

Item 15 - Correspondence

From: lifeonearth@verizon.net
To: [MCP-Chair](#)
Subject: Miles Coppola Preliminary Plan Testimony
Date: Monday, July 18, 2022 4:09:08 PM
Attachments: [Testimony Miles-Coppola Preliminary Plan-Jul2022.doc](#)

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The attached testimony is submitted for Item 15 for the July 21, 2022 public hearing on the Miles Coppola Preliminary Plan by:

The Friends of Ten Mile Creek and Little Seneca Reservoir
P.O. Box 900, Clarksburg, Maryland, 20871

Thank you,

John Parrish, Vice President, Friends of Ten Mile Creek and Little Seneca Reservoir



FRIENDS
OF
TEN MILE CREEK
&
LITTLE SENECA RESERVOIR

Protecting a clean water
source for the Washington
D.C. region

July 21, 2022

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TO: The Montgomery County Planning Board
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

RE: Item 15, Miles-Coppola Preliminary Plan No. 120220010 and the
Clarksburg/MD355 Bypass in the Ten Mile Creek Headwaters

FROM: The Friends of Ten Mile Creek and Little Seneca Reservoir

Dear Commissioners,

We are sending this letter as testimony on the Miles-Coppola Preliminary Plan and as a follow-up to correspondence we sent to you June 1, 2021 concerning the Miles-Coppola Pre-Preliminary Plan #720210010.

We reiterate our concerns regarding any alignment for the Clarksburg/MD355 Bypass that does not conform to the recommendations and intent of the 2014 Ten Mile Creek Limited Master Plan Amendment. To be clear, the Friends of Ten Mile Creek and Little Seneca Reservoir **do not support building the bypass**. However, we urge you to assure that the recommendations of the 2014 Master Plan are implemented if the bypass is to be built.

Prior plans submitted by the Applicant included the outdated 1994 Clarksburg Master Plan alignment, putting at risk a headwater tributary, forest cover and a large wetland. That alignment would cause additional harm due to the route traversing and creating steep slopes thereby increasing the risk of erosion and stream sedimentation. Fortunately, many of the environmental impacts are significantly reduced if the recommendations of the 2014 Plan are implemented.

In August 2021, the Preliminary Plan for the Miles-Coppola Property was filed. Your staff expressed concerns that the plan for the Bypass did not comply with recommendations of the 2014 Ten Mile Creek Amendment. The staff concerns are expressed in the September 2021 Development Review (DRC) comments at:

<https://eplans.montgomeryplanning.org/UFS/32841/99198/32-DRC-120220010.pdf/32-DRC-120220010.pdf>

In the DRC comments, staff (Katherine Nelson) specified “requested revisions” to the Preliminary Plan so that the Bypass would comply with the 2014 Ten Mile Creek Master Plan. Ms. Nelson noted that the 2014 Master Plan (p.19) specifically calls to:

"Minimize disturbance of natural resources throughout the Ten Mile Creek watershed, especially forests in the headwater areas."

Ms. Nelson also stressed the following recommendations from page 26 of the 2014 Ten Mile Creek Master Plan Amendment specific to the Miles-Coppola Property:

Page 26 Transportation

"Retain the MD 355 bypass but realign it as a T-intersection 0.3 miles south of Snowden Farm Parkway. Reduce the number of through lanes on the Bypass segment north of Clarksburg Road to two lanes, plus the Corridor Cities Transitway, within a 130-foot right-of-way. This will avoid significant wetland impacts while still providing access to developable properties."

Furthermore, Ms. Nelson issued the following comments concerning Master Plan Compliance:

*"These master plan conformance comments are based on the drawings as submitted. The proposal is not currently in conformance with the Planning Board approved Pre-Preliminary Plan **or the master plan**, as the bypass does not connect to 355, as conditioned by the Planning Board. Further review and analysis for master plan conformance will be necessary for any redesign of the project."*

"The 2014 Ten Mile Creek Master Plan provides guidance for the protection of stream valleys, forest, erodible soils, wetlands, ephemeral streams, and steep slopes and to specifically minimize "disturbance of natural resources throughout the Ten Mile Creek Watershed, especially forests in the headwater areas." It also recommends that direct impact associated with new infrastructure should be minimized. The proposed plan impacts to sensitive areas are most noticeable where the access road from MD 355 has been placed within a headwater wetland. The Master Plan County Council analysis studied and recommended a right-of-way that would protect this large wetland. See Figure 1. Efforts should be made to protect this wetland and other sensitive areas and minimize impact."

"The Master Plan recommends minimizing the need for grading and for protecting steep slopes due to the highly erodible nature of the soils in Ten Mile Creek. This application proposes the creation of multiple extreme steep slopes that will likely be unstable and a source of erosion and sedimentation in the long-term."

We are pleased that Planning staff, the Applicant, and the Montgomery County Department of Transportation now appear to have agreed to abide by the recommendations of the 2014 Master Plan Amendment to avoid and minimize harm to the watershed if the bypass is built. We urge you to

implement the vision, recommendations and intent of the 2014 Ten Mile Creek Master Plan Amendment by approving Bypass Option One.

In addition, we are dismayed that 16.72 acres of forest are proposed to be cleared for this development. Furthermore, according to the staff report, *“the proposed forest clearing does not generate a forest planting requirement.”* **Although four acres of forest are proposed to be planted, this is not adequate compensation for the loss of forest cover.** While this may be entirely legal under the provisions of the Montgomery County Forest Conservation Law (FCL), this application clearly illustrates the inadequacies of our FCL and why it needs to be revised. This is especially troubling given that the **2014 Master Plan Amendment (p.21) calls for increasing forest cover to 65% in the watershed to protect water quality.**

Thank you for considering our comments. This unique watershed will be protected only in as far as the 2014 Master Plan recommendations are implemented and our Forest Conservation Law strengthened.

Sincerely,

Sylvia Tognetti, President, Friends of Ten Mile Creek and Little Seneca Reservoir