

Item 6 - Correspondence

From: [Titman, Dorothy R.](#) on behalf of [Harris, Robert R.](#)
To: [MCP-Chair](#)
Cc: [Casey, Jonathan](#); [Pereira, Sandra](#); [Butler, Patrick](#); MTMuddiman@drhorton.com; lpowell@cpja.com; PHughes@cpja.com; [Harris, Robert R.](#)
Subject: ON BEHALF OF ROBERT HARRIS/PLANNING BOARD HEARING DEC 23 - Seneca Farms Site Plan No. 820210150
Date: Monday, December 20, 2021 2:29:50 PM

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The Staff Report fully supports this project but we are submitting these brief responses to several community comments from the Darnestown Civic Association and from an adjoining neighbor, Pamela Mills.

First, we want to point out that the Planning Board already has approved the Preliminary Plan of Subdivision for this property (Preliminary Plan No 120170240) and addressed the current issues in that approval. This Site Plan merely is an implementation of that approved Subdivision Plan.

The Darnestown Civic Association has asked about “stewardship” of the rural open space. As they note, the rural open space will consist of preserved forest and meadow areas. Contrary to their suggestion, there will be no loss of “valuable agricultural land.” While part of this property was farmed at one time in the past, that has not been the case for more than 10 years. The open area of the site became impractical for active farming because of its small size, the substantial separation of it from any other significant agricultural operations, leading to major insufficiencies, and the deer pressure.

A question has been asked about the compliance of the development with the purposes of the Rural Cluster zone. Again, this issue was addressed in the Preliminary Plan approval and Staff has explained the conformity in its current Staff Report.

In terms of forest conservation, all forest preservation/reforestation/afforestation requirements are being met. The proposed conditions of approval ensure this compliance. There is no role for adjoining neighbors in these efforts and no cost to them.

The Site Plan includes amenity features within the open space for the residents of the new homes. These amenities meet the requirements of the Zoning Ordinance. The homes in this subdivision are separated from others in the Darnestown area by substantial wooded areas and are not connected to adjoining properties via either existing or proposed trails. There are ample recreational facilities and amenities in the area for existing residents and no need for or intent to construct amenities on this property for use by the general public.

The rural open space and amenities for this project will be maintained by the homeowners association as is the practice for other subdivisions in the county. The project will not have any measurable impact on wildlife in the area (the preserved forest and meadow will continue to serve wildlife) and there is no need for any additional wildlife measures.

In terms of Ms. Mills’ comments, the new access road will serve only a small number of homes and will have extremely limited traffic on it. It will not generate any significant noise either for the new homes or for existing homes in the area and any noise will be insignificant

compared to any noise generated by the much larger volume of traffic on Seneca Road which is virtually the same distance from Ms. Mill's house. As an accommodation to Ms. Mills, Applicant already has agreed to install additional landscape screening along the new road and also is providing an area where she can connect her driveway to the new access road, thereby avoiding the safety issues she mentions along Seneca Road. The County Department of Permitting Services, Well & Septic office reviewed and approved the well and septic compliance both at the time of subdivision approval and with this Site Plan. The project meets all applicable standards and will have no effect on existing well and septic systems in the broader area.

We look forward to Planning Board approval of this project subject to the conditions in the Staff Report.

Bob

Robert R. Harris, Attorney

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From: [Pam DuBois](#)
To: [MCP-Chair](#)
Cc: [Scott; Casey, Jonathan](#)
Subject: December 23 Hearing Item #6
Date: Monday, December 20, 2021 4:26:41 PM
Attachments: [DCA Seneca Farm Letter Plan Number 820210150.pdf](#)

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The Darnestown Civic Association (DCA) is submitting the attached letter as testimony regarding the Seneca Farms Site Plan approval process.

Sent from [Mail](#) for Windows



Date: December 14, 2021

From: Darnestown Civic Association (DCA)

To: Casey Anderson, Chair, Montgomery County Planning Board

RE: Concerns impacting the approval of the proposal Seneca Farms Site Plan (Plan Number 820210150)

Planning Board Hearing December 23, 2021; Item #6

The Seneca Farms property comprises 136.67 acres of which approximately 77 acres (56%) is existing open space currently farmed as hay and the remaining 60 acres (44%) is existing forest. The cluster option of the RC zone is being utilized to develop 27 lots of approximately 1.8-acre average size. The plan proposes to conform to the RC zone requirement by creating a large open space parcel of 87.70 acres (defined as Rural Open Space, ROS).

The DCA understands that the development of this property by-right using the Optional Method Cluster Development allows the majority of forest and environmental buffer areas to be set aside in a large open parcel. Especially given the unique character of the ROS (i.e., access and remote location of the open space vis-à-vis home sites), the DCA has concerns related to the property stewardship, maintenance and financial implications of the ROS as well as possible wildlife safety ramifications:

1. Property Stewardship – The DCA would first like to thank the planning staff for supporting the Stream Buffer Variance Request to provide a pedestrian trail connection between the development and the Rural Open Space Area, where an existing stream crossing is used to access the agricultural field.

That said, there are some specific implementation questions and concerns the DCA would like to raise:

- a) How does the County determine the proper stewardship of the ROS? Based on the original property composition, there is a significant net loss of a valuable agricultural commodity compared to a slight net gain in forest conservation:

- Existing open space (farmed hay production) of 77 acres is being reduced to approximately 22 acres. That's a loss of 55 acres (71%) of a valuable agricultural commodity.
- Existing forest land of 60 acres is being reduced to approximately 54.5 acres. That's a loss of 5.5 acres, or 9%.
- Montgomery County Forest Conservation Law reforestation requirements mandate adding slightly more than 11 acres of forest, thereby increasing the total forest component to approximately 65.5 acres. This equates to a net increase of 5.5 acres of forest land. We note that the on-site forest retention (estimated at approximately 40%) exceeds the Montgomery County Code requirement of 25% of the net tract area.

Commentary: Per the **County Code Article 59-4 Development Standards for Euclidean Zones Section 4.3.4. Rural Cluster Zone (RC)**

A. Intent Statement

The intent of the RC zone is to provide designated areas of the County for a compatible mixture of agricultural uses and very low-density residential development, to promote agriculture, and to protect scenic and environmentally sensitive areas. The RC zone permits an optional method Cluster Development alternative to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural uses.

- Is a compatible mixture of agricultural and residential land use components being achieved at Seneca Farms? We note that existing farming uses on an estimated 80 acres of land is anticipated to be discontinued.
 - Does the preservation of scenic views take into consideration both forested and existing agricultural fields / meadows?
- b) Will the reforestation process remedy / eradicate the existing forest edge blighted conditions full of invasive species (which comprise invasive trees, vines, poisonous ground cover, fallen trees, bramble; etc.)?
 - c) Can adjacent property owners be engaged in trying to mitigate as much blight as possible during the reforestation process to minimize the impact of invasive species encroachment?
 - d) Rural scape design should be employed to preserve the existing field and forest natural character. As such, can adjacent property owners be engaged in an advisory capacity to help determine the location of new plantings?
 - e) Who controls the type of and placement / alignment of public uses in the ROS?
 - Is there a recommended distance buffering public uses (i.e., trails, exercise stations, etc.) from existing property lines (i.e., 50-100 feet)?
 - Who determines the type of trails (i.e., natural surface, hardscapes, wayfinding, lighting, etc.)? Natural surface preferred given the rural nature of the space.
 - Are permitted ROS passive uses prescribed by the County?

- f) Can final site plan approval require a General Public Use Easement on the designated ROS area to allow adjacent property owners access? The adjacent Spring Meadows subdivision has Bridle Trail easements and both the two most recent subdivisions, The Reserve at Black Rock and Finegan Farm, have established public use easements which all serve to facilitate and support Darnestown's rural community character.
2. Property Maintenance – What property maintenance assurances and / or recourse do adjacent property owners have to prevent continued invasive species and blighted conditions?
 - a) Is there a minimum frequency and / or recommended months for cutting the open space acreage so the fields don't go fallow?
 - b) Does the Homeowners Association have forest conservation management minimum requirements and / or responsibilities?
 3. Financial Implication – Does the financial burden of maintaining the designated ROS become solely the responsibility of the project's HOA after the required five-year developer oversight period?
 - a) Since the developer benefits from having to build less infrastructure (fewer acres being impacted) and related costs, should the developer be required to provide an agreed upon compensation as part of the ROS management plan to help offset this future financial burden?
 - b) Does the County contribute to the financial maintenance and ongoing stewardship of its mandated reforested conservation land or is this solely the responsibility of the HOA? We note that although farming is an allowed use of ROS, with only 22 acres remaining – especially given the rolling topography of this space – its continued farming of valuable agricultural commodities may no longer be viable. This will undoubtedly increase the cost to maintain the ROS by the HOA.
 4. Wildlife Safety Ramifications – Coyote's (known to concentrate in forest areas) have already become a nuisance resulting in domestic dog confrontations and other safety scares.
 - a) What safety precautions does the County recommend related to mitigating safety concerns when the forest edge is close to residential homes potentially resulting in increased wildlife interactions?

The DCA has been in consultation with M-NCPPC regarding the above documented concerns and acknowledges that these concerns have been considered and addressed to the extent possible with the exception of the request for a Public Use Easement requirement.

We appreciate your continued consideration of these community concerns in hope to improve upon the positive impact this new development project can have on Darnestown.

Sincerely,



Scott Mostrom
DCA President

From: [Brian Montague](#)
To: [MCP-Chair](#)
Subject: Seneca Farms Subdivision comments
Date: Tuesday, December 21, 2021 9:55:57 AM
Attachments: [Seneca Farm Comments- Montague.doc](#)

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Greetings Chairman Anderson and Members of MNCPPC Planning Board,

We are the landowners of lot 45 on Poplar Hill Rd, located across Hookers Branch about 700 feet from the site boundaries for the proposed Seneca Farms subdivision. We are disappointed and concerned that the County is moving toward approval for a 27 home subdivision on beautiful rural farmland so near to a protected watershed. We understand there have been ongoing discussions with the Darnestown Civic Association and that there was a hearing in 2017, however we just moved here in April 2020, primarily to escape tear down development in Oakwood Knolls in Bethesda. We are attaching a letter summarizing our concerns and plan to be online during the Dec. 23 hearing, a date we fear will be lightly attended due to the holidays and Covid pandemic concerns.

Brian and Kathryn Montague
montagueskbe@verizon.net

From: Brian and Kathryn Montague
14701 Poplar Hill Rd
Germantown, MD 20874

Subject: Seneca Farms Subdivision Site Plan 820210150

We are writing to you as current owners of Lot 45 which is located across Hookers Branch within seasonal view of the locations proposed for lots 13, 14, 15, 16, 17, and 18 which border forest retention areas for protection of the Hookers Branch watershed, which is part of the lower Seneca Creek watershed. We believe this development plan has not provided adequate protection measures for the existing stream buffer zones and will not only compromise our privacy and property value, but also endanger the watershed itself. Construction of 27 large homes 35 feet in height will be clearly visible from natural forest areas and from surrounding homes thus detracting from the character of this Rural Conservation zoned area. Based on only 76 acres of buildable land (60 acres are protected forest) it would seem that only fifteen 5 acre lots should be approved whether clustered or not.

Environmental Concerns Include:

1. Hookers Branch was last evaluated in 1999 by Montgomery County DEP and recommended for placement in a Watershed Protection Management category as a priority sub-watershed. This was due to poor benthic fauna populations, low fish diversity, poor bank stability, and marginal vegetative cover and riparian buffers. Two additional sub-tributaries for the watershed surround the site plan area.
2. Steep 15-25% slopes with highly erodible soils lead from the proposed northwestern side lots with an 85 ft elevation drop to Hookers Branch. Some areas of clearing have been approved within these buffer areas. Bank erosion has increased in recent years. A new environmental impact assessment is needed before development begins.
3. Variances are approved for removal of large trees (30-44" circumference lower trunk), the clearing of 5.44 acres, and grading to allow construction of new septic fields will encroach into current forest buffer margins. These buffer margins need to be increased, not reduced.
4. Water usage from 27 wells, and thus expected sewage/gray water discharge to 27 septic systems, is approved at 11,700 gallons per day (GPD) and up to maximum of 19,600 GPD. We are concerned that this volume of water cannot be adsorbed and will lead to contamination of the surrounding tributaries. Has the percolation rate been tested to allow 400-700 gallons per house per day? Are proposed septic systems designs adequate to meet stringent watershed protection standards?
5. The plan includes over 5 acres of non-permeable road surfaces (in addition to 27 driveways) draining into bio-swales (vegetated ditches). The main roadway slopes toward and terminates in a cul-de-sac. Other control measures were apparently removed from initial plans. Recent heavy rain events this year have demonstrated that current protection for Hookers Branch is already inadequate.

6. Noise (27-54 HVAC units, lawn equipment, etc) and light pollution (security lights, street lights, etc) from 27 large new homes are expected to negatively affect surrounding homeowners on Spring Meadows Drive and Poplar Hill Rd as well as wildlife in protected forest areas surrounding the proposed site.
7. Lot sizes are proposed down to 1.2 acres for a large 6 bedroom home. Lot 18 does not appear to have drywells for runoff capture. These smaller lots are well below the RC minimum and most seem to be crowded into one end of the site plan closet to the Hookers Branch buffer area.
8. Replacement of forest areas with juvenile trees will take at least 50 years to equal the canopy protection of the mature trees proposed for removal. Only 10 acres are required to be planted.

Public Infrastructure Concerns

1. The current Seneca Road (Rte 112) traffic heading towards the Darnestown Rd (Rte 28) intersection can be fairly heavy at peak hours and sometimes backs up at the traffic light. Addition of multiple vehicles from 27 homes and service vehicles entering and exiting the proposed subdivision will increase congestion on two lane Rte 112. Has MDOT reviewed and addressed traffic impacts?
2. Added impacts to area schools are expected from proposed 5-6 bedroom homes. It would be expected that a minimum of 54 to 81 new students (2 to 3 children per home) is reasonable. The current prediction of only 12 additional students seems unrealistic.
3. Lack of public water supply for fire protection purposes – no hydrants.

Historical Value

Seneca Farm does have possible historic significance to the County and several older structures on the property are proposed for demolition. There is an old farmhouse and a large 100-150 year old stone foundation bank barn near the Seneca Rd end of the property. It is not certain whether any study has been made on the significance of these structures.

In addition, there is some historical evidence that this farm site may have been one location for a Union Army training encampment during the early years of the war named Camp Hamilton. Over 18,000 troops were stationed in farmland around Darnestown and many may have been encamped in this area as a preventive measure to prevent Confederate troops from crossing the Potomac and attacking Washington.

From: [Merikay Smith](#)
To: [MCP-Chair](#)
Subject: Dec. 23 Planning Board meeting - Seneca Farms Development
Date: Tuesday, December 21, 2021 11:23:56 PM
Attachments: [Seneca Farms Development.docx](#)

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To: Casey Anderson, Chair
Montgomery County Planning Board

I have attached comments and questions about the Seneca Farms Development that I hope you will be able to address. I'm sorry for not writing sooner but I only learned of the Dec. 23 meeting yesterday.

Thank you and Happy Holidays!

Merikay Smith
President, Seneca Creek Watershed Partners
14909 Spring Meadows Drive
Darnestown, MD 20874

From: Merikay Smith

President, Seneca Creek Watershed Partners

Resident, 14909 Spring Meadows Drive, Germantown, MD 20874

Subject: Seneca Farms Subdivision Site Plan 820210150

Seneca Creek Watershed Partners was contacted by a resident concerned about Seneca Farms' impact on Hookers Branch, part of Seneca's watershed. Despite living on Spring Meadows Drive, I was only vaguely aware of the Seneca Farms project. Until Dec. 20, I had no idea that the final vote of the Planning Board was Dec. 23

The very low response from residents is not so much approval of the project as it is ignorance of it, except among those with adjacent properties or leaders of the DCA. I have seen the DCA's letter about Seneca Farms and appreciate their efforts on this and other issues.

Questions and Comments – Quotes are from the Seneca Farms planning documents

I have concerns regarding the adequacy of the project's stormwater management. There are only very brief descriptions of stormwater options 1 & 2 in the plan.

- Where can the public obtain details about square footage of new impervious surfaces, expected stormwater volumes, and the degree to which the options 1 & 2 will be able to absorb and filter this runoff?
- Will the new home properties be landscaped predominantly by lawn or will there also be significant areas of native trees and shrubs to help offset the habitat loss caused by the new construction? Having significant areas of native shrubs (many of which can fill in rapidly) as well as trees will help with stormwater issues. On even gentle slopes lawn lies flat in rainstorms to create a slide effect for water to pass across the property rather than being absorbed. The landscaping could also be a selling point as it will enhance the attractiveness of the properties. Having 27 connected properties provides an opportunity to create a corridor of plants attractive to pollinators and birds.
- The Planning Board is requiring 5 foot sidewalks along both sides of the new road, creating significant impervious surfaces. With only 27 residences on a dead-end road, is a double sidewalk needed? A sidewalk is desperately needed on Seneca Road (Rt. 112) or if not a sidewalk, then at least standard shoulders. The road is heavily used with fast traffic on a narrow, winding road that's often used by bicyclists. The Planning Board should be aware of the hazards posed by a heavily used road without safe shoulders since they are voting to add to that road's daily vehicle volume.

The loss of 5+ acres of forest land is significant and although small trees will be planted, they will take many decades to provide ecosystem services to match what is currently present. Hookers Branch is already highly eroded and negatively impacted from large lawns, roofs, driveways, and roads have replacing woods and farmland. Although the RC zoning helps preserve a significant area of the property, there will still be negative environmental impacts from this development.

The RC zoning which is meant to protect the rural character of this area has not stopped developments at Rt. 118 and Rt. 28 as well as Finnegan Farms and Black Rock. Darnestown is becoming increasingly suburban rather than rural as most of its farmland is converted to housing developments.

The impact of large volumes of additional water extracted by wells and released through septic systems is not adequately addressed in this plan. Brian Montague says the project is anticipated to use 11,000 - 19,000 gallons/day. With other new developments in Darnestown, this increase in wells may lead to problems, particularly in periods of drought. The developer response is that the new homes will have deeper wells than existing homes -- but that increases, rather than decreases, the concerns for those of us who already live here!

- Does the County anticipate providing the area with water/sewer lines in the future if the development they have approved leads to issues with our wells?
- “The Planning Board accepts the recommendations of the MCDPS – Well and Septic Section in its letter dated December 8, 2021.” That letter was not provided so it is difficult to judge whether the proposed plan provides adequate protection.

“The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.”

The above statement is found in several places in the Seneca Farms documents but it is not possible to evaluate the truth of this statement as no evidence is given that there will be no “measurable degradation in water quality”.

- Has there been an assessment of recent water quality? (There’s a 1999 Hookers Branch assessment online – is that the most recent?)
- Will there be water quality assessments before, during and after the development project? If not, how do you know there is no measurable degradation in water quality? Will the developer take adequate precautions to prevent soil erosion during and after construction?

“...no known habitat for rare, threatened, or endangered species in the area of encroachment...”

- How is this known? Was a survey done to look for these species?

Meadow

- If the 22 acres of farmed land is not actively farmed, will it be seeded with native plants to become a meadow? If not, because of invasive plants, rather than becoming a meadow it will likely become a weed patch. It takes significant effort (and money) to create a functioning meadow. I recently led a Chesapeake Bay Trust project at the Izaak Walton League national headquarters in Gaithersburg to replace an area of lawn with a meadow. We used Larry Weaner & Associates to design and install the meadow, now in its second year. The Seneca Farms developer should be required to create a meadow if farming of the land is discontinued. Because creating a meadow costs money, it should be required by the Planning Board. Calling an area “meadow” on the map implies that they will create a meadow!
- The map of the development shows the area as meadow but there was no discussion of how they were going to create or maintain the meadow. Can more details be provided?

5+ acres of forest (including very large, older trees and other plants) to be removed and 10+ acres reforested with very young trees.

- What caliper trees will be planted? Will there be deer protection? Watering as needed while getting established? Invasive plant removal, especially in areas with disturbed soil? What other plants will be installed as a forest is much more than just trees (native shrubs, perennials, ground cover like ferns, sedges, etc.)?

Young trees take time (many years) before they provide substantive stormwater benefit whereas a DBH tree of 30+ inches has significant habitat and stormwater retention benefit. Besides the large trees which required a variance to cut, the acres of forest being removed include smaller trees as well as other plants in plant communities. Not enough attention is paid to the whole community of plants and animals that are impacted by development projects.

- I appreciate that there are significant acres of woodland that will remain intact at Seneca Farms, particularly along the stream areas. Thank you.
- I am also pleased that the large black walnut tree is being retained and that there will be permanent signage at the perimeter of Conservation Easement areas.

“Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety.... for the new forest planting, mitigation trees, and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.”

- I am very glad to see invasive control included and funding for maintenance as part of this plan. What happens after the required 5 years of maintenance by the developer? Also, there is no mention of deer fencing or tree protection without which new trees may not survive.

- The plan does mention fencing along the conservation easement. Where will this fencing be – what is its purpose?

“All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.”

- How do you determine “where possible” regarding herbicide use?

Lights: “on-site lighting must not exceed 0.5 footcandles (fc) at lot lines”. Thank you for considering the impact of lighting not just to humans (many of whom moved to Darnestown in part for the beauty of its dark night sky and bright stars) but to the many nocturnal insects and animals impacted by excess use of exterior lights.

- How will 0.5 footcandles at lot lines monitored? What keeps an owner from installing an obnoxiously bright spotlight or series of upward facing lights?

Thank you for the request to replace the non-native landscape plants within the Rural Open Space with native species.

- In the list of native trees to plant, why are there no oaks, a keystone species?

As a nearby resident and as leader of the Seneca Creek Watershed Partners, I appreciate the efforts by the Planning Board and others to minimize harm done to our watershed. I look forward to clarification on my questions. Thank you.