminary plan would increase impervious-surface percentages to greater than 10% in two sub-watersheds. Like FoTMC, BCA believes that this is counter to the master plan and that, as stated in the master plan, such impervious-surface percentages would fail to protect the water quality in Ten Mile Creek and the lake.
>
> THE PLANNING BOARD HAS A RESPONSIBILITY TO PROTECT

MONTGOMERY PARKS RESOURCES

Black Hill Regional Park and Little Seneca Reservoir have both long been highly-popular regional resources for hiking, biking, boating, fishing, birding, picnics, prom/senior/wedding pictures, birthday parties, and festivals. They have been even more popular recently, during the pandemic. Now imagine the Parks Department annually warning visitors to avoid direct contact with lake water due to microcystin, as they already do at Lake Needwood. The Planning Board is also in charge of the parks system and should act to protect Montgomery County's parks by protecting, not degrading, the water quality in Ten Mile Creek and the lake.

THE PLANNING BOARD HAS A PUBLIC RESPONSIBILITY TO PROTECT DRINKING WATER IN LITTLE SENECA RESERVOIR

Little Seneca Reservoir was completed in 1984 as a back-up drinking water reservoir for the Washington Suburban Sanitary Commission, which supplies water to 1.8 million residents in Montgomery and Prince George's Counties. Since then, there has been continuous development of the land around the reservoir. As seen most recently on the Cabin Branch arm of Little Seneca Reservoir, the effects of development on reservoir water quality will only become more damaging as the climate warms, storms become more intense and frequent, and the need for back-up drinking-water supply increases. The Planning Board must decide which is more important, developing the land around the reservoir, or protecting the water quality in the reservoir. You can't have both.

Thank you for considering the public testimony from BCA.

Miriam Schoenbaum
President, Boyds Civic Association
15004 Clopper Rd
Boyds MD 20841

From:	Shruti Bhatnagar
To:	MCP-Chair
Subject:	Sierra Club Testimony on Creekside at Cabin Branch Preliminary Plan No.120200050
Date:	Wednesday, December 2, 2020 12:49:24 PM
Attachments:	SC Testimony to PB on Creekside at Cabin Branch Preliminary Plan No.120200050.pdf

Good afternoon,

Thank you for giving me the opportunity to present a testimony to the Planning Board at the Dec 3rd meeting on the "Creekside at Cabin Branch Preliminary Plan No.120200050"

The Sierra Club testimony is attached.

Shruti Bhatnagar
pronouns: she/her/hers
Chair, Sierra Club Montgomery County Maryland
Cell:240-498-3459
shruti.bhatnagar@mdsierra.org
https://www.sierraclub.org/maryland/montgomery-county

SIERRA CLUB
MONTGOMERY COUNTY, MD

Sierra Club Montgomery County,
P.O. Box 4024, Rockville, MD 20849

December 3, 2020

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

Re: Creekside at Cabin Branch, Preliminary Plan No. 120200050

Dear Chair Anderson and Planning Board members –

The Sierra Club Montgomery County Group has concerns regarding Preliminary Plan No. 120200050 for Creekside at Cabin Branch – proposed by Shiloh Farm Investments LLC and Pulte Home Corporation (Shiloh/Pulte), which would be situated in the Ten Mile Creek watershed. Ten Mile Creek, known also as the "last best" in the County, is the cleanest tributary of the Little Seneca Reservoir, the closest, backup emergency drinking water supply to the Potomac River, which serves over 400 million people in the Washington Metropolitan Area. Because of its high quality, it serves as a reference stream against which other streams are compared when monitoring water quality. With the rest of the up-county, it is a water-source area which flows to and enters the Potomac River in the near upstream from the WSSC drinking water intake where existing pollution has already increased water treatment costs.

Our key concern is that, by concentrating the development footprint in the most sensitive sub-watersheds "Little Seneca Ten Mile" LSTM 110 (King Spring) and LSTM 111, this development plan would increase imperviousness from 1.6% to 10.1% (over 600%) in LSTM 110, and from 1.2% to 12.75% (over 1000%) in LSTM 111[1]. This is inconsistent with the intent of the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan (TMCA)[2], which was adopted with the unanimous support of the Montgomery County Council in 2014, and also with the language of the County Zoning Ordinance pertaining to the Clarksburg West Environmental Overlay Zone (CW-EOZ)[3] which applies to the portion of the Ten Mile Creek watershed west of I-270, where the proposed development area is located.

The TMCA established a 6% cap on imperviousness in the portion of the Ten Mile Creek watershed west of I-270 and singled out these two sub-watersheds as the most sensitive, which therefore "warrants extraordinary protection" - in addition to the specific protections required for other sensitive areas, such as the buffer requirements for streams and wetlands.

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[1] Imperviousness in LSTM 110 would rise to 7.3% as a result of this development plan, and an additional 2.8% if and when development proceeds on the neighboring King property assuming development is maximized under the 6% cap.
[2] Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special study Area (2014)
[3] Montgomery County Zoning Ordinance Chapter 59.4.9.6, Clarksburg West Environmental Overlay Zone

Sierra Club Montgomery County,
P.O. Box 4024, Rockville, MD 20849

The TMCA also states:

> Even small changes in imperviousness will likely affect these sub-watersheds, but if imperviousness is kept as near to five percent as possible, stream conditions can be maintained in the good to excellent range, based on the majority opinion of environmental experts.

Among the TMCA recommendations for the area west of 270 is:

> Reduce the development footprint and impervious cover, emphasizing reduced impacts to upland forested areas and steep slopes. In particular, protect existing stream conditions in the high-quality headwater sub-watersheds LSTM 110 (King Spring) and LSTM 111.

Although the CW-EOZ regulations apply the 6% cap across the entire development application area of 402.6 acres, they also specify that "All environmentally sensitive areas must be included in the required open space areas".

Therefore, at a minimum, the proposed road extensions on the western and northwestern side of the plan should be denied in order to avoid encroachment into LSTM 110 and LSTM 111. Denying these two extensions would keep development closer to the ridge along Clarksburg road, and avoid the steeper slopes, thereby also avoiding the hazard of severe soil erosion and risk of sewer failure (discussed below).

Other issues of concern include:

- A Rare, Threatened and Endangered (RTE) Species survey should have been required to have been conducted prior to the development of the proposed plan so that it can provide the basis for protecting such species rather than as a condition for obtaining a sediment and erosion control permit – the last step in the process needed to begin construction. Although an RTE survey has not been conducted by the developer, and (per the staff report) the state indicated it has no record of known RTE's, at least seven state-rare plants and over 450 native plant species have been identified in the watershed, as documented in the testimony of John Parrish.[4]
- The "final stream and wetland restoration plan" - and also the delineation of floodplain boundaries - should take into account anticipated changes in hydrology associated with changes in both land use and climate. Changes in climate are already increasing heavy storm events and, combined with changes in land use, increasing flooding and scouring of streams as well as the flow of sediment to the Reservoir.
    - Without more specific information on the justification for stream restoration activities and methods proposed by the developer for doing this, we cannot

[4] Testimony submitted by John Parrish re Creekside at Cabin Branch Preliminary Plan 120200050, December 3, 2020. John Parrish is a professional botanist and ecologist who has expertise on flora native to the Mid-Atlantic bioregion who conducted an RTE survey on adjacent properties in summer and fall of 2019 and Spring 2020.

Sierra Club Montgomery County,
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provide further comment at this time but note that such efforts can be futile unless runoff is reduced from upslope impervious areas.
    - The protection of 100-year floodplains in the county's stream valley park system has undoubtedly avoided significant flood damages and increased resilience to climate change. However, reports of flooding have accompanied recent increases in heavy storms, with much of it occurring in the up-county where more information is needed on what appears to be an association with current development patterns. Therefore, it is critical that these boundaries be updated by the County prior to approving additional plans.
- The project would take place on highly erodible soils on steep slopes, of which three are rated as having a severe erosion hazard, one moderate - as shown in the USDA/NRCS Web Soil Survey, but not identified in the M-NCPPPC list which appears to be based on outdated guidance.[5]
- We have two concerns with respect to sewer infrastructure:
    - The staff report refers to a "force main sewer system" which would require a pump station but it is not clear where this would be located. This approach was also explicitly rejected in WSSC Sewer Facility Plan process, in which a decision was reached, and approved by the Council, to use of the grinder pump/low pressure system in order to avoid the need to install pumping stations in environmentally sensitive areas.
    - Extension of sewer infrastructure (i.e., the grinder pump system) to lower elevations on the steeper slopes would place more pressure on the system and increase the risk of sewer failure.
- The staff report found that school capacity is inadequate to support the number of units proposed and recommended that approval of all of the proposed residential units be contingent on expansion of school capacity. Construction of schools, combined with the extension of sewer infrastructure, would enable further sprawl development in low density areas.

In conclusion, the Shiloh/Pulte proposed Creekside at Cabin Branch Preliminary Plan No. 120200050 is inconsistent with the Ten Mile Creek Limited Amendment to the Clarksburg Master Plan which was adopted with the unanimous support of the Montgomery County Council in 2014 and the language of the County Zoning Code pertaining to the Clarksburg West Environmental Overlay Zone. The plan would also further sprawl development patterns.

At a minimum, extensions of the Shiloh/Pulte development into the most sensitive LSTM 110 and LSTM 111 sub-watersheds should be denied. This would reduce impacts to the most sensitive watersheds as well as reduce erosion hazards and risk of sewer failures. We also request the conduct of a full survey of Rare, Threatened and Endangered Species as the

[5] Soil Erodibility Ratings Report prepared by Jason Martin, Soil Scientist with USDA-NRCS, October2020, at the request of Rg Steinman and John Parrish.

SIERRA CLUB
MONTGOMERY COUNTY, MD

Sierra Club Montgomery County,
P.O. Box 4024, Rockville, MD 20849

basis for a plan to mitigate impacts on such species. Lastly, the final stream and wetland restoration plan, as well as floodplain boundaries, should take into consideration of the hydrological impacts of both land use and climate changes.

We appreciate your attention and efforts on this important matter.

Thank you,

Shruti Bhatnagar, Chair
Sierra Club Montgomery County
Shruti.bhatnagar@mdsierra.org

Sylvia S. Tognetti, Water Issue Lead
Sierra Club Montgomery County
Sylvia.tognetti@mdsierra.org

From: Sylvia Tognetti
To: MCP-Chair
Subject: Re: May I submit edited testimony?
Date: Wednesday, December 2, 2020 3:53:57 PM
Attachments: Testimony for 12-3-2020 (revised) re Prelim Plan No 120200050 - Tognetti.pdf

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Thank you very much! The attached testimony has minor edits.

best,
Sylvia Tognetti

On Wed, Dec 2, 2020 at 3:32 PM MCP-Chair <mcp-chair@mncppc-mc.org> wrote:

> Good afternoon,
>
> The Chair's Office is currently compiling correspondence packets for the Board's review this afternoon. If possible, please submit your comments by 4pm to be included in the correspondence packet to the Board. Otherwise, after 4pm your comments will still be included in the record, but will not make it into the correspondence packet for the Board to review prior to the meeting tomorrow.
>
> I will edit your information on the speakers list for the record to reflect that you support testimonies of Maryland Sierra Club Montgomery County group as well as Friends of Ten Mile Creek.
>
> Thank you,
>
> **Catherine Coello, *Administrative Assistant***
>
> The Maryland-National Park and Planning Commission
>
> Montgomery County Chair's Office
>
> 2425 Reedie Drive, Wheaton, MD 20902
>
> Main: 301-495-4605 | Direct: 301-495-4608
>
> www.MontgomeryPlanningBoard.org

From: Sylvia Tognetti <sylvia.tognetti@gmail.com>
Sent: Wednesday, December 2, 2020 3:25 PM
To: MCP-Chair <mcp-chair@mncppc-mc.org>
Subject: May I submit edited testimony?

Greetings,

I submitted written testimony earlier today at noon for the hearing tomorrow morning on Creekside at Cabin Branch. This is just to find out if I may submit an edited version if I do so within the next hour, and if the edited version could still be part of the record.

Also, now that the Sierra Club Montgomery County Group testimony has been approved, I would also like to amend my request to testify to indicate that I support testimonies of *both* the Maryland Sierra Club Montgomery County Group, and Friends of Ten Mile Creek.

Best,

Sylvia Tognetti

December 3, 2020

Mr. Casey Anderson, Chair
Montgomery County Planning Board
8787 Georgia Avenue,
Silver Spring, Maryland 20910

Re: Creekside at Cabin Branch, Preliminary Plan No. 120200050

Dear Chair Anderson and Planning Board members –

Thank you for the opportunity to share my concerns regarding Preliminary Plan No. 120200050 for Creekside at Cabin Branch and impacts it would have on the last best tributaries of the last best Ten Mile Creek watershed. Although speaking as an individual, I want to call special attention to and reinforce key points in the testimony of the Maryland Sierra Club Montgomery County Group, for which I serve as the Water Issue Lead, and those of the many Friends of Ten Mile Creek, for which I serve as a Board member. I also served as a member of the Montgomery County Climate Workgroup on Climate Adaptation and Sequestration, which noted the values of this watershed for climate resilience.

Ten Mile Creek is the cleanest tributary of the Little Seneca Reservoir, the closest, backup emergency drinking water supply to the Potomac River, which serves over 400 million people in the Washington Metropolitan Area. Because of its high quality, it serves as a reference stream against which other streams are compared when monitoring water quality. With the rest of the up-county, it is a water-source area which flows to and enters the Potomac River in the near upstream from the WSSC drinking water intake where existing pollution has already increased water treatment costs. Therefore it should be considered part of our Critical Natural Infrastructure.

My key concern is that this proposed development project is inconsistent with the intent of the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan (TMCA)[1], which was adopted with the unanimous support of the Montgomery County Council in 2014, and also with the language of the County Zoning Ordinance pertaining to the Clarksburg West Environmental Overlay Zone (CW-EOZ)[2].

By concentrating the development footprint in the most sensitive sub-watersheds "Little Seneca Ten Mile" LSTM 110 (King Spring) and LSTM 111, this development plan would increase imperviousness from 1.6% to 10.1% (over 600%) in LSTM 110, and from 1.2% to 12.75% (over 1000%) in LSTM 111[3].

The TMCA established a 6% cap on imperviousness in the portion of the Ten Mile Creek watershed west of I-270 and singled out these two sub-watersheds as the most sensitive, which therefore "warrants extraordinary protection" - in addition to the specific protections required for

[1] Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special study Area (2014)
[2] Montgomery County Zoning Ordinance Chapter 59.4.9.6, Clarksburg West Environmental Overlay Zone
[3] Imperviousness in LSTM 110 would rise to 7.3% as a result of this development plan, and an additional 2.8% if and when development proceeds on the neighboring King property assuming development is maximized under the 6% cap.

other sensitive areas, such as the buffer requirements for streams and wetlands. The TMCA also states:

> Even small changes in imperviousness will likely affect these sub-watersheds, but if imperviousness is kept as near to five percent as possible, stream conditions can be maintained in the good to excellent range, based on the majority opinion of environmental experts.

Among the TMCA recommendations for the area west of 270 is:

> Reduce the development footprint and impervious cover, emphasizing reduced impacts to upland forested areas and steep slopes. In particular, protect existing stream conditions in the high-quality headwater sub-watersheds LSTM 110 (King Spring) and LSTM 111.

Although the CW-EOZ regulations apply the 6% cap across the entire development application area of 402.6 acres, they also specify that "All environmentally sensitive areas must be included in the required open space areas".

Therefore, at a minimum, the proposed road extensions on the western and northwestern side of the plan should be denied in order to avoid encroachment into LSTM 110 and LSTM 111. Denying these two extensions would keep development closer to the ridge along Clarksburg road, and avoid the steeper slopes, thereby also avoiding the hazard of severe soil erosion and risk of sewer failure (discussed below).

Other issues of concern include:

- A Rare, Threatened and Endangered (RTE) Species survey should have been required to have been conducted prior to the development of the proposed plan so that it can provide the basis for protecting such species rather than as a condition for obtaining a sediment and erosion control permit – the last step in the process needed to begin construction. Although an RTE survey has not been conducted by the developer, and (per the staff report) the state indicated it has no record of known RTE's, at least seven state-rare plants and over 450 native plant species have been identified in the watershed, as documented in the testimony of John Parrish.[4]
- The "final stream and wetland restoration plan" - and also the delineation of floodplain boundaries - should take into account anticipated changes in hydrology associated with changes in both land use and climate. Changes in climate are already increasing heavy storm events and, combined with changes in land use, increasing flooding and scouring of streams as well as the flow of sediment to the Reservoir.
    - Without more specific information as to the justification for stream restoration activities and methods proposed by the developer for doing this, I cannot provide further comment at this time but note that such efforts can be futile unless runoff is reduced from upslope impervious areas.
    - The protection of 100-year floodplains in the county's stream valley park system has undoubtedly avoided significant flood damages and increased resilience to climate change and is an important part of the County's land use legacy which is important to now defend and build on. Reports of flooding have accompanied

[4] Testimony submitted by John Parrish re Creekside at Cabin Branch Preliminary Plan 120200050, December 3, 2020. John Parrish is a professional botanist and ecologist who has expertise on flora native to the Mid-Atlantic bioregion who conducted an RTE survey on adjacent properties in summer and fall of 2019 and Spring 2020.

recent increases in heavy storms, with much of it occurring in the up-county where more information is needed on what appears to be an association with current development patterns. Therefore, it is critical that these boundaries be updated by the County prior to approving additional plans.

- The project would take place on highly erodible soils on steep slopes, of which three are rated as having a severe erosion hazard, one moderate - as shown in the USDA/NRCS Web Soil Survey, but not identified in the M-NCPPPC list which appears to be based on outdated guidance.[5]
- I have two concerns with respect to sewer infrastructure:
    - The staff report refers to a "force main sewer system" which would require a pump station but it is not clear where this would be located. This approach was also explicitly rejected in WSSC Sewer Facility Plan process, in which a decision was reached, and approved by the Council, to use a grinder pump/low pressure system in order to avoid the need to install pumping stations in environmentally sensitive areas.
    - Extension of sewer infrastructure (i.e., the grinder pump system) to lower elevations on the steeper slopes would place more pressure on the system and increase the risk of sewer failure.
- The staff report found that school capacity is inadequate to support the number of units proposed and recommended that approval of all of the proposed residential units be contingent on expansion of school capacity. Construction of schools, combined with the extension of sewer infrastructure, would enable further sprawl development in low density areas.

In conclusion, the proposed Creekside at Cabin Branch Preliminary Plan No. 120200050 is inconsistent with the Ten Mile Creek Limited Amendment to the Clarksburg Master Plan which was adopted with the unanimous support of the Montgomery County Council in 2014 and the language of the County Zoning Code pertaining to the Clarksburg West Environmental Overlay Zone. The plan would also further sprawl development patterns.

At a minimum, extensions of the Shiloh/Pulte development into the most sensitive LSTM 110 and LSTM 111 sub-watersheds should be denied. This would reduce impacts to the most sensitive watersheds as well as reduce erosion hazards and risk of sewer failures. The conduct of a full survey of Rare, Threatened and Endangered Species is also critical as the basis for a plan to mitigate impacts on such species. Lastly, the final stream and wetland restoration plan, as well as floodplain boundaries, should take into consideration of the hydrological impacts of both land use and climate changes – and also provide justification for any stream restoration activities.

I appreciate your attention to this component of our Critical Natural Infrastructure.

Respectfully,

Sylvia S Tognetti

[5] Soil Erodibility Ratings Report prepared by Jason Martin, Soil Scientist with USDA-NRCS, October2020, at the request of Rg Steinman and John Parrish.

From: Mark Gochnour <info@email.actionnetwork.org>
Sent: Tuesday, December 1, 2020 5:28 PM
To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>
Subject: The Master Plan Must Followed to Protect 10 Mile Creek

Angelica Gonzalez,

It is imperative that development projects by Pulte or any other company adhere to the impervious surface caps in the Master Plan. Ten Mile Creek is a fragile part of our back-up drinking water supply for the entire Metropolitan Area and deserves protection.

A 5% cap on impervious surface is just that - a cap, a hard stop. Going above 5% will irrevocably harm water quality as we have seen too often - particularly in neighboring Cabin Branch.
This Pulte "Creekside" development needs to be shrunk to a size where it can meet a 5% impervious cap on impervious surfaces and moved back from buffer areas.

When is this going to stop? Interested and concerned individuals have been fighting against development along this creek for years. You would think Pulte and other others including the Planning Commission and the County Council would get the message. They keep hoping that someone won't be watching. End this ongoing assault now so other developers will understand their gambling and speculating by them needs to stop. They must learn they cannot buy land with the intent of building houses which endangers the environment and most especially our water supply.

Mark Gochnour
m123hunt1@verizon.net
18937 Red Robin Terrace
Germantown, Maryland 20874

From: Martin Stephens <info@email.actionnetwork.org>
Sent: Tuesday, December 1, 2020 1:37 PM
To: Gonzalez, Angelica <angelica.gonzalez@montgomeryplanning.org>
Subject: The Master Plan Must Guide Clarksburg Development

Angelica Gonzalez,

It is imperative that development projects by Pulte or any other company adhere to the impervious surface caps in the Master Plan. Ten Mile Creek is a fragile part of our back-up drinking water supply and deserves protection.
A 5% cap on impervious surface is just that - a cap, a hard stop. Going above 5% will irrevocably harm water quality as we have seen too often - particularly in neighboring Cabin Branch.
This Pulte "Creekside" development needs to be shrunk to a size where it can meet a 5% impervious cap on impervious surfaces and moved back from buffer areas.

Martin Stephens
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Clarksburg, Maryland 20871