From:	Clarisse Holman
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 8:20:53 AM

Good morning,

Thank you for your time. I am writing to ask that the Montgomery County Planning Board deny approval of the Creekside Cabin Branch site plan which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek.

The proposed development is located entirely within the two most fragile, sensitive and high-quality sub watersheds in the Ten Mile Creek Watershed, Little Seneca Ten Mile (LSTM) 110 and LSTM 111, and would irreparably harm stream conditions, water quality and the native ecosystem. Ten Mile Creek is the cleanest tributary that flows into the Little Seneca Reservoir, the back-up drinking water supply to the Potomac River, which serves over 40 million people in the Washington DC region.

The Ten Mile Creek watershed also is home to at least seven rare plants and more than 450 native plant species which inevitably would be adversely affected by the Creekside at Cabin Branch project. Ten Mile Creek is critical to the future of our supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent while growth in the area population is projected to increase in the coming decades. As a result of its unique characteristics, Ten Mile creek warrants extraordinary protection and that the Pulte proposed site plan must not be approved. Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, its sister tributary, which has been severely damaged by significant housing development. The planning Board and each of us has a role to play in order to help the county adapt and achieve the resiliency and sustainability needed for the future of the county and its residents. Thank you again, have a wonderful day, Clarisse

Hello,

I am a Montgomery County resident and I strongly oppose residential development in the Ten Mile Creek Watershed. The planned development would be within two very important and high quality subwatersheds and would significantly harm the water supply as well as many native plant species. The development would be hurtful to our streams and decrease the water quality. It would also be harmful to the ecosystem as there are native plants in the area. We need these watersheds for our future water supply as climate change wreaks havoc on our ecosystem. We need to stop developers from destroying our environment and start to protect our environment.

Thank you for your consideration.

Sincerely, Megan Lankenau Silver Spring, MD

Please protect our precious county resources by not allowing this harmful new development. Ten Mile Creek watershed needs and deserves protection, and the creek itself is a part of our drinking water system, not to mention a larger, fragile ecosystem, that we should preserve for future generations.

Thank you,

Jamie Scharff Bethesda, MD

Dear Chairperson,

Save the park property. Pulte has only their shareholders interests in mind-

Thanks, TimBaker

With your best interests in mind-

cel; 240-672-3154 ofc; 240-251-1221 x1046

From:	<u>Christina Nunez</u>
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 8:25:56 AM

I'm writing to you about the proposed development project, Creekside at Cabin Branch. Please do not allow another ill-conceived housing project blight Montgomery County's natural resources. This area is a water source for residents that would be damaged by this development. Thank you for considering this viewpoint that puts long term conservation ahead of short term real estate developer gains.

Hello, I am writing to ask the board to please deny this request. We all have a responsibility to our children to protect these vital and delicate wilderness sites.

Thank you,

Jean Cooper

Sent from my iPhone

From:	Matthew Vogt
To:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 8:31:29 AM

Dear Montgomery County Planning Board Members,

The Ten Mile Creek Watershed is a fragile ecosystem that supports both the native environment and drinking water for residents. Development of this area would damage the water quality and impact nature. Montgomery County does not need more new housing developments that will destroy our local environment as has already been done with the overdevelopment in other areas.

Please deny approval of the development of Creekside at Cabin Branch and instead protect the natural beauty of Montgomery County.

Sincerely,

Matthew Vogt 655B Main St Gaithersburg, MD 20878

Mr. Casey Anderson,

I'm writing to request that the MC Planning Board deny approval of development at Ten Mile Creek.

This is an area that could be severely damaged by the construction of a housing development. Since climate change is here, the potential for extreme storms that could cause erosion and environmental degradation to this ecologically sound area is very real. Please deny approval to this plan and thereby protect our drinking water and the multitude of rare species that inhabit the area.

Thank you, Susan Joplin Silver Spring, MD

Please deny approval of the Creekside Cabin Branch site plan. The area is too ecologically sensitive.

David Braun 110 Valley Road Bethesda, MD 20816

Get Outlook for iOS

And we always VOTE!

Thank you,

Mark

I am a resident of Montgomery County.

I am writing to express my concern about Pulte's Creekside at Cabin Branch residential development in the Ten Mile Creek Watershed. This is an extremely vulnerable area that would be irreparably damaged by this plan. We need to protect this clean, valuable creek and watershed, not harm it. Ten Mile Creek must not be permitted to be despoiled as what has happened to Cabin Branch Creek by other housing developments.

Please protect our region!

Nancy Shaw 7817 Tomlinson Avenue Montgomery County, MD

Please deny the approval of the Creekside Cabin Branch site plan. It will cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek.

Sent from the all new AOL app for Android

From:	<u>Alice Van Buren</u>
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 8:38:39 AM

To whom it may concern,

Please deny approval of Creekside at Cabin Branch site plan! Clean drinking water is vital. This plan disturbs the ecosystems that support tributaries around the watershed. Sincerely, Alice Van Buren Sent from my iPhone

I ask that you deny approval of the Creekside Cabin Branch site plan which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek.

James Zwiebel, MD

Sent from my iPhone

Hello

I am a lifelong resident of MoCo and have witnessed the County's massive growth for over 50 years. Please do not approve building on this precious land in our County. It isn't necessary. Please do not choose the green of money over the green of Mother Nature! We all have a responsibility to be care givers of our planet by protecting nature. It's important to the well being of all living things.

Thank you for your consideration. Lorie

Good Morning,

My name is Barbara Harris and I am a resident of Montgomery County. I am writing today asking that you deny approval of the proposed Pulte development, Creekside at Cabin Branch. The development will cause significant damage to the local environment and watershed.

Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, it's sister tributary, which has been severely damaged by housing development. Again, I ask that you please deny approval to the project.

Sincerely,

Barbara Harris

Dear MCP Chair,

I am a Montgomery County resident who is totally against this project for the reasons outlined below and more:

The proposed development is located entirely within the two most fragile, sensitive and high-quality sub watersheds in the Ten Mile Creek Watershed, Little Seneca Ten Mile (LSTM) 110 and LSTM 111, and would irreparably harm stream conditions, water quality and the native ecosystem. Ten Mile Creek is the cleanest tributary that flows into the Little Seneca Reservoir, the back-up drinking water supply to the Potomac River, which serves over 400 million people in the Washington DC region.

The Ten Mile Creek watershed also is home to at least seven rare plants and more than 450 native plant species which inevitably would be adversely affected by the Creekside at Cabin Branch project. Ten Mile Creek is critical to the future of our supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent while growth in the area population is projected to increase in the coming decades. As a result of its unique characteristics, Ten Mile creek warrants extraordinary protection and that the Pulte proposed site plan must not be approved. Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, its sister tributary, which has been severely damaged by significant housing development.

HARD NO!!!

Sincerely,

Ken Ayres 105 Dale Drive Rockville, MD 20850

Sent from Yahoo Mail on Android

Please deny approval of the Creekside Cabin Branch site plan.

Significant housing developments need to be more carefully located to avoid major harm to our county's environment and the ensure the water quality on which we all depend.

Please ensure that the overdevelopment of northern Montgomery County doesn't destroy our common critical watershed's. Moreover, the County must maintain its commitment to open land/forest for ALL to benefit--not just those wealthy enough to purchase such environments.

The proposed Pulte development would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek. Stop this development now.

Thank you!! And, please keep our County's future resilience in mind for all of your decisions.

Tyndall Traversa

I am earnestly asking the Montgomery County Planning Board to deny approval of the Creekside Cabin Branch site plan which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek.

Bart Landry

Hello:

I am a Montgomery County resident and I am asking that you deny approval of creekside cabin branch site. I am concerned with losing access to clean drinking water.

Ten Mile Creek is the cleanest tributary that flows into the Little Seneca Reservoir, the back-up drinking water supply to the Potomac River, which serves over 400 million people in the Washington DC region. I am asking that you protect this water supply and deny approval. Thank you.

Sharonda Tack

Sent from my iPhone

Please deny approval of the Creekside Cabin Branch site plan which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek.

Thanks

Zach Boren Barnesville, MD

Dear Sir or Madam:

Please deny approval of the Creekside Cabin Branch site plan which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek.

Arvind Mathur

301-367-6706

Hello!

I am strongly opposed to the Creekside at Cabin Branch development. It would harm the Ten Mile Creek watershed in a way that would be irreversible. In the midst of the climate emergency, we have to find a better way to continue to provide equitable housing and continued development.

I would like more information of why this is being considered and other options for development in another location.

Thank you, Brittany Baker Montgomery County Resident

--

From:	<u>Mayte</u>
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 9:20:58 AM

Dear members of the Montgomery County Planning Board,

The Ten Mile Creek watershed is home to at least seven rare plants and more than 450 native plant species, which will be adversely affected by the Creekside at Cabin Branch project. Ten Mile Creek is critical to the future supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent. As a result of its unique characteristics, Ten Mile creek warrants extraordinary protection and that the Pulte proposed site plan must not be approved.

Please deny approval of the Creekside Cabin Branch site plan which would cause irreparable harm to the two tributaries that flow into the Ten Mile Creek.

Sincerely,

Mayté Canto

Dear Chairperson,

I am writing on behalf of myself and my family to voice my opposition to the proposal for development of Creekside at Cabin Branch.

As you know, we are in the midst of trying to prevent further damage/setbacks to our ecosystems and climate. This work demands that we put the needs of developers behind our community needs of clean water and clean air. Thank you for your attention.

Sincerely, Rebecca Dalton 1106 Edgevale Rd Silver Spring MD 20910

Chair Anderson and Planning board members,

Ten Mile Creek is critical to the future of our supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent while growth in the area population is projected to increase in the coming decades. Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, its sister tributary, which has been severely degraded by significant housing development. "Ten Mile Creek is a reference stream in Montgomery County, serving as high quality benchmark against which other streams are compared," the Amendment states (on page 14). "As a result of its unique characteristics, Ten Mile Creek warrants extraordinary protection." To provide that protection to this important natural resource of the county, Pulte's proposed site plan must not be approved.

Climate change is not an accident waiting to happen, it's an accident in the process of happening. The Planning Board and each of us has a role to play in order to help the county adapt and achieve the resiliency and sustainability needed for the future of the county and its residents. It is because of these reasons that I believe it is critical to deny the Creekside at Cabin Branch site plan.

Thank you for your attention to this important matter.

Michael Hogue

I am writing to ask that the Planning Board deny approval of the Creekside at Cabin Branch site plan.

The proposed development is located within two fragile, sensitive and high-quality sub watersheds in the Ten Mile Creek Watershed and would result in irreparable harm to stream conditions, water quality and the native ecosystem. Ten Mile Creek is also critical to the future of our supply of local, clean drinking water, and is home to at least seven rare plants and more than 450 native plant species which inevitably would be adversely affected by the Creekside development. As a result of its unique characteristics, Ten Mile creek warrants extraordinary protection.

Patricia Duran 3414 Gleneagles Dr Silver Spring, MD 20906

From:	Leslie Wharton
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 9:40:06 AM

Given what we all know about the ecological destruction e that will threaten human well-being and the absolutely essential role of watersheds in managing heavy rains (of which we will see a lot more), it is absurd to approve more "development" on this land. The value of leaving the natural habitat greatly exceeds the the small change that would come from the sale and development of the land. Look at the billions being spent to clean up after flood ravages and imagine 10 years from now. So please, stop, think about our welfare, and do not approve the Creekside at Cabin Branch site plan.

Thank you, Lesie Wharton 4978 Sentinel Drive #501 Bethesda, Md. 20816

Preserving our livable planet for the grandchildren and all life

Dear Planning Board,

I understand that on September 9, 2021, the MC Planning Board will have a public hearing on the site plan for Pulte's Creekside at Cabin Branch residential development in the Ten Mile Creek Watershed. I am writing to request that you deny approval of this new housing project. The county plan wisely protected the Ten Mile Creek Watershed for its vital contribution to clean water and preservation of exceptional natural areas in the County. Please do not abandon that protection.

Sincerely, Dr. Charles MacArthur 4702 Fort Sumner Dr, Bethesda, MD

Dear Montgomery County Planning Board,

Please deny approval of the Creekside Cabin Branch site plan, which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek. Many thanks,

Marjorie and Harley Balzer 7605 Tomlinson Ave Cabin John MD 20818

From:	Tenley Wurglitz
То:	<u>MCP-Chair</u>
Cc:	marc.elrich@montgomerycountymd.gov; county.council@montgomerycountymd.gov; Friends of Ten Mile Creek
Subject:	Creekside at Cabin Branch Site Plan
Date:	Wednesday, September 8, 2021 9:45:05 AM
Attachments:	Comments on Creekside at Cabin Branch Site Plan TWurglitz.pdf

Dear Chair Anderson and Members of the Planning Board:

Please find attached my comments on the Creekside at Cabin Branch Site Plan.

Respectfully, Tenley Wurglitz

--Tenley Elizabeth Wurglitz tenley.wurglitz@gmail.com 301-461-4016

119 Oak Street, Apt. B Bath, Maine 04530

September 7, 2021

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

Re: Creekside at Cabin Branch Site Plan #820200160

Dear Chair Anderson and Members of the Planning Board:

I write today as a Natural Resource Stewardship professional and a former Maryland-National Capital Park and Planning Commission employee. I am also a Montgomery County native with strong ties to the county. Though I now live in Maine, I still care deeply about Montgomery County – the place where my parents, teachers, and dear friends reside – and I hope you will accept these comments from a concerned neighbor to the north.

As a past M-NCPPC employee with relevant experience to the matter at hand and as a current Board member and past President of the Friends of Ten Mile Creek & Little Seneca Reservoir, I feel compelled to write and implore you to <u>reject</u> the Site Plan for Creekside at Cabin Branch (Site Plan #820200160).

During my tenure as a M-NCPPC employee from 2016-2019, I served as a Senior Natural Resources Specialist in the Vegetation Ecology Unit of Montgomery Parks. My role was to manage the popular Weed Warrior Volunteer Program which was created by retired Forest Ecologist Carole Bergmann in 1999. This program, which engages citizens in assisting M-NCPPC staff in controlling non-native, invasive plants in county parks, has served as an inspiration and model for similar programs around the country, including here in Maine.

As part of my responsibilities at Montgomery Parks, I had the privilege of visiting many of Montgomery County's 400+ park units. Based on my profession experience, I can confidently say that the Ten Mile Creek watershed is one of the most exemplary natural areas in the county and indeed the greater Washington, D.C. area. As distinguished scientists and conservation organizations have testified on numerous occasions, Ten Mile Creek itself stands out as a biological gem, unique in the diversity of aquatic life it supports.

In addition to its aquatic diversity, I can attest that the Ten Mile Creek watershed is also one of the most botanically diverse and distinctive areas in the county. In particular, the watershed is home to a stand of shagbark hickory trees (*Carya ovata*), a very rare community type. In fact, personally I know of only one other place in the county where these tall and majestic trees occur – along the C&O Canal between Pennyfield and Violette's Locks and the adjacent

Blockhouse Point Conservation Park. To my knowledge, however, the forest at Ten Mile Creek is the *only* extensive example of this natural community type, with a unique assemblage of associated flora and fauna which is being studied by botanist John Parrish as well as Audubon Naturalist Society staff and volunteers.

In short, Ten Mile Creek not only plays a critical role in the Washington, D.C region's water supply system, but the watershed should also be protected as one Montgomery County's most precious and unique natural areas deserving of conservation in its own right. I, therefore, urge you to reject the proposed site plan for Creekside at Cabin Branch which will irreparably damage Ten Mile Creek's two most sensitive and biologically diverse tributaries, LSTM 110 and LSTM 111.

With respect,

Tenley Elizabeth Wurglitz

MCP-Chair,

I ask you to please deny approval of Creekside at the Cabin Branch site plan. How many more clean water sites are we willing to destroy in this time when protecting nature is so important!!!???

Sandy Larson* 11800 Stoney Creek Road Potomac, Maryland (*I directed the Stoney Creek Road Association to the protection of Stoney Creek Road as a 'Rustic Road'.)

Sent from my iPhone

While I am not reflexively anti-development, I have to ask: What moron on Pulte thought it was a good idea to propose developing within the two most fragile, sensitive and high-quality sub watersheds in the Ten Mile Creek Watershed?

Please deny approval of this one — and tell them to be smarter next time about where they seek to develop.

Thank you, Mark

Mark Wright 847 Azalea Dr Rockville MD 20850 Cell: 301-651-7735
From:	Nadim Ahmed
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 9:57:49 AM

Please deny approval of the Creekside Cabin Branch site plan; Little Seneca Ten Mile (LSTM) 110 and LSTM 111. I visited Ten Mile Creek last spring (2021) and have been there in the past too. The undeveloped area is quite an asset to the county. The large forest keeps temperatures cooler and keeps the air nicer. It also serves for recreational purposes. Large forested areas like the ones being considered for development, are different from the small riparian forests typically left between suburban developments found lower in the county. They have fewer invasive species. The trees tend to mature more and become part of a more healthy environment.

Earlier this summer, I also had the opportunity to see first hand the extent that climate change has affected California. Ten Mile Creek flows into crucial backup water reservoir for the region. In California, such primary and backup reservoirs are severely depleted. Typical water lines of reservoirs near Redding, California were down tremendously. For instance, Shasta Lake, one of the largest reservoirs in California, was reported by NASA to be down **106 feet** as of June 2021 (California Reservoirs Reflect Deepening Drought (nasa.gov)). That only got worse as the summer progressed. Forest fires also broke out. Such change could happen here. Montgomery county needs to protect its reservoirs and protect itself from becoming a heat island that actually keeps rain away. Keeping our forests helps to do that and helps to keep our drinking water available and safe.

Thanks, Nadim Ahmed 5517 Northfield Rd. Bethesda, MD 20817

RE: Creekside at Cabin Branch Site Plan #820200160

Dear Chair Anderson and Planning Board members

We believe it is critically important that the Planning Board deny approval of the Creekside at Cabin Branch site plan. The proposed development is located entirely within the two most fragile, sensitive and high-quality sub watersheds in the Ten Mile Creek Watershed, Little Sence Ten Mile (LSTM) 110 and LSTM 111, and would irreparably harm stream conditions, water quality and the native ecosystem. Ten Mile Creek is the cleanest the section section of the optimum of the provide the section of the Italini steam conducts, water quany and use name ecosystemi. The time to be its the dealests tributary that flows into the Little Seneca Reservoir, the back-up drinking water supply to the Potomac River, which serves over 400 million people in the Washington DC region. The Ten Milli Creek watershed also is home to at least seven rare plants and more than 450 native plant species which inevitably would be adversely affected by the Creekside at Cabin Branch project. Pulte's proposed development as currently envisioned conflicts with the intent and recommendations of the 2014 Ten Mile Creek Area Limited Amendment to the Clarksburg Master Teconimendations of use 2014 feit mise Ofers Area Limited Aministic of the Calabaschi greater Plan. For example, on page 16, the amendment reads, "High quality sub watersheds with very low impervious cover, such as LSTM 110 (1.6 percent) and LSTM 111 (1.2 percent), are more sensitiv to changes in impervious cover than watersheds like LSTM 206 (16.6 percent) and LSTM 202 (11 percent) which already have a significant amount of existing impervious cover and are showing signs of degradation.

sights of degradation. The impervious cover percentages proposed by the developer for LSTM 110 would increase the impervious cover from the existing 1.6 percent to as high as 9.7 percent, and LSTM 111 would have impervious cover increased from the existing 1.2% to 12.8%. These proposed increases in impervious cover conflict with the Ten Mile Creek Area Limited Amendment Which reads (on page 17), "Recent studies (see Appendix 9, Attachment 18) have shown that impervious cover invelor and one corrected with circuitioner theoretication in the rend function." levels as low as 5 percent are correlated with significant degradation in water guality. This Plan revenses a low as opencinate our contained with significant degradation in water quanty. This has recommends as ix percent impervious surface cap for new development in the most sensitive sub watersheds to minimize risk as much as possible." The proposed development also would require buildozing, regrading, bringing in fill dirt and otherwise disturbing 76 acres of land, or 24 percent of the combined land area of the two sensitive

sub watersheds. Severe erosion of the soil would be likely because of the steep slopes of the sub watersheds. Severe erosion of the soil would be likely because of the steep slopes of the affected area, especially because changes in climate already are increasing severe storm events that cause flooding and flow of sediment into creeks, smothering plants and aquatic life, further increasing environmental degradation. Ten Mile Creek is critical to the future of our supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent while growth in the area population is projected to increase in the coming decades. Ten Mile Creek must not be allowed to

go the way of Cabin Branch Creek, its sister tributary, which has been severely degraded by

go the way of Cabin Branch Creek, its sister tributary, which has been severely degraded by significant housing development. "Ten Mile Creek is a reference stream in Montgomery County, serving as high quality benchmark against which other streams are compared," the Amendment states (on page 14). "As a result of its unique characteristics. Ten Mile Creek warrants extraordinary protection." To provide that protection to this important natural resource of the county, Pulle's proposed site plan must not be approved.

Climate change is not an accident waiting to happen, it's an accident in the process of happening. The Planning Board and each of us has a role to play in order to help the county adapt and achies the resiliency and sustainability needed for the future of the county and its residents.

I live in this area and I am very concerned about the quality of my water in my well and the watershed

Thank you for your attention to this important matter

Geoffrey and Toni McDermott

--Original Message From: tamupp53@gmail.com To: mcdermott@aol.com <mcdermott@aol.com> Sent: Wed, Sep 8, 2021 8:08 am Subject: FW: We need your help - oppose Creekside at Cabin Branch!

Just sent my email ..

Sent from Mail for Windows

From: Shruti Bhatnagar, Sierra Club Montgomery County Group Sent: Wednesday, September 8, 2021 8:01 AM To: tamrupp53@gmail.com Subject: We need your help - oppose Creekside at Cabin Branch!

Sierra Club Maryland Chapter Montgomery County Group

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Dear Tamara

On September 9, 2021, the Montgomery County Planning Board will have a public hearing on the site plan for Pulte's Creekside at Cabin Branch residential development in the Ten Mile Creek Watershed. This hearing will determine whether or not the Pulte development will go forward.

The Sierra Club Montgomery Group believes it is critically important that the Planning Board deny approval of the Creekside at Cabin Branch site plan.

The proposed development is located entirely within the two most fragile, sensitive and high-quality sub watersheds in the Ten Mile Creek Watershed, Little Seneca Ten Mile (LSTM) 110 and LSTM 111, and would irreparably harm stream conditions, water quality and the native ecosystem. Ten Mile Creek is the cleanest tributary that flows into the Little Seneca Reservoir, the back-up drinking water supply to the Potomac River, which serves over 400 million people in the Washington DC region.

The Ten Mile Creek watershed also is home to at least seven rare plants and more than 450 native plant species which inevitably would be adversely affected by the Creekside at

Cabin Branch project. Ten Mile Creek is critical to the future of our supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent while growth in the area population is projected to increase in the coming decades. As a result of its unique characteristics, Ten Mile creek warrants extraordinary protection and that the Pulte proposed site plan must not be approved. Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, its sister tributary, which has been severely damaged by significant housing development.

The planning Board and each of us has a role to play in order to help the county adapt and achieve the resiliency and sustainability needed for the future of the county and its residents. You can read the testimony submitted by the Sierra Club testimony.here.

Please send an email to MCP-Chair@mncppc-mc.org and ask the Montgomery County Planning Board to deny approval of the Creekside Cabin Branch site plan which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek.

Thank you.

Sincerely,

Shruti Bhatnagar Chair, Sierra Club Montgomery County MD

This email was sent to: tamrupp53@gmail.com This email was sent by the <u>Sierra Club Maryland Chapter</u> PO Box 278 Riverdale, MD 20738-0278 Unsubscribe | Manage Preferences | <u>View as Web Page</u>

Dear Chairman Anderson,

I write as the former Chair of the Historic Preservation Commission, well aware of the role you play, to ask that you and your colleagues deny approval of the Creekside Cabin Branch site plan, which would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek. Thank you for your consideration of my views.

Best,

Leslie Miles 5402 Tuscarawas Rd Bethesda, MD 20816

Leslie K. Miles, Esq. Principal Topside, LLC 700 12th Street, N.W. Suite 700 Washington, D.C. 20005 O 202.355.7121 C 202.270.5151 Imiles@topsidedc.com www.topsidedc.com

Please don't muddy the waters, deny approval of Creekside at Cabin Branch site!

Dear Chair,

I'm writing about the proposed development of Creekside at Cabin Branch.

I believe that you should deny approval of this development, as it will adversely affect the wonderful native ecosystem in the area, as well as adversely affect both of the watersheds, Ten Mile Creed and Little Seneca. The proposed development is located almost entirely within these two watersheds, one of which is the cleanest around, and flows into the Seneca Reservoir!

The Ten Mile Creek watershed also is home to at least seven rare plants and more than 450 native plant species which inevitably would be adversely affected by the Creekside at Cabin Branch project. Ten Mile Creek is critical to the future of our supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent while growth in the area population is projected to increase in the coming decades. As a result of its unique characteristics, Ten Mile creek warrants extraordinary protection and that the Pulte proposed site plan must not be approved. Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, its sister tributary, which has been severely damaged by significant housing development.

Again, please DENY this proposal and save our Maryland natural spaces from being developed.

Thanks you, Gale Luce

From:	Irving Slott
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 10:09:49 AM

From:Linda WarschoffTo:MCP-ChairSubject:deny Pulte"s Creekside at Cabin Branch proposalDate:Wednesday, September 8, 2021 10:16:29 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

To whom it may concern:

I support the Sierra Club's position about the need to protect the watershed and habitat in the Ten Mile Creek Watershed. Pulte's development should not be approved. The future of our ecosystem is more important than building more housing for the affluent.

Thank you. Linda Warschoff Silver Spring

From:	Rende, Galen D.
To:	<u>MCP-Chair</u>
Cc:	Fischer, David
Subject:	FW: Submission of Written Comments re Creekside at Cabin Branch: Site Plan No. 820200160
Date:	Wednesday, September 8, 2021 10:25:39 AM
Attachments:	Written Comments re Creekside at Cabin Branch Development Application (Friends of Ten Mile Creek).pdf

Dear Chair Anderson,

On behalf of the Friends of Ten Mile Creek and Little Seneca Reservoir, I and my co-counsel, David Fischer, are submitting the attached written comments requesting the Planning Board's denial of the Creekside at Cabin Branch Site Plan Application No. 820200160. As noted in the "Additional Information" section of the Planning Board's testimony sign-up webpage, David and I have prepared our testimony to be read jointly at tomorrow's hearing.

Thank you for your consideration.

Best regards, Galen Rende

2	Galen D. Rende* Associate
<u>khlaw.com</u> PackagingLaw.com	direct <u>202.434.4105</u> <u>rende@khlaw.com</u> Keller and Heckman LLP 1001 G Street NW, Suite 500 West Washington, DC 20001
Serving Business through Law and Science®	Washington, DC Brussels San Francisco Shanghai

*Licensed to practice in Maryland only; supervised by a member of the DC Bar.

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TO:Montgomery County Planning BoardFROM:Galen D. Rende, Associate202.434.4105
rende@khlaw.comDavid B. Fischer, Counsel202.434.4224
fischer@khlaw.comCo-Counsel for the Friends of Ten Mile
Creek and Little Seneca Reservoir202.434.4224
fischer@khlaw.comDATE:September 9, 2021

RE: Request for Denial of Creekside at Cabin Branch: Site Plan No. 820200160

The Friends of Ten Mile Creek respectfully request that the Planning Board deny the Site Plan Application for the Creekside at Cabin Branch development project because it violates the Clarksburg Master Plan. Most flagrantly, the Site Plan contravenes the Master Plan's express recommendation to impose "a six percent impervious surface cap for new development in the most sensitive subwatersheds to minimize risk as much as possible."¹

In reviewing applications for development, the Planning Board must determine whether the proposed development "satisfies current laws, regulations, and [the Montgomery County Zoning Ordinance], and substantially conforms with the recommendations of the applicable master plan and approved guidelines."² For development in the Rural Neighborhood Cluster zone, or RNC zone, such as the application at issue today, any new development must be "in harmony with the policies and guidelines of the applicable master plan."³ These provisions in the Montgomery County Code requiring consistency with the Master Plan are not aspirational. As recently as 2015, the Maryland Court of Special Appeals held that, where "the local

¹ See 10 Mile Creek Area Limited Amendment (July 2014), at 17.

² Montgomery County Code § 7.3.4(A)(4).

³ Montgomery County Code § 4.3.5(A)(2). We also note that Maryland State law, in turn, requires local jurisdictions to ensure that zoning actions must "further, and not be contrary to" provisions of the applicable master plan, including its policies, development patterns, and land uses, among other elements. *See* Md. Code Ann. LU §§ 1-303, 3-303; *see also Friends of Frederick Cty. v. Town of New Mkt.*, 224 Md. App. 185, 201, 120 A.3d 769, 778 (2015).

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government has enacted a statute, ordinance, or regulation that links planning and zoning, 'the status of comprehensive plans [is elevated] to the level of true regulatory device."⁴

The Maryland Court of Appeals has also held that Master Plans must be construed in a similar manner as any other authoritative statute. That is, individual provisions may not be extracted from the Master Plan and read in a vacuum. Instead, the Master Plan must be read as a whole, so that no word, clause, sentence, or phrase is rendered meaningless.⁵ The goal, in reading the Master Plan in its entirety, is to "extract and effectuate the actual intent of the Legislature," which in this case is the Montgomery County Council.⁶

The Clarksburg Master Plan was amended in 2014, following an arduous and thorough review of the environmental impacts that new development would have on the Ten Mile Creek Watershed. An environmental analysis was completed by third-party expert consultants and prepared for the Montgomery County Planning Board in support of the Amendment to the Master Plan.⁷ This Environmental Analysis assessed the Ten Mile Creek watershed by analyzing each subwatershed within the larger watershed, because not all subwatersheds are of the same sensitivity. Some are of higher quality than others due to low levels of development and imperviousness; thus, adverse impacts to the more sensitive subwatersheds will have outsized effects on the watershed as a whole.

Recognizing the differential impact that development would have on each subwatershed, the Environmental Analysis included comprehensive profiles of each of the subwatersheds within the Ten Mile Creek watershed. Ultimately, the Environmental Analysis found that

⁴ Pringle v. Montgomery Cty. Plan. Bd. M-NCPPC, 212 Md. App. 478, 489, 69 A.3d 528, 534 (2013) (quoting Greater Baden–Aquasco Citizens Ass'n, 412 Md. at 101, 985 A.2d 1160); see also Friends of Frederick Cty., supra note 3, at 199.

 $[\]frac{5}{2}$ HNS Dev., LLC v. People's Couns. for Baltimore Cty., 425 Md. 436, 450, 42 A.3d 12, 20 (2012) ("We keep in mind that particular provisions of a statute are interpreted in the context of the entire statutory scheme, and 'read together and harmonized to the extent possible, reading them so as to avoid rendering either of them, or any portion, meaningless, surplusage, superfluous or nugatory.") (quoting Mayor & City Council of Rockville v. Rylyns Enters., Inc., 372 Md. 514, 550, 814 A.2d 469, 490 (2002)).

⁶ See Casey v. Mayor and City Council of Rockville, 400 Md. 259, 288, 929 A. 2d 74 (2007).

² See Ten Mile Creek Amendment, Appendix 3, *Ten Mile Creek Watershed Environmental Analysis* (July 3, 2013), available at

https://www.montgomeryplanning.org/community/plan_areas/I270_corridor/clarksburg/documents/Appe_ndix%203%20TMC_Env_Analysis_Final_Report_070313.pdf.

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minimizing impact on the Ten Mile Creek Watershed would require "preserv[ing] existing conditions in the high quality headwater subwatersheds LSTM 110 (King Spring) and LSTM 111."⁸

Armed with this scientifically robust Environmental Analysis, the County Council, in amending the Master Plan, closely examined the impacts on subwatersheds, particularly LSTM 110 and LSTM 111 - the only subwatersheds identified as "sensitive subwatersheds." There is language throughout the Amendment to the Master Plan emphasizing the need to protect LSTM 110 and LSTM 111.

The impetus for the amended Master Plan was the alarming realization that the level of proposed development would have "substantial impacts to specific natural resources" due to "increases of up to 10 times in imperviousness in the most sensitive subwatersheds (LSTM 110, and LSTM 111)."⁹

Recognizing the differences between the most sensitive subwatersheds and other subwatersheds already irreparably impacted by development, the amended Master Plan sets forth in explicit and irrefutable language the County Council's intention to fend off these adverse environmental effects by mandating a combination of impervious surface limits on a subwatershed basis. The amended Master Plan states in relevant part:

High quality subwatersheds with very low impervious cover, such as LSTM 110 (1.6 percent) and LSTM 111 (1.2 percent) are more sensitive to changes in impervious cover than watersheds like LSTM 206 (16.6 percent) and LSTM 202 (11 percent), which already have a significant amount of existing impervious cover and are showing signs of degradation. Recent studies ... have shown that impervious cover levels as low as 5 percent are correlated with significant degradation in water quality. This Plan recommends a 6 percent impervious surface cap for new development in the most sensitive subwatersheds to minimize risk as much as possible.¹⁰

 $\frac{8}{2}$ See id. at 10.

 $\frac{9}{10}$ Id. at 9.

10 See Master Plan Amendment at 17 (emphasis added). This passage goes on to read, "[w]hile it is not possible to keep all the subwatersheds at this low level without unreasonably restricting development, this Plan provides a combination of imperviousness limits and required open space protection that would keep the overall watershed imperviousness level at slightly more than six percent, if all planned development occurs." The staff report uses this sentence to justify exceeding the 6% imperviousness threshold in the two sensitive subwatersheds, but when read in the context of the entire passage, it is clear (continued ...)

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This excerpt demonstrates the clear intent of the Master Plan to protect LSTM 110 and LSTM 111 by keeping imperviousness to as near 5 percent as possible (with an absolute cap of 6 percent), while allowing for more extensive development in other, less sensitive subwatersheds. The Creekside at Cabin Branch development, in its current form, would be located entirely within LSTM 110 and LSTM 111, the two sensitive subwatersheds, leading to impervious levels in these subwatersheds exceeding 6 percent.

With these requirements for the sensitive subwatersheds in mind, the amended Master Plan also proposed an Environmental Overlay Zone, which was approved by the County Council, which imposed a 6% impervious limit on the entire Environmental Overlay Zone, which is a much larger area containing all of the subwatersheds, not just the sensitive subwatersheds. It is true that this overlay zone does not explicitly include a 6% cap on imperviousness in the sensitive subwatersheds, but that is beside the point. The overlay zone cannot be read in a way that nullifies the other recommendations of the Master Plan.

Data submitted by the Applicant demonstrate that, if the development project is approved in its current form, impervious cover in the most sensitive subwatersheds will exceed the maximum impervious levels mandated by the Master Plan. Not only would imperviousness in LSTM 110 exceed the 6% impervious cap for development in the most sensitive subwatersheds,¹¹ but LSTM 111 would experience a greater than 10-fold increase in impervious cover, with an impervious level of nearly 13%.¹² Yet this is the very outcome the County Council sought to avoid by approving the Amendment to the Master Plan in 2014.

Bluntly put, it would defy any reasonable and lawful reading of the Master Plan for the Planning Board to approve a development application that results in a level of imperviousness in the sensitive subwatersheds that the amended Master Plan explicitly sought to avoid. It would, in effect, render the Amendment to the Master Plan meaningless.

After hearing and reading all the arguments in opposition to this development at the December Planning Board hearing on the Preliminary Plan, how is it that the staff in their latest report to the Planning Board can continue to recommend approval of this development plan?

that this language is intended to convey that the 6% threshold must be obeyed in the sensitive subwatersheds, but may not apply in other, less sensitive subwatersheds.

¹¹ See Site Drainage Plan Overview (May 12, 2021), available at https://eplans.montgomeryplanning.org/UFS/31679/89774/12-WQP-820200160-002.pdf/12-WQP-820200160-002.pdf.

 $[\]frac{12}{12}$ (0.128 proposed impervious cover) ÷ (0.012 existing impervious cover) = 10.67-fold increase in imperviousness.

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Quite simply, the staff report fails to acknowledge the Planning Board's legal obligation to ensure that the development plan comports with all of the recommendations of the Master Plan, not just those recommendations that are also part of the Environmental Overlay Zone.

The staff report eviscerates the 6 percent impervious cap recommendation in the most sensitive subwatersheds, LSTM 110 and LSTM 111, because it appears on page 17 of the amended Master Plan, a section that the staff have arbitrarily characterized as the "non-binding discussion section that provides background information."¹³ In contrast, the staff report contends that the 6 percent impervious cap adopted in the Environmental Overlay Zone is the only applicable impervious cap because it appears in a section of the amended Master Plan with "specific recommendations."¹⁴ These semantic somersaults are utterly pointless because they cannot undo the staff report's blatantly illegal interpretation and application of the amended Master Plan.

The amended Master Plan was approved and adopted in its entirety by the Montgomery County Council. Nowhere in the amended Master Plan does it state that certain sections are less important than others, or that certain recommendations are binding and others are not. The amended Master Plan must be read as a whole, and in such a way that no part of it is rendered meaningless.

Judicial precedent, and both state and Montgomery county law elevate the status of master plans to the level of a true regulatory device. The Environmental Overlay Zone does not extinguish the supremacy of the amended Master Plan. Indeed, the Environmental Overlay Zone explicitly requires that proposed development substantially conform with the recommendations of the applicable master plan.

The staff report fails to recognize that the amended Master Plan's 6 percent impervious cap in the most sensitive subwatersheds and the 6 percent cap in the Environmental Overlay Zone collectively protect the entire Ten Mile Creek watershed. The 6 percent impervious cap in the Environmental Overlay Zone is not to be read in isolation, but must be reconciled with the 6 percent impervious cap recommendation in the most sensitive subwatersheds. Implementing both impervious cap recommendations in the amended Master Plan is precisely what the County Council prescribed, and what Maryland's appellate courts demand.

By approving the preliminary plan in December 2020, and ignoring the language in the amended Master Plan that explicitly recommends an impervious cap in the most sensitive subwatersheds, the Planning Board has rendered these provisions meaningless. In doing so, the

¹³ See Staff Report for Creekside at Cabin Branch: Site Plan No. 8120200160, at 41-42.

 $[\]underline{14}$ Id.

$Keller \, \text{and} \, Heckman \, \text{LLP}$

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Planning Board has failed to meet its legal obligation to implement the amended Master Plan in a way that substantially conforms to, and is in harmony with, the amended Master Plan's recommendations.

Today, however, the Planning Board can correct its legal error by interpreting the amended Master Plan as a whole, applying the 6 percent impervious surface cap to LSTM 110 and LSTM 111, and disapproving the proposed site plan.

From:	Jim Moore
То:	MCP-Chair
Subject:	Please reject Creekside Cabin Branch site plan
Date:	Wednesday, September 8, 2021 10:36:07 AM

Please deny approval of the Creekside Cabin Branch site plan. The Montgomery County Sierra Club as explained the reasons it would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek. I have personally visited the Ten Mile Creek area, and have been pleasantly surprised at how clean the water despite the location in a densely populated county. I have found several life forms, e.g. insect species, that I've seen nowhere else in Maryland. (I am an amateur entomologist).

James A. Moore, PhD Twinbrook Rockville, Maryland

There is a bad typo in your email. It states 400 million people in the watershed. I think 4 million might be closer.

Sent from my iPhone

Montgomery County Planning Board:

Please deny the Creekside at Cabin Branch site plan.

My family bought a lot in Montgomery County several years ago and have since been working to subdivide the lot and meet county standards for proper permitting for a single-family home. As part of this process, we have engaged extensively with MNCPPC, particularly around meeting the stringent requirements of the Forest Conservation Plan (requiring us to not only refrain from cutting down any trees, but to plant 1.5 acres of new trees on our lot) and watershed protection regulations (which will require us to engineer and plant at least two bio-retention ponds). After more than three years of working with MNCPPC, engineers, and lawyers at significant cost to understand and meet these regulations, we have yet to secure full approval to begin building our future home.

The process has often been frustrating, but despite the cost in both time and money my family has been generally positive and willing to see it through because we believe in the importance of well-planned and conscious development. As a conservation professional myself (I work at an environmental conservation NGO and have previously worked with District government on sustainability planning) I was pleased to know that Maryland and Montgomery County understood the importance of such development and that by working with the County I was minimizing my negative impacts on my community.

Having engaged so earnestly with MNCPPC over the last three years, I am devastated to learn of the planned development in the Ten Mile Creek Watershed. If MNCPPC approves the Creekside site plan, it will indicate that MNCPPC is far more interested in wringing money out of development than in ensuring its sustainability. The fees and regulations on development for single residential properties seems a double standard - designed to make the process costly and difficult for the private citizen, but simple and cheaper for larger developers.

If the proposed development along Ten Mile Creek were subject to the same regulations as our single-family home, I would expect to see evidence of how the development will serve to conserve and improve the local environment rather than endanger it. I would be very interested to see a full, transparent accounting of the environmental and community benefits for the Creekside development, including impact fees per home and proposed improvements.

In addition to the above, approving such a development would directly contradict the draft Thrive Montgomery 2050's stated organizing principle of urbanism (Planning Board draft, Pg. 20) and an advertised aim for more climate-friendly communities with accessible and sustainable transportation options. Though the 2014 Ten Mile Creek Limited Amendment to the 1994 Clarksburg Master Plan does state that negative environmental impacts of the Pulte development can be minimized by taking particular measures, it does so only after recognizing that " Any development of these properties will have a negative impact on stream quality" (41). Additionally, one of the strongest regulations in the county for protecting watersheds, the RNC zone open section road standard, which requires the use of vegetated swales to guide runoff to pervious areas (positive for water quality, erosion and flood reduction, and groundwater recharge) will be waived in this instance. This waiver defies the existence of such a regulation, as the regulation can only be effective if applied at scale.

Thank you for your attention to this matter - I am looking forward to working with MNCPPC in the future as a Montgomery County resident to ensure a healthy and sustainable community.

Best, Molly Bradtke

From:	<u>Ge Ki</u>
То:	MCP-Chair
Subject:	Reject Creekside at Cabin Branch
Date:	Wednesday, September 8, 2021 10:45:42 AM

Here we are again, having to protect one of the few remaining natural ecosystems in Montgomery County from yet another development project. Can we have infinite development in a finite space? No. There will be a time when the laws of physics, if not the Planning Board, will prevent us from building any further. Why not stop now, while we still have some nature left to protect, and some nature left to protect us? Natural ecosystems provide us with numerous services, such as flood control, pest control, pollination, environmental cooling in summer, water filtration, air purification, and species preservation, and these services are provided free of charge. So now it's Pulte who wants to take a chunk of it and ruin it. Well I'm bloody sick of this county prostituting its natural resources and beauty to johns like Pulte. Have the recent decades of stripping away trees and chasing off fauna really made this a better place? No. It was far better 20-30 years ago. But I know how important it is to "grow the tax base," so we can pay for the schools, roads, and other infrastructure needed to support the population growth wrought by previous development projects. And after this project, we'll have to grow the tax base some more to support the growth wrought by the Pulte development. Does the Planning Board care? Hell no. The Planning Board will hold the county down while Pulte has its way with her. This is your wellearned reputation.

Sincerely,

Geoffrey Kidd 14012 Eternity Rd. Germantown, MD 20874

From:	<u>Cinque, Julius (NIH/CSR) [E]</u>
To:	<u>MCP-Chair</u>
Cc:	marc.elrich@montgomerycountymd.gov; county.council@montgomerycountymd.gov; Friends of Ten Mile Creek & Little Seneca Reservoir
Subject:	Testimony on the Pulte Development Plan " Creekside at Cabin Branch"
Date:	Wednesday, September 8, 2021 10:59:09 AM

Hearing

Montgomery County Planning Board

Testimony of Julius Cinque

proposed site plan

on the "Creekside at Cabin Branch"

Thursday, September 9, 2021

My name is Jay Cinque, I have lived with my wife Anne and our family at 22300 Slidell Rd, Boyds, Md since 1973. This location is approximately one mile from the Ten Mile Creek ford crossing on Old Baltimore Rd. I have previously served as President of the Boyds Civic Association, the Sugarloaf Citizens Association and the Friends of Ten Mile Creek and was actively involved along with many of my fellow neighbors and wife in the drafting of the 1994 Clarksburg Master Plan and the 2014 Ten Mile Creek Master Plan Amendment.

Today I express my strong opposition to the proposed Pulte development plan which has failed to comply with the clearly stated 6% limit on impervious cover for the most sensitive areas of Ten Mile Creek as set down in the Ten Mile Creek Amended Master Plan.

We are not talking about "ratcheting down the imperviousness requirements" but rather asking for the enforcement of the 6% cap on imperviousness, established for the most sensitive areas (LSTM 110 and LSTM 111), in the Ten Mile Creek Limited Master Plan Amendment.

Throughout the numerous community meetings, county council meetings and meeting here with Park and Planning there was always the common understanding that the most sensitive areas required and would be given "exceptional protection". The proposed Pulte development plan as currently written increases their existing impervious cover from 1.6% to 6.9% in LSTM 110 and from 1.2% to 12.8% in LSTM 111. This will have a significant and devastating effect on the most sensitive areas of Ten Mile Creek and must not be approved.

From:	<u>Elizabeth B</u>
То:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 11:00:12 AM

The proposed development is located entirely within the two most fragile, sensitive and high-quality sub watersheds in the Ten Mile Creek Watershed, Little Seneca Ten Mile (LSTM) 110 and LSTM 111, and would irreparably harm stream conditions, water quality and the native ecosystem. Ten Mile Creek is the cleanest tributary that flows into the Little Seneca Reservoir, the back-up drinking water supply to the Potomac River, which serves over 400 million people in the Washington DC region.

The Ten Mile Creek watershed also is home to at least seven rare plants and more than 450 native plant species which inevitably would be adversely affected by the Creekside at Cabin Branch project. Ten Mile Creek is critical to the future of our supply of local, clean drinking water as climate change is making severe storms and droughts become more frequent while growth in the area population is projected to increase in the coming decades. As a result of its unique characteristics, Ten Mile creek warrants extraordinary protection and that the Pulte proposed site plan must not be approved. Ten Mile Creek must not be allowed to go the way of Cabin Branch Creek, its sister tributary, which has been severely damaged by significant housing development.

Liz Brenner-Leifer Chevy Chase, MD

Sent from my iPad

From:	<u>Sylvia Tognetti</u>
То:	<u>MCP-Chair</u>
Cc:	<pre>marc.elrich@montgomerycountymd.gov; county.council@montgomerycountymd.gov; Friends of Ten Mile Creek</pre>
Subject:	Testimony for 9-9-21, Creekside at Cabin Branch Site Pan #820200160
Date:	Wednesday, September 8, 2021 11:12:42 AM
Attachments:	Testimony - Creekside at Cabin Branch Site Plan #820200160- Tognetti (9 -9-2021 Final).pdf

Dear Chair Anderson and Members of the Planning Board,

Attached please find my testimony for the September 9 2021 hearing on the Creekside at Cabin Branch Site Plan #820200160.

Although I serve as President of Friends of Ten Mile Creek, attorneys David Fischer and Galen Rende will testify on behalf of the organization. Therefore my testimony will be given in an individual capacity.

Respectfully,

Sylvia S Tognetti President, Friends of Ten Mile Creek 240-462-0090

September 9, 2021

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

Re: Creekside at Cabin Branch Site Plan #820200160

Dear Chair Anderson and Planning Board members,

Thank you for the opportunity to share reasons for my opposition to approval of Site Plan No. 820200160 for Creekside at Cabin Branch, which is based on concerns about the impacts this proposed project would have on water quality in the last best tributaries of the Ten Mile Creek watershed. Although speaking as an individual, I want to call special attention to and reinforce key points in other testimonies given by the many Friends of Ten Mile Creek and the Little Seneca Reservoir, for which I serve as President, and the Attorneys representing us here today. I also served as a member of the Montgomery County Climate Workgroup on Climate Adaptation and Sequestration, which noted the values of this watershed and the importance of land use policies as a foundation for climate resilience.

In my testimony, I will update my previous testimony based on more specific information provided in the Site Plan. I would like to then respond to selected remarks made by Chair Anderson and by the Applicant at the hearing on the Preliminary Plan in December 2020 regarding the impacts of this plan on water quality - with reference to science that in fact does show "that development at these levels in these subwatersheds is likely to threaten the water quality in the Seneca Creek Reservoir" - even without factoring in climate change, which will further degrade water quality.

As context, it bears repeating from my previous testimony on the Preliminary Plan that, as the cleanest tributary of the Little Seneca Reservoir (LSR), and the closest, backup emergency drinking water supply to the Potomac River, which serves over 4.5 million people in the Washington Metropolitan Area during drought periods, Ten Mile Creek is a critical component of our Critical Natural Infrastructure. Because of its high quality, it also serves as a reference stream against which other streams are compared when monitoring water quality. With the rest of upper Montgomery County watersheds, this watershed is a water-source area which flows to and enters the Potomac River nearby, upstream from the WSSC drinking water intake where existing sediment loads have already increased water treatment costs.

I would like to add that, pollutants also become more concentrated during low flows, thereby increasing the reliance on clean water sources during these drought periods. My own analysis suggests that flow from the LSR reached 20 to 25% of total Potomac River flow for a brief period during the 2002 drought when the maximum single day release from LSR was 125 million gallons.¹ At that point, the river reached record low flow conditions (166 MGD), with

¹ This analysis is based on data provided in Kiang, Julie E., and Erik R. Hagen. 2003. "2002 Drought Operations and Lessons Learned: Washington Metropolitan Area." 03–6. Rockville, MD: Interstate Commission on the Potomac

average withdrawals of 381 MGD. The percentage of total river flow could go higher at the limit for low flow conditions (100 MGD), which was established under the 1978 Low Flow Agreement. As explained by Scott Fosler, former Council President and architect of the dual reservoir system for purposes of providing a drought backup to our water supply, 100 MGD is a point at which water withdrawals would need to be restricted to insure water is treatable.² As one of three tributaries to the LSR, The Ten Mile Creek watershed (4,801 acres) occupies close to 26% of the land area that drains to the Little Seneca Reservoir (18,531 acres), so it is reasonable to assume that it briefly accounted for 4-6% of the river flow when water was released from the LSR in 2002. During such conditions, this 4-6% would be the only source of high-quality water available for purposes of dilution. Releases from the larger Randolph Reservoir in West Virginia are regularly augmented by releases from the Savage Reservoir, for the purpose of maintaining water quality, which suggests that Ten Mile Creek implicitly plays such a role during drought conditions.

To restate and update key points from my testimony on the Preliminary Plan, in December 2020, and in the Petition for Reconsideration submitted by Friends of Ten Mile Creek, my key concern is that this proposed development project is contrary to the intent of the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan,³ which was adopted with the unanimous support of the Montgomery County Council in 2014. The Amended Master Plan requires a 6% cap on impervious surfaces but also says these should be kept to as near to 5% as possible to protect the two most sensitive subwatersheds, LSTM 110 and LSTM 111.

The proposed Site Plan would instead concentrate development wholly within these two subwatersheds, where it would exceed the 6% impervious cap – nearly doubling it in LSTM 111. It is also in conflict with the stated purpose of the County Zoning Ordinance pertaining to the Clarksburg West Environmental Overlay Zone $(CW-EOZ)^4$ – which is to implement the Master Plan. Although the Ordinance allows a "maximum" total impervious surface area of 6% of the "total area under application for development", the Planning Board should interpret this consistently with the Master Plan and limit imperviousness to below this maximum, in at least the two most sensitive subwatersheds, as the Council required in the Master Plan.

Data now posted in the Site Drainage Pattern Overview⁵ shows that, by concentrating the development footprint in these two most sensitive sub-watersheds this proposed development plan would add 11.19 acres of impervious cover to LSTM 110, and 12.08 acres to LSTM 111. This would amount to 5.3% additional impervious cover to LSTM 110 (of the total 211 acres) bringing total impervious cover to 6.9%, which could rise as high as 9.7% if/when the King Property is developed. It would add 11.61% impervious cover to LSTM 111, bringing the total to

River Basin. <u>http://www.potomacriver.org/publicationspdf/ICPRB03-6.pdf</u>. Washington area jurisdictions withdraw approximately 391 MGD. Lowest flow during the 2002 drought was 166 MGD.

² Fosler, Scott (2017) Safe and Affordable Water for the Washington Region. Presentation to the Water Forum, "Where Does Your Water Come From?" Held December 3, 2017, Rockville MD. Hosted by the Maryland Sierra Club in partnership with Montgomery Countryside Alliance, Friends of Ten Mile Creek, Seneca Creek Watershed Partners, Conservation Montgomery, the Muddy Branch Alliance, the Watts Branch Alliance, Potomac Conservancy, and the Audubon Naturalist Society.

https://www.dropbox.com/s/cmqpurkzcg54t8a/Fosler%20Presentation%20Water%20Forum%202017-12-3.pdf?dl=0

³ Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special study Area (2014)

⁴ Montgomery County Zoning Ordinance Chapter 59.4.9.6, Clarksburg West Environmental Overlay Zone

⁵ Site Plan File12-WQP 820200160-002.pdf

12.8% (of the total of 104 acres). In addition, 24.1% of these two watersheds would be within the Limits of Disturbance: 16.6% of the land area in LSTM 110, and 39.5% in LSTM 111, which would reshape the topography and further alter the hydrology of these watersheds.

These implications of these levels of imperviousness were well documented in the 2014 letter to the Council from Matthew Baker, Professor of Environmental Sciences at UMBC and co-author of some of the relevant studies. In it he states: "the evidence is clear that due to their status among the best examples of stream condition in the County, restricting levels as close to 5% as possible stands the best chance (with LID, ESD, and development at or near the divide and away from stream channels) of protecting the valuable natural resource they represent."

The overall purpose of amending the Master Plan for Ten Mile Creek and limiting imperviousness was to protect water quality and other natural resources in this Special Protection Area. The county-wide significance of this watershed was explicitly recognized in the 1994 Master Plan for Clarksburg. Development was therefore staged, requiring a decision by the Council based on an evaluation of the impacts of development on water quality in stages 1-3, before development could proceed to stage 4, in the Ten Mile Creek watershed.

Contrary to statements made by the Chair and the Applicant at the hearing on the Preliminary Plan in December 2020, development threatens water quality in the LSR, and does not maintain or improve it. This is shown in the Environmental Analysis found in Appendix 3 of the Amended Master Plan. Other prior and subsequent studies also show that sediment loads from developed areas are higher than from farmland in the Piedmont region, including those conducted subsequently by the Clarksburg Monitoring Partnership in the watersheds of this area.

At the hearing on the Preliminary Plan, Chair Anderson stated that:

Analysis, conducted by consultants retained by the Planning Board, of the postdevelopment conditions in the subwatershed that actually empties into the Reservoir... showed that even without the downzoning which resulted in the applications in front of us today, that water quality in the Reservoir would be maintained at at least good levels and perhaps better post-redevelopment... I am not aware of any science that shows that development at these levels in these subwatersheds is likely to threaten the water quality in the Seneca Creek Reservoir.

The Applicant subsequently stated that:

existing farmland here is producing more in terms of nutrients that run into the reservoir, eventually, than, I believe, development itself will.

According to the above-referenced Environmental Analysis (EA) itself (emphasis added):

"Sediment loads decrease uniformly after construction, except in undisturbed watersheds. This is because sediment loads from urban land are much lower than those from most pre-developed land uses, with the exception of forest. *However, modeled sediment loads do not include channel erosion. Therefore, this modeling underestimates anticipated sediment loads in streams.* Sediment loads are higher during construction."

As the EA also explains:

increasing development within a watershed will increase the volume of stormwater runoff to a stream. This change in *hydrology* will result in higher and faster stream flows, which

will increase channel erosion and change the stream's form, or *geomorphology*. Sediment from eroded stream channels will be transported downstream, decreasing *water quality*. In addition, the change in channel form will adversely affect *habitat* needed by fish and other aquatic organisms that live in the stream, resulting in an impact on stream *biology*.

The EA explicitly states that it did not analyze impact from channel erosion:

"Impacts from potential channel erosion resulting from altered hydrology were not explicitly analyzed as part of this study, due to uncertainty of future stream response. However, research does indicate that channel erosion can be a significant sediment source."

Although the EA *claims* there would be a decrease in sediment loads after construction, and that these loads are lower from developed land than rural land, it also shows a high increase in the volume of runoff and peak stream flow, even after construction, across all of the scenarios considered. Table 1, below, shows the results of modeling done for the EA, to estimate changes in volume, peak flows, and flow velocity for the development scenarios that were considered. These estimates were done for a 1 and 2 year 24-hour storms, for which the standard values for precipitation, under Maryland Stormwater Design Standards, are 2.6 inches and 3.2 inches. As context, the 24-hour rainfall report for Rockville on September 1st was 3.27 inches⁶, and appears to have occurred within a 2-to-6-hour period - which would have made it a 10-to-50-year storm. The development scenarios considered range from an impervious cover of 6.8% LSTM 110 and 8.3 in LSTM 111, to levels that had been envisioned in the 1994 Master Plan: 15.1% imperviousness in the LSTM 110 subwatershed, and 14.1% in LSTM 111.

This increase in volume and peak flow would increase stream flashiness, erosion of channels, and sediment loads, thereby decreasing water quality as well as baseflow, which maintains stream flow during dry periods.

Among the conclusions of the EA:

The results of the hydrologic model indicate that ESD will not fully mitigate the impacts of development on hydrology in the watershed.

The above results are an underestimate because they are based on values in the 2000 MD Stormwater Design Manual that are used for sizing stormwater BMPs. They are similar to the rainfall Intensity/Duration/Frequency values published in NOAA Atlas 14 Volume 2, last published in 2006 based on historical rainfall data through 2000. However, these are now outdated for more recent events due to the trend of increases in heavy storms associated with climate change⁷.

⁶ Data reported on Community Collaborative Rain, Hail and Snow Network CoCoRaHS – cocorahs.org, https://maps.cocorahs.org/?maptype=precip&datetype=daily&date=9%2F1%2F2021¢er=39.074061,-77.146312

⁷ Fischbach et al 2020, <u>https://www.rand.org/pubs/research_reports/RRA564-1.html</u> (cited by Michelle Miro in webinar on new IDF curve tool) compares observed 24 hour rainfall events in Negley Run watershed in Pittsburgh PA to Atlas 14 estimates (expected) and finds 18 2-year 2.3" storms between 2003 and 2018, when Atlas 14 suggested it should only have occurred 8 times.

		Existing conditions	Range of increase	% increase
LSTM 110				
1-yr, 24 hr storm	Volume (ac-ft)	5.5	6.8 to 9.9	24% to 80%
	Peak stream flow (cfs)	12.2	40.4 to 54.7	232% to 350%
	Stream flow velocity (fps)	1.8	2.7 to 2.8	56% to 62%
2-yr, 24-hr storm	Volume (ac-ft)	10.1	11.6 to 15.7	15% to 56%
	Peak stream flow (cfs)	15.5	70.8 to 95.2	357% to 516%
	Stream flow velocity (fps)	1.9	3 to 3.4	60% to 78%
LSTM 111				
1-yr, 24 hr storm	Volume (ac-ft)	3.472	4.1 to 5	19% to 43%
	Peak stream flow (cfs)	3.936	27.8 to 33.1	605% to 741%
	Stream flow velocity (fps)	0.7	1.7 to 1.8	137% to 151%
2-yr, 24-hr storm	Volume (ac-ft)	6	6.8 to 7	12% to 30%
	Peak stream flow (cfs)	9.5	47.7 to 56.9	400% to 497%
	Stream flow velocity (fps)	0.9	2 to 2.1	130% to 145%

Table 1: Changes in volume, peak stream flow and stream flow velocity for 1 and 2-year 24-hour storms under development scenarios evaluated in the Environmental Analysis

It is well established science that for each 1°C or 1.8°F rise in temperature, the atmosphere holds 7% more moisture, leading to the more intense storms we have all experienced, even if total rainfall decreases.⁸ Observed and projected increases in heavy precipitation, defined as the heaviest 1% of rainfall events, are greatest in the Northeastern United States (as shows in Figure 3 in Appendix A)⁹. In 2020 a record was established in DC for the most days with over 2 inches of rainfall (as shows in Figure 4 in Appendix A),¹⁰ after 2018 set a record for the most rainfall in a year, with 2020 the 7th wettest.¹¹ 2018 was also the year in which Ellicott City had its second 1000-year storm within a two-year period ¹²

For reference, in the appendix to my testimony, I have included new projections of rainfall IDF curves prepared for NOAA and the Chesapeake Bay Program¹³. These projections show that, between now and 2070, depth of a 2-year 24-hour storm at the Dalecarlia Reservoir in DC would range from 3.12 To 3.69 inches, compared to the values given in Atlas 14, which are

⁸ Trenberth, K. 2011. "Changes in Precipitation with Climate Change." *Climate Research* 47 (1): 123–38. <u>https://doi.org/10.3354/cr00953</u>.

⁹ Fourth National Climate Assessment

¹⁰ Livingston, Ian. 2020. "D.C. Sets Record for Most Super-Rainy Days in One Year." *Washington Post*, November 30, 2020. <u>https://www.washingtonpost.com/weather/2020/11/30/super-rainy-days-dc-record/</u>.

¹¹ Maryland Climate and Weather http://marylandclimateandweather.weathertogether.net/washington-dc-precipitation-records-top-10-monthly-and-annual-maximum-and-minimum-amounts/

¹² Samenow, Jason, and Ian Livingston. 2018. "Drenched City: 2018 Is Now Washington's Wettest Year Ever Recorded." *Washington Post*, December 15, 2018. <u>https://www.washingtonpost.com/weather/2018/12/15/drenched-city-is-now-washingtons-wettest-year-ever-recorded/</u>.

¹³ NOAA MARISA and EPA Chesapeake Bay Program (2021) *Projected Intensity-Duration-Frequency (IDF) Curve Data Tool for the Chesapeake Bay Watershed and Virginia*. <u>https://midatlantic-idf.rcc-acis.org/</u> Accessed 8-31-2021. Range of change factors for Montgomery County from full data set. Curve generated for Dalecarlia Reservoir, the nearest station to Montgomery County.

between 2.89 and 3.53 inches for that station, adding a median of .22 inches of rainfall depth, under an RCP 4.5/low emissions scenario (see Table 6 and Figure 1 in Appendix A). For a 100-year storm, rainfall depth would range between 7.66 and 11.62, adding a median of .93 inches. (See Table 7 and Figure 2 in Appendix A).

Change factors for Montgomery County (for which the data tool does not provide station data) are slightly higher than for the Dalecarlia Reservoir in DC, adding a median of 1.08, with a range between the 10th and 90th percentiles of 1 to 1.12. If applied to the 2-year 24-hour storm value standard for Maryland, it would average 3.45 instead of 3.2 inches, adding .25 inches. (An estimate of the increases in flow volume and peak flows was not done as this would require running the model used by the consultants with these rainfall values.)

Also according to the EA, loads of Nitrogen and Phosphorus would increase, as shown in Table 2, from page 7 in the EA:





Comparative Annual Pollutant Loads (as a multiple of loads from forest) throughout the Development Process

The EA concludes that:

Increases in stormwater runoff volume and peak flow can be expected in all development scenarios despite the application of ESD practices (Center for Watershed Protection, 2013). Literature review of case studies and monitoring to document the effectiveness of ESD and similar low impact development (LID) strategies are limited and don't appear to exist at a watershed scale of analysis. Where case studies do exist at a subdivision scale, there is no conclusive evidence that ESD fully protects stream health.

ESD represents the state of the practice for site planning and post-construction stormwater runoff management.

However, rigorous and comprehensive implementation across or within watersheds has not occurred nor been monitored to establish a base of literature where we can conclude that watershed impacts won't be observed. While gaining watershed-based knowledge on the efficacy of ESD will be valuable, it may not be prudent to have initial experience and studies conducted in high quality watersheds.

Additional development within the Ten Mile Creek watershed will have a negative impact on watershed health and stream quality.

Other studies have demonstrated that sediment yield is greater from suburban land cover in headwater areas than from agricultural and forested areas and that this persists beyond the initial construction period.

In a 2015 survey that compared sediment accumulation in mid-Atlantic Piedmont ponds and reservoirs (which included the Little Seneca Reservoir), in upland watersheds with different dominant land cover types: forested; agricultural; or suburban,¹⁴ the authors concluded that (emphasis added):

for small zero-order and first-order watersheds, sediment yield is greatest from suburban land cover, followed by agricultural and forest. *The idea that sediment yield is small from mature suburban development appears to not be correct*. First-order channel enlargement is an important sediment source, causing sediment yield to increase from zero-order to first-order watersheds. Nonchannel sources provide one-third to two-thirds of the upland sediment load.

The proposed development is found in zero and first order headwater areas. Results of the pond measurements are summarized in Table 3, which shows higher sediment yield for those in suburban than in agriculture and forested areas.





Fig. 5. Sediment yield from six ponds under different land cover conditions.

¹⁴ Smith, S.M.C., and P.R. Wilcock. 2015. "Upland Sediment Supply and Its Relation to Watershed Sediment Delivery in the Contemporary Mid-Atlantic Piedmont (U.S.A.)." *Geomorphology* 232 (March): 33–46. https://doi.org/10.1016/j.geomorph.2014.12.036.

The authors also note that:

The observed persistence of substantial sediment loads from suburban land contradicts a common assumption that upland areas with mature development produce relatively little sediment upon the termination of construction (Wolman and Schick, 1967). Field observations during storms suggest that persistent localized disturbances from infrastructure maintenance, yard work, building renovations, and accidental sediment spills can be substantial contributors to contemporary sediment yield in mature suburban watersheds. A similar pattern of relatively large sediment yield was found from storm sampling in a nearby mature suburban watershed tributary to Triadelphia Reservoir (Smith, 2011).

Among the 6 Reservoirs compared in this study, all in third and fifth order watersheds, cumulative sediment load was approximately one-quarter lower than in the zero and first order ponds due to deposition and accumulation in valley bottoms.

The highest sediment yield (695 Mg/km2/y) was found in the Little Seneca Reservoir and was more than twice as high as in the other 6 Reservoirs and Lakes, and higher also than sediment yields in the 6 smaller ponds in the zero-to first order watersheds. The dramatically higher yields found in Little Seneca were partially attributed to having been taken during a period of aggressive construction, and partially to the interest in protecting the Patuxent Reservoirs, which are a public drinking water supply – as is the LSR. Even deducting 12.5% from the total sediment yield, which the authors estimate is the amount attributable to construction with 50% efficiency of sediment controls, sediment yield is still 48% higher than in the next highest, Pretty Boy Reservoir. The results of the study are summarized in Table 4.





An earlier study based on a sediment model estimated that urban/suburban development has 70 times the average sediment yield from agriculture per unit area and accounts for 39% of total loads in the Chesapeake Bay watershed, as it occupies a smaller area than agriculture. However,

in the Piedmont uplands region, where this project is located, developed areas account for higher sediment loads than agriculture not only in load per unit area but also in total load, as shown in Table 5.¹⁵



Table 5: Sources of Suspended-Sediment Flux in Streams of the Chesapeake Bay Watershed: A Regional Application of the SPARROW Model. Source: Brakebill et al 2010

As noted in the Environmental Analysis, case studies of ESD effectiveness were limited at the time it was conducted. However, subsequent studies comparing developed and undeveloped watersheds in this area, conducted by the Clarksburg Integrated Study Partnership¹⁶ have generally found that ESD practices do not replicate pre-development conditions.¹⁷ Although infiltration-based distributed stormwater management practices perform better than the older, more centralized detention-based practices in smaller rainfall events, outcomes were more similar with the increase in volume and intensity of rainfall events even in forested watersheds, because the largest source of sediment is from streambank erosion, particularly in headwater watersheds, where streambanks account for the majority of channel length, leading the authors to conclude that:¹⁸

¹⁵ Brakebill, John W., Scott W. Ator, and Gregory E. Schwarz. 2010. "Sources of Suspended-Sediment Flux in Streams of the Chesapeake Bay Watershed: A Regional Application of the SPARROW Model." *JAWRA Journal of the American Water Resources Association* 46 (4): 757–76. <u>https://doi.org/10.1111/j.1752-1688.2010.00450.x</u>. ¹⁶ A partnership of USEPA, USGS, UMD, and Montgomery County DEP.

¹⁷ Hogan, Dianna M., S. Taylor Jarnagin, J.V. Loperfido, and Keith Van Ness. 2014. "Mitigating the Effects of Landscape Development on Streams in Urbanizing Watersheds." *JAWRA Journal of the American Water Resources Association* 50 (1): 163–78. <u>https://doi.org/10.1111/jawr.12123</u>.

¹⁸ Hopkins, Kristina G., J.V. Loperfido, Laura S. Craig, Gregory B. Noe, and Dianna M. Hogan. 2017. "Comparison of Sediment and Nutrient Export and Runoff Characteristics from Watersheds with Centralized versus Distributed Stormwater Management." *Journal of Environmental Management* 203 (December): 286–98. <u>https://doi.org/10.1016/j.jenvman.2017.07.067</u>.

"The strong correlation between maximum specific discharge and sediment export and PP [particulate Phosphorus] export indicates hydrology is the primary driver of waterquality patterns in the study watersheds."

In conclusion, I would like to draw attention not the recent review of Critical Infrastructure Sectors by the Montgomery County Office of Legislative Oversight (OLO), ¹⁹ which found that "flooding poses the most serious risk" to infrastructure. Critical Infrastructure is defined as "systems and assets, physical or virtual, so vital that their incapacity or destruction would have a debilitating impact on security, economic security, public health or safety." Four of the 16 critical infrastructure sectors, are "lifeline" sectors because their "disruption or loss of functions would directly affect the security and resiliency of other sectors. Among these is Water and Wastewater Systems, of which the Little Seneca Reservoir is a part.

Our water and wastewater systems, in turn, are directly affected by their underlying Natural Infrastructure, which is therefore, even more critical – and a lifeline of this lifeline sector. The numerous benefits of natural infrastructure include flood mitigation, water filtration, and water storage that maintains stream flow and drinking water supplies, as well as habitat, reduction of the Urban Heat Island effect, and all of the quality of life and health benefits associated with green spaces.

The OLO report found that "flooding poses the most serious risk" to infrastructure and that historic data shows:

- "Increase in urban flooding from two to four occurrences per year before 2010 to 11 to 39 occurrences per year since 2010;
- "Average of nine flash flood warnings per year; and
- "Increase in the number of complaints related to nuisance flooding (e.g., water in basement, flooded yards)."

The OLO report also identifies the Little Seneca dam as a high hazard.

Among the potential actions identified by OLO, that can be taken to address climate risks is:

an "increase in land protections and stream revitalization efforts to protect existing supply aquifers and watersheds"

This is based on actions identified in the then Draft Climate Action Plan which the County has the authority to implement.

At a minimum, you must deny this site plan as proposed, and avoid extensions of the Shiloh/Pulte development into the most sensitive LSTM 110 and LSTM 111 sub-watersheds, limiting imperviousness to less than 5%. This would reduce impacts to these most sensitive watersheds as well as reduce erosion hazards and risk of sewer failures.

Second, I ask that impacts of changes in both land use and climate be taken into consideration in hydrological modeling, stormwater infrastructure as well as the final stream and wetland restoration plan, and the floodplain boundaries.

¹⁹ Bryant, Stephanie, and Kaitlyn Simmons. 2021. "Measuring Climate Resilience - A Review of Select Critical Infrastracture Sectors in in Montgomery County." OLO-Report 2021–5. Montgomery County Office of Legislative Oversight. <u>http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html</u>.

Third, I ask that the Ten Mile Creek watershed be classified as part of our region's Critical Natural Infrastructure, as a complement to and as critical as our Critical Infrastructure. I would also like to propose that the definition of Critical Infrastructure be applied to all "green" or natural as well as "gray" or engineered infrastructure. Prior to acceptance of development applications, an assessment needs to be conducted "to identify vulnerabilities, interdependencies, capabilities, and cascading effects" of impacts of development projects on our critical water infrastructure, and the costs that might be avoided.

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

Respectfully,

Sylvia S Tognetti

Appendix A: Climate Change and increases in rainfall figures

Table 6: Projected increase in Intensity-Duration-Frequency for 2-year storm,	2020-2070,	RCP 4.5	emissions s	scenario,
Dalecarlia Reservoir				

Projected Intensity-	Duration-Fr	equency (II	DF) Curve D	ata Tool fo	r trhe Chesa	apeake Bay W	atershed and Virg	ginia		
https://midatlantic-	idf.rcc-acis.	org								
a										
Station:	DALECARL	IA RESERVO	лк							
County:	District of Columbia									
Return Period:	2-year									
Emissions Scenario:	RCP 4.5									
Time Period:	2020-2070									
	Projected 2020-2070 Depth (inches)					Atlas 14			Projected	Change
Duration	10th	25th	Median	75th	90th	Lower Bound	Observed Depth	Upper Bound	Difference	
5 min	0.42	0.44	0.46	0.47	0.5	0.39	0.43	0.47	0.03	
10 min	0.67	0.69	0.73	0.75	0.79	0.62	0.68	0.75	0.05	
15 min	0.84	0.88	0.92	0.95	1	0.78	0.86	0.94	0.06	
30 min	1.16	1.2	1.26	1.3	1.37	1.07	1.18	1.3	0.08	
60 min	1.45	1.51	1.58	1.63	1.72	1.35	1.48	1.63	0.1	
2 hr	1.7	1.76	1.85	1.9	2.01	1.57	1.73	1.91	0.12	
3 hr	1.81	1.89	1.98	2.04	2.15	1.68	1.85	2.04	0.13	
6 hr	2.21	2.31	2.42	2.49	2.62	2.05	2.26	2.5	0.16	
12 hr	2.68	2.78	2.92	3	3.17	2.46	2.73	3.06	0.19	
24 hr	3.12	3.24	3.4	3.5	3.69	2.89	3.18	3.53	0.22	
2 day	3.61	3.75	3.94	4.05	4.27	3.35	3.68	4.08	0.26	
3 day	3.81	3.97	4.16	4.28	4.51	3.55	3.89	4.31	0.27	
4 day	4.02	4.18	4.39	4.51	4.76	3.75	4.1	4.54	0.29	
7 day	4.64	4.82	5.06	5.2	5.49	4.35	4.73	5.21	0.33	

Figure 1: Projected IDF Curve for 2-year storm, 2020-2070, RCP 4.5 emissions scenario, Dalecarlia Reservoir



Table 7: Projected inci	rease in rainfall	Intensity-Duration-	-Frequency for	100-year storm,	2020-2070, 1	RCP 4.5 emissions
scenario						

Projected inten	sity-Dura	tion-Fred	quency (i	DF) Curve		or for the C	nesapeake ba	iy watersh	ed and vi	rginia
https://midatlantic-i	df.rcc-acis.c	org/								
Station:	DALECARL	IA RESERVO	DIR							
County:	District of Columbia									
Return Period:	100-year									
Emissions Scenario:	RCP 4.5									
Time Period:	2020-2070									
	Projected 2020-2070 Depth (inches)					Atlas 14			Projected	Change
Duration	10th	25th	Median	75th	90th	Lower Bound	Observed Depth	Upper Bound	Difference	
5 min	0.68	0.72	0.83	0.95	1.03	0.67	0.75	0.83	0.08	
10 min	1.09	1.15	1.33	1.51	1.66	1.06	1.2	1.32	0.13	
15 min	1.37	1.45	1.68	1.9	2.08	1.34	1.51	1.67	0.17	
30 min	2.11	2.23	2.58	2.92	3.2	2.05	2.32	2.56	0.26	
60 min	2.9	3.06	3.54	4.02	4.4	2.83	3.19	3.53	0.35	
2 hr	3.56	3.75	4.34	4.93	5.4	3.46	3.91	4.31	0.43	
3 hr	3.88	4.09	4.73	5.37	5.88	3.76	4.26	4.71	0.47	
6 hr	4.87	5.14	5.94	6.74	7.38	4.69	5.35	5.93	0.59	
12 hr	6.24	6.59	7.61	8.64	9.47	5.92	6.86	7.68	0.75	
24 hr	7.66	8.08	9.35	10.61	11.62	7.44	8.42	9.2	0.93	
2 day	8.56	9.03	10.45	11.86	12.99	8.35	9.41	0.31	1.04	
3 day	9.01	9.5	10.99	12.47	13.66	8.79	9.9	0.85	1.09	
4 day	9.45	9.97	11.53	13.09	14.34	9.24	10.39	1.4	1.14	
7 day	10.52	11.1	12.83	14.57	15.95	0.35	11.56	2.63	1.27	

Projected Intensity-Duration-Frequency (IDF) Curve Data Tool for the Chesapeake Bay Watershed and Virginia

Figure 2: Projected IDF Curve for 100-year storm, 2020-2070, RCP 4.5 emissions scenario, Dalecarlia Reservoir



IDF Curve: 100-Year Return Period Under RCP 4.5 From 2020-2070
Figure 3: Observed change in extreme precipitation across the United States

Change in extreme precipitation across the United States



Figure 4: Years with the most two-inch rainfall days in Washington



Source: ACIS

IAN LIVINGSTON/THE WASHINGTON POST

Dear Planning Board Members,

Please deny the Creekside at Cabin Branch development application. Irreparable harm has already happened to other streams in the area, and will certainly happen to Ten Mile Creek if this development is allowed to go forward. As I remember, according to the Clarksburg Master Plan, no development was supposed to be allowed to go forward if streams on the other side of 270 in Clarksburg were negatively impacted (which I was assured all safeguards were in place to prevent). Of course, 20 years later, the stream in my neighborhood in the "Special Protection Area" of Clarksburg has as much chlorine in it as a swimming pool (according to a stream study I conducted recently with a group of children) and has low biodiversity.. It has obviously been impacted despite the "safeguards" mandated as a part of the development in the area. With more children playing in streams than ever (because of pool closures/limits), it is especially important to keep the remaining clean streams we have safe for recreation, drinking water, and wildlife.

Thank you, Krisna Becker 301 540-1840 Clarksburg, MD

From:	NONA OLSON
To:	MCP-Chair
Cc:	lolson2999@aol.com
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 11:23:50 AM

As a long time Montgomery County resident, I have relied on the expertise of the local chapters of national organizations on many occasions. Now I am relying on the Sierra Club, its research and expertise, and request that the Montgomery County Planning Board deny the Creekside Cabin Branch site plan. Clean drinking water is not an item to be compromised, and the Ten Mile Creek is critical to the future of local clean drinking water.

As the county grows, we must be able to rely on our representatives to act in the best interest of our future. With that in mind, I urge the Montgomery County Planning Board to deny the Creekside Cabin Branch site plan.

Leslie Olson Kensington, Maryland

From:	Steve Warner
To:	<u>MCP-Chair</u>
Subject:	Please deny approval of Creekside at Cabin Branch site planthis development would go against climate change
Date:	Wednesday, September 8, 2021 11:24:58 AM

Steve Warner Silver Spring

From:	Jane Lyons
То:	MCP-Chair; Anderson, Casey; Verma, Partap; Patterson, Tina; Cichy, Gerald
Subject:	CSG Letter on Creekside at Cabin Branch Site Plan
Date:	Wednesday, September 8, 2021 11:40:36 AM
Attachments:	2021.09.08 CSG Letter on Creekside at Cabin John Site Plan - Final.pdf

Good morning,

Please see the attached letter expressing the Coalition for Smarter Growth's opposition to the Creekside at Cabin Branch proposed development.

Thank you, Jane

Jane Lyons (she/her) | Maryland Advocacy Manager Coalition for Smarter Growth P.O. Box 73282, 2000 14th St NW Washington, DC 20009 (410) 474-0741 | jane@smartergrowth.net Your gift helps keep CSG's advocacy going! Donate today!

PLEASE, I am asking the Montgomery County Planning Board to deny approval of the Creekside Cabin Branch site plan. Approval will be bad for the environment. I understand the Sierra Club is against it too. If you don't believe me, at least pay attention to them.

Thank you.

Rich

Richard J. Peppin, P.E., P.Eng.

Fellow, ASA, ASME, INCE, ASTM, & IIAV 5012 Macon Rd, Rockville, MD 20852 Cell: 1-301-910-2813 cell PeppinR@outlook.com

From:	<u>M Jansen</u>
To:	MCP-Chair
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 11:51:57 AM

Dear Montgomery County Planning Board:

We ask that you deny approval of the Creekside Cabin Branch site plan. This plan would cause irreparable harm to the two most sensitive and high-quality tributaries that flow into the Ten Mile Creek. Saving water tributaries and protecting the residents of Montgomery County and Maryland are important to us.

Please deny this approval.

Thank you,

Wayne and Mary Jansen

From:	Breckbill
To:	MCP-Chair
Cc:	councilmember.elrich@montgomerycountymd.gov
Subject:	Please deny approval of Creekside at Cabin Branch site plan
Date:	Wednesday, September 8, 2021 11:55:50 AM
Cc: Subject: Date:	<u>councilmember.elrich@montgomerycountymd.gov</u> Please deny approval of Creekside at Cabin Branch site plan Wednesday, September 8, 2021 11:55:50 AM

Dear Members of the Montgomery County Planning Board:

Please deny approval of the Creekside at Cabin Branch development site plan. The damage done by Hurricane Ida should serve to let us all know that protecting our water ways is critical for so many reasons.

Ten Mile Creek is critical to the future of our supply of clean drinking water and the health of the Bay. Climate change is making the damage of severe storms and droughts so much worse. Continued unlimited development is projected to increase.

The 2014 Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan has clear recommendations on page 16 of the amendment - "High quality sub watersheds with very low impervious cover" You must protect the open land which allows water to drain and filter in a healthful way that continues clean and drinkable water to flow to all our residents. Pulte's proposed development will increase to a significant degree the amount of existing impervious cover - these show signs of degradation to our water supply. Impervious land cover only increases flooding.

This is a most sensitive sub watershed. You can minimize risk to our water.

Please do what you can to mitigate problems that this development will add to other climate change. The Planning Board and each of us can and must play a part to help the county adapt and achieve the build resiliency we need for the future of the county and all our residents.

Thank you for your attention to this important matter now and in the future.

Kathleen Breckbill 7104 Woodland Ave. Takoma Park, MD 20912



This email has been checked for viruses by Avast antivirus software. <u>www.avast.com</u>

I've been reviewing the housing project at Ten Mile Creek, both from the standpoint of housing needs (I have a long career in housing finance) and the environment. This one should not go forward. Please do not vote for it. Thank you.

Jon Oberg