



MONTGOMERY COUNTY DEPARTMENT OF PARKS
MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MEMORANDUM

Date: May 23, 2013

To: Valdis Lazdins, Chief, Area 1
Mary Dolan, Chief, Functional Planning & Policy

Via: Mary Bradford, Director of Parks
Mike Riley, Deputy Director of Administration *MR*
John Nissel, Deputy Director of Operations
John Hench, Chief, Park Planning & Stewardship *JHench*

From: Brenda Sandberg, Legacy Open Space Program Manager *BBS*
Brooke Farquhar, Master Planner/Supervisor Park and Trail Planning *Brooke Farquhar*
Jim McMahon, Park Manager, Northern Parks

RE: Park, Trail and Legacy Open Space Recommendations: Clarksburg Limited Master Plan for the Ten Mile Creek Watershed

Recommendations

The Department of Parks proposes the following recommendations for inclusion in the Clarksburg Limited Master Plan for the Ten Mile Creek Watershed:

Legacy Open Space

- Designate the high quality, critical forest and open habitats that protect the quality of the Ten Mile Creek Headwaters as a Legacy Open Space Natural Resource site (Class II) (Attachment 1).
- Protect the designated Natural Resource on an individual property basis using a variety of tools including easements, dedication through the development review process, and fee simple acquisition.

Park and Trail Recommendations

- Provide a countywide natural surface trail, designed to M-NCPPC Montgomery Parks standards, in the Ten Mile Creek area linking Little Bennett Regional Park and Black Hill Regional Park as per the Countywide Park Trails Plan and the 1994 Clarksburg Master Plan.
- Provide five trailheads, designed to M-NCPPC Montgomery Parks standards, for access to the Ten Mile Creek natural surface trail and nearby natural areas for park users and operations staff.
- Provide a new natural resource-based Neighborhood Park of at least ten acres for close-to-home recreation for the Ten Mile Creek area, designed to M-NCPPC Montgomery Parks standards.

Legacy Open Space Analysis

Existing Legacy Open Space Policy and Site Analysis

The *Legacy Open Space Functional Master Plan* (M-NCPPC, 2001) is designed to protect the best of the best open space resources across the County with a variety of protection tools. The designation of a Legacy Open Space Natural Resource site, as we recommend for the Ten Mile Creek Headwaters, creates a policy rationale for protecting the resource of interest using easement, preservation through development review, and fee simple acquisition into conservation parkland. For this recommended Natural Resource site in the headwaters of the Ten Mile Creek Watershed, Parks recommends using a combination of tools on the varying properties with the Natural Resource designation to protect the forest and watershed.

Background

- Ten Mile Creek watershed was included in Appendix D of the County Council-approved and adopted *Legacy Open Space Functional Master Plan* (M-NCPPC, 2001) as a potential Natural Resource site that needs further evaluation (a Class III site).
- The LOS Master Plan already notes that the area “meets [the] criteria” to be a Natural Resource site, but needs evaluation to determine specific areas to include in the LOS designation.
- The Ten Mile Creek watershed includes over 600 acres of contiguous forest, predominantly a dry and mesic forest on acidic bedrock, comprising mature mixed oak hickory forest predating the 1950s. The geographic positioning of this large forest complex in the headwaters of Ten Mile Creek is an essential reason why documented water quality within Ten Mile Creek is Good to Excellent (*Montgomery County Countywide Stream Protection Strategy*, MCDEP, 2010).
- The large headwater forest area includes large areas of interior forest and has a documented high probability for Forest Interior Dwelling Species (FIDS). Further study is needed to evaluate whether the site may harbor Rare, Threatened or Endangered and Watch-listed plant and animal species (RTES).
- The Ten Mile Creek headwaters forest is one of the few remaining large high quality forest areas not currently afforded protection through easement or public ownership as a Stream Valley or Conservation Park in Montgomery County.

Legacy Criteria Analysis

The Legacy criteria from the Functional Master Plan (p. 17) are listed below. The Ten Mile Creek Headwaters meets six of the eight overall criteria (identified with underlining below), making it a strong candidate for designation under the program.

1. The Resource has particular countywide, regional, or national significance in terms of (a) known or potential habitats for rare, threatened, or endangered species; (b) a “best example” of terrestrial or aquatic community; (c) unique or unusual ecological communities; (d) large, diverse areas with a variety of habitats; or (e) exceptional views, architectural character, or historic association.
2. The Resource is critical to the successful implementation of public policy such as the protection of the Agricultural Reserve and public water supply.

3. The Resource is part of a “critical mass” of like resources that perform an important environmental or heritage function.
4. The Resource makes a significant contribution to one or more heritage themes.
5. The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
6. The Resource helps to buffer and thereby protect other significant resources.
7. The Resource represents an opportunity for broadening interpretation and public understanding of natural and heritage resources.
8. The Resource provides a significant opportunity (a) to increase access to public open space in communities with high population densities, (b) to protect scarce open space in an urbanized community, (c) to improve the character of a green boulevard of countywide or regional significance, or (d) to provide for a new regional park facility.

Analysis of the Ten Mile Creek Headwaters by the specific LOS Natural Resource criteria concludes that:

- The Ten Mile Creek Headwaters is of countywide significance due to:
 - Having high potential to include habitats for rare, threatened, or endangered species in the large areas of undisturbed, high quality forest;
 - Being a “best example” of an aquatic community as documented in the Countywide Stream Protection Strategy and other County research;
 - Including large, diverse areas with a variety of habitats to support biodiversity on land and in the aquatic habitat
- The Ten Mile Creek Headwaters is critical to the successful implementation of public policy, specifically the protection of public water supply in Little Seneca Lake downstream from the headwaters.
- The Ten Mile Creek Headwaters is part of a “critical mass” of like resources across several watersheds that perform an important environmental function – the protection of the high quality aquatic resources in the Ten Mile Creek watershed that drains to a water supply reservoir, Little Seneca Lake.
- The Ten Mile Creek Headwaters provides ecological connectivity between significant natural areas in Bucklodge Forest Conservation Park, Little Bennett Regional Park and Black Hill Regional Park.
- The Ten Mile Creek Headwaters resource helps to buffer and thereby protect other significant resources in the Ten Mile Creek watershed.

In summary, the Ten Mile Creek Headwaters site is a large area of contiguous, high quality forest that protects a significant, high quality watershed, factors that combine to make this an important Natural Resource to the County and one that should clearly be added to the Legacy Open Space program for protection.

Legacy Open Space Recommendations

- *Designate the high quality, critical forest and open habitats that protect the quality of the Ten Mile Creek Headwaters as a Legacy Open Space Natural Resource site (Class II) (Attachment 1).*
 - Staff proposes a Natural Resource designation area that covers approximately 1230 acres within the Limited Master Plan boundary. For comparison, the proposed parkland combined with “private conservation areas” designated for protection in the 1994 Clarksburg Master Plan cover approximately 1340 acres
 - Attachment 1 (*1994 Clarksburg MP Conservation Areas and Proposed Legacy Open Space Natural Resource*) illustrates the proposed Ten Mile Creek Headwaters Natural Resource with an overlay of the 1994 Clarksburg Master Plan Conservation Areas.
 - The indicated Conservation Areas (black cross hatch) include both the “Proposed Parkland” and “Private Conservation Areas” from the 1994 Plan since Parks has decided to exercise the option in the 1994 Plan to require conveyance of all conservation areas as parkland during development (as submitted in comments on the pending pre-application).
 - Some developable areas in the 1994 Plan are being recommended for conservation in this LOS proposal, but some of the 1994 Conservation Areas are being excluded from the Legacy proposal to allow for development. The 1994 Conservation Areas that are being excluded from the proposed Natural Resource are based on detailed environmental analysis conducted by the Planning Department that has identified a proposed development envelope close to Clarksburg Road.
 - Attachment 2 (*Proposed Legacy Open Space Natural Resource, Parks and Trails*) indicates the Natural Resource designation area as the proposed future Ten Mile Creek Conservation Park in relation to the proposed natural surface trail corridor, future neighborhood park (see Park and Trail recommendations below), and the Planning Department’s proposed development envelope.
- *Protect the designated Natural Resource on an individual property basis using a variety of tools including easements, dedication through the development review process, and fee simple acquisition. Individual property implementation recommendations are as follows:*
 - **Mattlyn Enterprises, LLC** – Pursue resource protection through acquisition.
 - **Montgomery County parcels** – For County-owned parcels outside the proposed development boundary and not already part of the park system, coordinate with County to transfer key resource areas to Park management.
 - **Clarkwood LC** – Pursue resource protection through acquisition.
 - **Shiloh Farm Investments/John King Jr. properties (Pulte Homes)** –
 - Seek conveyance of identified Natural Resource site outside of the proposed development boundary as the core of the Ten Mile Creek Conservation Park.
 - During development design, ensure that proposed homes fronting mature forest within the LOS Natural Resource site are set back from the forest edge a minimum of 150 feet to minimize edge impact and to reduce the potential for hazardous trees impacts associated

with improved property, according to American Society of Arboriculture recommended setbacks. Adequate access for park maintenance throughout the developed area and along the parkland border should be accommodated as part of this setback.

- Within the Pulte-controlled properties, the proposed LOS Natural Resource covers 352 acres, about 42 acres more than the area shown as Conservation Areas in the 1994 Clarksburg Plan (310 acres).
- **Hancock property** – Seek acquisition of this inholding within the Shiloh Farm Investments portion of the Natural Resource site.
- **Maryland Environmental Trust parcels** – Seek acquisition of these parcels in ownership of MET.
- **Betty Casey Trust** – Protect natural resources and preserve active agriculture at time of subdivision or sale through a combination of easement, reforestation of stream valleys, and/or park acquisition.
- **Rable property** – Pursue resource protection through acquisition.
- **Mease and Beck properties** – Pursue partial acquisition to preserve key resources along two main branches of Ten Mile Creek while preserving open agricultural land.
- **All other properties** – Seek to protect resources on these smaller properties using full variety of tools, such as easements, partial acquisition, or full acquisition, as opportunities arise over time.

Park and Trail Analysis

Policy Background

Clarksburg Master Plan and Hyattstown Special Study Area, adopted June 1994

The 1994 Clarksburg Master Plan and Hyattstown Special Study Area (“1994 Plan”) recommended several parks, trails and greenways for the entire area, with a key “goal to link all parkland via a greenway network” (p.159). The proposed park system was envisioned to provide a range of park and recreation services, from countywide to community use facilities. Over several hundred acres of greenways wide enough to “allow development of a trail system”, further development of the two regional parks (Little Bennett and Black Hill), two recreational parks (Ovid Hazen Wells and Damascus), a special park (Clarksburg Road, renamed Linthicum Recreational Park), and five local parks were recommended. In addition to the above parks, the 1994 Plan advocated for neighborhood recreation areas, stating that “each new residential development in a neighborhood should provide adequate private open space and recreational facilities for its residents to enjoy non-structured recreation” (p. 162).

Many of the new and future parks are located on the east side of I-270 in areas of the greatest density of development. The Master Plan areas on the west side of I-270 include the Ten Mile Creek Area and the Cabin Branch Neighborhood. In the Cabin Branch area, the 1994 Plan proposed the local park now named Cabin Branch and a special park now named Linthicum Recreational Park. In the Ten Mile Creek area, the 1994 Plan proposed an interconnected greenway with a major natural surface trail forming the link between the two regional parks in the area, Little Bennett and Black Hill. No other public parks were proposed in the 1994 Plan for the Ten Mile Creek area since the Planning Board’s Draft recommended only 100 dwelling units on large lots

and thus envisioned no need for more close-to-home park facilities. When the density was increased to 900 dwelling units by Council, there was insufficient time to re-examine park needs in the area.

Issues and Opportunities

To determine issues, opportunities, and preliminary recommendations the Department of Parks re-examined the 1994 Plan recommendations, as well as park and trail planning guidance for natural-resource based recreation and facility-based recreation needs, including the 1998 *Countywide Park Trails Plan*, the 2010 *Vision 2030 Strategic Plan*, the 2012 *Park, Recreation, and Open Space (PROS) Plan*, and the 2005 *PROS Plan*.

Clarksburg Master Plan

The 1994 Plan generally laid out a well-distributed system of park platforms and trails to serve densities and land uses in Clarksburg. Due to its proximity to local parks, recreational parks, and regional parks, the Ten Mile Creek area is well served nearby by drive-to facilities such as athletic fields, picnic areas, courts and playgrounds. Every residence in the Ten Mile Creek Area will be within a mile of future adult rectangular fields, playgrounds, and basketball courts, as well as hard surface and natural surface trails at Clarksburg Local Park, Linthicum Recreational Park, and Clarksburg Elementary School.

The addition of significant potential density in Ten Mile Creek area at the time of Council approval raises concern as to whether sufficient neighborhood park and recreation amenities were recommended in 1994. If the Limited Master Plan under review now continues to recommend these densities, an important issue will be how to achieve an adequate supply of close-to-home park facilities typically found in a neighborhood park.

Natural Resource-based Recreation: Natural Areas and Trails

Recommendations for the Ten Mile Creek Area in the 1994 Plan focused on the importance of conservation and stewardship in the Ten Mile Creek Area. The character of the land presents both an issue and an opportunity. With its steep wooded stream valleys and high knolls and ridges, some of them with views into the forest, the area lends itself to natural resource-based recreation, accessed by trails within the proposed park system.

Countywide Park Trails Plan

The 1998 *Countywide Park Trails Plan (CWPTP)* (updated in 2008) recommended a major regional natural surface trail along the east side of the Ten Mile Creek to connect Black Hill Regional Park with Little Bennett Regional Park. The Preliminary Service Delivery Recommendations of the *CWPTP Amendment* reconfirmed this segment of trail as a critical route in the County's regional trail system, and recognized its importance as part of the MoCo Epic route. To support the trail and public and maintenance access to it, trailheads, road crossings, bridges, and maintenance access will need to be appropriately sited.

Vision 2030 and 2012 Park, Recreation, and Open Space (PROS) Plan

In the *Vision 2030* survey, Natural Areas and Trails used to access them were rated as the top two most important park and recreation components. The 2012 *PROS Plan* showcases how Natural Areas are important not only for conservation of ecosystems, but for a form of recreation referred to as natural resource-based recreation. Natural resource-based recreation is defined in *PROS* as:

...any leisure activity conducted outdoors that is dependent on a particular element or combination of elements in the natural environment. These elements cannot be easily duplicated by human effort. In contrast, facility-based recreation (any leisure activity dependent on a built facility) can generally be provided anywhere, assuming the availability of space and funds for development. Natural resource-based

recreation includes a vast range of pursuits including bicycling, hiking, running, and horseback riding on trails, bird watching, nature photography, wildlife viewing, and fishing....

The 2012 *PROS Plan* explains the importance of Natural Areas and Trails to access them to existing and future populations:

Quality of life in Montgomery County is significantly enhanced when adults have easy access to natural areas where they can de-stress and unplug from fast-paced lives. As our population grows older, the importance of access to natural areas increases. In addition, natural resource-based recreation forms the backbone of the meaningful experiences children and youth have in nature outside of school....

Finally, the 2012 *PROS Plan* describes the type of parkland needed to support natural resource-based recreation:

*Natural resource-based recreation requires land and resource preservation far beyond the actual space for trails, wildlife viewing and other activities. Water quality capable of sustaining a diversity of fish and amphibian species, forests large enough to harbor forest interior dwelling birds, geological and soil conditions diverse enough to provide habitat for rare, threatened and endangered species - all are dependent on large tracts of land. The best resources will attract the greater numbers of visitors and the quality of a natural recreational experience is directly related to the quality of the environment within which the activity is taking place. High quality natural environments are characterized by a diversity of animals and plants, an absence of invasive plants, a general absence of manmade features and often include varied topography and hydrologic features, and the necessary quiet and solitude to enjoy nature. Large natural areas are needed to insure ecological function and sustainability, be it preserving watersheds or limiting fragmentation and edge effects to forested areas. (2012 *PROS Plan*, pp. 44-46)*

Based on the importance of preserving natural areas and creating trails for access to resource-based recreation, the Ten-Mile Creek area offers a valuable opportunity to serve not only the Clarksburg population, but residents countywide.

Facility-Based Recreation

The 2012 *PROS Plan* estimates future needs for facilities in the Clarksburg Planning Area to the year 2022 as 3 playgrounds, 5 tennis courts, and 3 basketball courts. *PROS* demonstrates that needs will be met at a minimum at the following parks and schools: Cabin Branch Local Park, Piedmont Woods Neighborhood Park, Clarksburg Village South Local Park, and Damascus/Clarksburg Middle School #2.

The 2005 *LPPRP/PROS Plan* estimated a need for nineteen adult-sized rectangular fields throughout the entire I-270 Corridor area. According to *PROS*, by the year 2021, thirteen of these will have been constructed. The balance of the future need will be constructed beyond the Year 2022. In addition, immediately north of the area, the portion of Little Bennett Regional Park located between MD 355 and I-270 could accommodate at least five more rectangular fields in the future.

Staff agrees with the 1994 Plan that in areas of residential density, close-to-home recreational facilities are needed. In the Ten Mile Creek area, it makes sense to provide those types of facilities that will provide access to and will enhance the natural resource areas. Facilities with minimal impervious surfaces such as open grassy areas for a variety of activities (described in *PROS* as Community Open Space), natural play areas, and community gathering areas were highly rated by the *Vision 2030* survey. *PROS* identified several new facility types that are needed in neighborhoods such as such as dog parks, community open space and community gardens.

Park and Trail Recommendations

- *Provide a countywide natural surface trail, designed to M-NCPPC Montgomery Parks standards, in the Ten Mile Creek area linking Little Bennett Regional Park and Black Hill Regional Park as per the Countywide Park Trails Plan and the 1994 Clarksburg Master Plan.*
 - The countywide trail segment to link Little Bennett Regional Park with Black Hill Regional Park should be located within the proposed Legacy Open Space Natural Resource and existing conservation parkland, per the CWPTP and the 1994 Plan.
 - Trails should be built using sustainable standards. Sufficient access to build and maintain the trails and the natural areas around them may require areas outside the environmental buffers in upland areas. Trails should be built using sustainable standards, which could include environmentally sensitive crossings such as bridges or boardwalks. Trails should include signage that meets Department standards.
 - Trail connections to Little Bennett and Black Hill Regional Parks will require stream and road crossings in the safest manner possible.
- *Provide five trailheads, designed to M-NCPPC Montgomery Parks standards, for access to the Ten Mile Creek natural surface trail and nearby natural areas for park users and operations staff.*
 - Five trailheads should be strategically located to access the Ten Mile Creek Trail and the natural resource areas. These trailheads should provide safe and logical public access as well as access for maintenance and policing, and should be built to Parks standards. Trailheads should include:
 - Gravel parking lot with 6-8 parking spaces
 - Kiosks with wayfinding and interpretive signage
- *Provide a new natural resource-based Neighborhood Park of at least ten acres for close-to-home recreation for the Ten Mile Creek area, designed to M-NCPPC Montgomery Parks standards.*
 - A natural resource-based Neighborhood Park of at least ten acres, located outside of environmentally sensitive areas, is recommended as a platform for walkable, close-to-home facilities and to serve as a trailhead for the Ten Mile Creek natural surface trail. The park should have a natural resource theme and should be located adjacent to conservation parkland.
 - The proposed Preliminary Program of Requirements for the Neighborhood Park is as follows:
 - Access to the Conservation Park to the west for trail users and operations, maintenance and police functions from the development
 - Trailhead with small gravel parking area (6-8 spaces), with access through the development
 - Picnic Area
 - Natural Play Area
 - Community Garden
 - Community Open Space large enough for community festivals and pickup sports, at least 15,000 square feet
 - Adequate space to provide for Environmental Site Design, Stormwater Management, Forest Conservation, and other regulatory requirements







Attachments:

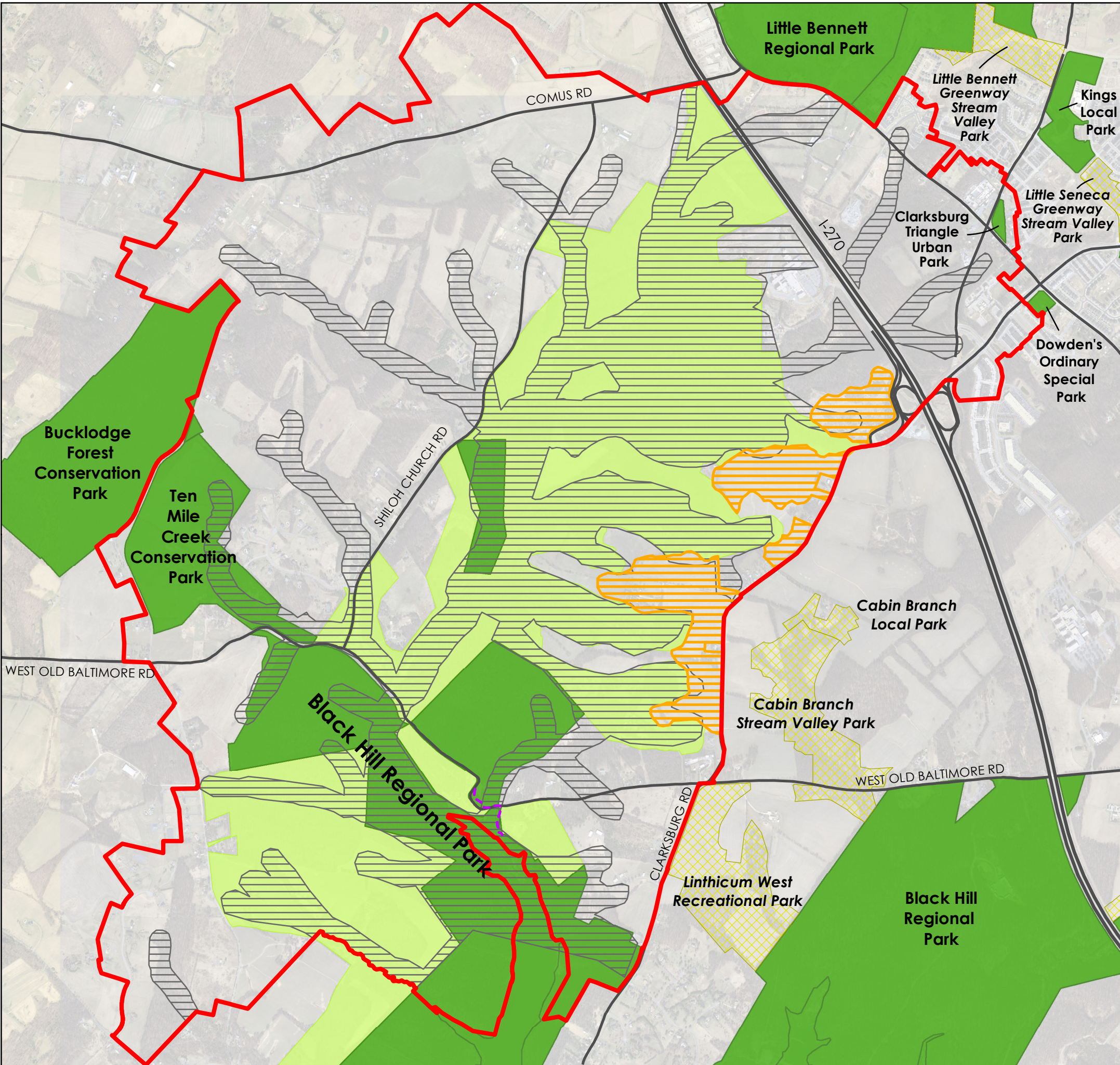
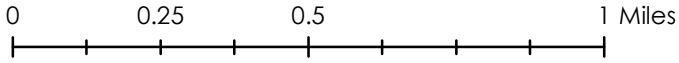
- 1) Clarksburg Master Plan (1994) Conservation Areas and Current Proposed Legacy Open Space Natural Resource, Ten Mile Creek Area
- 2) Proposed Legacy Open Space Natural Resource and Parks and Trails, Ten Mile Creek Area

CC: Mike Horrigan
Jim Humerick
Wendy Hanley
Susanne Paul
Geoffrey Mason
Fred Boyd

Attachment 1:







Clarksburg Master Plan (1994) Conservation Areas and Current Proposed Legacy Open Space Natural Resource, Ten Mile Creek Area

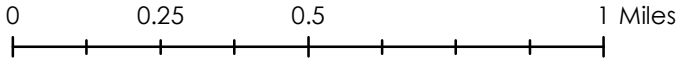
-  Clarksburg Master Plan (1994) Conservation Areas
-  Proposed Legacy Open Space Natural Resource
-  Clarksburg Ten Mile Creek Limited Amendment
-  M-NCPPC Parks proposed by 1994 Clarksburg Master Plan
-  Planning Department Proposed Development Areas
-  Existing M-NCPPC Parkland



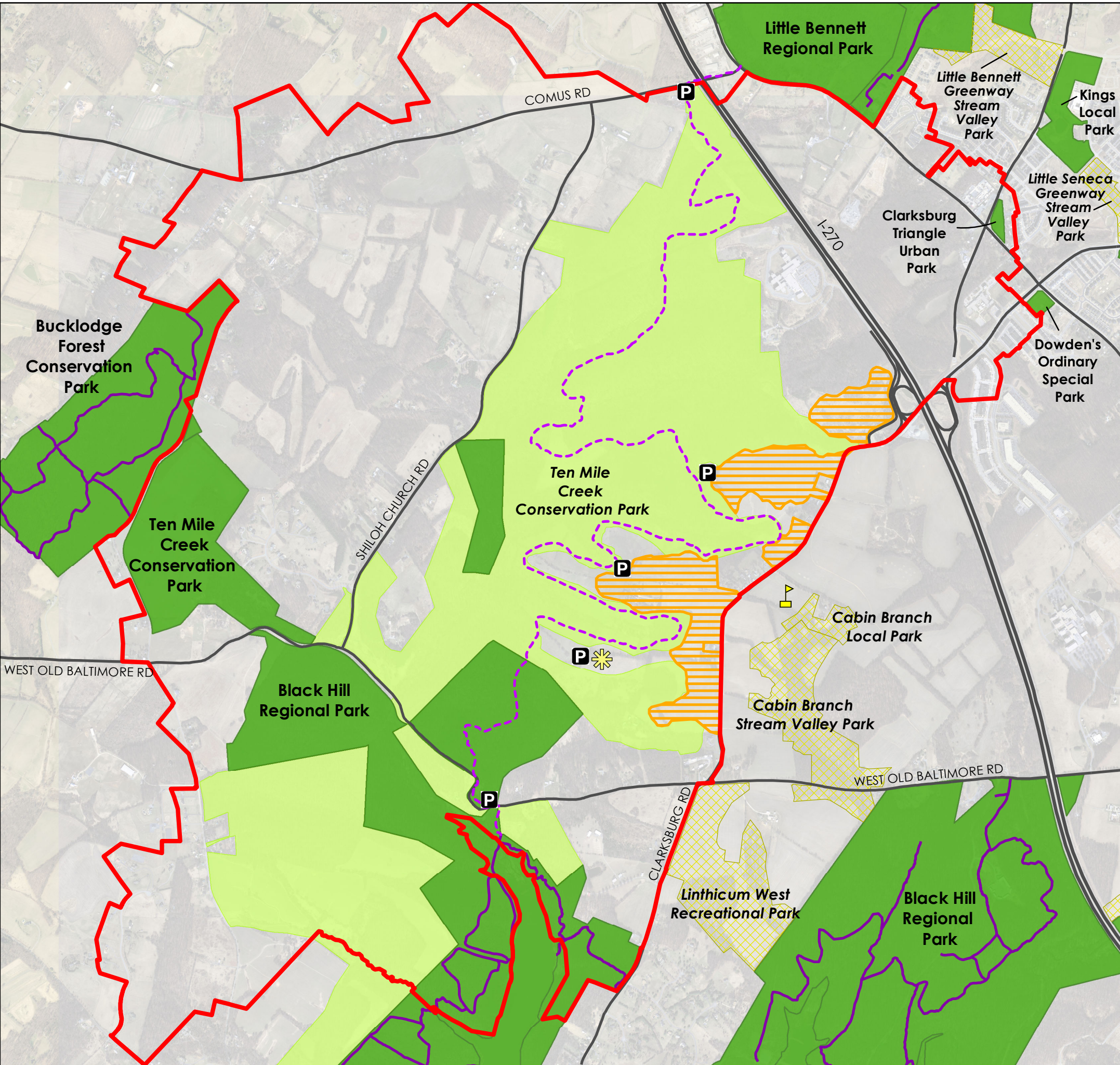
Attachment 2:

Proposed Legacy Open Space Natural Resource and Parks and Trails, Ten Mile Creek Area

-  Proposed Legacy Open Space Natural Resource
-  Proposed Natural Surface Trail
-  Proposed Trailhead
-  Proposed M-NCPPC Neighborhood Park
-  Elementary School proposed by 1994 Clarksburg Master Plan
-  M-NCPPC Parks proposed by 1994 Clarksburg Master Plan
-  Planning Department Proposed Development Areas
-  Clarksburg Ten Mile Creek Limited Amendment
-  Existing Natural Surface Trail
-  Existing M-NCPPC Parkland

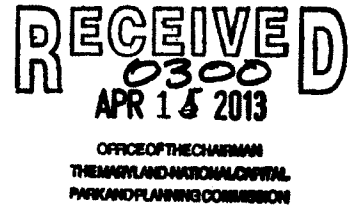


May 2013



Garcia, Joyce

From: Jamie Haney <jhaney8@gmail.com>
Sent: Friday, April 12, 2013 3:01 PM
To: MCP-Chair
Subject: Ten Mile Creek



Dear Madam Chair,

I would like to thank you for the time and energy you devote to protecting Ten Mile Creek, the quality of life of the Boyds community and fulfilling the vision detailed in the 1994 Master Plan.

When we built our home in Boyds we complied with the 1994 Master Plan of one home per five acre. The same rule applies to Ten Mile Creek and the developers.

When I attended the community meeting in Clarksburg, MD in February 2013 the Park and Planning Staff was very cavalier when they clearly told everyone present that the 1994 Master Plan would be changed, period. At the meeting in Silver Spring, MD on April 11, 2013 I was convinced that the developers had an unfair advantage. The planning staff has been lobbying for the the developers' plan throughout the whole process. I thought the planning staff were government employees operating within the boundaries of the 1994 Master Plan. Are they supposed to be private interest lobbyists?

When the developers bought Ten Mile Creek they knew the zoning was one home per five acres. They knew Ten Mile Creek was a fragile ecosystem which should be preserved. The developers also knew that there are risks in land speculation. According to the planning staff the 1994 Master Plan is null and void. I can understand what the developers have to gain, profits. What does the planning staff have to gain?

I know the Boyds community and the Ten Mile Creek environment lose. Traffic congestions. More overcrowding in schools. I did not move to Boyds to live near a development that will violate the 1994 Master Plan and my quality of life.

Johnny Haney
14611 West Old Baltimore Road
Boyds, MD 20841

MCP-CTRACK

From: stevehowie@aol.com
Sent: Sunday, April 14, 2013 6:11 PM
To: MCP-Chair
Subject: Request for additional testimony time

RECEIVED

APR 16 2013

**OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

The Honorable Françoise Carrier
Chair, Montgomery County Planning Board
8787 Georgia Ave, Silver Spring, MD 20910

Dear Ms. Carrier,

I am writing to request additional time to present my testimony before the Board on Wednesday, April 17, 2013. This testimony is with respect to Item 4, Clarksburg Limited Master Plan for the Ten Mile Creek Watershed. I am currently signed up as an individual, confirmation number 0001684, and by the rules am allotted 3 minutes.

I request an additional 2 minutes for a total of 5 minutes, equivalent to that allowed an adjacent property owner or representative of a civic association. I believe that my testimony will be valuable to you in a similar sense to that of a representative civic association, insofar as I was president of the Clarksburg Civic Association for 9 years during the period of 1995 through 2004, and was very active in Clarksburg Master Plan issues. In addition, although my property does not directly abut the property under consideration for development, my property is within the Tenmile Creek master planning area. Further, a tributary of Tenmile Creek that will be affected in its headwaters by the development under consideration flows directly through my property. Consequently, any stream degradation caused by such development will directly affect my property.

Please let me know of your decision regarding this matter so that I may prepare accordingly. You may contact me by replying to this e-mail. If you have any questions you may reach me during business hours at 202-564-4146.

Respectfully,

Stephen J. Howie
14701 West Old Baltimore Road
Boys, MD 20841

RECEIVED
APR 16 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Cheryl Imperatore <hohctr@gmail.com>
Sent: Monday, April 15, 2013 7:14 PM
To: MCP-Chair
Subject: Ten Mile Creek Limited Master Plan Amendment

I have been a resident of Boyds since 1997, and previously served on the Rustic Roads Advisory Committee for 6 years, and the Boyds Civic Association as well as the Upcounty Action Group. I was able to attend most of the 4/11 staff presentation and found many areas of concern with the scenarios for the areas adjacent to our neighborhood, which lies just outside the study area.

Flooding: We are homes on Chrisman Hill Drive, Chrisman Hill Terrace and Chrisman Hill Court, Little Sierra Court and Ascot Square Court. Our properties were built in 1987 and follow the contours of the land - no cut and fill to accommodate density issues as we are on well and septic systems that function ably. But seeing that the modeling results indicate that the development proposed for the Ten Mile Creek study area may increase total streamflow volumes in the majority of subwatersheds and the increased runoff volumes may be conveyed to our neighborhood where we already note runoff during increasingly heavy storms is not welcome news.

Traffic projections: I-270 south during morning or north during evening rush hour presently is not ever pleasant. But the highway wasn't taken into consideration and that's the road most people travel. From the staff report, the congestion study for 27 years from now, 2040, of intersections within Clarksburg "is projected to achieve a 63% ratio of congested relative to uncongested roadway travel speed. This ratio is well above the 45% policy area standard for suburban policy areas the County as determined by the Subdivision Staging Policy." And those intersections will feed into I-270, correct? It will be a standstill. And I also do not agree with TPAR projections that Damascus and Poolesville in 27 years will show little or no increase in traffic.

I concur with some of the conclusions of the Staff Report on page 29: "West of I 270, closer scrutiny of environmental impacts would reflect Plan policies recognizing the importance of the Ten Mile Creek watershed. A scenario for analysis should:

- Evaluate a smaller development footprint east of Ten Mile Creek and west of MD 121 that would add to the amount of undeveloped and forested land and create places where forest could be added.
- Keep recommended residential densities but adjust the mix of units. ***This seems to contradict the above statement. I would favor reducing density, especially on Pulte's land by 2/3 - 900 home on 523 acres is 600 too many. Or entirely - Has the possibility of a Legacy Open Space purchase been considered?***
- Explore possible incentives for property owners west of Ten Mile Creek to increase forested areas, including a program similar to the transfer development rights."

We have no natural lakes in the county. Be aware that Ten Mile Creek is an EPA designated Sole Source Aquifer - over 50% of the drinking water consumed in the area comes from here. And nearby Poolesville is also designated similarly.

We're not making any more land - this land is adjacent to the designated Agriculture Reserve. Do we really need to build right up next to it? As West Old Baltimore crosses Rt 121 it changes character as it becomes an Exceptional Rustic Road for the rest of its length. Audubon had a hike on Saturday attended by people from Chevy Chase, Rockville and Silver Spring on Saturday to see Ten Mile Creek, the setting, the tiny creatures and plants living there. We looked at rocks that will crumble if dozers dig into the hillsides above the creek. I have a copy of the 1961 Department of Agriculture Soil Survey of Montgomery County that shows this particular area to be highly eroded - it hasn't improved over time.

Please make other arrangements that protect our county's water and land. Thank you for your consideration of this message.

Cheryl Imperatore
hohctr@gmail.com

MCP-CTRACK

From: Kathie Hulley <kathiehulley@gmail.com>
Sent: Tuesday, April 16, 2013 7:48 AM
To: MCP-Chair
Subject: Hearing April 16, 2013 - Clarksburg Master Plan, Stage 4
Attachments: CMP Stage 4 041513.doc

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0298
APR 16 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Attached please find my letter regarding Stage 4 of the Clarksburg Master Plan.

Kathie Hulley
301-580-4896

21809 Diller Lane
Boyd's, MD 20841

April 15, 2013

Chairman Francoise Carrier
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Stage 4, Clarksburg Master Plan

I have been involved with the Clarksburg Master Plan since 1991 and I am writing to express my views regarding the opening of the Master Plan and Ten Mile Creek.

Montgomery County should not allow Stage 4 to develop at this time.

Whilst most of the "triggers" have been met, the stream quality for the first three stages is by no means certain, as the roads and storm water systems are not yet complete. We do not yet know the effect on the area as a whole. (I do know that my well water presently produces brown sediment, so all is not as it should be). Stage 4 was only to be considered when these systems have settled. Infrastructure is lagging behind the demand and needs of the community.

I fear that the water quality plans now envisaged for Stage 4 have not been fully tested in any other area. Clarksburg is tired of being failed by the Board and Montgomery County and now because of the desire to "do something for Clarksburg", further hasty decisions will only make things worse. "More rooftops" is what we hear, but Clarksburg does not need any more rooftops until we have the infrastructure for our present needs. Stage 4 is the only area with no approvals and our last hope to do the right thing.

The property owners in Stage 4 have the right to develop their property, but they have known for many years that they might not be allowed to build what they might wish, or when they might get permission to build.

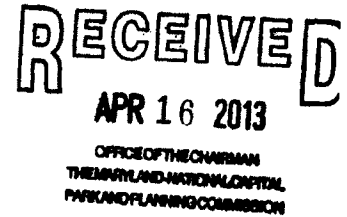
I ask that stage 4 be put on hold until the first three stages are complete and settled. This will ensure that the full effect on the streams is known and even better systems will be available for future development.

Sincerely

Kathie Hulley

MCP-CTRACK

From: MelaneKHoffmann@aol.com
Sent: Tuesday, April 16, 2013 10:35 AM
To: MCP-Chair; Berton, Valerie; valdiz.lazdins@montgomeryplanning.org
Cc: priswb@verizon.net; maryjoanferrara@verizon.net
Subject: Public input from Clarksburg



**LIVEABLE CLARKSBURG COALITION
CLARKSBURG, MARYLAND**

April 16, 2013

Francoise Carrier, Chair
Montgomery County Planning Board
Silver Spring, MD

Re: Clarksburg Stage 4, Ten Mile Creek Study, and Public Meetings

Dear Madam Chairperson:

We want you to be aware that we and other members of our community have created a new community organization, the Liveable Clarksburg Coalition. 25 people Clarksburg area residents gathered on short notice in early April, and our numbers are growing daily. We want to make certain we receive adequate time to testify at the Planning Board's meeting tomorrow, April 17, 2013, and in future meetings.

We are concerned that the analysis of Stage 4 development of Clarksburg receive ample community input, and hear all points of view.

We were dismayed that a special meeting was called on such short notice and scheduled during normal business hours. We are an organization of volunteers. Many of our initial membership will not be able to attend on such short notice. We hope in future you will use the Planning Board's published procedure to provide 10 days' notice of public meetings, and the long-standing tradition of the Planning Board of holding evening meetings so that citizens have an equal opportunity to participate, alongside those whose profession is to involve themselves in your proceedings.

Sincerely,

Melane Kinney Hoffmann

Priscilla Borchardt

Mary Joan Ferrara-Marsland

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APR 16 2013

MCP-CTRACK

OFFICE OF THE COMMISSIONER
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Robert Kaufman <rkaufman@mncbia.org>
Sent: Tuesday, April 16, 2013 12:00 PM
To: MCP-Chair
Cc: Krasnow, Rose; Dolan, Mary; Lazdins, Valdis; Stephen.Collins@pultegroup.com; Robert R. Harris; James A. Soltesz; Mike.McCann@mchenryco.com; sprince@petersoncos.com; Gus Bauman; Clark Wagner; JRussel@rodgers.com; councilmember.floreen@montgomerycountymd.gov; councilmember.rice@montgomerycountymd.gov
Subject: Clarksburg Master Plan Amendment

As you consider scenarios relevant to Clarksburg, please consider the following:

1. The current Master Plan density **should not be a ceiling** but a guideline. Since we are considering an amendment, we should also consider an **increase in overall density**. The point of a master plan is to consider the goals and objectives of the entire County when it comes to the most appropriate land use objectives relevant to housing, job growth, amenities, services and natural resources.
2. The consequence of removing land use opportunities in one sector can affect the ultimate demand for land use in other sectors and must attempt to accommodate changes. If we remove units from this area, where do we place them in the County?
3. The County has a **desperate need for mixed income and moderate income housing choices** and mixed product choices for different types of households for which Clarksburg was planned to accommodate.
4. We should **maximize the use of any land disturbance impacts**, if we are going to disturb the land, what is the most density we can get out of the disturbance within the confines of the impacts that result.
5. The **baseline impact on the streams should include full build-out of currently approved plans and master plan roads**.
6. Rather than developing scenarios that changes the mix of unit types, **instead set impact goals/targets** and leave it to the developer to figure out the best way to build within the target impacts of disturbance.
7. The market in Clarksburg may prefer larger units, higher density unit types prefer urban amenities, **we are often not successful when we try to dictate the market demand**. We have to balance unit mix with market demand and the desire to minimize the overall environmental impact of various land use scenarios.
8. The **nature of ESD is to accommodate impervious surfaces** through a distributive quality and quantity management system and must be considered by very small areas and not lumped into a broad SWM calculation. Broad measure of impervious surfaces or storm water flow by large areas were meaningful with regional SWM systems but are no longer relevant for ESD systems.

S. Robert Kaufman
Director Government Affairs
Maryland National Capital Building Industry Association
1738 Elton Road
Suite 200
Silver Spring, Maryland 20903
bkaufman@mncbia.org
(301) 445-5408 Office
(301) 768-0346 Cell

MNCBIA's Sustainable Housing Conference – April 19 – [Register here](#)
HBCF's Bull & Oyster Roast – April 25 – [Register here](#)
Montgomery County's Liaison Breakfast – April 26 – [Register here](#)
Check out NAHB's Member Advantage Program at www.nahb.org/ma
BUILDING HOMES, CREATING NEIGHBORHOODS

MCP-CTRACK

From: John King <E27ca@verizon.net>
Sent: Tuesday, April 16, 2013 4:12 PM
To: MCP-Chair
Cc: county.council@montgomerycountymd.gov; Jim Clifford
Subject: Ten Mile Creek Limited Amendment
Attachments: Ten Mile Creek Limited Amendment Letter.pdf

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APR 16 2013

**OFFICE OF THE CHAIRMAN
THE MOUNTAIN AND HILLTOPS
PARK AND PLANNING COMMISSION**

Dear Chair and Commissioners,

Attached is a letter concerning the Ten Mile Creek Limited Amendment

Thank You,

John R King, Jr.

April 16, 2013

Francoise Carrier, Chair
Planning Board Commissioners
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Ten Mile Creek Limited Amendment

Dear Chair and Commissioners:

We are the owners of the property located in Montgomery County known as the "King Farm" consisting of approximately 128 +/- acres, and identified as and also known as Map EV 23, Parcel P270 and Map EV13, Parcels P290, P150 and P072. Most of this property has been in our family for more than 100 years. We have attended nearly all public hearings and community meetings regarding the Clarksburg Master Plan and Ten Mile Creek, both during the 1994 sessions and the recent reopening of the Master Plan. We would like to remind you that certain assurances were given to us that if the early stages of development in Clarksburg do not significantly damage the Ten Mile Creek watershed then the fourth stage, that includes our property, could proceed to development.

The language from the Master Plan regarding the Stage Four triggers reads as follows:

Staging Triggers:

- 1-2) *Same triggers as for Stage 3*
- 3) *Wastewater treatment and conveyance facilities, sufficient to serve all approved development in Germantown and the stage 4 area of Clarksburg are 100 percent funded in the first four years of the CIP.*
- 4) *Baseline Monitoring: baseline biological assessment of the aquatic ecosystems of the Little Seneca Creek and Ten Mile Creek watershed has taken place for a minimum of three years.*
- 5) *Community Building: At least 2,000 building permits have been issued for housing units in the Newcut Road and Town Center sub-areas of Clarksburg.*
- 6) *Eastside BMPs Monitored and Evaluated: The first Annual report in the Water Quality review process following the release of 2,000 building permits in the Newcut Road and town Center areas is completed. This report will have evaluated the water quality best management practices (BMP's) and other mitigation techniques associated with Town Center/New Cut Road development and other similar developments in similar watersheds where BMPs have been monitored.*

All triggers have been successfully met and the water quality was deemed good to excellent. In 2009, Park and Planning Staff convinced the Council that, although Department of

Environmental Protection 2007 Annual Report indicated that stream conditions were good to excellent, they didn't know what impact further development will have. Using the fourth option available in the Master Plan for the Council to "consider other land use actions as are deemed necessary", the staff convinced the Council recently to reopen the Clarksburg Master Plan specifically to address the Ten Mile Creek issue.

Given that all triggers were successfully met, and there was no real indication of any negative impact of development in the creek, the new proposal by Park and Planning Staff is above and beyond the conditions which were put into place to protect the water quality of the Ten Mile Creek.


Principal # 6 set forth on page 191 of the Current Master Plan "Water Quality Protection" reads, in part, as follows:

"Such baseline monitoring and evaluation will better enable the County and Ten Mile Creek Property owners to work together in developing effective best management practices for Clarksburg's most environmentally fragile watershed."

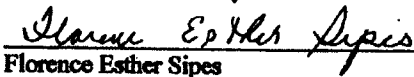
We, as owners, deserve the same, if not more consideration as any other stake holder. We support an approach that is protective of Ten Mile Creek but want the Board's decision to be based upon actual facts and not on data that appears on the surface as incomplete and agenda driven. It would be difficult to convince us that the present position by your staff is not based on scientific positions that were selectively chosen to support their agenda. The staff's bias is apparent in their recent presentation. Let's be honest, this is a "no growth" or "slow growth" initiative by staff to stop or greatly limit growth in our area. Please direct your staff to provide you complete and accurate information on this matter before making any decisions.

We are sorry that we have lost faith in this proceeding and hope that you will delve further into the real facts and science behind this issue and reach a reasonable conclusion that is based on actual facts and not based on conservation group lobbying efforts by hired guns paid to stop development at all costs. We continue to believe that development of our property can be done responsibly and at an environmental standard that is both fair and effective to protect the Ten Mile Creek Resource.

Sincerely,


John R. King, Jr.


Anita King Heller


Florence Esther Sipes

cc: Montgomery County Council
James R. Clifford, Sr., Esq.

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APR 16 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MICHIGAN NATIONAL CAPITAL
PLANNING AND PLANNING COMMISSION

From: Dian Thomson <DLThomson@mmcanby.com>
Sent: Tuesday, April 16, 2013 5:30 PM
To: MCP-Chair
Cc: Krasnow, Rose; Lazdins, Valdis; Dolan, Mary; Boyd, Fred; Bob Harris
(rrharris@lerchearty.com); Emily Vaias (evaias@linowes-law.com); Jody Kline
Subject: PLANNING BOARD PUBLIC HEARING ON TEN MILE CREEK ISSUES; APRIL 17, 2013
Attachments: Carrier ltr 01.pdf

FROM: JODY KLINE

Please see the attached letter.

Law Offices Of
MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM
All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER

MAURY S. EPNER (DC)
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. MCBRIDE (DC)
GLENN M. ANDERSON (FL)

HELEN M. WHELAN (DC, WV)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE-CHO (CA)
AMY C.H. GRASSO (DC)
DAMON B. OROBONA (DC)

JSKLINE@MMCANBY.COM

April 16, 2013

Francoise Carrier, Esquire
Chair
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Planning Board Public Hearing on Ten Mile Creek issues,
April 17, 2013

Dear Ms. Carrier:

Thank you for allowing major property owners and persons interested in the Ten Mile Creek Limited Master Plan Amendment to speak to you in a public hearing format to add to the information that the Board has heard during your two briefings from Staff and the Commission's consultants.

I am writing on behalf of our client, The Peterson Companies, the contract purchaser of the Miles Coppola property in response to an e-mail message from Mr. Lazdins encouraging potential speakers to consolidate their testimony and to coordinate efforts in order to avoid repetitive presentations. I have spoken with the attorneys for the other two major property owners (Pulte, Brookfield) and we are all mindful that the Planning Board does not want to hear three separate presentations covering the same subject and are taking steps to avoid such a situation occurring, such as:

1. The three major property owners each have unique issues that they are approaching in distinctly different ways. Therefore, while there may be some common topics of discussion, the perspectives will be different and there will be a broad scope of analysis.

2. The engineering firm representing all three major property owners – Loiederman Soltesz & Associates – is familiar with the concerns of each of the owners and will ensure that there is no duplicative testimony.

3. Each property owner has spent substantial time “streamlining” its individual presentation to ensure that all necessary important information is communicated to the Board members within the limited amount of time that will be made available to us.

4. Finally, in the case of the Peterson Companies, we have modeled our presentation on the order and format of the Staff/consultants presentation to the Planning Board on April 11th and for that reason we believe that our presentation will be well organized and in a sequence that is familiar to the Board.

I have already attended two “prep” sessions, with a third scheduled for Wednesday morning, conducted by The Peterson Companies with the goal of achieving the most concise, efficient and informative presentation possible for the Planning Board on April 17th. I have observed from the “walk thrus” that I have seen that The Peterson Companies needs at least twenty minutes in order to present a credible and informative explanation relating to the environmental and land planning issues associated with the Miles Coppola property. I am sure that the same is true for Pulte Corporation and its proposed development. Any less time will undoubtedly lead to questions from the Board Members that will stretch out the discussion time. Accordingly, I renew a request on behalf of all of the three major property owners that we each be allowed up to twenty minutes apiece to make a presentation to the Planning Board with the understanding that all three property owners will coordinate in order to make the sum total of the presentations effective, informative and not repetitive.

Turning to one of Mr. Lazdins’ specific questions, representatives of The Peterson Companies will be prepared to address the environmental issues and environmental science that were the subject of your two briefings by Staff and consultants, and I understand that Pulte Corporation will do the same, albeit from its own perspective.

Understanding that the Board wanted to hear about the full scope of the issues being considered as part of the Limited Master Plan Amendment, Mr. Taylor Chess of The Peterson Companies will provide an overview description of TPC’s “Streamside” project so that you are familiar with the land use issues associated with its proposal in the context of the environmental features that will also be discussed tomorrow afternoon.

Representatives of The Peterson Companies look forward to appearing before you tomorrow to make a focused presentation addressing issues related to the Miles Coppola property which have been highlighted in briefings to you by the Staff and your consultants.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody Kline". The signature is written in a cursive, slightly slanted style. Above the signature, there are two horizontal lines, one above the name and one below it, which appear to be part of a stamp or a signature line.

Jody S. Kline

JSK/dlt

cc: Rose Krasnow
Val Lazdins
Mary Dolan
Fred Boyd
Taylor Chess
Jim Soltesz
Phil Isaja
Andi Murtha
Angela Sweeney
Bob Harris, Esquire
Emily Vaias, Esquire

MCP-CTRACK

From: Jamie Haney <jhaney8@gmail.com>
Sent: Tuesday, April 16, 2013 6:49 PM
To: MCP-Chair
Cc: MCP-CR
Subject: Ten Mile Creek Testimony for 04/17/13
Attachments: Johnny Haney, Testimony Ten Mile Creek.docx

RECEIVED

APR 17 2013

**OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PLANNING COMMISSION**

Testimony from Johnny Haney

Johnny Haney
14611 West Old Baltimore Road
Boys, MD 20841

At the meetings I've seen the conceptual drawings for containing the runoff and I've seen the pictures of runoff into Little Lake Seneca after development has taken place. It has been documented that with the increase flow of water and erosion into Little Lake Seneca the fish near the tributary will die. Little Lake Seneca is also used recreationally for kayaking, bird watching and as a municipal water supply. How many of you have lifted up a rock in a creek bed or in a lake to see what would be under it? Watching National Geographic does not count. How many of your children have done this, when you can pull them away from the computer. I like bugs. I would be sad if the creek at the back of my property were damaged. This effect of runoff from this development on the creek, streams and the lake will be long term, permanent.

Does the social and economic benefit of development outweigh maintaining fishable water and life in the streams? The burden of proof is upon the developer according to the Clean Water Act. Is the Ten Mile Creek development a necessary economic or social development? We have two unfinished projects: Clarksburg Town Center and Cabin Branch. We have portable classrooms at Clarksburg HS, Rocky Hill Middle School and Clarksburg Elementary. The single lane country roads are not designed to handle the added traffic.

If you decide to grant the developer permits to build, The Clean Water Act requires the highest regulatory requirements for limiting the effects of runoff and erosion downstream. Not the BMP or an intermediate solution. The Master Plan may need to be amended to reduce density to one home per five acres. Let's reverse the abuse of the amendment process that favors developers at the expense of rural communities, like Boys.

What am I asking for? If you really mean, what you say, that this is a Legacy Watershed. Protect it by establishing a fund to purchase the land so it will never be developed. Turn it into a park.

J. Haney

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APR 17 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: stevehowie@aol.com
Sent: Tuesday, April 16, 2013 8:11 PM
To: MCP-CR; MCP-Chair
Subject: Testimony of Stephen Howie for Item 4 of April 17, 2013 Agenda: Ten Mile Creek
Attachments: Testimony_of_Stephen_J_Howie_April_17_2013.docm

Please find attached my written comments, which I will present tomorrow in public testimony regarding Item 4 on the Planning Board Agenda. I have confirmation number 0001684.

Testimony of Stephen J. Howie regarding Item 4 on the April 17, 2013 Agenda of the Montgomery County Planning Board, regarding the Clarksburg Limited Master Plan for the Ten Mile Creek Watershed.

My name is Stephen Howie. I have resided at my current address at 14701 West Old Baltimore Road in Boyds for 20 years. I was president of the Clarksburg Civic Association from 1995 to 2004.

As a near lifelong resident of Montgomery County I know that Ten Mile Creek is a treasure, perhaps unique. The County is correct in giving special care to protect its water quality. The triggers and staging in the Master Plan show this intent. Nevertheless, I fear that we may be close to losing Ten Mile Creek.

We have "checked the boxes" in the Master Plan and thus moved to the time we can consider approving development near this stream. But this does not prove development will do no harm.

We awaited results of monitoring streams on the east side of I-270 as early stages of Clarksburg were built. Interested parties confidently predicted the monitoring would show that modern practices would protect those streams, and prove the safety of building near Ten Mile Creek. Now they say that the decline in streams east of I-270 misreads the results. The findings are inconclusive—showing degradation during the construction stages, not post construction. We should expect degradation during construction.

But even assuming that an initial degradation of Ten Mile Creek is temporary, can we trust that all will return to normal after things settle down? Perhaps it won't.

Ten Mile Creek's water and habitat quality depend on the numerous springs and seeps in its tributaries. These provide steady year-long inputs of cool, clean water. They have flowed steadily for centuries, their locations and flows defined by the unpredictable courses of underground fracture lines in the crystalline sole source aquifer underlying the area. No simple model can predict how underground water flows in this area: ask any homeowner who has drilled a well.

One might therefore ask what model can predict the effect of developing uphill from a spring in this watershed. If the recharge area for a fracture feeding a spring is rendered impermeable, and the runoff captured for re-infiltration into the ground, will it find its way to the fracture feeding the spring?

The current plans are to develop along the ridgelines between the streams, occupying the high ground above the springs and seeps. The idea is to put a buffer between the houses and the streams —perhaps not a bad idea, though it creates a tremendous total length of boundaries to be protected. But the danger may not simply be how close the homes are to the streams, but their effect on the springs that feed the tributaries of Ten Mile Creek.

Development at some level may not be too harmful to Ten Mile Creek. The creek seems to get along pretty well with its current neighbors. It could probably put up with a few more. But we should be cautious when predicting that it can put up with numbers rivaling some of the most densely developed parts of the county.

Stephen J Howie
14701 West Old Baltimore Road
Boyd's, Maryland 20841

MCP-CTRACK

From: sharondooley@comcast.net
Sent: Tuesday, April 16, 2013 10:26 PM
To: MCP-Chair
Subject: Ten Mile Creek MP area Testimony
Attachments: Testimony ten mile creek.docx

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Chair Carrier,

My name is Sharon Dooley and I am the Legislative Chair for Upcounty Action, a a six year old group which is concerned with both development and the environment in the upper areas of the county. Part of our emphasis is to allow both of these aspects to grow with respect for the needs of each. Please review my testimony, since I cannot attend the hearing tomorrow.

Thank you,
Sharon Dooley

Upcounty Action PO Box 132 Brookeville MD 20833

Testimony: Clarksburg Master Plan limited revision

Upcounty Action

Thank you for holding this session today. I'm Sharon Dooley; today I represent Upcounty Action, a local group concerned with environmental stewardship and linking that with the options presented in our Master Plan choices. All acknowledge that the Seneca Creek watershed in general, and the Ten Mile Creek environment in particular, is a vital part of our clean water management system and must be maintained in its current state – wild, pristine and free.

In the lower urbanized areas, the County has spent millions of dollars to reclaim and restore streams damaged when polluted run-off and erosion was not being monitored. Currently the ICC is restoring a stream in the Olney area and a wetland off Brink Road in a court mandated program to mitigate just a minor portion of the massive environmental damage this construction caused.

Here we have a rare opportunity to prevent – before construction begins – such events as major impervious surface run offs, periodic storm caused pollution and erosion and changes in natural habitat caused by alterations in pH or water temperatures. Since Maryland has implemented more stringent storm water management practices than those which were in place even a decade ago, it is imperative that modifications be made to insure these protections are addressed. We must also not fall prey to false science; naturalists have long known that the best way to protect a watershed is to not build in its boundaries.

Upcounty Action PO Box 132 Brookeville MD 20833

As a group, Upcounty Action supports completion of the final section of the Clarksburg community, but with modifications. We do not wish to stall this economic development in the time of a tenuous national recovery; nor do we wish to be part of a process which encourages the harmful developmental practices of a previous generation. We urge that a close water quality monitoring program be in place before any further topographical changes so that the aquifer is protected. We advise moving development away from the headwaters of Ten Mile Creek and creating vigorous protective measures. We encourage less land disturbance and wider stream valley buffers to protect natural forest covers, better natural filtration systems, and less use of concrete channels or culverts. Currently many residents from the west side of Clarksburg rely on wells for their drinking water; care must be taken to ensure that this access to safe and clean water is maintained.

As all development must consider environmental impact, we request that the Planning Board consider the fragile and unique nature of this area which once gone, can never be restored to what we now appreciate and treasure. We request that the density be lowered, the impervious percentage be kept at the lowest permissible level and that topographic changes follow the natural land contours. We also request that an impartial group be put in place to monitor each phase of any development project and be given the power to issue stop work orders in cases where guidelines are ignored.

Thank you.

Sharon Dooley

Upcounty Action

Sharondooley@comcast.net

301-704-3953

MCP-CTRACK

From: Priscilla borchardt <priswb@verizon.net>
Sent: Tuesday, April 16, 2013 9:44 PM
To: MCP-Chair
Subject: Clarksburg

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Chair of the Planning Board,

I live in Clarksburg, and would have loved to have the opportunity to attend the meeting scheduled for 3 - 5 Wednesday in order to voice my opinion, however, I am not able to get off work with such short notice. I would like to request that you schedule the next meeting in clarksburg (or at least closer to here!) and in the evening, and give ample time for people to plan to attend

Thank you,
Priscilla Borchardt

MCP-CTRACK

From: Sherrie Cardea <sherriejo@comcast.net>
Sent: Wednesday, April 17, 2013 7:42 AM
To: MCP-Chair
Subject: Clarksburg April 17 Meeting

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Madam Chairperson,

I was very discouraged to hear that the April 17 meeting was called to order so quickly. My husband and I are interested in begin involved in the Stage 4 development of Clarksburg; please give the appropriate time to organize our schedules so we can attend these meetings. Evening meetings closer to Clarksburg would be appreciated and might give board members a better idea of the traffic we have to deal with up here if they can see it first hand as well.

Thanks for your consideration,

Sherrie & Mike Cardea

Boys Residents

MCP-CTRACK

From: MOPOWR@aol.com
Sent: Wednesday, April 17, 2013 8:10 AM
To: MCP-Chair
Subject: april 17 meeting

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Madam Chairperson,

As a 23 year resident of Clarksburg I have been saddened much of the development in Clarksburg. It often seems to me that the county planners do not take into account the current residents when they are making plans for development that they only take into account the developers.

Now when it appeared that the county planners would listen to the residents of Clarksburg I find that the meeting is scheduled without much notice to residents, in Silver Spring, and during the work day. Again it seems to me that the county planners do not take the residents they will be affecting into account.

When I moved here from Silver Spring in 1990 I enjoyed getting off the highway and driving up Frederick Road at this time of year there were many trees lining the road in full bloom It was beautiful. I would pass cows in a pasture. Now there is a shopping center, housing developments, and gas stations. I thought I had left that behind down county. Where there was lush farmland now there are construction sites where all that I see is ugly dirt even the top soil is taken away.

I realize the Master Plan was set in place many years ago but its time for the planning board to listen to the residents they are affecting. We are not nameless faceless people who don't care what happens to our area. In the future please schedule meetings that we can attend with sufficient notice, and so that working people can attend the meeting without having to take off of work. You are making plans for where I live and I would like my voice to be heard.

thank you,

Dee Smith

MCP-CTRACK

From: Mary Joan Ferrara-Marsland <mary@upavim-mayanhands.org>
Sent: Wednesday, April 17, 2013 8:14 AM
To: MCP-Chair
Subject: April 17th meeting

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Clarksburg Stage 4, Ten Mile Creek Study, and Public Meetings

Dear Planning Board,

I think it is irresponsible and does not follow protocol to plan a meeting that Clarksburg residents are not given enough notice to attend. To add to that you hold the meetings so far from Clarksburg that it is extremely difficult for us to attend with working full time and having families. If it was in our community which is where it should be, we would at least have a much better chance of attending. It seems to be designed totally for the planning boards convenience and keeping the very people out it affects, which in turn we know makes it conveniently possible for you to keep creating your HUGE MESSES in our backyards. Please start following the 10 day notice protocol and make meetings closer for residents to attend.

Thank you.

Sincerely,

Mary Joan Ferrara-Marsland

MCP-CTRACK

From: Marc Farley <marc@marcfarley.com>
Sent: Wednesday, April 17, 2013 8:27 AM
To: MCP-Chair
Subject: Liveable Clarksburg Coalition

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Madam Chairperson,

I am in agreement with Melanie Hoffman's letter/email dated April 16 that the community needs adequate time to testify at the Planning Board's meeting today and future meetings. I am also in agreement that meetings should be held in the evenings or late afternoons so that the people of the community can attend and have their voices heard.

Thank you,
Marc Farley

MCP-CTRACK

From: Ellen Pearl <plumstuff@verizon.net>
Sent: Wednesday, April 17, 2013 8:36 AM
To: MCP-Chair
Subject: I endorse Melane Hoffman's Letter to you

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I work during the day, and I live in Clarksburg. I am entitled to come to your meetings without missing work as I've done in the past.

Please correct and give proper notice in the future of these important meetings.

Thanks ,

Ellen Pearl

Clarksburg Resident

MCP-CTRACK

From: Paul Majewski <pmajewski123@comcast.net>
Sent: Wednesday, April 17, 2013 10:28 AM
To: MCP-Chair; Cashion, Ronald
Cc: Paul Majewski
Subject: Re 10 Mile Creek -- Stage 4 be delayed 3 years and in piecemeal

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APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

April 17, 2013 10:29am

Honorable Planning Board Chair Francoise Carrier and chairpersons -

I suggest that stage 4 be:

- delayed for years until new water quality techniques are proven effective over three years; and
- implemented in piecemeal over years and with years of delay between the pieces, and with strong conditions that allow the board to enforce a much lower (even zero) development of any geographic area, regardless of lot borders, ownership, or plans approved with these conditions.

Conditions should impose strong penalties and "you-damaged-it-you-fix-it" regulations, to be enforced on any offending entity.

I have paid very close attention to planning issues in Clarksburg since I moved here in 1989. I have resided in Montgomery County for about 40 years.

I appreciate your time and effort to planning and environmental matters in Clarksburg and the county.

Paul Majewski, 12233 Piedmont Road, Clarksburg MD 20871-9329

pmajewski123@comcast.net

Night: 301-972-6031

Day: 301-975-4069 (10:30a-7:00p)

MCP-CTRACK

From: Angela Carrigan <angeloo24@hotmail.com>
Sent: Wednesday, April 17, 2013 4:24 PM
To: MCP-Chair
Subject: Clarksburg Stage 4, Ten Mile Creek Study, and Public Meetings

RECEIVED

APR 17 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Madam Chairperson:

I am part of a new community organization, the Liveable Clarksburg Coalition. 25 Clarksburg area residents gathered on short notice in early April, and our numbers are growing daily. We want to make certain we receive adequate time to testify at the Planning Board's meeting today and in future meetings.

We are concerned that the analysis of Stage 4 development of Clarksburg receive ample community input, and hear all points of view.

We were dismayed that a special meeting was called on such short notice and scheduled during normal business hours. We are an organization of volunteers. Many of our initial membership will not be able to attend on such short notice. We hope in future you will use the Planning Board's published procedure to provide 10 days' notice of public meetings, and the long-standing tradition of the Planning Board of holding evening meetings so that citizens have an equal opportunity to participate, alongside those whose profession is to involve themselves in your proceedings.

Sincerely,

Angela Carrigan

RECEIVED
0301
APR 19 2013

MCP-CTRACK

OFFICE OF THE GOVERNOR
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Jaimie Young <Jyoung@Petersoncos.com>
Sent: Thursday, April 18, 2013 5:04 PM
To: Lazdins, Valdis; Anderson, Casey; Carrier, Francoise; Dreyfuss, Norman; Garcia, Joyce; Hill, Joanne; Jackson, Arnita; Moise, Clara; 'amy.preslye@mncppc-mc.org'; Wells-Harley, Marye; Boyd, Fred
Cc: jskline@mmcanby.com; Jim Soltesz, P.E.; Taylor Chess; Angela Sweeney; Steve Green
Subject: Clarksburg Presentation Follow Up
Attachments: Streamside Presentation Board_04 16 13_low res..pdf
Importance: High

Thank you for the opportunity to address the Planning Board yesterday. In an effort to be respectful of your time, I scaled back our comments to keep the focus strictly on the environmental issues. Our original remarks also addressed some of the other key questions raised by staff related to Town Scale Development, Community Building and Transit/Pedestrian Orientation so we have included them below for your review. We've also attached the corresponding slide.

Please let me know if you have any additional questions or concerns.

Respectfully,
Taylor O. Chess
Senior Vice President – Retail
The Peterson Companies

**Montgomery County Planning Board Comments
April 17, 2013**

Good afternoon madam chair, members of the planning board and staff. I'm Taylor Chess with The Peterson Companies and I'm here to speak about the Miles Coppola/ Streamside site or more specifically sub-watershed 206. We appreciate your time today and have put together a presentation that will address some of the key questions brought up by staff in last Thursday's presentation.

Regarding Policy 1: Town Scale Development

We will deliver on the vision for a Town Scale of Development by offering a diversity of uses, activities and services

- We put this project under contract over 12 months ago and have been working to design a project that is consistent with Master Plan vision
- We recognized early the sensitivity of the 10 mile creek watershed and have worked diligently to create a design that is respectful of our natural surroundings while still providing a quality mixed-use environment that Clarksburg will be proud of
- We partnered early on with Tanger Outlets to provide high-end destination retail to the project. Additionally, we envision restaurants, hotel and residential uses along with a comprehensive activation program which will create a dynamic mixed-use environment.

Regarding Community Building:

We will revitalize and energize the Historic Area through improved connectivity and complementary uses

- Currently, the historic area lacks the critical mass of retail to drive visitation.
- Our project will infuse the critical mass and attract more people to the area and connect the Historic Area in a pedestrian friendly manner.
- In addition, as part of our project, we will bring public sewer service to address the failing septic systems. Not only will this provide a much needed service, it will also increase their property values.
- Our destination retail will not compete with the contemplated grocery and service uses planned for Town Center.
- You've heard the phrase... A rising tide raises all ships

Regarding Policy 4 and Policy 7 related to Transit/Pedestrian Orientation

- As you can clearly see on this exhibit, we are planning for both pedestrian and bicycle paths that will connect with existing paths throughout the town center and the historic area and a location for the transit site as contemplated in the master plan

Regarding Policy 2 Natural Environment

- While we are in general agreement with staff regarding the conditions within the entire watershed, Phil Isaja and Andie Murtha from LSA will walk you through the existing conditions in the Miles Coppola parcel and how our plan will improve the current conditions.

WRAP UP:

Peterson Companies has a long history in the region including the redevelopment of Downtown Silver Spring, Rio / Washingtonian Center and Milestone Center and have a deep rooted commitment to combining high-quality development with a rare sensitivity for the environment. We look forward to creating another signature project in Montgomery county.

RECEIVED
APR 22 2013

Garcia, Joyce

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Jaimie Young <Jyoung@Petersoncos.com>
Sent: Thursday, April 18, 2013 5:04 PM
To: Lazdins, Valdis; Anderson, Casey; Carrier, Francoise; Dreyfuss, Norman; Garcia, Joyce; Hill, Joanne; Jackson, Arnita; Moise, Clara; 'amy.preslye@mncppc-mc.org'; Wells-Harley, Marye; Boyd, Fred
Cc: jskline@mmcanby.com; Jim Soltesz, P.E.; Taylor Chess; Angela Sweeney; Steve Green
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Regarding Policy 2 Natural Environment

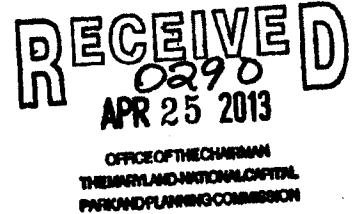
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MCP-CTRACK

From: Ann Smith <smith@itecksolutions.com>
Sent: Wednesday, April 24, 2013 8:40 PM
To: MCP-Chair
Subject: Ten Mile Creek Events April 21, 2013
Attachments: 036.JPG; 039.JPG; 043.JPG



Hello,

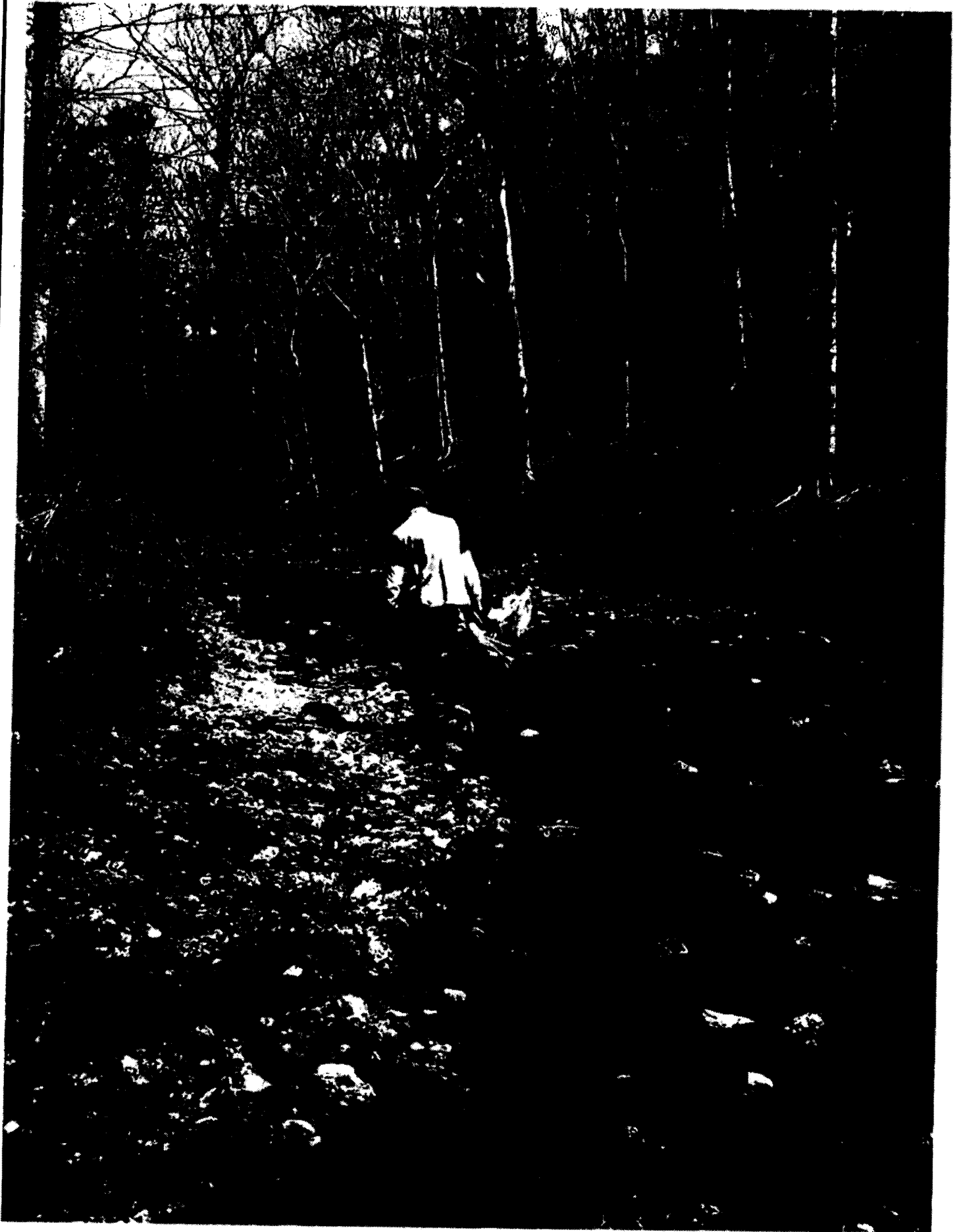
Tim Goodfellow and I were stream wading for the DNR on Sunday April 21, 2013 and we saw two trout swimming to the right of the first attached picture.

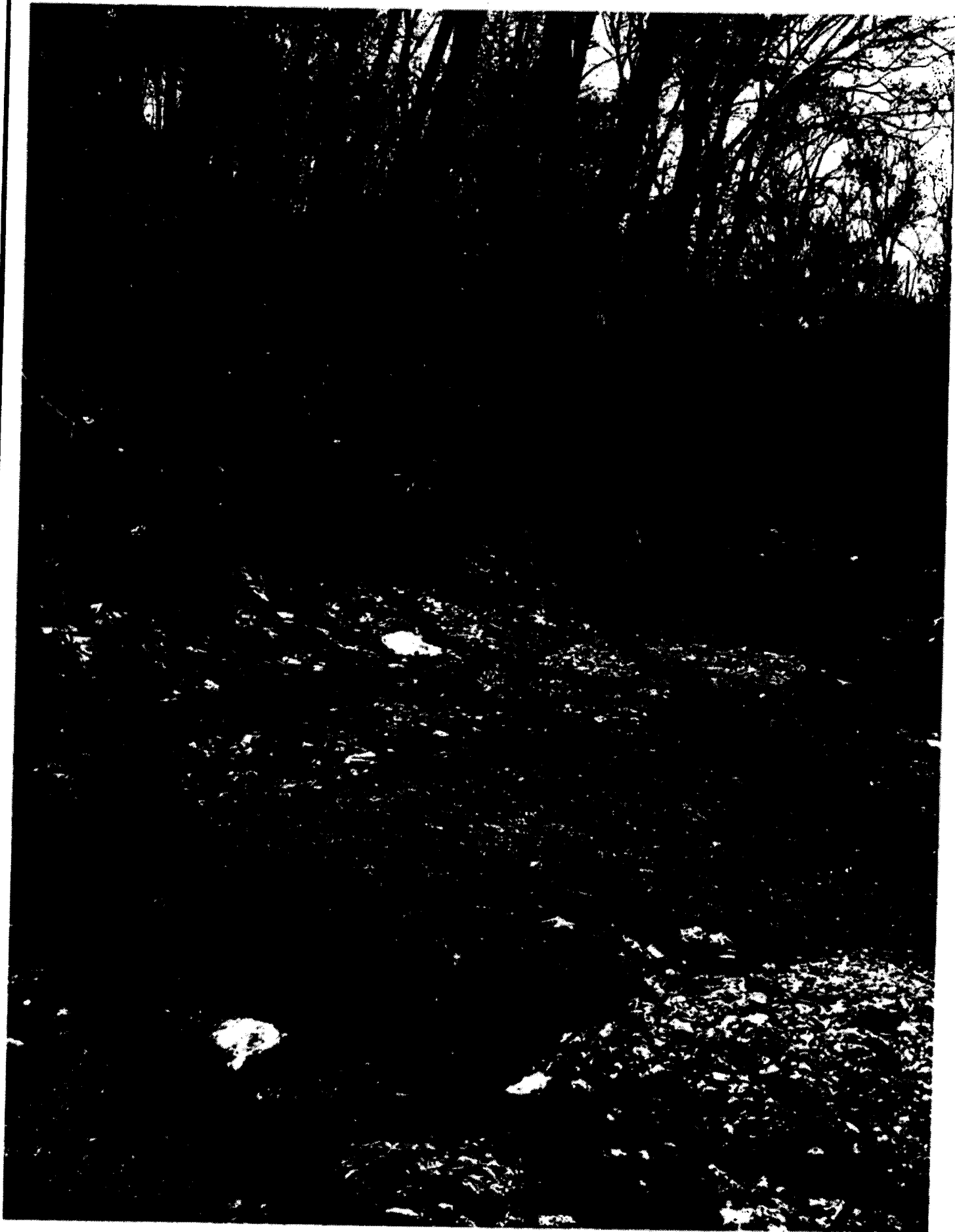
There were other features I photographed including very little bank erosion, medium sized rocks, and a wide stream bed . There were beech trees everywhere! It was very quiet.

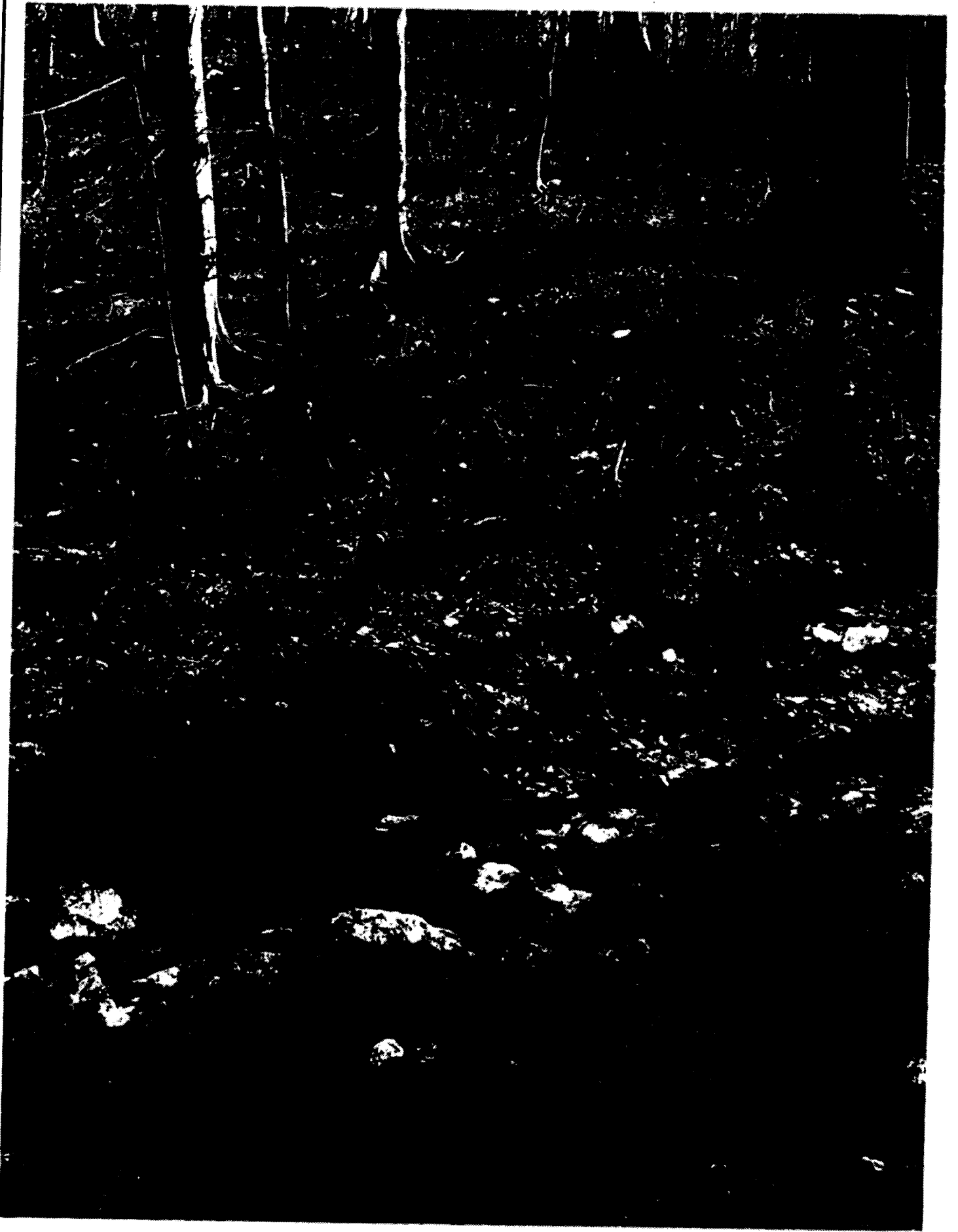
I hope this helps you "see "why this is a good stream. Some facts are visually evident in a stream, we just have to acknowledge this in our analysis; the obvious stands out. Invertebrate testing is also a visual obvious. Healthier streams contain more sensitive species. The exact counts will be done by the State, and results will place this stream in an excellent, good, fair or poor category.

Thus far, Ten Mile Creek has been categorized in the good to excellent range (Tier 2) for stream invertebrates. We would like to keep it this way. It is so beautiful!

Sincerely,
Ann Smith, President
Seneca Creek Watershed Partners







MCP-CTRACK

RECEIVED
0345
MAY 07 2013

From: Dian Thomson <DLThomson@mmcanby.com>
Sent: Tuesday, May 07, 2013 2:34 PM
To: MCP-Chair; Presley, Amy; synergiesinc@aol.com; Wells-Harley, Marye; Dreyfuss, Norman; Anderson, Casey
Cc: Krasnow, Rose; Carter, John; Lazdins, Valdis; Dolan, Mary; Boyd, Fred; tchess@petersoncos.com; sgreen@petersoncos.com; ASweeney@Petersoncos.com; jsoltesz@lsassociates.net; pisaja@lsassociates.net; amurtha@lsassociates.net; rrharris@lercheearly.com; evaias@linowes-law.com; Jody Kline
Subject: TEN MILE CREEK LIMITED MASTER PLAN AMENDMENT - MAY 9, 2013 PRESENTATION AND DISCUSSION
Attachments: Planning Board ltr 02 - 5-7-13.pdf

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

FROM: JODY KLINE

Please see the attached letter.

Law Offices Of
MILLER, MILLER & CANBY
MM&C
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

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JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER

MAURY S. EPNER (DC)
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. MCBRIDE (DC)
GLENN M. ANDERSON (FL)

HELEN M. WHELAN (DC, WV)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE-CHO (CA)
AMY C.H. GRASSO (DC)
DAMON B. OROBONA (DC)

JSKLINE@MMCANBY.COM

May 7, 2013

Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Ten Mile Creek Limited Master Plan Amendment;
May 9, 2013 Presentation and Discussion of Plan Findings and
Staff Recommendations

Dear Chair Carrier and Members of the Planning Board:

Since our client, The Peterson Companies, made a presentation to the Planning Board on April 17th, we have been working to compile and provide to you information regarding the science of Environmental Site Design ("ESD") and its application in the "real world". We are trying to work through the conflicting direction provided by County Environmental staff versus state and county regulations as they define the methodology used to implement environmental site design to the maximum extent practicable (ESD to the MEP).

Recently a dialogue between Mrs. Mary Dolan of your Staff and Mr. Bob Kaufman of the MNCBIA, brought up several points that we understand as being contradictory to state and county stormwater management preferred approaches. Mrs. Dolan stated in her e-mail response to Mr. Kaufman:

"[Bob also states] that ESD involves treatment trains, when in fact, ESD does not require them. Because of very small drainage areas associated with individual ESD practices, ESD typically does not work with a treatment train approach."

It is my client's understanding that the "treatment train" approach to stormwater management is more than optional as is suggested in Mrs. Dolan's comment above. Section 19.67.01.09 ("Water Quality Plan Submissions") of the County Code reads as follows:

"A. Elements of a preliminary water quality plan.

Preliminary water quality plans must include:

4. Description of other mitigation techniques. Environmental protection techniques and plans, including those not otherwise required by law, regulation, or guideline, which are included in the preliminary water quality plan, must be described in writing. This description should indicate how the following sediment and erosion control, stormwater management, and other water quality protective measures, are incorporated within the water quality plan or, if not included, provide justification acceptable to the Department.
 - (i) **Linked BMP systems. BMP applications will be linked in series to progressively minimize sediment and stormwater impacts wherever possible.**

The Peterson Companies and its engineering consultants continue to believe that the stormwater management techniques embodied in the Environmental Site Design approach are highly effective when they are assembled in a "treatment train" or "sequenced" applications of varied approved techniques and we wanted to communicate to you the information (and sources of information) that support that conclusion.

Additionally, we wanted to stress that Environmental Site Design (ESD) techniques have gone beyond the point where they are considered "new" in the engineering industry. Stormwater management practices employed as part of ESD, including the "treatment train" approach are widely supported by environmental groups. The Stormwater Consortium, a group of more than 20 local and national environmentally focused groups including, but not limited to Audubon Naturalist Society, Potomac Conservancy, NRDC, and the Maryland chapter of the Sierra Club, published Core Environmental Site Design Principles for the Implementation of the Maryland Stormwater Management Act of 2007. Section VI of this document promotes the use of a treatment train as part of the design process for Environmental Site Design. Core Principle 10 states,

"Both the regulations and the [MD Stormwater] manual should require the use of a decision tree that outlines that ESD practices were thoroughly evaluated and maximized at the site, [and] promotes the use of a treatment train and discourages needless use of curb and gutter and large diameter storm drain pipes." The full document can be accessed at this web address:

<http://www.stormwaterpartners.org/PDF/CorePrinciples2008.pdf>

Stormwater conveyance systems contained within the framework of ESD and the "treatment train" approach are advocated by environmentally respected industry groups such as LID (Low Impact Development) Center (WEBSITE HOME: <http://www.lowimpactdevelopment.org/>, example http://www.lowimpactdevelopment.org/qapp/bmp_series.htm).

Maryland's stormwater manual directs the use of treatment trains as stated in section 5.2 of the MD Stormwater Manual.
<http://www.mde.maryland.gov/programs/Water/StormwaterManagementProgram/MarylandStormwaterDesignManual/Documents/www.mde.state.md.us/assets/document/Design%20Manual%20Chapter%205%2003%2024%202009.pdf>

Section 5.2 Addressing the Unified Sizing Criteria

... While ESD may be used to address Rev (recharge volume) and WQv (water quality volume), limiting it to these criteria alone may not provide sufficient treatment to mimic natural hydrology for wooded conditions or address Cpv (channel protection volume). It may be necessary to increase the size of single ESD practices and/or connect them in series to decrease the volume of runoff to that expected from a naturally forested area.

Section 5.2.3 Addressing Stormwater Management Requirements Using ESD Practices:

The runoff, QE, shall be treated by acceptable practices from the lists presented in this Chapter (see Sections 5.3 and 5.4). QE may be treated using an interconnected series or "treatment train" of practices.

and in the MDE publication ESD Process and Computations, July 2010 (<http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/SedimentandStormwaterHome/Documents/www.mde.state.md.us/assets/document/ESD%20Process%20Computations%20Review.pdf>).

Almost every government sponsored stormwater management manual generated since 2004 that we reviewed advocated for treatment trains as part of a low impact development strategy. Below are several links representing our region, as well as the rest of the country and international community for your review:

New Jersey

http://www.njstormwater.org/bmp_manual/NJ_SWBMP_4%20print.pdf

Virginia

http://www.dcr.virginia.gov/stormwater_management/documents/smhbdrrf05.pdf

North Carolina

http://www.nesu.edu/chs/envirom/DWO_StormwaterBMPmanual_001111.pdf

Minnesota- (included because it is very well written)

http://stormwater.pca.state.mn.us/index.php/Using_the_treatment_train_approach_to_BMP_selection

Melbourne, Australia

http://wsud.melbournewater.com.au/content/selecting_a_treatment/selecting_a_treatment.asp

Ontario, Canada

http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/std01_079720.pdf

Christchurch City, New Zealand

<http://resources.ccc.govt.nz/files/parkswalkways/WaterwayswetlandsandDrainageGuide/WWDGchapter6StormwatertreatmentsystemsMay2012.pdf>

We have heard the Board express some frustration in not having more technical evidence that it can rely on in order to make decisions on the Clarksburg Limited Master Plan Amendment. The Peterson Companies and its engineers recommend that you visit the websites provided throughout this memo to investigate the vast array of data sets that support environmental site design stormwater conveyance practices.

Many universities with stormwater research projects endorse the treatment train approach. Villanova University installed a treatment train demonstration project in 2011 as part of their extensive demonstration center (<http://www3.villanova.edu/VUSP/index.html>). North Carolina State University (<http://www.bae.ncsu.edu/stormwater/>) and University of New Hampshire (<http://www.unh.edu/unhsc/recent-projects/development-hydrological-mathematical-models-lid-swm-systems>) are two other major academic institutions investing considerable resources towards quantifying the benefits of stormwater conveyance systems.

In summary, there is a growing body of evidence in the scientific, educational and engineering worlds on an international scale that supports and defines the qualitative and quantitative environmental benefits to ESD. The science and practice of environmental site design has been implemented and studied since the early 1990's within our region alone.

Low Impact Development Case Studies:

<http://www3.villanova.edu/vusp/Outreach/pasym01/pdffiles/A42text.pdf>

The "treatment train" approach to stormwater management is a series of sequential techniques that are now accepted as appropriate responses to environmental planning issues and are, in fact, a preferred technique for stormwater management and water quality control as evidenced by its incorporation in the submission requirements of the Montgomery County Code.

Thank you for your consideration of these brief comments in advance of your May 9th discussion on this subject. If you wish to have more specific information provided about these topics at your May 9th meeting, Ms. Andie Murtha of Loiederman Soltesz Associates, who spoke

to you at your April 17th meeting, would be available to answer any questions or provide more insight into the benefits of the "treatment train" approach.

Sincerely yours,

MILLER, MILLER & CANBY

Jody KLINE

Jody S. Kline

JSK/dlt

cc: Rose Krasnow
John Carter
Val Lazdins
Mary Dolan
Fred Boyd
Taylor Chess
Jim Soltesz
Phil Isaja
Andie Murtha
Angela Sweeney
Bob Harris, Esquire
Emily Vaias, Esquire

RECEIVED
0366
MAY 09 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Jamie Haney <jhaney8@gmail.com>
Sent: Thursday, May 09, 2013 6:59 AM
To: MCP-Chair
Cc: MCP-CR
Subject: Fish photos at West Old Baltimore and Ten Mile Creek
Attachments: Fish at WOB and TMC on April 24, 2013 013.JPG; Fish at WOB and TMC on April 24, 2013 010.JPG; Fish at WOB and TMC on April 24, 2013 011.JPG; Fish at WOB and TMC on April 24, 2013 012.JPG; Fish at WOB and TMC on April 24, 2013 015.JPG

Attached are photos of fish I took on April 24, 2013. The fish were at Ten Mile Creek. When I approached some went back down stream and some crossed the ford.

Johnny Haney











Murph, Alexandria

From: Priscilla borchardt <priswb@verizon.net>
Sent: Thursday, May 23, 2013 8:25 PM
To: Dolan, Mary
Subject: Clarksburg Common Sense

The Livable Clarksburg Coalition particularly **OBJECTS** to two things regarding Ten Mile Creek:

- Pulte Homes, part of Michigan-based housing conglomerate Pulte Group, has proposed that they can protect the creek while **building up to the maximum density of 1000 homes on 529 acres**, by using recently-developed water management systems (explained at the Park and Planning community meeting at Rocky Hill Middle School on February 25) as a way to maximize use of paved surfaces. **ANY management of storm water should only be allowed with well-established, well-proven technology, tested in this kind of setting! In such a sensitive area, allowing the maximum density possible would be risky – and just plain irresponsible.**
- **Developers suggest that because they bought land on speculation in Stage 4 locations they are entitled to the dense development they are seeking.** When the Master Plan for Clarksburg was created 20 years ago, it was explicit and clear that there would be a pause and new environmental studies before any Stage 4 development could occur. **The County is under no obligation to help speculators maximize their return on investment.**

Priscilla Borchardt
12604 Clark Meadows Ct
Clarksburg, MD 20871

LIVEABLE CLARKSBURG COALITION, Inc.
Creating the Connected Community We Deserve

Reach us at LiveableClarksburg@gmail.com

Learn more at www.LiveableClarksburg.org

May 23, 2013

VIA EMAIL

To: Françoise Carrier, Chair, M-NCPPC
Montgomery County Planning Board

CC: Montgomery County Council
Ike Leggett, County Executive
Rose Krasnow, Acting Director, Montgomery Planning Department
M-NCPPC Area 3 and Functional Planning Staff: Valdis Lazdins, Mary Dolan, Rebecca Boone,
Gregory Russ, Ronald Cashion, Callum Murray, Fred Boyd

Dear Chairman Carrier and Planning Board Members:

Clarksburg is in a hole. It is time to adopt the first rule of holes – “When in a hole, stop digging!”

The Liveable Clarksburg Coalition was recently created to give a voice to many residents of Clarksburg and nearby communities who have been watching but not yet fully participating in the current review of the Master Plan for Stage 4. We began with 30 people in a Clarksburg living room, and now have more than 230 people on an email list who have sought us out or proactively opted in through word of mouth. Our fear and frustration is palpable, and we will be participating fully in the weeks ahead.

We have a number of specific observations, set forth below, but we also want to comment on the divergent visions for our community that have emerged. One vision is offered by expectant developers for Stage 4 and their supporters. We have a different vision.

Those who would maximize and accelerate development in Stage 4 would like the Planning Board to believe that all major decisions about the future of Clarksburg were made in 1994, that the scope of your current review must be very narrow, and that discussion of environmental concerns should be limited to theoretical technological mitigation of damage which is a necessary price to pay for development. Some of these folks would even have you believe that Ten Mile Creek is in sorry shape but massive development will put that right.

A different view – the view of the participants in the Liveable Clarksburg Coalition -- is that the chance to amend the Master Plan for Stage 4 offers the last best hope to stop digging Clarksburg deeper into its hole. We believe that the scope of a Master Plan amendment must address true community building, smart growth, traffic impacts, environmental stewardship -- and not least, the vitalization of the center of our town.

The two visions could not be more different. Before we go into specific observations, we have a suggestion. Please come take a walk around Clarksburg with us. If you think that a pedestrian- friendly Town Center will somehow be made feasible by putting a mall up Route 355 on the Miles Coppolla property – come walk that distance with us. If you have heard that Ten Mile Creek is really not so clean after all, and will be enhanced by cutting edge technological mitigation, come walk the Creek. We beg and exhort you – come explore the assertions about Clarksburg and Ten Mile Creek you have been hearing from developers.

Residents of the Liveable Clarksburg Coalition agree upon key principles. After discussion among a core group of more than 30 people, and feedback from a much larger group, we have come to a consensus on these principles:

- **Nothing further should be approved for Stage 4 until we hear exactly when and how the 1994 Master Plan vision for prior stages will be delivered, and how that will be enforced.** The 1994 Master Plan that the community, the Planning Board, and the developers adopted, envisioned a **town** -- built with special protections for Ten Mile Creek and Little Seneca Creek and our few remaining historic buildings, and connected by village-style retail, greenways, bike paths, walking paths, and comprehensive transportation -- **not** a sprawling exurban shopping destination. The town concept in Town Center never happened. Many violations captured in the Compliance Plan have remained unaddressed.
- **We have no public transportation to ease the traffic congestion. Until we have traffic-relief transit, more approvals of big new projects should be put on hold.** The County Government's 1994 goal of concentrating up to 40,000 people in Clarksburg was based on completion of a comprehensive transit system, including the CCT, which will not be completed any time in the near future. Commercial development in Clarksburg should support high-quality jobs and that path should be reinforced by the commitment to the CCT.
- **Don't take risks with Ten Mile Creek.** Ten Mile Creek is the last pure, clear, cold running creek in the County. It feeds into our Little Seneca Lake reservoir, which serves as the emergency water supply for the entire region. In fact, the reservoir has been tapped during the last few droughts, and scientists predict there are many more droughts to come in our region. Developers are telling us it's in bad shape and they will actually improve it, but 18 years of data collection by the County's own water quality experts tell us it is still rated "excellent" to "good" by objective standards. After all these years of protection, why take huge risks? If the Creek is compromised now, it can never be "fixed."

To protect Ten Mile Creek we should not allow maximum, high-density development in the headwaters or along the Creek as proposed by Pulte Homes in Stage 4. Given the track record of out-of-town developers in our area, we cannot trust that the environmentally sensitive design (ESD) features they promise will be sufficient. There is no guarantee, and no way to enforce, that homeowners will maintain these features after the developer finishes building and leaves town.

Major utilization of ESD, even in the right hands, is a high-risk experiment for Ten Mile Creek. In the wrong hands it is a public relations sales tool. To preserve Ten Mile Creek, **the County should limit new development near the Creek**. This means certain land should be re-zoned for less density to limit paved surfaces and the amount of excavation and construction that will damage the environment.

The Livable Clarksburg Coalition particularly **OBJECTS** to two things regarding Ten Mile Creek:

- Pulte Homes, part of Michigan-based housing conglomerate Pulte Group, has proposed that they can protect the creek while **building up to the maximum density of 1000 homes on 529 acres**, by using “614” ESD features. **ANY** management of sensitive water resources should only be allowed with well-established, well-proven technology, tested in this kind of setting and at this level of use. In such a sensitive area, allowing the maximum density possible would be risky – and just plain irresponsible.
- **Developers suggest that because they bought land on speculation in Stage 4 locations they are legally entitled to the dense development they are seeking.** When the Master Plan for Clarksburg was created 20 years ago, it was explicit and clear that there would be a pause and new environmental studies before any Stage 4 development could occur. The County is under no obligation to help speculators maximize their return on investment.
- **Put the retail mall where it won’t clog 355 or damage the Creek:** If an outlet retail mall is built off Route 355, it will drain the energy out of any effort to get a community-centered Town Center developed and built. An Outlet Center at Adventist Health’s Cabin Branch parcel on 121, part of Stage 3, might not be everybody’s cup of tea, but it has many other advantages over the mall proposed for the Miles Coppola Stage 4 property.
 - **Impact on Traffic:** An outlet mall at Miles Coppola that attracts day shoppers from 45 minutes away will clog traffic on 355 even further under any circumstance. In contrast, a mall on the Cabin Branch Stage 3 property would have direct access to I-270, without creating congestion on 121 and 355.
 - **Impact on Town Center village retail:** Equally important, retail development on the Miles Coppola parcel could reduce pressure to build community-focused retail in Town Center south of 121. Developers say that a pedestrian overpass will connect the Miles Coppola property to the dense housing in Town Center. Residents know this is not realistic – this would create a walk of nearly one mile, crossing over the intersection of 121 and 355. Test the sales pitch for yourselves – come walk the route with us.
 - **Impact on Ten Mile Creek:** In addition, the Cabin Branch location does not jeopardize Ten Mile Creek, as a mall on the Miles Coppola property would. The Miles Coppola property contains steep grades and several streams that are part of the headwaters of Ten Mile Creek. The excavation and disruption of natural water movement would put this sensitive resource at risk.

We will provide more detailed testimony and information during the summer months as you hold public hearings on your staff report.

For today, we would like to close with this plea: Whatever you allow now in Clarksburg will be irreversible. We urge you not to dig our community into deeper holes, from which it will never recover.

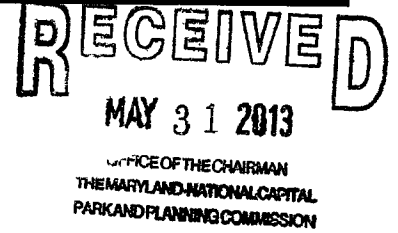
Respectfully,
Liveable Clarksburg Coalition

Steering Group

Sandy Barrier
Priscilla Borchardt
Jim Brown
Anne Cinque
Jay Cinque
Beth Daly
Betty Forrest
Melane Kinney Hoffmann
Sandy Hutto
Cathy Jewell
Mary Joan Ferrara Marsland

MCP-CTRACK

From: David Sadd <david_sadd@yahoo.com>
Sent: Thursday, May 30, 2013 3:05 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: LiveableClarksburg@gmail.com; opinions@gazette.net
Subject: "Newcut Road Extended" - Little Seneca Parkway



Hello Everyone,

As a resident of fast-growing Clarksburg, I hear many complain of traffic congestion, and the fear of it becoming much worse. Usually the concern involves sitting in traffic on 355.

While perusing the Master Plan today, I noticed a section called "Newcut Road Extended." It described all the benefits of moving Newcut Road slightly North, and extending it to both MD 27 and I-270. Recent pictures of the area in the Master Plan left Newcut where it is today, and instead built Little Seneca Parkway. The recent pictures also extend Little Seneca Parkway to both MD 27 and I-270.

I know Little Seneca will soon run all the way from 355 to MD 27; but when will the other side of Little Seneca be extended to I-270? The additional I-270 interchange would certainly lessen congestion on 355, and undoubtedly MD 27 and Stringtown Road as well.

Best regards,
David Sadd

Brown, WalterL

From: Cheryl Imperatore <che.imp@comcast.net>
Sent: Friday, May 31, 2013 12:50 PM
To: Lazdins, Valdis; Dolan, Mary; Cashion, Ronald
Subject: well testing Ten Mile Creek vicinity

Hello -

Our neighborhoods were built for the most part, in the 1980s on what was farmland. They are located between Rt 121, West Old Baltimore Road and Clopper Road, bordering Little Seneca Lake in Black Hills Regional Park. No contouring of the land was done to create our neighborhoods and wells and septic systems serve our needs.

Our neighborhoods are not included in any of the studies of water quality for the Ten Mile Creek watershed. However monitoring of our well levels, current qualities v. impurities and other impacts should be part of the measurements given impending development to our east and north. Phase 3 of the Master Plan of Clarksburg is proceeding and could affect our home's resources in many ways, and the under consideration Phase 4 modifications are something we are watching.

We are concerned that further development projects in and adjacent to Ten Mile Creek could damage our groundwater supplies and our local neighborhood quality of life. Given the recent past history of Clarksburg-area development projects causing damage to water resources, including reports of wells drying up and sediment pollution, it seems prudent that more extensive baseline monitoring needs to be done in surrounding areas, given that we are nearest to the source that is back-up water should drought or other need occur.

We strongly support the protection and preservation of Ten Mile Creek and its watershed through strict, science-based caps on development and construction. These hills are steep and do not have deep organic levels over stony terrain. Over and over again, staff reports make these recommendations, yet approvals are given for more building of all sorts. Yesterday the Post reported approval of 600 more units to Toll Brothers, with an entrance opposite BHRP.

Also I was shocked to learn that according to a DEP SPA info sheet, Upper Paint Branch has impervious limit of 8%, and the west side of Rt 121 is recommended to go to 15% - we have good water here - why give it a reason to fail?

I am requesting that we be contacted and our wells tested so that a baseline can be established at this time.

Cheryl Imperatore, Boyds MD

MCP-CTRACK

From: Heidi Lippman <heidilippman@mac.com>
Sent: Saturday, June 01, 2013 8:48 PM
To: MCP-Chair
Subject: Clarksburg Master Plan

RECEIVED
JUN 03 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Members of the Montgomery County Park and Planning Commission,

I am a resident of Washington County, MD.

I regularly drive by the Clarksburg exit on 270 and am dismayed by the continuing back up of traffic there.

That is not the motivation for this letter.

There have been many large malls recently developed in Washington County. Including many "big box" stores which have opened, closed and relocated--across the street!
This results in more abandoned stores and vast empty parking lots are common. I would compare it to the abandoned Borders store in Milestone--many times multiplied.

Has the Planning Board considered this possible outcome for those "destiny malls" that have been proposed?

Many people beyond Montgomery County are watching, with trepidation, what is going on in what has historically been a well designed, model county.

Respectfully yours,

Heidi Lippman
13538 Edgemont Rd.
Smithsburg, MD 21783
and
10708 Weymouth St.
Garrett Park, MD 20896

Brown, WalterL

From: Diane Cameron <dianecameron60@gmail.com>
Sent: Sunday, June 02, 2013 9:30 PM
To: Diane Cameron
Subject: Ten Mile Creek press conference this Thursday, June 6 at 1 pm at the Planning Board
Attachments: Ten Mile Crk June 6 Media Event Flyer.PDF

Dear Colleagues and Friends of Ten Mile Creek,

**This Thursday, June 6 at 1 pm, at the Montgomery County Planning Board, 8787 Georgia Ave in Silver Spring,
(in the outdoor plaza next to the building)**

We will hold **a media event to announce our new Save Ten Mile Creek Coalition,**

* and to release our report that shows how *none of the options now under study at the Planning Board will sufficiently protect Ten Mile Creek.*

Our report spells out the science-based, smart development options that that need to be on the table - to protect our Last, Best Creek and provide for the needs of Clarksburg residents.

We need a big turnout.

I hope you can join me for this important event, and that even if you can't attend it yourself, you'll spread the word.

Please forward this flyer to your own lists - we are hoping for a robust turnout!

For more information, visit savetenmilecreek.com.

Thanks,

Diane

--

Diane M. Cameron
Conservation Program Director
Audubon Naturalist Society
 [\(301\) 652-9188 x22](tel:(301)652-9188)
dianecameron60@gmail.com



JOIN US June 6th TO LAUNCH THE SAVE TEN MILE CREEK COALITION

We only have until July 25th to get a science-based Master Plan for Clarksburg that protects our drinking water and quality of life.

WHEN: Thurs, June 6th; meet: 1:00 pm; press conference: 1:45 pm; end: 2:45 pm

WHERE: Montgomery County Planning Board Office
8787 Georgia Avenue (corner of Spring St)
Downtown Silver Spring MD

WHY: *None* of the plans currently being considered for development of Clarksburg includes sufficient protections for Ten Mile Creek. On Thursday, June 6th we will announce our coalition and release a report authored by Diane Cameron of the Audubon Naturalist Society that details science-based policy proposals designed to protect the area's water supply and our quality of life – as well as promises made to Clarksburg citizens.

RSVP: Suzanne Turner; suzanne@turnerstrategies.com

POSTERS WILL BE PROVIDED

• **BRING AS MANY PEOPLE AS YOU CAN**

NOT A COALITION MEMBER YET? JOIN US!

Save Ten Mile Creek Coalition: Audubon Naturalist Society, Clean Water Action, Conservation Montgomery; Liveable Clarksburg Coalition; Montgomery Countryside Alliance; Muddy Branch Alliance; Seneca Watershed Partners; Sierra Club Montgomery County Group; Stormwater Partners Network; Sugarloaf Citizens Association

RECEIVED
JUN 03 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Kevin Hutto <kevinhutto@verizon.net>
Sent: Sunday, June 02, 2013 11:21 PM
To: MCP-Chair
Cc: County.council@montgomerycountymd.gov; LiveableClarksburg@gmail.com
Subject: Clarksburg Master Plan Amendment

Dear Ms. Carrier ~

I hope this note finds you well. We moved to Clarksburg in late 1999 because of the opportunity to establish our young family in a promising, up and coming community. We decided to make Clarksburg our home based on a well thought out and balanced master plan which we believed would result in a high quality of life experience. While we have enjoyed developing relationships with many new families, we have been disappointed with the lack of managed growth which has most recently resulted new interests for opportunistic developers.

My main concern regarding this subject is the proposed outlet malls in stage 4 of the 10 mile creek watershed. The last thing Clarksburg needs is more traffic which would result from this type of runaway development, not to mention the negative environmental impact on the pristine 10 mile creek ecosystem. The infrastructure from the previous stages has not been completed and is not capable of handling the increase in traffic based simply on organic growth projections. Quality of life in Clarksburg is being negatively affected and we are still only 50% built out! Please consider a plan amendment that gets back to the original spirit of the master plan and help us to make Clarksburg the "livable" community we all envision.

I am very interested in learning when Little Seneca Parkway will be completed to Rt. 355. The reason for my interest is that in addition to the heavy volume of community traffic using Foreman Boulevard to access Rt. 355 through my neighborhood (Timber Creek Estates) from the Town Center, Clarksburg Village and Arora Hills communities, Foreman Boulevard has become THE major thoroughfare for construction traffic given the ongoing heavy construction in Clarksburg Village. This excessive amount of heavy construction traffic (in addition to the residential traffic from the new developments mentioned) has simply ruined our neighborhood quality of life and presents a constant danger to Clarksburg HS and Rocky Hill MS student walkers as well as our community residents.

There are two significant issues that I hope you can bring greater visibility to within the county government to accelerate the appropriate remedies.

1. Volume of traffic on residential streets in the Timber Creek neighborhood (includes Foreman Boulevard and Timber Creek Lane)
2. Uncontrolled speeding on Foreman Boulevard and Timber Creek Lane (both 25 MPH)

Regarding issue 1 above, the completion of Little Seneca Parkway should provide adequate relief from current traffic volumes through the neighborhood. One hope for relief would be the completion of Little Seneca Parkway. It appears that there is only a short segment (~200-300 yards) of unfinished roadway that would need to be completed. I would like to know what is standing in the way of completing that small section of roadway and to understand how to best advocate to get that section of roadway opened in the shortest amount of time possible.

Regarding issue 2 above, I have spoken with the traffic planners in charge of traffic calming at the county (prior to the completion of Foreman Blvd) and most recently our 5th district folks regarding tactical approaches such as active police radar and portable speed reading devices. Despite the efforts to date of both the county planners and the 5th district, measures taken have not changed driver behavior, in fact the issue has gotten much worse. I witness this problem every day as my home faces Forman Blvd. Heavy construction vehicles routinely travel at speeds of 50MPH plus on this

25MPH residential street and traffic backups have become a routine occurrence in our neighborhood. I would advocate for a long term solution of installing speed cameras on Foreman Boulevard and accelerating the opening of Little Seneca Parkway.

Thanks for your continued support for our community; I trust you will make decisions regarding the Master Plan amendment with the best interests of achieving a "livable" Clarksburg community in mind.

Sincerely, Kevin Hutto
301-775-2615

Brown, WalterL

From: Yasi Mir <mirmozabrainiac@hotmail.com>
Sent: Monday, June 03, 2013 9:18 PM
To: MCP-Chair; County.council@montgomerycountymd.gov;
councilmember.andrews@montgomerycountymd.gov; Holt, Katherine;
councilmember.elrich@montgomerycountymd.gov
councilmember.ervin@montgomerycountymd.gov
councilmember.floreen@montgomerycountymd.gov
councilmember.leventhal@montgomerycountymd.gov
councilmember.navarro@montgomerycountymd.gov
councilmember.rice@montgomerycountymd.gov
councilmember.riemer@montgomerycountymd.gov; Dolan, Mary
Cc: LiveableClarksburg@gmail.com
Subject: Issues in Clarksburg

To Whom it May Concern,

I moved to Clarksburg approximately three and a half years ago because I work here and because I hoped that within a few years, it would become a real community. But after much frustration, I have already started to think about moving. After all, if I move just a bit south, my commuting time would be nearly the same. I currently live 1.8 to 1.9 miles away from Clarksburg High School (where I work) depending on which route I take to work. This may sound like one of the best commutes possible, but it can take me anywhere from 15 to 25 minutes to travel that less than two mile route to work. When I lived by the Kentlands in Gaithersburg, it never took me more than 15 minutes to get to the school, even on the worst days. The traffic situation in Clarksburg is absolutely deplorable and unforgivable, and now planners are considering adding an outlet mall to the mix? Clarksburg simply cannot handle ANY development without first addressing the traffic congestion as a real and serious problem.

But the impending increase in dreadful traffic is not the only reason I have become so frustrated with living in Clarksburg. I come from an area where I was close to everything, and I was willing to wait a bit for this area to develop so that I could once again, be near a thriving community. But I have been made to wait for far too long. It is unacceptable that I have to drive nearly five miles (to another town) to get to the nearest grocery store or to grab a cup of coffee. I want to be able to walk to a town center, a center of a community, a place where I can feel like I live in a real neighborhood. An outlet mall will not solve this problem, and it will be nothing more than an excuse to avoid building the town center I so desperately want for my future family. When I was a child, I could walk with my friends to any number of places for food or entertainment. I will not live in a place where that is not an option for my children.

Lastly, I think it's a sad reflection of human greed and selfishness that we value money over all else, even our health and actual prosperity when it comes to quality of life. Any development that could threaten the integrity of Ten Mile Creek should be stopped in its tracks. There is so little purity left in this over-developed area, and it would be a shame to destroy our ecosystem and future for the sake of a little bit of extra money now.

I implore you to stop and consider the negative impacts of over-development and outlet mall locations. And if money truly is all that can be considered, then think of how many others like me will want to move out of an area that is not, in fact, a community at all, but simply the over-crowded area surrounding an outlet mall. Home values may drop and property taxes might not bring in the revenue that avaricious politicians so desire. Please make decisions that benefit humans, not just pockets.

Sincerely,
Yaseman Mirmozaffari

From: Sandy Barrier <sandy.barrier@bluestoneenergy.com>
Sent: Tuesday, June 04, 2013 3:56 PM
To: MCP-Chair; County.council@montgomerycountymd.gov;
councilmember.andrews@montgomerycountymd.gov; Dolan, Mary;
councilmember.berliner@montgomerycountymd.gov;
councilmember.elrich@montgomerycountymd.gov;
councilmember.ervin@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.leventhal@montgomerycountymd.gov;
councilmember.navarro@montgomerycountymd.gov; Lazdins, Valdis;
gregory.russ@montgomerycounty.org;
councilmember.riemer@montgomerycountymd.gov;
councilmember.rice@montgomerycountymd.gov;
councilmember.riemer@montgomerycountymd.gov
Cc: Melane K Hoffmann (liveableclarksburg@gmail.com); Sandy Barrier
Subject: Livable Clarksburg

Dear Chairman and Planning Board Members,

I am a Home Owner in the Clarksburg Maryland. I have lived in the Boyd's/ Clarksburg area all of my life. Lately I have been concerned about the future of Clarksburg. I think the residence hear have waited patiently for our Promised Walkable Town Center Village. A Town Center that we were promised, and a lot of us paid premium prices to live near.

Now it seems like the planning board wants to change that plan.

As a resident and Home Owner in the Clarksburg Community I feel that nothing in Stage 4 should be approved until we hear exactly how the 1994 Promised Master Plan will be delivered and enforced.

I also travel 270 on a regular basis. If we don't have some kind of Traffic relief this proposed Stage 4 plan is going to Burst the Traffic Bubble in Clarksburg.

We also need to look at the Forest and Waterways in Clarksburg. The Country surroundings are one of the best features to Clarksburg. We will be compromising the Land, along with Ten Mile Creek and the Reservoir.

I feel that Stage 4 is not in the Town of Clarksburg's Best Interest.

We need a Town Center Village like we were promised in 1994 Master Plan. Exploding with Houses, Apartments, and Malls, proposed in Stage 4, is only going to dig our community into deeper holes, from which we will never recover.

Regards

Sandy Barrier

23720 Bennett Chase Drive

Clarksburg, Maryland 20871

301-916-5749

Sandy Barrier

Business Development Manager
Mid-Atlantic Region

443.759.3228 DIRECT
202.695.5278 MOBILE
sandy.barrier@bluestoneenergy.com

Bluestone Energy Services

A DIVISION OF OPTERRA ENERGY

400 East Pratt Street, Suite 800
Baltimore, MD 21202

BluestoneEnergy.com

OpTerraEnergy.com

MCP-CTRACK

From: Sandy Barrier <sandy.barrier@bluestoneenergy.com>
Sent: Tuesday, June 04, 2013 4:11 PM
To: MCP-Chair; County.council@montgomerycountymd.gov;
 councilmember.andrews@montgomerycountymd.gov; Dolan, Mary;
 councilmember.berliner@montgomerycountymd.gov;
 councilmember.elrich@montgomerycountymd.gov;
 councilmember.ervin@montgomerycountymd.gov;
 councilmember.floreen@montgomerycountymd.gov;
 councilmember.leventhal@montgomerycountymd.gov;
 councilmember.navarro@montgomerycountymd.gov; Lazdins, Valdis;
 gregory.russ@montgomerycounty.org;
 councilmember.riemer@montgomerycountymd.gov;
 councilmember.rice@montgomerycountymd.gov;
 councilmember.riemer@montgomerycountymd.gov
Subject: Stop Stage 4 In Clarksburg

Dear Chairman and Planning Board Members,

I am a Home Owner in the Clarksburg Maryland. I have lived in the Boyd's/ Clarksburg area all of my life. Lately I have been concerned about the future of Clarksburg. I think the residence hear have waited patiently for our Promised Walkable Town Center Village. A Town Center that we were promised, and a lot of us paid premium prices to live near.

Now it seems like the planning board wants to change that plan.

As a resident and Home Owner in the Clarksburg Community I feel that nothing in Stage 4 should be approved until we hear exactly how the 1994 Promised Master Plan will be delivered and enforced.

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We need a Town Center Village like we were promised in 1994 Master Plan. Exploding with Houses, Apartments, and Malls, proposed in Stage 4, is only going to dig our community into deeper holes, from which we will never recover.

Regards,
 Tim Ackman
 23720 Bennett Chase Drive
 Clarksburg, Maryland 20871
 301-916-5749
 Cell 301-440-6335
TJAckman@chesapeakeys.com

Sandy Barrier

Business Development Manager
Mid-Atlantic Region

443.759.3228 DIRECT
202.695.5278 MOBILE
sandy.barrier@bluestoneenergy.com

Bluestone Energy Services

A DIVISION OF OPTERRA ENERGY
400 East Pratt Street, Suite 800
Baltimore, MD 21202

BluestoneEnergy.com

OpTerraEnergy.com

MCP-CTRACK

From: hgarcia33@comcast.net
Sent: Tuesday, June 04, 2013 6:07 PM
To: MCP-Chair
Subject: Clarksburg

RECEIVED
JUN 05 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Ms. Carrier,

As a resident of Arora Hills and a concerned voter, I urge you to support the development of Clarksburg Premium Outlets at Cabin Branch.

Beyond the obvious benefits of bringing much-needed retail to Clarksburg, turning the currently unused Adventist HealthCare property into an upscale shopping destination will enhance local property values, add more than 1,500 permanent jobs, and re-energize the entire area.

It also will have a tremendous financial impact. It is estimated that the new development will bring more than \$150 million in private investment to the area. It also will mean \$2 million in annual sales, \$12 million in sales taxes, and \$2 million in annual real estate taxes.

Clarksburg Premium Outlets' development team also plans to invest more than \$15 million in improvements in the I-270 Interchange and MD Route 121, benefitting the entire area.

Without question, this kind of financial infusion will have a major positive impact on both the quantity and quality of resources our community will now have available to improve the lives of area residents.

Thank you,
Hugo Garcia
23055 Birch Mead Rd
Clarksburg Md 20871
Tel 240-477-7446

MCP-CTRACK

From: martyreese@mail.com
Sent: Tuesday, June 04, 2013 6:48 PM
To: MCP-Chair
Cc: county.council@montgomerycountymd.gov
Attachments: clarksburg.odt

RECEIVED
JUN 05 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

TO: PLANNING BOARD & COUNTY COUNCIL

FROM: KARON DE SILVA

13401 LEWISDALE RD

CLARKSBURG, MD 20871

RE: CLARKSBURG

I am writing to the planning board and the county council with the hope that my letter is read and taken seriously as every letter from the residents for whom you are working, should be.

The destruction of Clarksburg has been a crime, literally and figuratively. The promise at the start of the process by council members, planners and developers was to "preserve Clarksburgs rural quality" and "maintain a small town flavor". It is appalling how far from the promises made in the beginning this mess has gone. Special exemptions for more development, storm water management that has not managed to prevent the pollution of streams, no transit-way, no walkable neighborhoods, no greenway, AND PLANS TO ALLOW AN OUTLET MALL!!

My questions to you are simple and I expect an answer. What makes you think that more development is helpful and/or healthy to a county that is suffering from the effects of over development? How can you even consider developing in the Ten Mile Creek area? Who do you work for?



For release:
12:01 am Thursday, June 6, 2013

Contact:

Patricia Brooks; patricia@matchmapmedia.com
202-351-1757

NEW REPORT & POLICY PROPOSALS BY NEW COALITION:

Montgomery County Planning Board Not Considering ANY Plan That Protects Area's Drinking Water from Sprawl

**Report Released on Steps of Planning Committee Offices as Board Considered Proposals that Would
Create "End Run" Around Any Plan that Fully Protects Ten Mile Creek**

New Coalition to Submit Two New Plans that Would Protect Drinking Water, Ensure Smart Development in Clarksburg

June 6, 2013, Silver Spring, MD – Today a new coalition representing over 10,000 Montgomery County residents called on the Planning Board to consider two new proposals that use science-based smart development in order to protect the county's last best creek. The Planning Board will adopt a final plan on July 25th, so changes must be made now to protect Montgomery County's quality of life.

The Save Ten Mile Creek Coalition also released a report that summarized the body of county, state and national environmental science. This report details why current proposals being considered as amendments to the Clarksburg Stage 4 Limited Master Plan are ***NOT*** based on scientific dictates that would protect Ten Mile Creek.

Even as the coalition members called on the board to use accepted science for planning the future land use for Ten Mile Creek's watershed, the board was hearing about two separate but related measures that could derail any attempt to protect the area's drinking water or deliver on long-denied promises to Clarksburg residents.

"This science clearly states that the only way to protect the area is to limit pavement," said Neal Fitzpatrick, Executive Director of the Audubon Naturalist Society and member of the coalition. "Put development where it is needed – in Clarksburg Town Center – not in the headwaters of Ten Mile Creek."

Report Finds No Plans Based on Sound Science

The coalition's report details the body of scientific research – and previous Montgomery County watershed protection successes and failures. The analysis shows that locating appropriate development outside of fragile areas is the way to save the County's last, best creek. Current plans being considered by the Planning Board focus on Environmental Site Design (ESD) and stormwater run-off, which, according to the peer-reviewed literature, is, at best, a secondary measure. The full report can be found at www.savetenmilecreek.com.

Further, the report found that options currently under review by the Planning Board would downgrade Ten Mile Creek from its current "Good to Excellent" rating of biologic health. Similar approaches used in the past for endangered Montgomery County bodies of water, that placed their faith solely in developers' claims about new stormwater engineering methods without use of

caps on construction and imperviousness, have resulted in silted-up waterways. On the other hand, the methods proposed by the Save Ten Mile Creek Coalition are those that successfully helped protect upper Rock Creek and upper Paint Branch.

Coalition's New Proposed Measures

The report lays out two planning proposals that would protect Ten Mile Creek. One relies on "smart development," protection of key parcels and a six percent cap over-all on imperviousness. The other would place critical watershed areas west of I-270 into the Agricultural Reserve, and use other methods to conserve critical lands. Read more about the specifics of these measures at www.savetenmilecreek.com

June 6th "Pulte Peterson Pavement" Measures

While the coalition introduced its policy plans and released its report, the Planning Board was considering two bills that would allow up to four times more pavement in critical watershed areas than has shown to be protective. These measures would create exceptions to existing construction caps that are already enforced in parts of Montgomery County and that are proposed for parts of Clarksburg. By allowing pervious pavement to be called "25% impervious," developers could pave up to four times more land than is allowed in protected watersheds in Montgomery County that are subject to imperviousness caps. These proposals could render any future protections ineffective. "The Pulte Peterson Pavement bills just change vocabulary, not reality," said Caroline Taylor, Executive Director of the Montgomery County Countryside Alliance. "Pavement and rooftops are still pavement and rooftops. We can only protect the creek by restricting pavement."

Why Ten Mile Creek is Important to the Washington Metro Region

Ten Mile Creek feeds into the entire mid-Potomac drinking water supply. Current plans for development would degrade the stream, as well as create untenable traffic burdens and fail to provide the Clarksburg Town Center amenities promised local citizens. Ten Mile Creek is the cleanest tributary flowing into the Little Seneca Reservoir Backup Drinking Water Supply, an important contributor to the mid-Potomac River. The mid-Potomac serves as the drinking water supply to over three million people in the metropolitan Washington, D.C. area. Due to intensified drought cycles, the region's drinking water utilities are increasingly dependent on the continued health of Ten Mile Creek. The back-up supply has been used twice in recent years, and was prepared for use a third time.

In addition, this watershed is critical to the region's groundwater supply, the federally-designated Piedmont Sole Source Aquifer. According to the Environmental Protection Agency's (EPA) Federal Register Notice announcing the designation of the Piedmont Sole Source Aquifer, this groundwater resource is the "sole or principal source of drinking water for such parts of these counties and that such portion of the Piedmont aquifer, if contaminated, would create a significant hazard to public health." (EPA, 1980). The EPA estimated that 62% of the population in the upcounty area relies solely upon well water.

Proposed Development Threatening Ten Mile Creek & Clarksburg

Three developers (Pulte, Peterson and Egan) collectively own – either outright or through options -- 722 acres of still-rural land in the area being considered by the planning commission. They propose building subdivisions, commercial shopping malls, and a highway bypass in the Ten Mile Creek watershed. This includes 1600 or more residential units, and over a half-million square feet of commercial space in Ten Mile Creek's headwaters. If the developers' proposals are approved, they will add more than double the current area of pavement and roofs, from the watershed's current pavement coverage of 160 acres, 4% of total land area covered with imperviousness, up to 360 acres of pavement and roofs, which amounts to 9% of the total watershed land area.

The Save Ten Mile Creek Coalition

The Save Ten Mile Creek Coalition is composed of citizen's groups concerned about the quality of life in Montgomery County. Organizational membership numbers over 10,000 local citizens. The coalition is growing every day. Current member organizations include the Audubon Naturalist Society, Clean Water Action, Conservation Montgomery; Liveable Clarksburg Coalition; Maryland Native Plant Society; Montgomery Countryside Alliance; Muddy Branch Alliance; Seneca Watershed Partners; Sierra Club Montgomery County Group; Stormwater Partners Network; Sugarloaf Citizens Association; and WeAreMoco.

###



Save Ten Mile Creek Coalition: Audubon Naturalist Society, Clean Water Action, Conservation Montgomery; Liveable Clarksburg Coalition; Maryland Native Plant Society, Montgomery Countryside Alliance; Muddy Branch Alliance; Seneca Watershed Partners; Sierra Club Montgomery County Group; Stormwater Partners Network; Sugarloaf Citizens Association; WeAreMoco

SAVE TEN MILE CREEK COALITION



Protecting Ten Mile Creek & Clarksburg through Science-Based Smart Development

The First in a Series of Reports

Diane Cameron
Audubon Naturalist Society
Ten Mile Creek Coalition

June 6, 2013

Why and how we must protect Montgomery's Last, Best Creek --Ten Mile Creek -- and the consequences for the entire region we face if we fail to protect this important water resource. We present two new land use planning options, summarize existing science, and present lessons learned from Montgomery's own experiences in past attempts to protect other high-quality creeks.

SAVE TEN MILE CREEK COALITION



COALITION MEMBER ORGANIZATIONS



WeAreMoCo.org

Liveable Clarksburg Coalition, Inc.
...creating the connected community we desire



Sugarloaf Citizens' Association

June 2013

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2.a. Proposed Development = More Pavement = Stream Degradation

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5. Report Conclusion

Save Ten Mile Creek Coalition

June 6, 2013

Overview:

The Montgomery County, Maryland Planning Commission is currently considering a limited master plan amendment for development in Clarksburg. This master plan – called the Ten Mile Creek – Clarksburg Stage 4 Limited Master Plan Amendment, will determine the fate of the watershed and the quality of the water in the county’s “last best creek,” Ten Mile Creek. This creek is critically important to the mid-Potomac’s over-all water supply and the region’s groundwater. In addition, appropriate development of the Clarksburg has been long-awaited by area residents.

This report details two science-based policy proposals by the Save Ten Mile Creek Coalition that will allow for smart growth that protects the Washington, D.C. metro area’s water supply, and puts the right development in the right place – where it has been promised in previous plans.

None of the proposals currently under review by the Planning Board are based on the best science available, and all of them would lead to degradation of the creek.

With the advent of the Limited Master Plan Amendment for Ten Mile Creek and Clarksburg Stage 4, Montgomery County will decide the density, type, location, and footprint of a range of land uses: commercial, residential, transportation, and natural resource protection. These decisions will be made first by the Planning Board this summer, and then by the Council this fall or winter.

In 1994, Montgomery County made two important commitments that have now come due: Protect Ten Mile Creek, and build a vibrant Clarksburg Town Center. Although the past 19 years have seen many changes for Clarksburg and its waters including Ten Mile Creek, Montgomery County has not yet accomplished either commitment.

Ten Mile Creek is the last of the clean creeks that feed into the Little Seneca emergency drinking water reservoir, and into the Potomac. Therefore, decisions being made by the Montgomery County Planning Commission now will affect the quality of life for the entire Washington, D.C. metropolitan area, including developments as far away as Loudoun County, Virginia, for decades to come.

This report:

1. explains the critical importance of Ten Mile Creek to the region’s drinking water supply;
2. summarizes the science necessary for appropriate land use planning;
3. details two new proposals that would protect Ten Mile Creek and assure appropriate development;
4. compares options being considered by the Planning Board to coalition options;
5. provides a selected scientific bibliography with web site addresses;
6. offers charts comparing various options, maps of the area, and other key graphics.

The Importance of Ten Mile Creek to the Washington Metro Region

1.a. Emergency Drinking Water Supply to Mid-Potomac

Ten Mile Creek is the cleanest tributary flowing into the Little Seneca Reservoir, which is a backup drinking water supply and an important contributor to the mid-Potomac River. The mid-Potomac serves as the drinking water supply to over three million people in the metropolitan Washington, D.C. area. This water supply is subject to intensive demand to supply the potable water needs of this region, combined with occasional severe droughts -- in which the water from Little Seneca Reservoir is a crucial addition. The future reliability of the mid-Potomac drinking water supply thus depends on the continued health of Ten Mile Creek and the Little Seneca Reservoir. This backup supply has been used twice in recent years, and was prepared for use a third time.

Little Seneca Reservoir is a 450-acre lake built by a Cooperative of the three largest drinking water utilities in the greater Washington, D.C. region in 1985. The capacity of this lake is 3.9 billion gallons (Hoffman, 2011). The purpose of the Little Seneca Reservoir is to supply additional water to the mid-Potomac River in the event of a severe drought, in order to provide an adequate drinking water supply to the region.

The cost of building the reservoir was shared by the Washington Suburban Sanitary Commission (WSSC), the Washington Aqueduct, and the Fairfax County (Va.) Water Authority, with the objective of sharing the water that would be released in the event of a drought. (Thomson, Baltimore Sun, 1999). Our region experienced significant droughts in 1966, 1999, 2002, and 2010. **During two of those droughts, 1999 and 2002, the mid-Potomac drinking water supply required massive amounts of water to be released from Little Seneca Reservoir.**

During the 1999 drought , the Washington Post reported,

As an illustration of how low the Potomac River is, consider these figures: The Interstate Commission on the Potomac River Basin says that the region is using about 500 million gallons a day of Potomac water, its normal summer demand. The Potomac River flow is at about 600 million gallons a day. That leaves 100 million gallons of extra water, the minimum considered necessary to protect life in the river. Water being released upstream will make sure that level doesn't drop. (D'Vera Cohn, Washington Post, 1999)

Although the 1999 drought required a release of water from the Jennings Randolph Reservoir, 200 miles upstream in West Virginia, the purpose of that release was not for human consumption- the river still held enough water to meet our potable water needs that summer – but rather, for the fish and other creatures. The release of water from that much larger reservoir was for the purpose of “environmental low-flow provision,” in other words, to maintain the mid-Potomac fishery and the wildlife dependent upon it.

But even with the release of water from the Jennings Randolph Reservoir (which holds roughly 3 times as much water as held by Little Seneca), Little Seneca Lake was called into service in 1999 (and again in 2002). The WSSC released 22 million gallons over a 21-hour period, according to a July 21, 1999 article in the Gazette (Gazette, Grbach, 1999). Timing was the critical factor. While it takes six to nine days for

water from Jennings Randolph Reservoir to reach the greater Washington D.C. part of the mid-Potomac, it takes only about one day for water released from Little Seneca to flow into the mid-Potomac. (Hoffman, 2011; Hagan et al 2006).

During the 1999 drought crisis in this region, there was political fall-out over the prospect of government leaders asking the populace to reduce water consumption by, for instance, avoiding lawn watering and car washing. While some officials were reluctant to request voluntary water conservation, other leaders stated that they preferred water conservation measures to the prospect of drying up Little Seneca Lake and leaving muck and dead fish behind.

There have been other releases from Little Seneca Reservoir since the 1999 drought. The 2002 drought also resulted in a Little Seneca release, and the 2010 drought required a test release, while the Jennings Randolph Reservoir supplied the needed backup flow (Ahmed et al., 2011). In recent years there have been “Drought Exercises” in which water was released enough to lower Little Seneca Lake by two feet – in a type of dry run to practice and test the system. (Hagan, 2005, Letter to Montgomery County Council members, included in the appendix to Hagan et al 2006, Report on the Drought Exercise of 2005, ICPRB).

1.b. Protecting Regional Groundwater

The Ten Mile Creek watershed is critical to the region’s groundwater supply, the federally-designated Piedmont Sole Source Aquifer. According to the Environmental Protection Agency’s (EPA) Federal Register Notice announcing the designation of the Piedmont Sole Source Aquifer, this groundwater resource is the “sole or principal source of drinking water for such parts of these counties and that such portion of the Piedmont aquifer, if contaminated, would create a significant hazard to public health.” (EPA, 1980). In making this designation, the EPA estimated that 62% of the population in this area relies solely upon well water (map below).

This groundwater resource is outlined in the map below (mocoalliance.org; website visited on 6/1/13). Ten Mile Creek, its headwaters, and Clarksburg are all centrally located in the groundwater recharge area. Unwise development jeopardizes this irreplaceable water resource and the 62% of the population in the UpCounty area who are dependent on well water.

August 19, 1980.
[FR Doc. 80-20179 Filed 8-26-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1488-1]

Maryland Piedmont Aquifer Determination

AGENCY: U.S. Environmental Protection
Agency, Region III.

ACTION: Notice.

SUMMARY: Notice is hereby given that pursuant to Section 1424(e) of the Safe Drinking Water Act (Pub. L. 93-523) the Administrator of the Environmental Protection Agency has determined that the portion of the Piedmont aquifer which underlies parts of Montgomery, Frederick, Howard and Carroll Counties, Maryland is the sole or principal source of drinking water for such parts of these counties and that such portion of the Piedmont aquifer, if contaminated, would create a significant hazard to public health.



Graphic from: [Montgomery Countryside Alliance web site, Mocoalliance.org](http://MontgomeryCountrysideAlliance.org)

1.c. Ten Mile Creek as a Regional Barometer of Environmental Health

Ten Mile Creek is Ecologically Unique

The Clarksburg Master Plan describes Ten Mile Creek as “fragile and sensitive.” Ten Mile Creek in the Clarksburg Special Protection Area, (Clarksburg Master Plan, Stage 4) has a high level of diversity of the fish, aquatic insects, and amphibians that live in and around the stream. There are few streams left in Montgomery County that have similar levels of biodiversity, and in fact in several respects Ten Mile Creek is the “Last of the Best” streams in Montgomery County.

In 2009 the planning staff report to the Montgomery County Planning Board observed, “*There are few watersheds that can compare to the Ten Mile Creek watershed’s rich and diverse ecosystem within Montgomery County,*” MNCPPC, 2009 quoted in DEP’s 2008 SPA Report, page 79. In 2010, the Ad-Hoc Water Quality Working Group, charged by the County Council with making recommendations for the future of Ten Mile Creek and Clarksburg Stage 4, wrote in its Fact-Finding Summary,

“The water in Ten Mile Creek flows clear, cold, and steadily, and supports one of the most diverse aquatic life communities in Montgomery County, including species of fish, aquatic insects, and amphibians that are found rarely (if ever) elsewhere in the county. This excellent water quality is indicative of a rural watershed that has many small and ephemeral streams, springs and seeps...Ten Mile Creek is a high quality Use I-P stream (defined as: water contact recreation, protection of aquatic life, and public water supply) and is part of the Little Seneca Lake backup drinking water supply.

“Ten Mile Creek has been monitored by the Montgomery County Department of Environmental Protection since 1994. Stream conditions averaged within the excellent to good ranges. The stream conditions of many of the upper headwaters were in excellent condition. The headwaters east of I-270 were in good condition. Since Special Protection Area development began, stream conditions in the headwaters east of I-270 declined to fair. The upper headwater areas declined to good condition. County staff filed located mapped seeps, springs and wetlands in the Stage 4 portion of Ten Mile Creek in 2009. These extremely sensitive features are critical to the protection of the high quality conditions of the Ten Mile headwater streams.”

Ten Mile Creek:

- *maintains summer base flows*
- *minimizes the response to storms*
- *has tributaries that function as a refuge for fish during droughts*
- *contains consistently cool water*
- *has shallow soils overlying fragile, folded metamorphic rocks*
- *supports a high quality biological community including amphibians*
- *supports some macroinvertebrates rarely if ever found elsewhere in the County*
- *is a “reference watershed.”*

(Ad-Hoc Water Quality Working Group, 2010)

Effectively protecting the fragile and unique water quality of Ten Mile Creek, and its role as a reference watershed against which our scientists judge the health of other county streams, involves applying effective watershed protection approaches based on a combination of local experience in the prior

Clarksburg Stages (Stages 1 through 3), along with the body of published scientific reports on the relationship between land uses, land cover conditions and stream quality.

2. The Science and Local Experience: Lessons Learned on the Need for Smart Development for Clean Water Protection

As of June, 2013, the Montgomery County Planning Board is not considering any proposal for Ten Mile Creek that will be sufficient to prevent its degradation.

Instead, the Planning Board, its staff and consultants are studying a range of proposals, all of which involve levels of development that will result in a loss of the biological, chemical, and physical quality of Ten Mile Creek, pollution of groundwater, and an increase in pollution of the Little Seneca Reservoir drinking water source that Ten Mile Creek feeds into.

The reason for this disconnect is simple. Current proposals look at Environmental Site Design (ESD) to address stormwater run-off. Yet research conducted by county, state and national agencies, as well as the body of peer-reviewed literature, could not be more clear. The only way to preserve fragile water systems is to cap development in their watersheds, clear and simple. More pavement means degradation, no matter what that pavement is called, or how many rain gardens are installed.

This does not mean that development cannot take place, it means that development of the appropriate type, scale and design must take place in the appropriate locations.

2.a. Proposed Development = More Pavement = Stream Degradation

Three developers (Pulte, Peterson and Egan) collectively own – either outright or through options – 722 acres of still-rural land in the area being considered by the planning commission.

They propose building subdivisions, commercial shopping malls, and a highway bypass in the Ten Mile Creek watershed. This includes 1600 or more residential units, and over a half-million square feet of commercial space in Ten Mile Creek's headwaters. The proposed 355 Highway Bypass project in Clarksburg would also add significant pavement (8 to 12 acres) to the Ten Mile Creek watershed (Montgomery County Planning Department, 2013).

If the developers' proposals are approved, they will add more than double the current area of pavement and roofs, from the watershed's current pavement coverage of 160 acres, 4% of total land area covered with imperviousness, up to 360 acres or more of pavement and roofs, which amounts to 9% of the total watershed land area.

Aquatic Habitat & Biology



Montgomery County Planning Department

February 25, 2013 Clarksburg Community Presentation

Ten Mile Creek watershed is Good to Excellent quality, but is showing some signs of stress from recent development projects especially in the portion east of I-270.

Scientists estimate that roughly two-thirds of the hard, paved surfaces in the Chesapeake Bay region are “habitat for cars, not people.” Every increase of 1000 people brings on average 790 more cars in Maryland. The more pavement, the more traffic jams and the more stream and Bay quality will continue to decline. Smart growth is not only about increasing densities in existing urban places, it is also about avoiding sprawl in existing rural places, and avoiding more car-dependent developments.

To assuage concerns that this level of hard, paved surfaces is too much for this sensitive creek and its watershed, the developers say that imperviousness no longer matters. They claim their stormwater engineering methods have rendered imperviousness limits obsolete, yet this is not supported by the scientific literature.

2.b. Stormwater Engineering Not Sufficient to Protect Watershed

The developers claim that “we can build out to the 1994 Master Plan levels and still save Ten Mile Creek,” is based on their faith in the latest version of stormwater management engineering methods, or Environmental Site Design (ESD). They point to the Maryland Department of Environment stormwater management design manual and its chapter on ESD (MDE, 2009). They use this as evidence that their proposed reliance on engineered devices will protect sensitive, fragile waters such as Ten Mile Creek even as they build extensive new developments that add hundreds of acres of buildings and pavement to these watersheds. While many of our coalition member groups have supported and continue to support the use of ESD for stormwater retrofits, and for stormwater management wherever smart development projects are occurring, ESD is no substitute for wise, science-based land use planning and smart development.

But our review of county, state and national governmental research, in addition to published, peer-reviewed science indicates that there is no basis for these claims. As the majority report of the Ad-Hoc Water Quality Working Group noted, stormwater management and Environmental Site Design devices at best are a backup, secondary layer of protection for high quality streams. The first layer is sound land use planning that protects existing vegetative cover and applies strict, enforceable limits on imperviousness (Ad-Hoc Water Quality Working Group, 2010).

2.c. The Science: Protecting the Area’s Water Supply Needs More than Run-Off Management

Experts from the Maryland Department of Natural Resources, along with the Majority Report of the 2010 Ad-Hoc Water Quality Working Group (set up to advise the Montgomery County Council on Ten Mile Creek) and recent reports from the U.S. Geological Survey (USGS Circular 1373, 2012) and the National Research Council, all say the same thing: high-quality, fragile, sensitive creeks begin to ***decline in quality even at very low levels of construction and urbanization*** in their watersheds – and that urbanization of a formerly-pristine stream is a complex process of many different kinds of damage – much of it irreparable.

As the U.S. Geological Service summarized its 9-city, decade-long study of the impacts of urbanization on streams,

“The loss of sensitive species in streams begins to occur at the initial stages of urban development, according to a new study by the USGS. The study found that streams are more sensitive to development than previously understood.” (USGS, 2012).

More than 140 scientific reports are cited on the Planning Department’s Ten Mile Creek website (http://www.montgomeryplanning.org/community/plan_areas/1270_corridor/clarksburg/clarksburg_lia_m_amendment.shtm). The findings for many of these papers have been summarized in recent peer-reviewed, published scientific literature reports (USGS 2012, NRC 2008). They all support the necessity of strictly limiting development in fragile watersheds. Our discussion of the science in this report is of

many of the most important local, state, and national-level scientific papers and summaries that are included in the Planning Department’s mega-literature set. The reader is encouraged to access this large body of scientific reports in addition to the reports we have referenced.

Meanwhile, developers have cited a handful of articles purporting to show that stormwater engineering using Environmental Site Design practices such as bioretention and pervious pavements has maintained the health of local streams studied elsewhere. But these studies do not measure stream biological health (Index of Biotic Integrity or Biological Condition Gradient), and they suffer from other fundamental flaws.

The strong scientific consensus is that it is necessary to cap development and avoid sprawl to protect sensitive, fragile streams. It is about sound land use planning in order to ensure a high quality of life and Ten Mile Creek’s high water quality on a permanent basis. It is about focusing new development where it’s most needed – in this case, provision of long-promised amenities in the actual Clarksburg Town Center – and keeping development out of sensitive watersheds where it will do irreparable harm –in Ten Mile Creek and its most-rural and sensitive tributaries.

2.d. A Tale of County Creek Systems: What Happens Without Science-Based Smart Development

We can look beyond the scientific literature and examine lessons already learned the hard way with our local creeks and communities.

- ***Successes: Upper Paint Branch and Upper Rock Creek***

Montgomery County has successfully used appropriate planning and zoning controls that enforce land cover conditions to protect water systems. In this manner, the county has succeeded in maintaining high-quality streams – including Upper Paint Branch and Upper Rock Creek -- using construction caps (impervious cover limits) and open space minimum standards. This approach allowed planners to use the best science-based criteria for maintaining the quality of the streams’ Index of Biotic Integrity (IBI) rating. By applying mandatory imperviousness caps of 8% on construction in critical lands for these creeks, the streams have remained vibrant and healthy, helping maintain the quality of the area’s drinking water and, by extension, the local residents’ quality of life (Montgomery County’s SPA Report for 2011)

- ***Failures: Clarksburg and Watts Branch***

And also from Montgomery’s past experience, we’ve learned what happens without science-based smart development: We lose drinking water sources and high-quality streams decline – witness the water resource damages caused by recent development projects in Clarksburg and Watts Branch.

Clarksburg

The 1994 Clarksburg Master Plan was broken into four stages, in order to help ensure that infrastructure kept pace with population growth, and in order to study the impact of construction and development on local streams. The development projects that were rapidly built in Clarksburg, starting about a decade ago, were the subject of a highly-visible site plan enforcement crisis in 2005 and 2006. A group of residents called the Clarksburg Town Center Citizens Advisory Committee (which included Amy Presley, now a Montgomery Planning Commissioner), compiled evidence of widespread site plan violations and lack of effective enforcement by planning staff .

Also for the prior Clarksburg development stages, redundant numbers of stormwater measures were used, along with devices now termed “Environmental Site Design:” such as swales, permeable pavements, and rooftop disconnections. Developers promised that these stormwater techniques would be sufficient to maintain the high quality of the creeks even while dense developments were built.

But those assurances did not prove true, and the creeks’ quality declined. Longtime residents of the greater Clarksburg area turned on their taps, only to find that their wells had gone dry, or well water had turned muddy. As Boyds resident Kathie Hulley stated in a comment on the Planning Board’s Ten Mile Creek web page:

“Whilst most of the ‘triggers’ have been met, the stream quality for the first three stages is by no means certain, as the roads and stormwater systems are not yet complete. We do not yet know the effect on the area as a whole. (I do know that my well water presently produces brown sediment, so all is not as it should be). Stage 4 was only to be considered when these systems have settled. Infrastructure is lagging behind the demand and needs of the community.”

Watts Branch

In 2006, WSSC announced that it was abandoning Watts Branch as a drinking water supply source, and would thus have to build a new raw water intake pipe for its Potomac Filtration Plant, in order to avoid the dirty water from Watts Branch. WSSC's report indicated that Watts Branch caused unpredictable fluctuations in, and high levels of sediment and bacteria (fecal coliform). (WSSC, 2004).

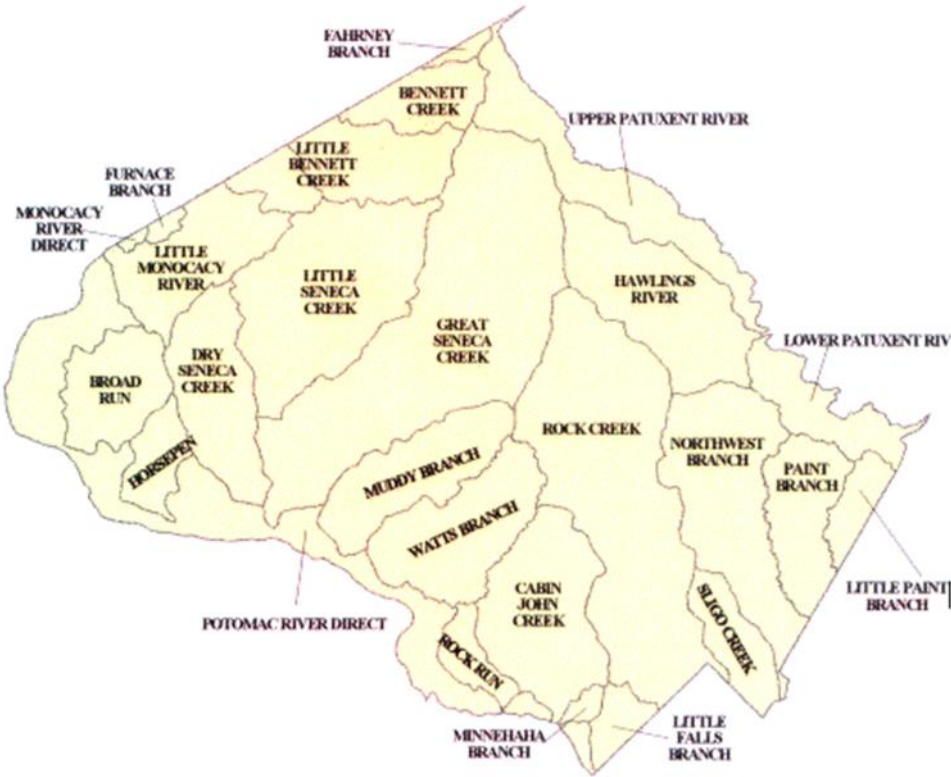
These fluctuating, high levels of sediment and bacteria caused extra expense at the Filtration Plant, as workers had to add more treatment chemicals, and otherwise adapt to the additional pollution in the raw intake water. These fluctuating pollution levels could also potentially cause a "public health issue," since the Filtration Plant's operation depends on a relatively steady supply of intake water with a predictable level of pollutants to be treated at the Plant.

Early estimates of the cost of this project, which amounted to building a longer straw to draw water from the middle of the Potomac River rather than closer to the Montgomery County shore, were in the range of \$15M to \$20M. More recent estimates put the capital cost of this project higher, at about \$25M. WSSC ratepayers are now footing this bill.

In the 1990s, Montgomery County and the City of Rockville encouraged extensive urban and suburban development projects in Watts Branch watershed. The large development projects that rolled like juggernauts included King Farm in the Watts Branch headwaters and Travillah in the formerly-high-quality Piney Branch tributary in Potomac. Each of these massive urbanization projects came with developers' and engineers' promises of using "the most up-to-date, next-generation stormwater treatment technologies." For instance, the King Farm development including "naturally vegetated stream channel buffers," sand filters (which function largely akin to rain gardens and micro-bioretention units), and extensive stream channel retrofits downstream of the King Farm site.

Looking at a map of mid-Potomac tributaries that are, or were, part of our drinking water supply: Watts Branch is just East of Muddy Branch, and next to it, heading upriver, going from East to West, is Seneca Creek. Ten Mile Creek (and Cabin Branch) flow into the Little Seneca Reservoir, which in turn empties into Seneca Creek. If we do not learn and apply the lessons of the past, we are going to be facing even bigger capital outlays in the future. The lessons of the recent past indicate that it's our land use policies, not stormwater engineering, that will determine whether we will have a reliable, and reliably clean, source of drinking water in the future. The 1996 amendments to the federal Safe Drinking Water Act require States and municipal public drinking water utilities to perform Source Water Assessments. These Assessments are supposed to promote the Multiple Barriers approach to drinking water supply protection. It was one of these mandatory Source Water Assessments performed for WSSC that first identified Watts Branch as a source of excessive sediment, turbidity, fecal coliform, and other pollutants.

As it now stands, Seneca Creek is in jeopardy as a highly-threatened source of clean drinking water. Seneca Creek is subject to an MDE-issued Sediment pollution limit (Total Maximum Daily Load) due to being impaired by sediment. (Maryland Department of the Environment, 2011).



The published scientific literature and past Montgomery County experience fully illustrate the need for proper protections for Ten Mile Creek. Our past failures mean a healthy Ten Mile Creek is even more critical to the metro area's drinking water supply and quality of life in Clarksburg and surrounding areas. Protecting the creek is not about stormwater run-off, it is about wise land use planning.

3. Save Ten Mile Creek Coalition’s Policy Proposals

Our coalition has two different proposals: one that would fully protect the creek by putting key parcels of land in the agricultural reserve and implementing other measures, and another that would lessen the impact of development using imperviousness caps and forest cover minimums. The Planning Board is currently considering five options, none of which protect the creek adequately. **We are adding our proposals to this list, and calling on the Planning Board to fully consider them.** In the interest of clarity, and for ease of comparison, we are calling these options #6 and #7. These options are based on the published science, which is explained relevant to our specific proposals in the closing portion of this section.

3.a. OPTION #6: Save Ten Mile Creek Through Smart Science-Based Development

Our initial proposal consists of two components: (1) right development in the right place and (2) the enforcement of land cover requirements. If this proposal is fully implemented and enforced, it will protect Ten Mile Creek from significant degradation. While this option is imperfect to completely protect the creek from some impacts, it will minimize those impacts. Our fully protective proposal, option #7, is detailed further below.

Save Ten Mile Creek OPTION #6: Smart Science-Based Development

Right Development – Right Place

- Locate development where it’s needed – in Clarksburg Town Center
- Provide the amenities that Town Center residents need and have been promised
- Keep development out of sensitive areas – Ten Mile Creek’s headwaters

Enforce Land Cover Requirements

- Establish a 6% imperviousness cap
- Implement forest cover minimums: 50% overall, 75% in stream buffers.
- Use Environmental Overlay Zones to enforce land cover requirements
- Ensure extra protection of the most sensitive sub-watersheds West of I-270 (Tributaries 110 and 111) through more stringent measures, including land acquisition and caps

3.b. OPTION #7: Save Ten Mile Creek by Fully Protecting Critical Areas

Many of the Save Ten Mile Creek Coalition members, most specifically the Montgomery Countryside Alliance, advocate an option that would fully protect the creek from further degradation. This plan still offers an option for appropriate development in Clarksburg Town Center.

This option, supported by former Planning Board chair Royce Hanson, and other leaders in the UpCounty area of Montgomery County, would put Ten Mile Creek West of I-270 into the Agricultural Reserve, and place highly-sensitive tributary areas into permanent protection as part of Legacy Open Space acquisitions. Below is one approach to accomplishing this preservation-based option.

Save Ten Mile Creek OPTION #7: Fully Protect Critical Land

Place targeted land in the Agricultural Reserve while meeting Clarksburg residents' needs

- Downzone the land west of I-270 and east of Ten Mile Creek (includes 110 and 111 sub-watersheds) into a Transfer of Development Rights (TDR) sending area, with rural zoning designations limiting the density to one house per 25 acres
- Montgomery County to purchase at least two-thirds of these TDRs itself, with the remainder to be purchased by private sector buyers
 - Use Legacy Open Space funds to purchase and preserve the 110 (King Spring) and 111 sub-watershed lands in their entirety, by placing them into protected conservation parkland.
 - Montgomery County to issue bonds to help finance the purchase of TDRs and outright purchase of sub-watersheds 110 (King Spring) and 111.
- Use some of these TDRs to up-zone Clarksburg Town Center enough to create the necessary density for effective transit and walkable retail

Further Protect Ten Mile Creek

- Promote both reforestation/afforestation, and sustainable agriculture in Ten Mile Creek through a comprehensive program of agro-forestry, orchard, and other food and fiber producing farms
 - Apply an Environmental Overlay Zone to Ten Mile Creek to cap total imperviousness at its current level of 4% and to create a minimum, permanent level of forest cover of 50% and riparian forest cover of 75%
-

3.c. Science Supporting Save Ten Mile Creek Coalition Plans

Montgomery County has one of the most robust data sets in the country for a single municipality – we’ve been using stream creatures as our “canaries in the coal mine” since 1994. We must now use this data and scientists’ published findings to make the best land use decisions for Ten Mile Creek.

Montgomery County scientists, including Keith Van Ness with the Department of Environmental Protection, along with scientists at MD DNR, USGS, and the National Research Council, have shown that stream biological health declines as urban development in a watershed increases. For sensitive, fragile streams, including Ten Mile Creek, this means that their quality will decline under even light levels of development and pavement.

A vast body of scientific sources and Montgomery County's own experience tell us that only by limiting pavement and protecting minimum forest cover levels, can we protect sensitive water systems.

- **Option #6: Right Development in the Right Place/Protect Critical Areas**

This proposal includes a six percent cap on construction and would allow a modest amount of new development, via a fifty percent increase in the level of hard paved surfaces, while helping to ensure the long-term protection and maintenance of Ten Mile Creek's high water quality. Ten Mile Creek is now at 4% imperviousness for the watershed as a whole. Every one-percent increase in imperviousness in Ten Mile Creek's watershed, adds roughly 40 acres of paved surfaces -- roughly equal to two WalMart stores (building plus parking lot).

The Planning Staff are now considering a seven percent imperviousness cap for Ten Mile Creek, along with 4 other less-protective options. Each of these options would downgrade the creek's health by untenable levels. We urge the Planning Board to consider a 6% imperviousness cap.

A 6% Imperviousness Cap will be effective in Protecting Ten Mile Creek

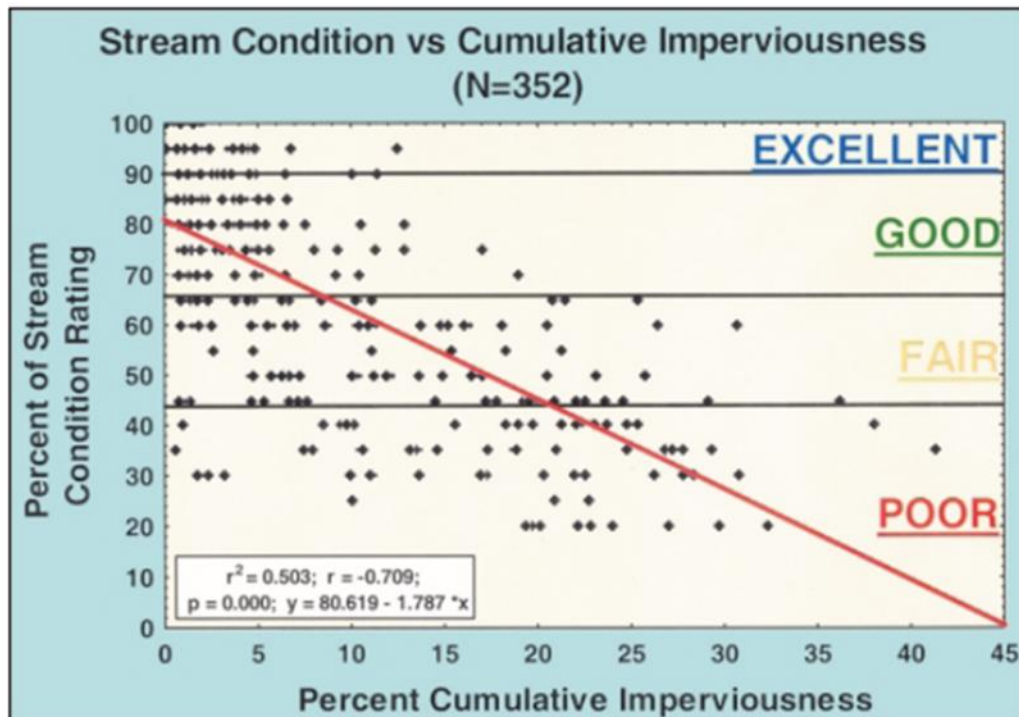
In the past, it was believed that below a certain threshold of imperviousness, (usually pegged at 10%), no stream degradation occurred. This theory has been replaced with the finding that any level of watershed imperviousness in high-quality, sensitive streams – even within a range of 0.5- 2% - causes degradation and loss of aquatic species' diversity and abundance (King et al., 2011). The 2008 National Research Council Stormwater Report noted that there is a “near-universal, negative association between biological assemblages in streams and increasing urbanization, to the extent that it has been termed “The Urban Stream Syndrome.” (National Research Council, 2008; Walsh et al 2005).

In 2003, DEP scientists plotted data from 352 monitored stream stations, and the catchments draining to them, in Montgomery County and depicted the relationship between stream quality and watershed imperviousness, (see below). (Montgomery County DEP, 2003). Montgomery County's own documented science indicates that as imperviousness increases in a watershed, stream health declines – and there is no threshold below which a stream can reliably remain high quality and without observable degradation, while imperviousness is increased.

Goetz et al. (2003) examined Maryland stream data and land cover conditions via remote sensing, and found that a stream quality rating of Excellent required a maximum of 6% impervious cover in the watershed, at least 75% tree cover in the riparian zone and 50% in the overall watershed; a rating of Good required less than 10% imperviousness; 60% riparian and 45% overall watershed tree cover. Ten Mile Creek already has 46% overall watershed-wide forest cover. Since we are striving to not only protect Ten Mile Creek but also to improve its quality, and since it is already at 4% imperviousness and has experienced some degradation in some of its tributaries, we find 6% to be both sufficiently protective, and a modest compromise proposal that will allow for some additional development to occur.

Importantly, Goetz et al found that of the different land cover conditions they studied, imperviousness was the single most important factor:

“Our results, based on stepwise logistic regression models, demonstrated that the primary indicator of stream health was the amount of impervious surface within a watershed, followed by the amount of tree cover within the stream buffer zone (30m either side of the stream channel).”(Goetz et al 2003).



Extra Protection of the Most Sensitive Sub-Watersheds West of I-270

In April 2013, Montgomery County DEP scientists and Planning Department staff assembled a workshop comprised of 27 local, state, and national-level aquatic biologists and other water resource scientists. They presented data from Ten Mile Creek and other streams in Montgomery County and asked these experts to rank and describe the biological quality of these streams based on the Biological Condition Gradient. According to the report of this workshop (Montgomery County 2013):

“The individual expert judgments of the biological condition of the Ten Mile Creek sites ranged between high to fair quality (BCG levels 2- to level 4). The highest quality Ten Mile Creek site was the King Spring Tributary where the primary headwater stream supported cold and cool water sensitive, native benthic macroinvertebrate taxa. The experts predicted that these sites were excellent candidates for protection. A cursory evaluation of watershed condition indicated the area immediate to these streams has no or low road density and impervious surface. However, the fish community is potentially

impacted by influences from novel, non-native taxa swimming upstream from the reservoir in Ten Mile Creek.”

We have based our proposal for extra, additional protections that will go beyond the 6% imperviousness cap and forest cover targets, for sub-watersheds 110 and 111 in Ten Mile Creek, on expert recommendations for protection by the DEP’s scientists and scientists who took part in the April 2013 workshop on the Biological Condition Gradient (Montgomery County, 2013). Such protection needs to take the form of land acquisition for direct, permanent preservation, or use of an Environmental Overlay Zone that would mandate an imperviousness cap that would essentially not allow any increase in imperviousness or any other urban development in these two extraordinarily sensitive tributary streams and their watersheds.

Implement Forest cover minimums: 50% overall, 75% in the stream buffers

As previously stated, the body of scientific literature and previous experience shows that protection of critical areas and limiting paved surfaces is the only guaranteed solution. The Goetz et al. 2004 paper cited above is the primary basis for our proposal for these specific forest cover minimum requirements for Ten Mile Creek. See chart below.

GOETZ ET AL. 273

Figure 4. Small watershed stream health rankings in relation to impervious surface cover, watershed tree cover, and riparian buffer zone tree cover.

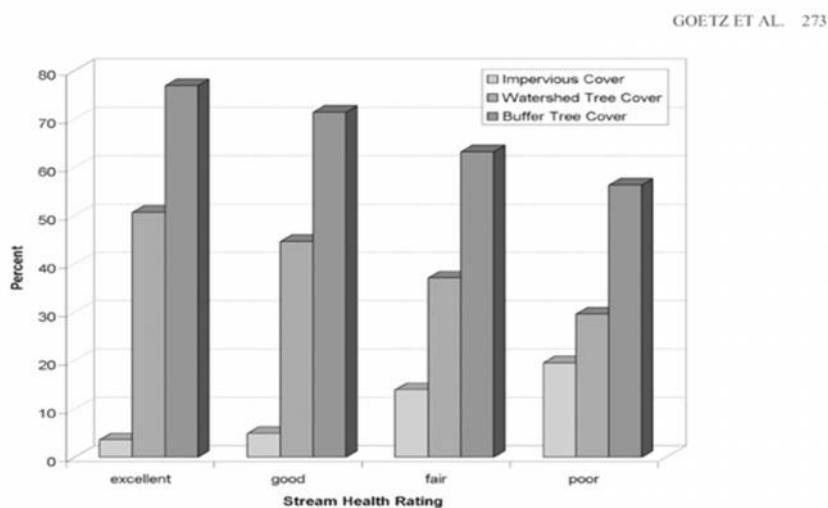


Figure 4. Small watershed stream health rankings in relation to impervious surface cover, watershed tree cover, and riparian buffer zone tree cover.

Use Environmental Overlay Zones to enforce these requirements

As detailed above, Environmental Overlay Zones were successfully used to establish the caps on construction (the imperviousness caps) to protect other sensitive watersheds, including Upper Paint

Branch and Upper Rock Creek in Montgomery County roughly a decade ago. This is also the solution for Ten Mile Creek.

- **OPTION #7: Fully Protect Critical Areas**

Only by fully and completely protecting the critical areas of land and core tributaries can we ensure that Ten Mile Creek is not degraded by development. This is consistent with all the science and our experience as a County. Option #6 is a compromise proposal that allows for a 50% increase in the total average impervious cover in the Ten Mile Creek watershed (allowing it to increase from the current 4% impervious cover, to 6%) and as such would allow for some degradation of the creek. Option #7, and more stringent proposals not included here, is aimed at full protection of Ten Mile Creek and avoidance of any additional harm.

Scientists have documented the relationship between land cover conditions, especially imperviousness, and stream quality for the past 30 years, with some of the most prominent databases generated in Maryland and Montgomery County. A strong body of scientific articles supports the Agricultural Reserve Option for Ten Mile Creek.

In 2008, the National Research Council stormwater committee found that “There is a direct relationship between land cover and the biological condition of downstream receiving waters. The possibility for the highest levels of aquatic biological condition exists only with very light urban transformation of the landscape.” (emphasis in the original.) Klein’s 1978 paper was followed by Schueler’s 1994 analysis of the available national data on the imperviousness – stream quality relationship ; and in 2009 Schueler published a second, updated meta-analysis of 65 published studies, confirming that as imperviousness increases, stream quality decreases . The Impervious Cover Model indicates that as watershed imperviousness increases from 5% to 10%, stream quality transitions from “sensitive” to “impacted.”

King et al (2011) analyzed a Maryland stream data set and applied a new analytical method that looked at the response of the most sensitive aquatic organisms (bottom-dwelling insects and other macroinvertebrates) to urbanization stress that occurs when a forested or well-vegetated, rural watershed undergoes urban development. King et al. found that key sensitive indicator organisms began to measurably decline at very low levels of urbanization – between 0.5% and 2% of watershed impervious cover. In addition, the researchers found that smaller, steeply-sloped Piedmont watersheds – of which Ten Mile Creek overall, including its subwatersheds 110 (the King Spring) and 111 are prime examples – respond with even greater sensitivity to urbanization and are even more vulnerable to stream health decline at very low levels of development.

Maryland Department of Natural Resources aquatic biologist Scott Stranko gave a presentation in March 2013 to the Montgomery County Water Quality Advisory Group, on the topic of stream ecology responses to urbanization, and whether a high quality stream, once degraded by urban stressors including road salt and imperviousness, can be restored to its former quality or even approaching its former quality, according to documented experience. The answer is No- the documented experience is of stream decline at even very low levels of watershed impervious cover.

DNR scientist Stranko's summary of his findings as presented to the Montgomery County WQAG:

1. Stream ecology is altered at low levels of urbanization
2. Altered ecology influences state regulations (e.g., Impaired Waters, Designated Use, Endangered Species)
3. Many potential causes for alterations make restoring and protecting urban streams difficult
4. Unsuccessful restoration and protection has resulted in ecological declines of urban streams
5. [Where is the] Scientific literature showing successful restoration or protection of urban stream ecology?

In answer to Stranko's last question above: we have found no published scientific literature in peer reviewed publications that demonstrate successful biological restoration of high-quality, sensitive streams.

4. Evaluation of All Options for Ten Mile Creek Clarksburg Stage 4 Limited Master Plan

The Montgomery County Planning Board at its April 17th and May 9th (2013) work sessions, reviewed the following options for the protection of Ten Mile Creek and discussed a fifth option: a 7% watershed-wide imperviousness limit. At the May 9th, 2013 work session, the Planning Board decided to add this fifth option to the set of options being studied by staff and consultants. In addition, the memos from the Planning Staff to the Commission, and testimony by ANS Conservation Director Diane Cameron, noted that ANS proposed a 6th development option: a watershed-wide imperviousness limit of 6%. These six options for Ten Mile Creek (Clarksburg Stage 4) are tabulated and discussed below.

Ten Mile Creek Development and Protection Options					
Option	Description	Watershed Imperviousness (% total acres)	Add'l Impervious Acres	Imperviousness Percentage increase (100% increase = a doubling)	Quality of Ten Mile Creek
1	1994 Plan (as previously modeled)	8.8%	192	119%	Fair
2	1994 Plan Revised (with added development)	9.3%	212	132.5%	Fair
3	Reduced Footprint at 1994 Density	8.5%	180	112.5%	Fair
4	Reduced Footprint at Slightly Reduced Density	8.3%	172	107.5%	Fair
5	Reduced Footprint at Reduced Density	7%	120	75%	Low Good
6	Reduced Footprint at Greater Reduced Density, Apply Land Cover Requirements	6%	80	50%	Good
7	Preserve the rural, forested condition of Ten Mile Creek's watershed via placement of key portions into the Agricultural Reserve and conservation parkland	4%	0	0	Good to Excellent

4.a. Evaluation of the Seven Options

Above we present in tabulated form, and below we evaluate each of the seven alternate options for development or protection of Ten Mile Creek. Our evaluation is based on the reported results of Montgomery County's published field data analysis by Department of Environmental Protection Senior Biologist Keith Van Ness (Countywide Stream Protection Strategy, 2003). The DEP analysis plotted 352 data points, each representing a separate Montgomery County stream monitoring station, based on the drainage area percentage of impervious cover, versus the percentage of the stream's Index of Biotic Integrity (IBI) rating. (See Table entitled, *Ten Mile Creek Development and Protection Options*.)

Options 1 through 5 are the “official” options now under active consideration by the Montgomery County Planning Commission, its staff and consultants. They have been discussed numerous times at Planning Board work sessions, most recently at the May 9, 2013 session. At the conclusion of the May 9, 2013 work session, the previous set of Options 1 through 4 was augmented with a 5th Scenario, for a 7% imperviousness cap. (Montgomery County Planning Commission Ten Mile Creek Limited Master Plan Amendment work session, May 9, 2013).

Options 1, 2 and 3 are variations on the 1994 Plan full build-out; they maintain (or increase) its density while varying the footprint.

Option 4 is a reduction of both the footprint and the density from the 1994 Plan, but the reduction isn't significant enough to protect Ten Mile Creek. Options 1 through 4 all carry unacceptable risks of degrading Ten Mile Creek from the Good-to-Excellent rating it now has, to a Fair rating. A stream with a “Fair” IBI rating is considered to be an impacted or degraded stream.

Option 5 is a reduction of the footprint and the density to the level of 7% overall watershed wide imperviousness. While this level is an improvement over Options 1 through 4, it would still carry a very real risk that Ten Mile Creek's quality would decline to a level hovering near the Fair range (e.g. it would very likely decline to being “Low- Good” if the development levels were allowed to increase to 7% overall watershed-wide imperviousness. Our rejection of Option 5 is also based on Montgomery County's prior experience with the phenomenon known as “impervious creep,” or “pavement creep,” the process by which small incremental, unpermitted additions of pavement to a watershed can cause an imperviousness cap to be exceeded. (Katherine Nelson, Montgomery County Planning Department, presentation to the Montgomery County Water Quality Advisory Group, 2009). This impervious creep was observed in the Upper Paint Branch watershed and contributed to Montgomery's decision to lower the imperviousness cap there to 8% from its original 10%.

Option 6, for a watershed-wide imperviousness cap of 6%, is the Save Ten Mile Creek Coalition's leading proposal for the Stage 4 Master Plan amendment. After repeated urgings from County officials to put forward a compromise proposal that accepts some level of additional development in Ten Mile Creek, we have chosen six percent as a moderate option that still allows a fifty percent increase in hard, paved, built surfaces in Ten Mile Creek's watershed. Since the watershed is currently at four percent imperviousness, six percent means a fifty percent increase.

Option 7, our own preference, and the stated preference of some authorities and advisors including former Planning Board Chairman Royce Hanson, is to protect Ten Mile Creek through land acquisition and the placement of the remaining rural parts of the watershed into the protective status of the Agricultural Reserve.

While option #6 responds to county decision-makers with a compromise that is moderately protective of the creek's still-high quality, it is unfortunately highly likely, given past county experience as charted by DEP scientists, Ten Mile Creek's stream condition rating would decline from “Good to Excellent” to merely “Good,” or even to “Low Good- High Fair”. The rating would likely be in the lower range of the good level, and could further decline to “Fair to Good” over time as “pavement creep” occurs, i.e.. as

paths and roadways are widened, sidewalks and patios are added, and additional buildings and roofs are added in small piecemeal projects that may obtain exceptions or be unpermitted additions.

4.b. Conclusion of our Evaluation of the Options for Ten Mile Creek – Clarksburg Stage 4 Limited Master Plan Amendment

The Montgomery County Planning Commission and staff are now considering only the first five options for the future of Ten Mile Creek. But, only options #6 and #7 – proposed by the Save Ten Mile Creek Coalition – can protect Ten Mile Creek. While even option #6 is not sufficient to prevent degradation of the Creek and does not meet promises made by the master plan adopted in 1994, with some adjustments it can prevent the destruction of this Creek, and the larger area served by the reservoir and the waters of the Potomac.

The best published science at the local, state and national levels dictates that a strictly-enforced cap on new development be applied to Ten Mile Creek, along with minimum targets for forest cover. This approach is also based on the successful Montgomery County experience in protecting Upper Paint Branch, Upper Rock Creek, and Piney Branch streams. Based on the criteria of maintaining the Good-to-Excellent IBI rating of Ten Mile Creek overall, we have analyzed the total of seven alternative options and concluded that only option #6 and option #7 – applying an imperviousness cap of 6% and 4% respectively – have a chance of attaining this criterion.

Of these two options, only option #7 (currently not under consideration by the Planning Commission) including placement of the rural lands west of I-270 into the Agricultural Reserve and applying and enforcing a 4% imperviousness cap – has the chance to ensure maintenance of Ten Mile Creek’s high water quality over time, since we know from past experience that there is a tendency for “imperviousness creep” to occur, as roadways and paved paths are widened, and small buildings are built that may be exempted from permitting.

5. Report Conclusion

A healthy Ten Mile Creek is essential to our quality of life and the safety of the entire region's water supply. Protecting Ten Mile Creek is not about stormwater runoff, it is about wise land use planning. To accomplish this, we must establish and enforce land cover standards by using an Environmental Overlay Zone and provide the amenities needed by Clarksburg Town Center residents.

The land cover standards we propose in option #6 are a cap on development levels (impervious cover) based on the best science combined with our response to urgings to present a moderate compromise proposal. Option #6 proposes a 6% cap on watershed-wide imperviousness and forest cover minimum criteria of 75% for the stream buffers, and 50% watershed-wide. The cap on development is needed in order to prevent the disruption to the water cycle caused by large-scale construction and urbanization, and the disruption to local patterns of living caused by increased heavy traffic congestion. Faced with some of the deepest pocket developer interests in this region and in the nation, we need to speak out every way we can to protect our quality of life including our water quality.

Option #7 proposed by some of our coalition members, would fully protect the creek by conserving the lands most critical to its health, by placing a 4% cap on total watershed imperviousness, and by placement of much of the still rural land into the Ag Reserve. While this plan would allow for some development, it would restrict growth more than option #6. While some of our coalition members have been urged by political leaders to offer a compromise solution – which we have done with our Option #6 – the science tells us that this compromise will still lead to some further degradation of Ten Mile Creek, although that degradation would be less than under any of the options now on the official list of the Planning Board.

We need to protect Ten Mile Creek in order to keep our clean drinking water supply clean. In order to achieve this protection of Ten Mile Creek, the Clarksburg Stage 4 Limited Master Plan Amendment must ensure that the type, location and scale of development in Ten Mile Creek's watershed is within science-based limits.

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Brown, WalterL

From: Aileen Kim <nist1026@hotmail.com>
Sent: Friday, June 07, 2013 7:51 AM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory; LiveableClarksburg@gmail.com
Subject: liveable Clarksburg for all Clarksburg residents!

Good Morning,

I have been receiving flyers from developer bragging about the benefits of having a mall and an outlet to Clarksburg residents and was very happy about it until I had the chance to attend community meeting ...

I strongly agree with what talked about in the meeting, namely:

Nothing in Stage 4 should be approved until we hear exactly when and how the 1994 Master Plan vision will be delivered, and how that will be enforced.

We have seen so many unfulfilled or broken promises in Clarksburg. There is no reason to expect that Stage 4 will be different. We have to scale it back.

We must slow down development until we solve our traffic problems. We need public transportation to ease the traffic congestion.

Don't take risks with Ten Mile Creek and the Reservoir. The reservoir and creek have been protected for decades.

The County is under no obligation to help developers who speculated on land gain the maximum return on investment.

If we must have a mall, put in on the Cabin Branch parcel in Stage 3, right off 270, where it won't clog 355, undercut the Town Center village retail, or damage the Creek.

I would appreciate your consideration as we have had too many broken promises! The traffic is already terrible and I can't image how bad it will be after mall and outlet are built!

Thanks,

Aileen

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JUN 07 2013

MCP-CTRACK

From: Fung Foo <fang2804@gmail.com>
Sent: Friday, June 07, 2013 3:01 PM
To: County.council@montgomerycountymd.gov; MCP-Chair
Subject: Living in Clarksburg

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Clarksburg has suffered in so many ways from developers. Our schools are overcrowded, roads are completely congested, and the environment is very endangered. We never got a proper town center and now you plan to build outlets malls we DO NOT need or want, are planning to make our traffic worse and destroy the drinking water for the Seneca watershed by overbuilding on 10 Mile Creek using untested "preventative " measures. Why not start being responsible with our community and environment and holding developers accountable for past and current problems before starting a new mess. We don't want what you have to offer!!!

--
Best,
Fung Foo

JUN 07 2013

From: Bhaskar Bommareddy <bvbreddy@gmail.com>
Sent: Friday, June 07, 2013 3:54 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Subject: I am opposing the idea of building outlet mall in Clarksburg, MD

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

June 7, 2013

To Respected Members of Montgomery County Council and Members of Planning Board

Dear Sir / Madam

I am resident of Clarksburg, MD. I moved to Clarksburg about 3 years ago from Germantown, MD. At that time i looked at master plans and thought living in Clarksburg would be a pleasure. I noticed traffic on Rt 355 become worse and with the current development (Goddard School) that is already happening, it will get even more worse. Yesterday, on Rt 355, two mile ride from Ridge Rd Junction took me close to 20 min.

I want the council and planning board to drop the idea of building outlet mall until the 1994 master plan is delivered and current traffic problems are solved.

In short, please deliver 1994 master plan first. Then we can talk about outlet mall or other developments.

Thanks for your consideration.

Bhaskara Bommareddy
Clarksburg, MD

MCP-CTRACK

From: Ellen Pearl <plumstuff@verizon.net>
Sent: Friday, June 07, 2013 4:43 PM
To: MCP-Chair
Subject: Ten Mile Creek Letter Attached
Attachments: Ten Mile Letter.doc

RECEIVED

JUN 07 2013

**OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

Ellen Pearl
15500 Comus Road
Clarksburg, MD 20871

June 2, 2013

Dear Montgomery County Council and Montgomery County Planning Board,

I walked my dog, Belle, around the E loop in Little Bennett yesterday. Although the heat only jumped out at us in patches, we couldn't get away from the oppressive presence of the high humidity. So, we decided to top things off with a wade in the Ten-Mile Creek, just moments away, before we headed home, another "just moments away."

When we arrived at the ford in the creek off Old Baltimore Road, there were two bikers, one wiping sand off his bike wheels, and the other supervising. Their smiles were bright, happy, relaxed, authentic smiles. They pushed on while Belle and I ventured into the cold, clear, clear, clear waters of the creek. Shoes off, feet on stones, paws on stones, stones on stones, we proceeded to just sit out the rest on a nearby rock and admire the scene. A truck drove through, easily. I thought to myself that my being in the creek, not driving through it, was all I really wanted to do.

Have any of the members of your groups been to this ford? Have you taken off your shoes and walked in these pristine waters? Clear, clear, clear, "cool water."

I am writing this letter because it is within your power to keep this creek the way it is. To do otherwise would be the likes of committing premeditated murder! The contamination of these waters would not only kill animals and organisms that dwell there, but also it would obliterate the inner joys of the human spirit we all experience in that sacred place.

Perhaps the idea of adding Ten-Mile Creek to the Ag Reserve would provide another layer of protection. I live in the Ag Reserve and would favor this addition with welcoming arms. I don't know the particulars, but I am confident that Montgomery County has the ability to do anything it wants to do.

Also, I might add, that In a perfect world, we would have a *moratorium* on all building along this creek and along Rt 355 until such time that the needed transportation is in place and running.

As always, I appreciate your comments and suggestions as well, Thank you very much.

Ellen Pearl, Citizen U.S.A.

MCP-CTRACK

From: jjking1580@aol.com
Sent: Friday, June 07, 2013 5:39 PM
To: County.council@montgomerycountymd.gov; MCP-Chair
Subject: Clarksburg Development

RECEIVED
JUN 07 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Ladies and Gentlemen,

I have lived in Clarksburg since 1977. Today, Friday, June 7, 2013, it took me 30 minutes (3:30 to 4:00) to travel the 3 miles on Rt. 355 from Father Hurley Blvd to Rt. 121. Now I hear that there are houses planned at the intersection of rt. 355 and W. Old Baltimore Rd.; 1000 homes at Rt. 121 and 270, and an outlet mall at Rt. 270 and Rt. 121. When these developments are finished will my trip home from the grocery take 60 minutes? Where are the improved roads to handle the future excess traffic?

Further I have learned that the west side of the **Clarksburg Historic District** does not have public sewer service although the septic fields there are failing. These properties border the Ten Mile Creek environmental area and that cannot be helping matters. WSSC and Montgomery County have long delayed installing sewer to these properties although there is sewer service 50 feet across Rt. 355.

In that same area a friend, Mr. Patrick Darby, operates a book store. His store, **Novel Books**, is the only independent book store in Northern Montgomery County. His family owns two undeveloped lots in the **Clarksburg Historic District**, one zoned commercial and other zoned residential. Due to the lack of sewer access he has not been able to build a book store on his property. Now since a portion of his property is technically in the Ten Mile Creek water shed he may be precluded from erecting a family run store and a home for his aged mother on the residential lot. I think that strange as Montgomery County plans to place the future bus station behind Mr. Darby's property on the site of the Clarksburg Elementary School.

It is disturbing that outside developers can build over a thousand homes and an outlet mall in Clarksburg and a 5th generation County resident cannot put up a home and a book store in the Historic District. Further I believe Montgomery County is practicing a double standard by not letting Mr. Darby develop his two lots while allowing a bus station to be placed almost directly behind his land.

Please look at Clarksburg as a whole. We need adequate public facilities to serve future growth. Don't let us become another Germantown, built chaotically without a center of gravity. Clarksburg is the last place in Montgomery County to get it right.

James King

15800 Comus Rd

Clarksburg, MD 20871

jjking1580@aol.com

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Aileen Kim <nist1026@hotmail.com>
Sent: Friday, June 07, 2013 7:51 AM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory;
LiveableClarksburg@gmail.com
Subject: liveable Clarksburg for all Clarksburg residents!

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Thanks,

Aileen

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JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCP-CTRACK

From: Marilyn Randall <mjrandall28@gmail.com>
Sent: Friday, June 07, 2013 8:17 PM
To: MCP-Chair; County.council@montgomerycountymd.gov; LiveableClarksburg@gmail.com
Subject: Clarksburg

Marilynn Randall
23828 Bennett Chase Drive
Clarksburg, MD 20871

Dear Planning Board Members and County Council:

I moved to Clarksburg two years ago from New Hampshire and moved in with my daughter and son-in-law. I really enjoy living in Clarksburg and my daughter and son-in-law moved her three years ago as Germantown was too crowded for them. We love Clarksburg just the way it is and do not wish to see any more expansion.

Stage 4 should not be approved for many reasons;

- a) The traffic is already horrific.
- b) Ten Mile Creek and Reservoir MUST remain as it is. Once the creek is destroyed it will never come back.
- c) The schools are already over crowded.
- d) Developers are only concerned with making a profit, not about Clarksburg. We the residents of Clarksburg care about our town and wish it to remain as it is.

Please reconsider approving Stage 4. We do not need any malls, more traffic, and more congestion.

Thank you,

Marilynn Randall

RECEIVED
JUN 10 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Carol Oberdorfer <coberdorferagain@gmail.com>
Sent: Friday, June 07, 2013 8:33 PM
To: MCP-Chair; councilmember.elrich@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.leventhal@montgomerycountymd.gov;
councilmember.navarro@montgomerycouncilmd.gov;
councilmember.riemer@montgomerycountymd.gov
Cc: LiveableClarksburg@gmail.com; Roger.gentry@comcast.net; jean Findlay; Mike Oberdorfer
Subject: Clarksburg

I attended the recent forum in Clarksburg about the expansion of the Clarksburg development. I live in Dickerson and have been active for nearly 25 years in fighting to protect the precious Agricultural Reserve that surrounds my town but is just adjacent to Clarksburg.

Clarksburg--a rural community with its own storied history--was set aside long ago for "smart growth" development. It was an ideal target for such inspired planning because it is on the edge of the Montgomery County's precious farmland but right on Interstate 270--attractive enough to grow into a real 21st-century self-contained village, but also close enough to the greater metro area to be accessible to jobs down-county and in even in D.C.

The most moving moment at the forum that I attended was a presentation by a Clarksburg high school junior. This young man, who moved with his mom to Clarksburg when he was a little kid because of its promises as a self-contained, "walkable community," with services and shopping nearby, candidly complained that there is nowhere in the Clarksburg community that he can hang out with his friends, and that he is obliged to rely on his mom to drive him everywhere--to school activities, shopping, and everything else.

Meanwhile, developers are racing to add thousands of more housing units and even outlet malls without fulfilling their original commitment to incorporate in Clarksburg the basic community components residents deserve, like a library, local shopping areas, adequate schools, and workable roadways.

This rising senior represented to me the first-generation casualty of the failed decades-old Clarksburg promise of a livable community. How many more families will have their investments devalued, and their kids deprived of the promised living arrangements that were contemplated in the original Clarksburg plan?

Carol Oberdorfer
President, Dickerson Community Association, Inc.
22030 Big Woods Rd.
Dickerson, MD 20842

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JUN 10 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Ellen Payne <samkaydilbob@gmail.com>
Sent: Saturday, June 08, 2013 7:51 AM
To: MCP-Chair; County.council@montgomerycountymd.gov
Subject: Overdevelopment of Clarksburg

I moved to Clarksburg 17 years ago. I thought it would be a nice place to raise my family. Getting to and from work is a nightmare. Getting my children to school is a guess everyday - how bad will the traffic be? Each school was built in this area had portable classrooms added by the second year it was opened. Rocky Hill Middle School, Clarksburg High School and Little Bennett Elementary all over terribly over crowded. Adding all the houses, townhouses, apartments and shopping you are proposing will make this town unbearable to live in. I've been waiting for many many years for the town center promised shortly after we moved in. With all that you are proposing, my children's education will suffer greatly. I'm seriously thinking of moving from this area. The roads are not adequate now, with all the additions being planned, I won't be able to see my kids off to school as I will have to leave to get to work on time. Please check your plans and make the proper bases are cover before you turn Clarksburg into a place like the middle of Rockville. We want assurances that the roads will be able to handle the additional traffic, the schools will be able to handle the additional students, and that our beautiful, trees, land and water supply will not be compromised. I don't want to live in an area where every inch of space is covered with a building. Please reconsider your plans.

MCP-CTRACK

From: Lily Liu <seekthegod@hotmail.com>
Sent: Saturday, June 08, 2013 8:35 AM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory; LiveableClarksburg@gmail.com
Subject: concerns over Clarksburg, MD stage 4 plan

RECEIVED

JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear All,

I heard from my friend that we will have a mall and an outlet in Clarksburg. I am not sure if it's a good idea as it will cause major traffic congestion in an area that already has really bad traffic! I think that:

Nothing in Stage 4 should be approved until we hear exactly when and how the 1994 Master Plan vision will be delivered, and how that will be enforced.

We have seen so many unfulfilled or broken promises in Clarksburg. There is no reason to expect that Stage 4 will be different. We have to scale it back.

We must slow down development until we solve our traffic problems. We need public transportation to ease the traffic congestion.

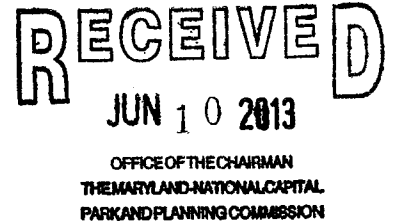
The County is under no obligation to help developers who speculated on land gain the maximum return on investment.

Thanks for your consideration and I look forward to hearing your opinion on the issue.

Lily

MCP-CTRACK

From: Kendra Biddick <kendra.biddick@gmail.com>
Sent: Saturday, June 08, 2013 8:41 AM
To: MCP-Chair
Cc: liveableclarksburg@gmail.com; kim mcdougal
Subject: Clarksburg Master Plan Amendment



Phase 4 of the Clarksburg Master Plan **MUST NOT** go forward until all aspects of the complete phases 1-3 buildout have been completed and their impact on traffic/transportation, water, light, air, and liveability have been carefully considered.

We learned about the environmental protections planned for Ten Mile Creek by Pulte. The environmental mitigation plans that have been proposed will be in homeowners back yards and the homeowners will be responsible for maintaining them. The known failure rate for engineered clean water solutions is 25% and over the next 100 years, we can be sure that it will be 100%. That's too much for such a sensitive drinking water source. Who will inspect them for the next 100 years? Can the county afford to? Montgomery County will be left with the maintenance bill for the rest of the life of Clarksburg after the developers leave. The county can't afford to incur yet another ongoing expense. In every area of human endeavor, man has never been able to engineer anything that solves problems as well a nature does. We cannot afford to let engineers meddle with Ten Mile Creek and the water we will depend on the next time we have a drought.

6% impermeable surface was proposed as the highest limit for Ten Mile Creek. However, I think that even that much is a mistake. We must assume that over time homeowners will increase the impermeable surface. For instance, the previous owner of my property in Clarksburg (built in the 60's) added a garage and a shed and increased the size of the parking pad. I would like to add a sunroom. My immediate neighbor has added a room, a pool and two sheds. Another neighbor has put on two additions and added a pool. A 5% impermeable surface for initial development would make more sense than 6%.

We planned a walkable Clarksburg 20 years ago, but the county planning department and the council have let us down. I'm still waiting for the path that follows the creeks from Little Bennet Park through the town center to Black Hill Park so that I can ride my bike to the park with my kids, or ride my bike to the town center restaurants, library, and other gathering places. We have roads and parking lots--some of them are 2-lane parking lots and some of them are impermeable surfaces that are usually empty except just before Christmas. This is not sensible development.

Clarksburg is an opportunity to have a poster-child community in Montgomery county, where we don't need 47 parking places for every car, as is the current standard for development. Clarksburg development is an area where we can do more with less over the long term. Clarksburg is an opportunity to create a community where we can take public transportation, ride a bike, or walk to meet many of our needs. Clarksburg is an opportunity to reduce the stress on our roadways and point the way to increasingly reduce the amount of space given over to roads and parking lots (and reduce county expenditures), but only if you are willing to think long term.

The county must invest in public transportation, and it is an expense, but it's a much smaller expense than building ever more roads so that ever more people can drive every farther, emitting ever more pollution into our air. What's our air quality these days in the summer? Now is the time to stop building roads and invest in sensible development, starting in Clarksburg, NOW.

Kendra Biddick

22817 clarkbrooke Dr.

Clarksburg, MD 20871

MCP-CTRACK

From: Chris Arndt <chris@arndthome.com>
Sent: Saturday, June 08, 2013 10:25 AM
To: MCP-Chair
Cc: Melane K Hoffmann
Subject: 10 Mile Creek and Stage 4 of Cabin Branch Development
Attachments: CArndt- 10 Mile Creek- 8 June 2013.pdf

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Planning Board Chair Carrier-

Please see my letter attached with my concerns and opposition to Stage 4 of the Cabin Branch development.

I urge you not to approve this development.

Thank you for your consideration.

Christopher Arndt
Boys, Maryland

Christopher P. Arndt

Residence:

**21090 Sugar Ridge Terrace
Boys, Maryland 20841
Tel: 301-916-0203**

Planning Board Chair Francoise Carrier
and Montgomery County Planning Board members
8787 Georgia Avenue
Silver Spring, MD 20910

June 8, 2013

via email

Dear Planning Board Chair Carrier:

I am writing to express my opposition to the Stage 4 of the Cabin Branch development in the Clarksburg area of Montgomery County. As you know from the outpouring of community concern at the event held by the Liveable Clarksburg Coalition, this development has many problems. I am writing about two of those which are of particular concern to me: the threat to 10 Mile Creek and the expected worsening of a dangerous intersection at Clarksburg Road and West Old Baltimore Road.


The threat to 10 Mile Creek is extremely serious. This is the last stream in Montgomery County with a high water quality rating. This creek is now unique in harboring countless wildlife and plants and is a secure source for quality water for the reservoir it serves. There is no way that Stage 4 will not seriously damage this cherished creek, and I urge you not to approve this development.

Regarding the intersection of Clarksburg Road and West Old Baltimore Road, the lines of sights (or sight distances) are already seriously limited, making this intersection very dangerous. I understand that a circle will eventually be built, but that is planned for the end of the last stage. That circle should be built now in conjunction with the other stages of the Cabin Branch development.

At a minimum, more planning and hearings are needed before this development is approved.

As a longtime citizen of Montgomery County (since 1953), I cannot understand why further development is being considered before the long-promised improvements to the center of Clarksburg are not implemented and finished.

Thank you for your consideration.



Christopher Arndt*
21090 Sugar Ridge Terrace
Boys, MD 20841
Home tel: 301-916-0203
Mobile: 301-502-2299
Office email: carndt@gormgroup.com
Home email: chris@arndthome.com

* President, Boys Civic Association, but writing in my private capacity.

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JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MONTGOMERY COUNTY PLANNING
AND PARKS COMMISSION

MCP-CTRACK

From: Lisa M Smith <nist1025@outlook.com>
Sent: Saturday, June 08, 2013 11:06 AM
To: MCP-Chair; County.council@montgomerycountymd.gov; Dolan, Mary; Holt, Katherine; Russ, Gregory; LiveableClarksburg@gmail.com; Lazdins, Valdis
Subject: the future for Clarksburg and already congested traffic

Dear Clarksburg Planning Board,

As a concerned Clarksburg resident, I would like to share my concerns with you about future for Clarksburg. We have had so many broken promises in the past and the last thing we want is an outlet in Clarksburg without honor other promises first! It will only add more problems to already bad traffic. I currently have to leave house before 6am in order to beat the traffic. Can't image how an outlet will affect local traffic. DC area traffic is already the worst in the nation based on a recent survey... The County is under no obligation to help developers who speculated on land gain the maximum return on investment.

I don't think anything in Stage 4 should be approved until we hear exactly when and how the 1994 Master Plan vision will be delivered, and how that will be enforced.

Thanks,

Lisa

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JUN 10 2013

OFFICE OF THE COUNTY
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCP-CTRACK

From: katie14400@aol.com
Sent: Saturday, June 08, 2013 11:17 AM
To: MCP-Chair; County.council@montgomerycountymd.gov; "LiveableClarksburg"
"@gmail.com
Subject: Please take no chances with Ten Mile creek

If all of the science points to no development in the watershed, why is there then any discussion regarding development?

Aside from the value to our children and grandchildren of maintaining a liveable environment, those of us in the Clarksburg/ Boyd's area who are dependent on wells for our water depend on the Ten Mile creek aquifer.

The Washington metro area is dependent on that same clean water stored in Black Hills lake.

There is no development that will safely protect this area. We've seen this in the past, as now Ten Mile Creek is THE LAST clean healthy creek in Montgomery Co.

Please do not let development ruin this aquifer.

Sincerely,
Kathleen Albert
14400 Chrisman Hill Dr
Boyd's MD 20841
301-540-6466

MCP-CTRACK

From: M Schoenbaum <mwschoenbaum@yahoo.com>
Sent: Saturday, June 08, 2013 2:42 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Subject: Clarksburg limited master plan amendment

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Planning Board,

My family and I moved to Boyds in 2000, the year construction began in Clarksburg. My house is at the southern end of Clarksburg Road, near the Boyds MARC station. Both of my children have attended Clarksburg Elementary School. And I am writing to ask you to stop development in Clarksburg Stage 4 until the first 3 stages of Clarksburg have the comprehensive transit system and town center that the Clarksburg Master Plan promised.

The Clarksburg Master Plan says at least 24 times that Clarksburg will be transit-oriented. But after 13 years of construction, approval of 3 of the 4 stages, and more than a six-fold increase in population, Clarksburg still has exactly the same transit that it had before construction began: the MARC station in Boyds, and a few RideOn buses with limited service. There is no regional transitway, extending from Shady Grove to Frederick, with a stop at Clarksburg Town Center. There is no comprehensive network of buses. There is no longer even the hope that someday a part of Clarksburg will have a long, slow connection from Comsat to Shady Grove via the CCT.

So what would approving development in Stage 4 accomplish? It would not bring transit or a town center to Clarksburg. As Carl Elefante wrote in the report of the ad hoc water quality working group, "There is no compelling purpose to development of the Stage 4 parcels west of I-270. Residential development west of I-270 cannot reasonably be characterized as contributing to compact, transit-oriented, mixed-use, town center development."

On the other hand, approving development in Stage 4 now would endanger the health of Ten Mile Creek and its watershed, put more cars on already overcrowded roads, and increase the pressure for road construction and road widening. And it would make a mockery of planning in Montgomery County and confirm that the promises of the Clarksburg Master Plan were lies.

I agree with the Liveable Clarksburg Coalition: this really is our last chance to get development in Clarksburg right. Please keep the promise of the Clarksburg Master Plan by halting development on Ten Mile Creek.

Miriam Schoenbaum
15004 Clopper Rd
Boyds MD 20841

MCP-CTRACK

From: andrew@eltiempolatino.com
Sent: Saturday, June 08, 2013 3:36 PM
To: MCP-Chair
Cc: LiveableClarksburg@gmail.com
Subject: Clarksburg Town Center - ie CTC

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

To Planning Chair
County Council
Planning Staff

As original buyers, having now been in CTC for over 11 years and thoroughly intimate with the controversy, drama and strife of the ongoing Town Center 'process', we would respectfully submit the following random observations;

An Outlet Mall anywhere near here has got to be a terrible idea

Imagine the additional traffic congestion along rt355, secondary roads and at the I270 interchange (yes, regardless of what ever 'improvements' are made).

Imagine the burden placed upon the sensitive watershed nearby (yes, regardless of whatever 'safeguards' are implemented).

And imagine the audacity of green-lighting such ambitious, detrimental and unnecessary development before long-intended comprehensive transportation solutions are in place, *and even before the CTC retail has been delivered.*

Heck, simply imagine the damage my wife could levy with shoe-shopping within minutes - ouch.

However, someone is going to own that parcel, and build something on it

I would love to see the pristine nature and precious water source of Ten Mile Creek preserved for future generations, completely unspoiled and consider this to be THE IDEAL.

However, in the face of reality, and in a spirit of very reluctant COMPROMISE;

Imagine rezoning that shopping-mall land, at least partially, as low-density, high-end singles (1 –3 acre, \$1m -\$3m).

This allows the developer/builders to make some money while providing 'best-case' for impact against the Ten Mile Creek ecology.

This also minimizes additional traffic along all surrounding routes, eliminating need for additional road improvements (which, let's be honest, aren't gonna happen anyway).

The Clarksburg Town Center retail may need to be slightly re-cast

With the completion of nearby Clarksburg Village's grocery, another full-size grocery at CTC may not be viable.

Both Newland and Elm Street have vigorously expounded upon the challenges & shortcomings of the CTC parcel for successful full-size grocery development. Much of the fuss has been over 'what the project has to be for the anchor grocer to be made happy'.

Seems reasonable to consider that perhaps full-scale grocery may not be the right fit for the parcel.

Why not reconsider this as a smaller-scale retail with a grocer like MOM'S Market, Trader Joe or Roots, and fill-in with dining options?

Clarksburg Town Center could be a mini-destination for decent dining, instead of driving to Frederick, or (don't even think about it), Bethesda.

Hey, we can dream, right? Don't know if they have but if not, it's surprising, and a little irresponsible of Elm Street to not have pursued the concept of selling the Clarksburg Village retail as the natural location for larger grocer/fast food and CTC as a natural fit for smaller scale grocer and higher-quality dining. No repetition, no overlap, no competition, no brainer.

Additionally

Whatever happened to the second community swimming pool which was slated for the west-side of CTC?

I mentioned this years ago in correspondence with Park & Planning as being part of all the designs we buyers examined. Upon completion of Town Center, the one existing swimming pool will be grossly under-scaled to serve the community. Our swimming pool is not well designed; too much area was devoted to 'toddler' or 'cool-off, non-swimmer' type use. Go look at our pool, and then go look at the Clarksburg Village pool. If 'footprint issue' is what limits the size of our pool, guess what?, *that's why we need the second pool!*

Good news is since the west side of CTC isn't yet built out, this is actually one issue that CAN still be remedied before its too late.

(suggestion -use this as a negotiation piece with Elm Street over something they complain about not wanting to do, after all, they aren't building the multiple garages originally planned, or the multi-level retail originally planned, or the live-works originally planned, or the multiple pad-site restaurants originally planned).

Like to see the northwest end of the hike/bike path nicely finished as well.

Kinda off-topic but - tremendous priority should have been assigned to a light-rail, or trolley type thing that ran from Frederick to Rockville (Bethesda?).

I know it, and you know it. Buses will never change this truth.

We want the Clarksburg Town Center retail and associated elements TO BE WAY ABOVE AVERAGE in style, design, materials, and concept.

Finally, we would like to thank you for your efforts in holding the developer/builder, whoever that may currently be, to higher standards.

Unlike some, we do not possess the most extreme vitriol for these enterprises and actually look forward to seeing some progress on these matters.

To that end, we accept the relationship to be what it is - ie they need us - to ALLOW them to make money, and we need them - to understand we won't be marginalized in the process.

Andrew Hencke
Zulema Tijero

Clarksburg Town Center

MCP-CTRACK

From: dyerwiki@verizon.net
Sent: Saturday, June 08, 2013 5:18 PM
To: MCP-Chair
Cc: LiveableClarksburg@gmail.com
Subject: Clarksburg

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

To MCP Chair Members;

I am emailing you today with my concerns for Clarksburg. I moved to Clarksburg a little over two years ago. I commute to DC everyday via the MARC train. It is so refreshing to arrive home. I love it here because it is "residential" and not over run with retail or traffic. There is traffic but compared to our neighbors we are blessed. My concern if we do not stop the excessive development plans our peaceful community will be no more. My concern is 10 mile creek will become a wasteland in the coming years and no longer a viable water source in this age where clean water is precious. 10 Mile Creek should be our top concern not the shopping and entertainment of the community. There is already plenty of that for anyone looking for it. Sure we would like to see our Town Center and a library in the near future for OUR community but, the giant retail projects are not wanted by me. If I want to shop I just have to go out a few miles North or South to do so. Please do not crowd us in and do not take our precious resource in the name of greed.

Thank you
J Dyerwilkins

June 9, 2013

Dear Members of the Montgomery County Council:

I am writing to express my concern for the regarding the proposed development in Clarksburg. My husband and I bought property in 2009 and moved out to Clarksburg because we were fed up with the development and resulting congestion in down county. Now I am fearful we are destined for more of the same.

I strongly encourage you to delay approval of Stage 4 until the community understands more of how the 1994 Master Plan vision will be delivered and how it will be enforced. I have zero trust in developers and have heard of the broken promises in the past. The fact that the properties have changed hands so many times screams of "red flag" and makes accountability impossible.

Traffic Congestion

Currently during rush hour, it takes me longer to drive between Germantown and my home than it does for me to drive from Baltimore City to the County region. The local traffic congestion is horrible and detracts from the little time I have with my kids after school. Please make local traffic congestion a priority. We need an express bus to the Shady Grove Metro. I personally was the victim of a hit and run at the intersection of 355 and Clarksburg road. The small bridges, high volume, fast speed on 355 needs immediate attention. The local intersections on 355 need work in terms of visibility, pedestrian and vehicle safety. Please make this a priority.

Ten Mile Creek

This area should be moved to the protection of the Ag Reserve. The fact that there is a plan on the table for a shopping mall to be next to a vulnerable creek that feeds our water supply is simply ridiculous. How did this even happen?? Please reject.

Shopping Malls

I am against any retail shopping malls in this area. Please tell the developers to go elsewhere. They already exist close by and I am sure the existing owners could use the volume. The community and nature does not need this or want retail shopping malls. The Clarksburg community wants just the basics...a grocery store would be nice for starters. Please make Clarksburg work for the few dedicated local business owners that would benefit from improved pedestrian traffic and safer roads.

Thank you for taking the time to read my concerns.

Joanne Ogaitis
23711 Peach Tree Road
Clarksburg MD 20871
Phone 240-676-3672

MCP-CTRACK

From: Joanne Ogaitis <josie.ogaitis@verizon.net>
Sent: Sunday, June 09, 2013 9:41 AM
To: MCP-Chair
Subject: Clarksburg Master Plan

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

June 9, 2013

Dear Chair and Members of the Montgomery County Planning Board:

I am writing to express my concern for the regarding the proposed development in Clarksburg. My husband and I bought property in 2009 and moved out to Clarksburg because we were fed up with the development and resulting congestion in down county. Now I am fearful we are destined for more of the same.

I strongly encourage you to delay approval of Stage 4 until the community understands more of how the 1994 Master Plan vision will be delivered and how it will be enforced. I have zero trust in developers and have heard of the broken promises in the past. The fact that the properties have changed hands so many times screams of "red flag" and makes accountability impossible.

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Ten Mile Creek

This area should be moved to the protection of the Ag Reserve. The fact that there is a plan on the table for a shopping mall to be next to a vulnerable creek that feeds our water supply is simply ridiculous. How did this even happen?? Please reject.

Shopping Malls

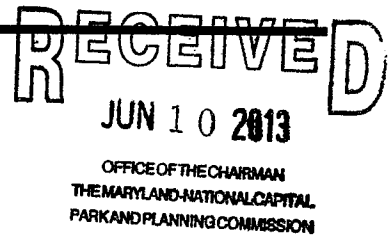
I am against any retail shopping malls in this area. Please tell the developers to go elsewhere. They already exist close by and I am sure the existing owners could use the volume. The community and nature does not need this or want retail shopping malls. The Clarksburg community wants just the basics...a grocery store would be nice for starters. Please make Clarksburg work for the few dedicated local business owners that would benefit from improved pedestrian traffic and safer roads.

Thank you for taking the time to read my concerns.

Joanne Ogaitis
23711 Peach Tree Road
Clarksburg MD 20871
Phone 240-676-3672

MCP-CTRACK

From: Grace Whitman <paganwit@mac.com>
Sent: Sunday, June 09, 2013 11:46 AM
To: MCP-Chair; County.council@montgomerycountymd.gov
Subject: Correcting the mess made of Clarksburg



To the Members of the Montgomery Planning Board and the Montgomery County Council:

Please, please don't make a bad situation worse, aka Clarksburg. Frankly, it's a complete mystery to me after years of studies on smart growth and liveable cities, how such a poorly planned development that is Clarksburg could have been allowed to occur. It seems to me that most people prefer being able to walk to shopping and restaurant areas, in fact is something folks in Bethesda and now Silver Spring delight in. Neither was like that originally. But now are after great redevelopment projects occurred in these two areas. Kentlands approaches this concept but could have done a better job. So couldn't the Clarksburg project have learned from everyone else's errors? Apparently not! And what a boondoogle it is. I live @ 9 miles away and prefer driving to Frederick or Gaithersburg than go to Clarksburg. First of all, the traffic congestion is horrendous and secondly, there are no shops of value there. If a nice town center had been developed as advertised in the 90s, the place might not look like the wasteland it currently is.

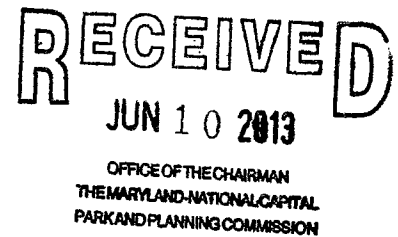
I'm mystified at the idea of an outlet mall and more catastrophically...at the headwaters of 10 Mile Creek? Have you visited this pristine area? You must. Destroying this beautiful area with so-called mitigation systems is short-sighted at the least, criminal when considering of the longterm consequences to future generations and our dwindling natural systems.

Please correct the missteps and greed-generated behaviors of past developers and make Clarksburg liveable.

Sincerely, Grace Whitman
Barnesville, MD 20838

MCP-CTRACK

From: katie14400@aol.com
Sent: Sunday, June 09, 2013 12:28 PM
To: MCP-Chair; County.council@montgomerycountymd.gov;
LiveableClarksburg@gmail.com
Subject: Clarksburg master plan amendment



Regarding the proposed Cabin Branch development.

I have lived in Boyd's for 16 years and I have spent over 30 years time working in the local Boyds/Clarksburg area. During this time I've watched the haphazard development in my town.

So much has been promised but not delivered. "Town Center" is still a vacant lot overgrown with weeds. Large mounds of earth prevent its use even as a makeshift ball field. A swimming pool was promised, but as so many other promises, it has gone unbuilt. The Stringtown Road improvement is it still "in design" even though the commuter growth began over ten years ago.

Now, in the third phase, The Cabin Branch development is the "biggest new town" in Clarksburg, adding 2200 new homes and over 2.4 million square ft of retail on the west side of 270. It appears that there will be no improvement to Clarksburg Rd, a scenic two lane rural road, even though there will be many added cars. My amateur guess is 2200 homes equals a minimum of 4400 cars. The retail part of the plan will add even more traffic and 57 acres of imporous surface .

It was stated at the town meeting (5/29/13) that the outlet developer was proposing to have a private interchange access on & off of 270, but I consider that highly unlikely with the price tag of \$30 million dollars. Again, considering the track record with developers, what we get is rarely what is promised.

What does it take to improve roads?

Better yet, what does it take for sensible growth? Is it too late to plan for sensible growth and the appropriate use of Clarksburg resources?

Regarding the idea of the proposed Clarksburg Premium Outlets at Cabin Branch I wonder how many up-county retail businesses are eager for a discount mall in the area? In viewing the retail space at Lakeforest mall or strip malls in Gaithersburg and Germantown, there seems to be no lack of retail space and struggling retailers. The Milestone shopping center in Germantown already has four discount retail stores: Kohl's, Target, TJ Max, and Walmart.

"Outlet malls" that I'm familiar with in the Metro area are built geographically away from existing retail, so as not to hurt those businesses. They bring jobs for unskilled labor to areas where such labor is available. How is this outlet mall bringing value in Clarksburg? Few of these jobs will pay enough for the employees of to be able to afford the \$540,000 price tag of the new homes promised in Cabin Branch.

I envision the Cabin Branch development as follows:

1. High density living, and added traffic congestion on Routes 355, 270, and 121.

2. Residents commuting to good paying jobs elsewhere (adding congestion and pollution) and retail employees commuting to work in the discount mall (adding congestion and pollution).

3. In addition, water damage to Cabin Branch creek and therefore Black Hills lake, further stressing the water quality and the environment.

Before any new development in Clarksburg should be started, all of the old promises should be met. Route 355 need to be improved to support the existing congestion. The connection roads between old Clarksburg and new Clarksburg should be finished i.e. Stringtown Rd as well as the intersection of Piedmont Rd and Clarksburg Rd.

Let's revisit the idea of a 270 technological corridor so people can live close to where they work. From the Clarksburg Master Plan:

Emphasizing the importance of I-270 as a high-technology corridor for Montgomery County and the region and preserving key site adjacent to I-270 for future employment options.

I implore you to consider these current development ideas as impractical and a very poor use of what Clarksburg has to offer.

Sincerely,
Kathleen Albert
14400 Chrisman Hill Dr
Boyd's MD 20841
301-540-6466

Brown, WalterL

From: Whit Cobb <whit.cobb@gmail.com>
Sent: Sunday, June 09, 2013 12:46 PM
To: Presley, Amy
Cc: Dolan, Mary; Boyd, Fred; Lazdins, Valdis
Subject: Limited Master Plan Amendment for Clarksburg

Dear Ms. Presley,

As you consider the Limited Master Plan Amendment for Clarksburg, I urge you to preserve the viability of the Clarksburg Historic District. As the owner of a property within the Historic District (the Gardner House, formerly the Visitors' Center, at 23330 Frederick Road), I am concerned that the amendment under consideration could significantly harm the Historic District by preventing beneficial development in Stage 4, and by inappropriately lumping the Historic District in with the rest of the study area.

Stage 4 Development Would Benefit the Historic District

First, I believe development of the Miles-Coppola-Peterson property within Stage 4 would have substantial environmental benefits for the Historic District. As you may know, there are numerous failing septic systems within the Historic District, including at the Gardner House. The proposed development would have the very concrete environmental benefit of facilitating the replacement of the failing septic systems in the Historic District with public sewer service. It goes without saying that inadequate septic systems adjacent to the headwaters of Ten Mile Creek are not good for the health of the creek.

Second, the Miles-Coppola-Peterson development would benefit the entire environment east of Interstate 270. This area has already been developed to some extent and contains a number of adverse conditions for stream health. Peterson is proposing a number of innovative techniques that would improve the health of the Ten Mile Creek tributaries east of the Interstate. I believe that blocking the Miles-Coppola-Peterson development would be worse for the environment than allowing the current conditions to continue.

Relatedly, I note that the two tributaries of 10 Mile Creek that would be affected by the Miles-Coppola-Peterson development already run under Interstate 270 for significant distances (approximately 200 feet each). Due to their passage under the Interstate and the accompanying runoff, these tributaries are clearly not "pristine" in the usual meaning of the word. I believe that additional, environmentally responsible development east of Interstate 270 would actually improve the health of those two tributaries.

Third, preventing or drastically limiting development in the Stage 4 area adjacent to the Historic District will deprive the Historic District of the vitality it needs to flourish. The Historic District is a very small area; the retail businesses there depend on the commercial traffic of the surrounding area for its survival. In particular, the development of the adjacent Stage 4 area would permit the Historic District to flourish.

The Historic District Should be Considered Separately from Stage 4

Regardless of how any Amendment treats Stage 4 itself, the Amendment needs to treat the adjacent Clarksburg Historic District separately from the rest of the study area. The Historic District has long

been overlooked in discussions about development in Clarksburg, and it has special characteristics that warrant separate treatment, including:

- a. It is outside of Stage 4.
- b. It is on the outer edge of the 10 Mile Creek watershed.
- c. It is considered within the Town Center district and has already been developed to a large extent.
- d. It would be patently unfair and unreasonable to apply an imperviousness limit to the individual small parcels (2 acres or less) that make up the Historic District. Such a limit would destroy the viability of the historic district going forward, as it would make infill development economically impossible. For example, a 1/2 acre property subject to a 6% imperviousness cap could only have 1300 square feet of impervious surfaces, which would make it impossible to build a structure with parking.
- e. The Master Plan designates the Historic District as a "focal point" of the Town Center (1994 Clarksburg Master Plan, p. 42). It cannot play this role if development is subject to unreasonable imperviousness limits.
- f. Any development in the Historic District would be infill development, which is specifically encouraged within the Historic District. (1994 Clarksburg Master Plan, p. 47).
- g. It would be especially problematic to apply an imperviousness limit to the commercially zoned properties (such as the Gardner House) south of Redgrave Place, which is the location of the proposed transit stop. This would be a natural location for infill development in the Historic District.

The best way to preserve the Historic District is to allow it to serve its historic function as a combined commercial and residential area. If the Clarksburg Master Plan is amended, the amendment should address environmental concerns but should also take into consideration the historic preservation and economic development needs of the Historic District.

Thank you for your consideration of this important issue. Please let me know if you have any questions.

Sincerely,

Whit Cobb

1402 Meadowsweet Drive
Sandy Spring, MD 20860
whit.cobb@gmail.com
[301-233-6947](tel:301-233-6947) (cell)

MCP-CTRACK

From: Sue Goletz <hoopq@aol.com>
Sent: Sunday, June 09, 2013 1:19 AM
To: MCP-Chair; county.council@montgomerycountymd.gov
Subject: liveableclarksburg@gmail.com

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

To the Council and Chair -

My husband and I moved out to Clarksburg across the street from the high school 13 years ago because we loved the openness and opportunities that we thought Clarksburg would offer us and we looked forward to starting our family here. Since moving here, all we have seen is more and more houses being built (and not according to plan), and more and more congestion clogging the streets. Our children started at Little Bennett Elementary the 2nd year it was open only to see portables added to it, and even more added this year. We pulled them from the school this past year and put them in private school because of the overcrowding situation that is becoming rampant in Clarksburg. The road situation is beyond ridiculous and to add an unwanted outlet mall situation will make a bad condition even worse. The Town Center has been a debacle and our basic needs have been ignored for too long.

Adding to the pile of things that are essentially wrong is one thing that is mind boggling. How can you even consider ruining the water ecosystem in our county? The Ten Mile Creek is essential to our watershed and the developers do not have a proven method to ensure that this vital waterway will be maintained and protected. Priorities need to be established and this is one of paramount importance.

We beseech you to make an informed decision on how to develop Stage 4 of our plan as it will have major ramifications for those of us who live here and want to enjoy living here. Do not overdevelop Clarksburg, and please do not ruin the Ten Mile Creek. You do not want to realize you made a huge mistake environmentally and developmentally for the next generations to come. Take into consideration what you are doing for this town and the watershed. You have a chance to do the right thing.

Sincerely,

Sue Goletz

Brown, WalterL

From: Whit Cobb <whit.cobb@gmail.com>
Sent: Sunday, June 09, 2013 2:04 PM
To: MCP-Chair
Cc: Carter, John; Cashion, Ronald; Presley, Amy; Dolan, Mary; Boyd, Fred; Lazdins, Valdis
Subject: Limited Master Plan Amendment for Clarksburg

Dear Chair Carrier and Members of the Planning Board,

As you consider the Limited Master Plan Amendment for Clarksburg, I urge you to preserve the viability of the Clarksburg Historic District. As the owner of a property within the Historic District (the Gardner House, formerly the Visitors' Center, at 23330 Frederick Road), I am concerned that the amendment under consideration could significantly harm the Historic District by preventing beneficial development in Stage 4, and by inappropriately lumping the Historic District in with the rest of the study area.

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Second, the Miles-Coppola-Peterson development would benefit the entire environment east of Interstate 270. This area has already been developed to some extent and contains a number of adverse conditions for stream health. Peterson is proposing a number of innovative techniques that would improve the health of the Ten Mile Creek tributaries east of the Interstate. I believe that blocking the Miles-Coppola-Peterson development would be worse for the environment than allowing the current conditions to continue.

Relatedly, I note that the two tributaries of 10 Mile Creek that would be affected by the Miles-Coppola-Peterson development already run under Interstate 270 for significant distances (approximately 200 feet each). Due to their passage under the Interstate and the accompanying runoff, these tributaries are clearly not "pristine" in the usual meaning of the word. I believe that additional, environmentally responsible development east of Interstate 270 would actually improve the health of those two tributaries.

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Regardless of how any Amendment treats Stage 4 itself, the Amendment needs to treat the adjacent Clarksburg Historic District separately from the rest of the study area. The Historic District has long been overlooked in discussions about development in Clarksburg, and it has special characteristics that warrant separate treatment, including:

- a. It is outside of Stage 4.
- b. It is on the outer edge of the 10 Mile Creek watershed.
- c. It is considered within the Town Center district and has already been developed to a large extent.
- d. It would be patently unfair and unreasonable to apply an imperviousness limit to the individual small parcels (2 acres or less) that make up the Historic District. Such a limit would destroy the

viability of the historic district going forward, as it would make infill development economically impossible. For example, a 1/2 acre property subject to a 6% imperviousness cap could only have 1300 square feet of impervious surfaces, which would make it impossible to build a structure with parking.

e. The Master Plan designates the Historic District as a "focal point" of the Town Center (1994 Clarksburg Master Plan, p. 42). It cannot play this role if development is subject to unreasonable imperviousness limits.

f. Any development in the Historic District would be infill development, which is specifically encouraged within the Historic District. (1994 Clarksburg Master Plan, p. 47).

g. It would be especially problematic to apply an imperviousness limit to the commercially zoned properties (such as the Gardner House) south of Redgrave Place, which is the location of the proposed transit stop. This would be a natural location for infill development in the Historic District. The best way to preserve the Historic District is to allow it to serve its historic function as a combined commercial and residential area. If the Clarksburg Master Plan is amended, the amendment should address environmental concerns but should also take into consideration the historic preservation and economic development needs of the Historic District.

Thank you for your consideration of this important issue. Please let me know if you have any questions.

Sincerely,

Whit Cobb

1402 Meadowsweet Drive

Sandy Spring, MD 20860

whit.cobb@gmail.com

[301-233-6947](tel:301-233-6947) (cell)

MCP-CTRACK

From: stevehowie@aol.com
Sent: Sunday, June 09, 2013 6:21 PM
To: MCP-Chair
Subject: Proposed outlet malls in Clarksburg

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Ms Carrier,

My name is Stephen J Howie. I have lived in Montgomery County most of my life, having grown up in Silver Spring and now residing (twenty-plus years) at 14701 West Old Baltimore Road in Boyds, in the Clarksburg Master Plan area. I was president of the Clarksburg Civic Association from 1995 to 2004. In that capacity I gained an understanding of the Clarksburg Master Plan and respect for quality of life needs of Clarksburg's citizens.

Recently, two proposals have surfaced to build outlet malls in Clarksburg, one on the east side of I-270 and the other on the west side of I-270. I am disturbed at the prospect of an outlet mall opening within any of the neighborhoods of Clarksburg. Some of my concerns are described below.

1. 1. An outlet mall would not primarily serve the local community. It would be designed to attract and serve customers from great distances. Its retail mix and commercial offerings would simply not be commercially driven by the needs of the local community.
2. 2. An outlet mall is designed to be driven to, and would attract a great amount of vehicle traffic. The supporting commercial development would cater to people driving in, and driving away. This would not conducive to creating livable, walkable communities.
3. 3. An outlet mall in Clarksburg would affect the viability of retail development within the Town Center and other neighborhoods. It would siphon off customers, decreasing the base for maintaining retail businesses elsewhere in Clarksburg. The effect would be similar to a strip mall opening on the outskirts of a town, leading to shuttering of the shops on Main Street.
4. 4. Traffic infrastructure improvements designed to serve an outlet mall cannot be expected to benefit the local community, or to offset all the extra traffic the mall would attract on other roads. Traffic infrastructure developments should be designed to serve the needs of Clarksburg residents.
5. 5. Montgomery County should look for planning opportunities to positively address such issues as climate change and air quality. An outlet mall in Clarksburg would encourage long-trip automobile-intensive shopping. The location—far from most of the County's population, would exacerbate this effect.

Please carefully consider this matter. A decision to allow such specialized development would massively and irrevocably change the nature of the Clarksburg community.

Stephen J. Howie
14701 West Old Baltimore Road,
Boyds, MD 20841

MCP-CTRACK

From: Mary Joan Ferrara-Marsland <maryjoanferrara@verizon.net>
Sent: Sunday, June 09, 2013 6:47 PM
To: MCP-Chair
Subject: Ten Mile Creek and Clarksburg

RECEIVED
JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Chairman of the planning Board,

I am quite disturbed by what I have seen happening in Clarksburg in the last 10 years or so. I also hear about a lot of corruption which is not a good reflection of anyone on the planning board or the council. Developers have been allowed to get away with not only breaking loads of rules and not being penalized enough, along with saying they were building a walking community with shopping, restaurants and a library that was promised to all the people that bought into it and never happened. Now they want to destroy the cleanest creek in Montgomery County claiming that they will preserve it with techniques that have not been tested enough to take this risk. We don't need 2 outlet malls – not even 1! And we certainly do not need high density housing on such a sensitive area. There will not be any decent paying jobs coming in with this type of development, there will be major, major traffic congestion in what is already a mess because 355 is too narrow, our schools are already overcrowded, and we have to environmental factors to deal with. All of this is insanity, greed, corruption, and stupidity. We don't believe anything you or the developers promise anymore. We want a clean livable community up-county and not a pack of lies. No one trusts any of you anymore. Why not do what is right and think of the people here and what we want.

Mary Joan Ferrara-Marsland
Boys, MD

JUN 10 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Leedyt@aol.com
Sent: Sunday, June 09, 2013 7:39 PM
To: county.council@montgomerycountymd.gov; MCP-Chair
Subject: Do not approve development of Ten-Mile Creek project

June 10, 2013

Via email to: Montgomery County Planning Board and Montgomery County Council

(councilmember.andrews@montgomerycountymd.gov; councilmember.berliner@montgomerycountymd.gov; councilmember.elrich@montgomerycountymd.gov; councilmember.ervin@montgomerycountymd.gov; councilmember.floreen@montgomerycountymd.gov; councilmember.rice@montgomerycountymd.gov; councilmember.riemer@montgomerycountymd.gov; councilmember.leventhal@montgomerycountymd.gov; councilmember.navarro@montgomerycountymd.gov).

RE: Development of Ten-Mile Creek Project

We wish to make two points concerning the Ten-Mile Creek development:

Point 1: It has been our understanding that the development of the Ten-Mile Creek project was dependent on the completion of several Stage-Four triggering mechanisms. These were to include the infrastructure necessary to fully define the storm water management, the road systems necessary to support the project, and the full effect of the project on the local streams. The development should not proceed until the previous stages have been fully accomplished. Proceeding would be a failure of the County to abide by its own processes.

Point 2: Thus far, Ten Mile Creek has been categorized in the good to excellent range (Tier 2) for stream invertebrates. We would like to keep it this way since this is a major source of our drinking water. Ten-Mile Creek, one of Montgomery County's last trout streams, was supposed to be shielded from harm, even though it flows past Clarksburg's town center. In fact the Upper Ten-Mile Creek stream condition has been characterized as "excellent" on Montgomery County's web site

(<http://www6.montgomerycountymd.gov/dectmpl.asp?url=/content/dep/water/watershedQuality.asp#tier2>).

Those streams and watersheds more down-county have been characterized as "fair" to "poor." We are sure that the developers around these sites made promises to protect the environment and use state-of-the-art methods to protect water quality. We have heard no compelling reason why the present developer will provide different results in spite of the fact that the technology has improved.

For these reasons, we respectfully request that Stage Four development of the Ten-Mile Creek project be placed on hold until, as a minimum, the previous stages are completed and yield a satisfactory outcome.

Sincerely,

Thomas and Kathryn Leedy
15720 Comus Road
Clarksburg, MD 20871

Brown, WalterL

From: YASMIN Galvez <ymp73@msn.com>
Sent: Sunday, June 09, 2013 8:43 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: LiveableClarksburg@gmail.com; Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory
Subject: Clarksburg - No Outlet Mall - Stay With 1994 Master Plan

June 9, 2013

Yasmin Galvez
13110 Commodore Lane
Clarksburg, MD 20871

County Council and Planning Board Chair
Montgomery County Maryland

Dear **County Council and Planning Board Chair**:

I am a home owner in Clarksburg and I am concerned about the future of our hometown. I think the residents here have waited patiently for our promised walkable Town Center Village. The Master Plan that the County approved included a Town Center and I paid a premium price to live here. The County Council and the Planning Board should not approve anything under Stage 4, until the 1994 Master Plan is delivered and enforced.

We also need to look at the forest and waterways in Clarksburg. The country surroundings are one of the best features to Clarksburg. We will be compromising the land, along with Ten Mile Creek and the Reservoir. I feel that Stage 4 is not in the town of Clarksburg's best interest. We need a Town Center Village like we were promised in 1994 Master Plan.

The Clarksburg Master Plan promised us transit-oriented, walkable development. The Plan called for a regional transitway, extending from Shady Grove to the City of Frederick, with a stop in Clarksburg Town Center. There was supposed to be a comprehensive network of local buses linking neighborhoods with the regional transitway. There were supposed to be schools, libraries, and community centers linked to neighborhoods by pedestrian and bicycle paths.

I am sympathetic to the economic downturn; we have lost hundreds of thousands of dollars in our home value, but we still believe in the promise of the Master Plan and the outlook of a better future. Please do not vote to build an Outlet Mall and re-commit yourselves to the 1994 Master Plan.

Sincerely,

Yasmin Galvez

Brown, WalterL

From: Jaime Galvez <jegf15@yahoo.com>
Sent: Sunday, June 09, 2013 9:09 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: LiveableClarksburg@gmail.com; Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory
Subject: Clarksburg - No OutletMall - Keep 1994 Master Plan

June 9, 2013

Jaime Galvez
13110 Commodore Lane
Clarksburg, MD 20871
County Council and Planning Board Chair
Montgomery County Maryland

Dear County Council and Planning Board Chair:

I am a home owner in Clarksburg and I am concerned about the future of our hometown. I think the residents here have waited patiently for our promised walkable Town Center Village. The Master Plan that the County approved included a Town Center and I paid a premium price to live here. The County Council and the Planning Board should not approve anything under Stage 4, until the 1994 Master Plan is delivered and enforced.

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We need a Town Center Village like we were promised in 1994 Master Plan.

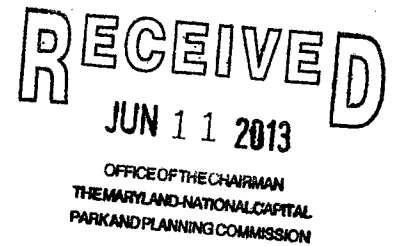
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I am sympathetic to the economic downturn; we have lost hundreds of thousands of dollars in our home value, but we still believe in the promise of the Master Plan and the outlook of a better future. Please do not vote to build an Outlet Mall and re-commit yourselves to the 1994 Master Plan.

Sincerely,
Jaime Galvez

MCP-CTRACK

From: Joanne Ogaitis <josie.ogaitis@verizon.net>
Sent: Sunday, June 09, 2013 9:27 PM
To: MCP-Chair
Subject: Re: Clarksburg Master Plan



Corrected version for the record. Thank you.

From: Joanne Ogaitis <josie.ogaitis@verizon.net>
To: "mcp-chair@mncppc.org" <mcp-chair@mncppc.org>
Sent: Sunday, June 9, 2013 9:41 AM
Subject: Clarksburg Master Plan

June 9, 2013

Dear Chair and Members of the Montgomery County Planning Board:

I am writing to express my concern for the proposed development in Clarksburg . My husband and I bought property in 2009 and moved out to Clarksburg because we were fed up with the development and resulting congestion in down county. Now I am fearful we are destined for more of the same.

I strongly encourage you to delay approval of Stage 4 until the community understands more of how the 1994 Master Plan vision will be delivered and how it will be enforced. I have zero trust in developers and have heard of the broken promises in the past. The fact that the properties have changed hands so many times screams of "red flag" and makes accountability impossible.

Traffic Congestion

Currently during rush hour, it takes me longer to drive between Germantown and my home than it does for me to drive from Baltimore City to the County region. The local traffic congestion is horrible and detracts from the little time I have with my kids after school. Please make local traffic congestion a priority. We need an express bus to the Shady Grove Metro. I personally was the victim of a hit and run at the intersection of 355 and Clarksburg road. The small bridges, high volume, fast speed on 355 needs immediate attention. The local intersections on 355 need work in terms of visibility, pedestrian and vehicle safety. Please make this a priority.

Ten Mile Creek

This area should be moved to the protection of the Ag Reserve. The fact that there is a plan on the table for a shopping mall to be next to a vulnerable creek that feeds our water supply is simply ridiculous. How did this even happen?? Please reject.

Shopping Malls

I am against any retail shopping malls in this area. Please tell the developers to go elsewhere. They already exist close by and I am sure the existing owners could use the volume. The community and nature does not need this or want retail shopping malls. The Clarksburg community wants just the basics...a grocery store would be nice for starters. Please make Clarksburg work for the few dedicated local business owners that would benefit from improved pedestrian traffic and safer roads.

Thank you for taking the time to read my concerns.

Joanne Ogaitis
23711 Peach Tree Road
Clarksburg MD 20871
Phone 240-676-3672

MCP-CTRACK

From: Mary Galloway <mandersongalloway@gmail.com>
Sent: Sunday, June 09, 2013 10:11 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: LiveableClarksburg@gmail.com
Subject: The Future of Clarksburg

RECEIVED
JUN 11 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Members of the Planning Board, Planning Staff, and County Council,

I would like to request your serious consideration of the crucial decision on the upcoming plans for Clarksburg development. I understand that development is part of the overall plan for Clarksburg and I welcome much of it. However, I strongly believe that we are rapidly exceeding the infrastructure that is currently in place to support the growing community. The density of traffic on the major roads leading to/from Clarksburg has reached a dangerous level. I am witnessing daily maneuvers by frustrated people trying to pull out into a steady stream of traffic because they realize the drive time down any of these roads has doubled to tripled from what it was just a few years ago. The safety factor on these roads has to be one of your primary concerns, and I invite you try traveling in/out of Clarksburg anytime from 6:30 - 9:30 AM or 3:00 - 7:00 PM. You will see that my statements are not exaggerated.

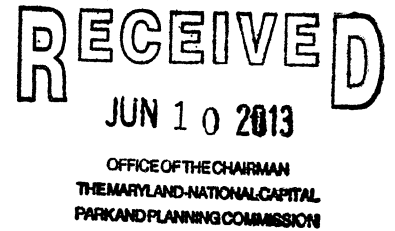
In addition to my concerns about the roads/infrastructure, I have an equally strong plea for you to consider the data that has been presented regarding our water quality. This local watershed is currently one of the few remaining high-quality water sources, and a cap on the impervious surface area will be critical to maintaining this status. I would ask that you use your common sense in evaluating this situation even if you do not understand or believe the scientific evidence that is available to support the conclusion. Observe what happens after a rain; watch where the water goes, the run-off from developed areas, the collective concentration of fertilizers, weed-killers, and other chemicals we keep adding to the yards. There is a wealth of scientific evidence to show the inevitable deterioration of water quality, and I implore you to consider what has been learned from past mistakes.

Please be judicious in your decision for our FUTURE. Generations to come will be looking back at these decisions, and if you were honest with yourselves, I believe you know what they would want.

Sincerely,
Mary A. Galloway
23114 Sycamore Farm Drive
Clarksburg, MD

MCP-CTRACK

From: Linda Abbott <lsabbott@verizon.net>
Sent: Monday, June 10, 2013 12:02 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: LiveableClarksburg
Subject: Please Save Ten Mile Creek



Dear Members of the County Council and Planning Board:

You will soon make a decision that will impact my life, my neighborhood, my town, my county and even my state. I've been trying to find the right words to say to all of you who hold the future of our community in your hands.

I've been trying to find the right words to add to those of hundreds of other citizens who have already plead their cases, hoping to see the original plans for the Clarksburg Town Center and it's environs completed, plans that persuaded many, if not all, to purchase their homes in Clarksburg. These plans can and should proceed and are NOT dependent on the Ten Mile Creek issue. These commitments should be honored without further delay.

I've been trying to find the right words to persuade you that Clarksburg, Maryland should NOT be considered as a viable location for 2 huge outlet malls. In addition to clogging the already overcrowded roads with more traffic, it could very possibly lower the property values of the homes currently under construction in Cabin Branch as well as in Clarksburg proper and bring crime to the area. I hope the predictions and "promises" of the developers here are not louder than the voices our citizens.

I've been trying to find the right words that will encourage you to seriously consider the scientific research and recommendations submitted by The Audubon Society and the Ten Mile Creek Coalition and, again, NOT be swayed or fooled by the promises of the developers who do not have our best interests at heart. The science-based smart development recommended by the Coalition uses proven methods to safeguard Ten Mile Creek. These methods have been used in 2 local communities with positive results.

Maybe the words of the citizens in the Pulte Home Fieldstone and Notting Hill residential developments in Georgia will help express my concerns: they were awarded \$2.5 million in damages due to flooding and soil erosion from an upstream Pulte residential development valued at more than \$70 million. And, "Forsyth County Superior Court Chief Judge Jeffrey Bagley found that Pulte vice president of land development George "Ted" Turner "willfully deleted email evidence" related to the 2009 lawsuit." Should we really be staking the future of our community on a company with this type of recent controversy in their portfolio?

And, I'm still trying to find the right words to explain how much this quiet, peaceful and serene countryside still means to us after 14 years; to explain the calm we feel when driving past pastures of cows, horses, goats, llamas and many other farm animals, grazing lazily on beautiful, sunny days; to watch the deer romping in our yard, to hear the owls calling in the woods, to see the tiny creatures in the crystal clear streams that run throughout the watershed. What will happen to this peace and beauty of nature if smart choices are not made now? Where will all the wildlife go?

I guess what I'm trying to say is wait. If, for some reason, the Council does not approve the recommendations made by the Audubon Society, then wait. Wait until another community has tried the methods proposed by Pulte and their partners to see what happens. Wait to have empirical data from a community with similar issues that we can look to and count on as fact and not theory. "Put development where it is needed—in Clarksburg Town Center—NOT the headwaters of Ten Mile Creek."

We have one chance to get this right. Please take the time to make sure it's the right decision and not one dictated by a date on the calendar. This is a huge decision that once made will have many long-term and far-reaching effects—on the watershed specifically and the environment in general, on the people who call Clarksburg/Boys home, on the worsening traffic conditions, on the wildlife, on the quality of life.

Imagine that you live here: how would you decide your future then? Rarely will you find the perfect small town community that we have here that has so much to offer. Let's keep it that way, please.

Thank you for your time and consideration.

Linda Abbott
Branch Hill
15500 Branch Hill Road
Boys, MD 20841

MCP-CTRACK

From: kari peterson <karina.peterson@gmail.com>
Sent: Monday, June 10, 2013 5:04 PM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: LiveableClarksburg@gmail.com
Subject: Clarksburg Master Plan Amendment

RECEIVED
JUN 11 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Hello,

I am trying to reach whoever will listen, whoever will care. Please, please stop this senseless over development and ruthless disregard for the residents of Clarksburg and the natural resources of all of Montgomery County.

In considering an amendment to the master plan and changes in the zoning regulations, please consider what WILL happen if you get it wrong. 10 Mile Creek is the emergency water supply. If over development and untested technologies pollute the backup water supply, do you have a backup for our backup? Once a natural resource is gone, it is gone forever. There is no turning back.

Why add houses without providing basic resources? What if something happens? What if a school catches fire? What if there is a major traffic accident? There are no hospitals. There are no firemen, no policeman. The roads are small and crowded. Would you want to be the person waiting on an ambulance during rush hour? Every second counts in an emergency. Wouldn't it be sad if a person trying to get to a sale at an outlet mall kept the ambulance from reaching you in time? It sounds like an absurd question, but this is what the residents of Clarksburg are facing.

The issues with Clarksburg have surpassed a general annoyance of unfulfilled promises of a walkable community and a grocery store. At this point we are faced with life threatening situations of deadly amounts of traffic and polluted waterways.

Are you going to be part of the solution by listening to the citizens of Clarksburg or part of the problem and continue to side with the developers? Clarksburg does not need more homes. It does not need an outlet mall (or 2). Clarksburg needs better roads, more schools, and a protected watershed.

As a resident of Clarksburg, I will be listening and I will be a loud and informed voter when it comes to the next election.

Thank you,
Karina Peterson

June 8, 2013

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JUN 11 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Francoise Carrier
Planning Board Chair
MNCPPC
8787 Georgia Avenue
Silver Spring MD 20910


Re: Clarksburg Development Planning and Outlet Malls

An outlet mall in Clarksburg, or anywhere along I-270 comes with a huge price. That is, a huge price associated with the loss of a high tech campus. Remember when a high tech corridor was envisioned for the properties along I-270? Montgomery County was to be the Gateway, an area Leader in research and technology. It is not too late, we can take the lead and restore the high tech corridor.

Professional positions, careers, families and stable communities are all part of a high tech corridor mix. In contrast, a retail outlet mall as proposed by out of town, out of state companies will do much to fragment the community and eliminate the economic engine that a high tech campus would provide.

The thousand or more low paying jobs as touted in a recent mailing from the developers does little to build our community. Rather, an outlet mall will eliminate the potential for high tech career development. To me, a high price to pay for off price shopping.

Thank you for your consideration.


Daniel Albert
14400 Chrisman Hill Drive
Boyd MD 20841
301-540-6466

From: Mary McKnight <mary.mcknight@starpower.net>
Sent: Monday, June 10, 2013 7:38 PM
To: MCP-Chair
Subject: Concern re Ten-Mile Creek Development

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JUN 11 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION



Friends of Black Hill Nature Programs

20930 Lake Ridge Drive, Boyds, Maryland 20841

June 8, 2013

Planning Department
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910

Dear Planning Department Members:

The Friends of Black Hill Nature Programs are greatly concerned about the possible degradation of Ten Mile Creek by any of the proposed scenarios for the development of Clarksburg, Phase 4. Although we have many specific concerns, only two are being addressed in this letter. They are:

- 1) The 8% or more of impervious surface which scientific data connects to stream deterioration and
- 2) The loss of efficiency of the ESD controls both with and without maintenance.



This picture shows the sediment in Cabin Branch Creek in May, just below the development and prior to entering the lake. A similar situation occurs with Little Seneca Creek as clearly shown by Google maps. We trust that you will not let such degradation of stream quality happen to Ten Mile Creek.

Sincerely,

Mary McKnight
President, Friends of Black Hill Nature Programs

From: Dick Abbott <mail@dickabbott.com>
Sent: Tuesday, June 11, 2013 1:34 AM
To: MCP-Chair; County.council@montgomerycountymd.gov
Cc: LiveableClarksburg@gmail.com
Subject: Clarksburg Ten Mile Creek Proposed Pulte Development and Outlet Malls

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I have lived in the Clarksburg area for the past 13 years. I moved here for the peace and quiet that the rural nature of this location provides. I have seen many changes in this area over the years, and the vast majority of the changes have not been good.

Consideration is now being given to a high density housing project in one of the last good watersheds in the Washington area, Ten Mile Creek. Additionally two outlet shopping mall developments are being considered for our tiny town. Neither of these make any common sense.

I can certainly understand the motives of the developers of both the housing development and outlet malls. This is probably the cheapest land that can be acquired with proximity to I-270. What I cannot understand is how this development would be good for the local community and the environment.

The proposed Pulte housing development, directly on top of some of the 10 Mile Creeks main tributaries, is just insane. Pulte alleges that they can minimize the impact with Environmental Site Design, using porous surfaces etc. One can argue about the details, but common sense dictates that regardless of the measures taken, there will be stream degradation. The only question is how much and when. If Pulte does a good job, the damage will be limited, but some damage will occur. If they don't do a good job, then the damage could be severe. After Pulte leaves, the new residents remain to pollute the stream and disrupt the wildlife. This quality of this stream is essential to our water supply.

How would this development be good for the Clarksburg community? Pulte appears to be arguing that this new community will add to the critical mass that is needed to draw retail shopping to the Clarksburg area and town center. Pulte cannot guarantee that this will happen. There are large existing nearby shopping centers that would be accessible by way of Old Baltimore Road and MD117 (Germantown). The location of this Pulte development, miles from the proposed Clarksburg town center, would not necessarily draw new retail to this area. The diversity of existing retail in the Germantown area will ensure that any retail development in Clarksburg is very limited. All the Pulte development will do is create more sprawl and traffic in the Clarksburg area and damage the environment. This just does not make sense.

There is plenty of land in Montgomery County and Maryland that is not as environmentally sensitive as 10 mile creek. It would appear to make much more sense for Parks and Planning to acquire the Pulte property and add it to the Ag Reserve as has been done previously with properties in the watershed adjacent to Slidell Road.

In addition to the Pulte development, two outlet malls are being proposed, one east of I-270 and one west of I-270. Obviously, the target audience for these malls is not the Clarksburg community, but rather people from many other communities outside of our area. Any benefit from these malls to the local community will be miniscule, and the adverse impacts to the community significant. Current roads cannot support existing traffic. These malls will only make traffic conditions worse, bringing people from all over Maryland and the DC area to our quiet little neighborhood. The location proposed east of I-270, near MD355 is particularly egregious, and would wreck havoc on MD355

traffic. Instead of spreading shopping all over the county can't these facilities be located somewhere where the infrastructure is already there to support same without overwhelming the local community?

With the Clarksburg jail, the local community has already endured one significant "not in my backyard" project. If the bus maintenance depot is approved, that would be two eyesores that Clarksburg will have been stuck with. Clarksburg may be an easy target for developers because of the small number of voters, but Clarksburg has already paid its dues. Please don't impose these eyesores on our community.

Dick Abbott
15500 Branch Hill Rd
Boyd, MD 20841

Brown, WalterL

From: Alison Kobey <rabbikobey@gmail.com>
Sent: Tuesday, June 11, 2013 1:35 AM
To: councilmember.andrews@montgomerycountymd.gov;
councilmember.berliner@montgomerycountymd.gov;
councilmember.elrich@montgomerycountymd.gov;
councilmember.ervin@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.leventhal@montgomerycountymd.gov;
councilmember.navarro@montgomerycountymd.gov;
councilmember.rice@montgomerycountymd.gov;
councilmember.riemer@montgomerycountymd.gov; Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory
Subject: Clarksburg, Maryland

To the Planning Board and County Council,

My name is Alison Kobey and I live in the Woodcrest neighborhood in Clarksburg, MD. I wanted to express my concerns for the current Clarksburg development plan. I think the town center must be a top priority. I have many concerns about the development plans for the area. The schools are already overcrowded. The traffic on Rte. 355 is already horrible, and I would hate to think what the possible outlet mall(s) would do to the traffic and the Clarksburg community. I am utterly opposed to any outlet stores coming to Clarksburg and hope that nothing in stage 4 master plan be approved, especially since there is already such a mess of homes being built everywhere in Clarksburg and traffic is already a disaster.

I am also a nature-lover and am very concerned about Ten Mile Creek and the Reservoir. If the Creek gets compromised, it will never be fixed. Generally, when developments continue, it is nature that loses. Please protect our natural areas.

Finally, I am opposed to the County officials fast-tracking developers who are simply out for financial gain and not what is best for our community. I ask that you please put stage 4 on indefinite hold to ensure that Ten Mile Creek and the Reservoir (which has been used when there have been droughts) remains safe and intact. Thank you for your prompt attention to these important planning matters.

Alison Kobey - RabbiKobey@gmail.com

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JUN 11 2013

MCP-CTRACK

OFFICE OF THE COMMISSIONER
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Mark Smith <marksmith386@outlook.com>
Sent: Tuesday, June 11, 2013 7:30 AM
To: MCP-Chair; County.council@montgomerycountymd.gov; Dolan, Mary; Lazdins, Valdis; Holt, Katherine; Russ, Gregory; LiveableClarksburg@gmail.com
Subject: impact of outlet mall on Clarksburg traffic

Good Morning,

I am writing to express my concern over the outlet on the already congested Clarksburg traffic. As Clarksburg residents, we have no problems doing outlet shopping at Hagerstown, MD. It just doesn't make any economic sense to build another outlet within an hour driving from Hagerstown outlet mall!

I just personally feel that nothing in Stage 4 should be approved until we hear exactly when and how the 1994 Master Plan vision will be delivered, and how that will be enforced.

We have seen so many unfulfilled or broken promises in Clarksburg. There is no reason to expect that Stage 4 will be different. We have to scale it back.

The County is under no obligation to help developers who speculated on land gain the maximum return on investment.

I appreciate your consideration and look forward to hearing back from you.

Thanks,

Mark

Brown, WalterL

From: Joanne Ogaitis <josie.ogaitis@verizon.net>
Sent: Tuesday, June 11, 2013 7:53 AM
To: Dolan, Mary; Holt, Katherine; Lazdins, Valdis; Russ, Gregory
Subject: Re: Clarksburg Master Plan
Attachments: Clarksburg.june.10.2013l.doc

Thank you for letting me know. Not sure what happened. Here is my letter again, and as an attachment.

Joanne Ogaitis (Josie)

June 9, 2013

Dear Members of the Montgomery County Council:

I am writing to express my concern for the regarding the proposed development in Clarksburg. My husband and I bought property in 2009 and moved out to Clarksburg because we were fed up with the development and resulting congestion in down county. Now I am fearful we are destined for more of the same.

I strongly encourage you to delay approval of Stage 4 until the community understands more of how the 1994 Master Plan vision will be delivered and how it will be enforced. I have zero trust in developers and have heard of the broken promises in the past. The fact that the properties have changed hands so many times screams of "red flag" and makes accountability impossible.

Traffic Congestion

Currently during rush hour, it takes me longer to drive between Germantown and my home than it does for me to drive from Baltimore City to the County region. The local traffic congestion is horrible and detracts from the little time I have with my kids after school. Please make local traffic congestion a priority. We need an express bus to the Shady Grove Metro. I personally was the victim of a hit and run at the intersection of 355 and Clarksburg road. The small bridges, high volume, fast speed on 355 needs immediate attention. The local intersections on 355 need work in terms of visibility, pedestrian and vehicle safety. Please make this a priority.

Ten Mile Creek

This area should be moved to the protection of the Ag Reserve. The fact that there is a plan on the table for a shopping mall to be next to a vulnerable creek that feeds our water supply is simply ridiculous. How did this even happen?? Please reject.

Shopping Malls

I am against any retail shopping malls in this area. Please tell the developers to go elsewhere. They already exist close by and I am sure the existing owners could use the volume. The community and nature does not need this or want retail shopping malls. The Clarksburg community wants just the basics...a grocery store would be nice for starters. Please make Clarksburg work for the few dedicated local business owners that would benefit from improved pedestrian traffic and safer roads.

Thank you for taking the time to read my concerns.

Joanne Ogaitis
23711 Peach Tree Road
Clarksburg MD 20871
Phone 240-676-3672

From: "Dolan, Mary" <mary.dolan@montgomeryplanning.org>
To: Joanne Ogaitis <josie.ogaitis@verizon.net>; "Holt, Katherine" <katherine.holt@montgomeryplanning.org>; "Lazdins, Valdis" <valdis.lazdins@montgomeryplanning.org>; "Russ, Gregory" <gregory.russ@montgomeryplanning.org>
Sent: Monday, June 10, 2013 7:56 AM
Subject: RE: Clarksburg Master Plan

Ms. Ogaitis-

We seem to be missing the last part of your message. Please send again. See below.

Mary Dolan

From: Joanne Ogaitis [mailto:josie.ogaitis@verizon.net]
Sent: Sunday, June 09, 2013 9:27 PM
To: Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory
Subject: Re: Clarksburg Master Plan

Corrected version for the record. Thank you.

From: Joanne Ogaitis <josie.ogaitis@verizon.net>
To: "Katherine.Holt@montgomeryplanning.org" <Katherine.Holt@montgomeryplanning.org>; "mary.dolan@montgomeryplanning.org" <mary.dolan@montgomeryplanning.org>; "valdis.lazdins@montgomeryplanning.org" <valdis.lazdins@montgomeryplanning.org>; "gregory.russ@montgomeryplanning.org" <gregory.russ@montgomeryplanning.org>
Sent: Sunday, June 9, 2013 9:45 AM
Subject: Clarksburg Master Plan

June 9, 2013

Dear Montgomery County Planning Staff:

I am writing to express my concern for the proposed development in Clarksburg . My husband and I bought property in 2009 and moved out to Clarksburg because we were fed up with the development and resulting congestion in down county. Now I am fearful we are destined for more of the same.

I strongly encourage you to delay approval of Stage 4 until the community understands more of how the 1994 Master Plan vision will be delivered and how it will be enforced. I have zero trust in developers and have heard of the broken promises in the past. The fact that the properties have changed hands so many times screams of "red flag" and makes accountability impossible.

Traffic Congestion

Currently during rush hour, it takes me longer to drive between Germantown and my home than it does for me to drive from Baltimore City to the County region. The local traffic congestion is horrible and detracts from the little time I have with my kids after school. Please make local traffic congestion a priority. We need an express bus to the Shady Grove Metro. I personally was the victim of a hit and

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: Paul Majewski <pmajewski123@comcast.net>
Sent: Tuesday, June 11, 2013 10:10 AM
To: MCP-Chair
Subject: Clarksburg Master Plan Amendment, less development, sub-stages, conditions, time

Honorable Planning Board Chair Francoise Carrier and chairpersons -

I suggest that the Clarksburg Master Plan (CMP) amendment address the following.

1. Lower the percentage of maximum development density;
 - this could be in terms of impervious surface;
 - for example: all properties to have X% of maximum density than CMP now has.

2. Create two, three, or more sub-stages; for example:
 - sub-stage 4A would allow for any property owner to develop up to 1/3 of their CMP amended maximum density;
 - sub-stage 4B cannot be implemented until that property's 4A sub-stage has been completed, bonds raised for 30 years of maintenance of its state-of-the-art SWM devices, and acceptable usage/maintenance of those SWM devices on the property have occurred during the construction of its 4A and for the first three years after its 4A completion.

3. Optionally consider flexibility of property owners concerning its staging; for examples:
 - an owner of a small property could choose (at CMP amendment time) to develop all at once in sub-stage 4C (skipping sub-stages 4A and 4B) if all of the following (or some combination) become true:
 - it waits 10 years; and
 - employs SWM devices proven effective over those 10 years;
 - builds to only a percentage (one-half?) its CMP amended maximum density;
 - an owner of any sized property could negotiate (at CMP amendment time) to proceed in stages such that 1/3 of the density is not achieved but 1/3 of the county environmental staff's opinion of the overall environmental risk is addressed; for example, a large parking lot could be built with only 1/10 of max density achieved

3. State or allow to be imposed strong punishments for violations (intended or not) of environmentally safe-guarding conditions enforced for environmental mistakes. State that the planning board may punish for such infractions by granting a much lower (even zero) development of any geographic area, regardless of lot borders, ownership, or plans approved by those conditions.
State that conditions should impose strong penalties and "you-damaged-it-you-fix-it" regulations, to be enforced on any offending entity.

I have paid very close attention to planning issues in Clarksburg since I moved here in 1989. I have resided in Montgomery County for about 40 years.

I appreciate your time and effort to planning and environmental matters in Clarksburg and the county.

Paul Majewski, 12233 Piedmont Road, Clarksburg MD 20871-9329
pmajewski123@comcast.net
Night: 301-972-6031
Day: 301-975-4069 (10:30a-7:00p)

Paul Majewski
pmajewski123@comcast.net
301-972-6031

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JUN 11 2013

MCP-CTRACK

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

From: bette buffington <bettebuffington@mrisc.com> on behalf of Buffington, Bette
<betteb@remax.net>
Sent: Tuesday, June 11, 2013 10:38 AM
To: MCP-Chair
Cc: Carter, John; Cashion, Ronald; Presley, Amy; Dolan, Mary; Boyd, Fred; Lazdins, Valdis
Subject: Clarksburg Master Plan Amendment

Dear Ms. Carrier,

As you and the Planning Board consider the Master Plan Amendment for Clarksburg, you have the opportunity to make good on promises made to the people who embraced the Vision of Clarksburg which was put forth in the Clarksburg Master Plan-and to resolve the serious health hazards which exist in the Clarksburg Historic District. Those health hazards have been ignored for a long time.

We own a one acre commercial property in the Clarksburg Historic District. We purchased the parcel in 2006 and, today, we finally have our building constructed at 23315 Frederick Road. It houses our 2 businesses, Remax Realty Centre and Bennigan's Restaurant. We included the restaurant in our building in order to accommodate the community's desire for a sit down restaurant where families could come, meet and enjoy a meal. There are no other sit down restaurants in Clarksburg at this time. We are the first. The community told us that they had bought homes and moved to Clarksburg with promises that there would be a commercial center with amenities and shopping, and a library, so that they would not be forced to leave Clarksburg for all their needs outside the home.

We made the huge investment in our site in Clarksburg in the belief that there would be further housing and commercial development which would create synergy and support our businesses. Now we are faced with uncertainty because the current Master Plan Amendment could derail development of housing and the commercial development in Stage 4. As you and your colleagues consider amending the approved Clarksburg Master Plan to place severe impervious caps on development and reduce the number of homes planned in Stage 4, please consider the impact on our community. We did not move our small business to Clarksburg to be the one of the only viable businesses in the Historic District. We depend on synergy in order to survive and thrive. The community deserves to have that too.

It is not only the community vision that is at stake. Our neighbors in the Clarksburg Historic District have failing (and failed) septic systems. The county has been aware of this health hazard for years. The connection to public sewer is prohibitively expensive to the residents who live there. It is our understanding that the development at Ten Mile Creek will extend the public sewer through the Historic District. This will benefit the Historic District and relieve the hazardous situation of sewage contamination that exists today. In listening to those who argue for limiting development in Stage 4, we have not heard them mention the failed septic situation in the Historic District. It is time that this issue be addressed.

As a final point, we have heard the plans of the developers who seek to move forward with plans in Stage 4 and there are significant environmentally sensitive design practices which will exceed Maryland's storm water management standards. Those standards are tougher than when the Clarksburg Master Plan was written. Those standards require that the developed land have the same runoff impact as healthy woods. Conservation advocates support the use of Environmental Site Design as proposed by the developers, Pulte and Peterson.

In order to not only survive, but thrive, the Historic District and the Clarksburg community need to be allowed to move forward as the Master Plan and Vision of Clarksburg proposes. We need to be sensitive to the environment while we build the community by providing the necessary housing and commercial needs. We ask that you do not amend the Clarksburg Master Plan as it will be detrimental to Clarksburg.

Respectfully Submitted,

Joe and Bette Buffington, Owners
23315 Frederick Rd.
Clarksburg, MD 20871
Remax Realty Centre, Inc.
Bennigan's Restaurant

MCP-CTRACK

From: Cinque, Julius (NIH/CSR) [E] <cinquej@csr.nih.gov>
Sent: Tuesday, June 11, 2013 4:12 PM
To: MCP-Chair
Subject: Protection of Ten-Mile Creek

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JUN 12 2013

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Members of MNCPPC,

My name is Julius J Cinque and I have lived at 22300 Slidell Rd, Boyds since 1973. I have also served as the President of the Boyds Civic Association for the five years during which time both the Park and Planning Commission and the County Council, under the Chairmanship of Mr. John Menke, came to the Boyds Community and asked us to sacrifice several farms and a number of families that existed along Ten Mile Creek so that the county and the greater Washington area could benefit from the drinking water that would come from the establishment of a lake in Boyds. This was of course a very painful decision for the community to make. We were assured however that this decision was for the greater benefit of a much larger population and that if we made this sacrifice the County would take all the necessary steps to assure the protect of the quality of the water in Ten Mile Creek.

Today we are very troubled to hear that the county might consider development proposals that would seriously compromise the quality of the water in Ten Mile Creek which is the main tributary that feeds directly into the Little Seneca Lake reservoir and provides the backup drinking water for the entire region. We have heard developers trying to tell us that the creek is in bad shape and that their development plans will "improve" the quality of the stream. This is nonsense. The stream is in "excellent" shape, the best quality we have left in Montgomery County, and needs the special protection that was promised for it. When the master plan was created 20 years ago it was clearly stated that there was to be pause in development and new environmental studies would be conducted before Stage 4 development could occur. High density development in the headwater or along the Creek, as now proposed by Pulte Homes in Stage 4 is just unacceptable if we are to be true to the commitments that have already been made. Developers who have purchased land on speculation of Stage 4 are not entled to threaten or destroy a regional water resouce that can never be replaced. It now remains under your stewardship to protect Ten Mile Creek and the quality of the water in the Little Senecal Lake reservoir. Sincerely, Jay Cinque

Brown, WalterL

From: Philip Felman <philipfelman@gmail.com>
Sent: Tuesday, June 11, 2013 9:11 PM
To: councilmember.andrews@montgomerycountymd.gov;
councilmember.berliner@montgomerycountymd.gov;
councilmember.elrich@montgomerycountymd.gov;
councilmember.ervin@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.leventhal@montgomerycountymd.gov;
councilmember.navarro@montgomerycountymd.gov;
councilmember.rice@montgomerycountymd.gov;
councilmember.riemer@montgomerycountymd.gov; Holt, Katherine; Dolan, Mary; Lazdins, Valdis; Russ, Gregory
Subject: Development in Clarksburg

To the Planning Board and County Council,

I am a Clarksburg, MD resident, and I am very concerned about the over-development of this whole area. The rapid pace of residential construction has already outpaced local infrastructure and school resources. Is there anything in the master plan to widen 355 and Ridge Road to accomodate the current traffic in the area?

With regard to retail, I think the town center must be a top priority prior to dropping two massive outlet malls on our town.

I am utterly opposed to any outlet stores coming to Clarksburg and hope that nothing in stage 4 master plan be approved, especially since there is already such a mess of homes being built everywhere in Clarksburg and traffic is already a disaster.

My belief is that County officials are simply fast-tracking developers for the financial gain to the county, and they are not doing what is best for our community.

I ask that you please put stage 4 on indefinite hold to ensure that infrastructure and those developments already planned come to fruition prior to determining that we need additional traffic that would come with this overdevelopment.

Thank you.

Philip Felman
23728 Bennett Chase Drive
Clarksburg, MD 20871