



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MCPB
Item #
1
2/27/03

February 21, 2003

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief
County-wide Planning Division

Mike Riley, Acting Chief
Park Development and Design

FROM: Carol Martin, Senior Environmental Planner

PROJECT: Rock Creek Relief Sewer from Parklawn Cemetery Entrance to Mahan Road; Rock Creek Stream Valley Park (SVP), Units 4, 5 and 6, and including Winding Creek Local Park

REVIEW TYPE: Mandatory Referral No. 02003-WSSC-1

APPLICANT: Washington Suburban Sanitary Commission

APPLYING FOR: Project Approval

COMMUNITY-BASED PLANNING TEAM: Georgia Avenue

STAFF RECOMMENDATION: APPROVAL WITH COMMENTS TO WSSC

The following are Mandatory Referral conditions for the proposed project:

1. Conditions for construction are to be included in the M-NCPPC Park Construction Permit.
2. Reconstruction of facilities in Winding Creek Local Park when sewer line installation is complete in accordance with a renovation plan for the park that is developed by MNCPPC in conjunction with the community.

- Existing 8-foot wide, hard-surface hiker-biker trail to remain open at all times during construction. Any detours must be 8-foot wide, hard surface. Appropriate safety measures and proper signage is required where hiker-biker trail is impacted, especially in Winding Creek Local Park.

PREVIOUS BOARD ACTION: None

PROJECT DESCRIPTION

The WSSC project would consist of installation of 6,600 feet of 42" trunk sewer main within the floodplain and stream valley buffer of lower Rock Creek and parallel to existing 42" and 24" sewer mains between the Parklawn Cemetery access road and Mahan Road. The project boundaries are approximately 3,000 feet south of the Veirs Mill Road crossing of Rock Creek to approximately 1,200 feet north of the Rock Creek Wastewater Storage Facility. Included in the scope of this project is the removal of sections of exposed sewer pipes with restoration of the stream and stream banks in these areas. The extent of this project lies entirely within M-NCPPC parkland.

One active recreation park will be impacted by this project. Winding Creek Local Park and the recreation facilities it contains will be impacted by this project. This park is proposed to be closed for a 24-month period beginning in the summer of 2003. Following recent discussions with WSSC, it was determined that due to the extensive details involved in the restoration of Winding Creek Local Park at the end of the two-year sewer line construction period that the proposal for park restoration should be handled under a separate WSSC contract and Park Construction Permit.

STAFF ANALYSIS

Park and Planning Staff support this project. The project would provide relief to the sewer mains serving the Rock Creek basin, which need was determined as an outcome of WSSC's *Rock Creek Wastewater Facility Plan* (1999). The risk of overflow is predicted based on the growth within this basin, which has been approved by the Montgomery County Council. The proposed relief sewer has been designed to accommodate the "build-out" conditions for the Rock Creek basin.

Environmental Planning and Park Planning and Resource Analysis staff along with County's Department of Environmental Protection-Water Resources (DEP) staff have been involved in the project from the concept stage as part of the Policy Review Group (PRG) looking at proposed alternatives, participating in the decision-making for selection of the new 42" trunk sewer option, and attending the public meeting of April 25, 2002 and other meeting with concerned citizens.

Park Impacts

For the sewer line installation, WSSC is required to obtain and comply with the conditions of an M-NCPPC Park Construction Permit. Park management personnel, the Parks' arborist and Parks' aquatic ecologist have been fully involved in the project along with MC DEP staff who are coordinating stream restoration efforts with the proposed disturbance. As part of the Park Permit, applicant will provide plans for tree save, tree protection, and tree removal measures for trees within the project limits-of-disturbance (LOD) for review by Parks' arborist and Environmental Planning staff. Winding Creek Local Park (LP) and Rock Creek Stream Valley Park, Units 4, 5, and 6 will be impacted by the project.

A separate WSSC contract will be issued to address impacts to and restoration of Winding Creek Local Park. This restoration will be permitted under a separate Park Construction Permit. The following are Department of Park and Planning conditions for the proposed project which will be incorporated into the Park Construction Permit.

1. WSSC's responsibility to reconstruct Winding Creek Local park including but not limited to:
 - ◆ renovate two athletic fields to Park and Planning specifications, including drainage improvements which may be accomplished by "crowning" and resodding playing fields, rather than seed and mulch, to reduce the time fields are unavailable for use
 - ◆ construct a new playground to Park and Planning specifications
 - ◆ construct a new basketball court to Park and Planning specifications
 - ◆ repair and overlay existing asphalt parking lot
 - ◆ repair and overlay any damaged hiker-biker trail sections
 - ◆ replace trash cans and benches removed by WSSC

WSSC is by a 1997 Memo of Understanding (MOU) required to pay a permit fee to M-NCPPC for disturbance to park property. Staff recommends that all of this fee will go toward park enhancements beyond the cost of "standard" restoration of the park.

This is not an all-inclusive list of park permit conditions and may be expanded at the time of issuance of park construction permit. Staff will reach an agreement on restoration costs to return the park facilities to park standards. Enhancements will also be determined and those enhancements will be limited by the permit fee. (Enhancements and any other funds that may be identified may change the conditions of the second park construction permit.)

Mandatory Referral condition #3 requires that the hiker-biker trail be maintained in a useable condition through Winding Creek Local Park throughout the proposed 24-month project duration which is projected to start June 2003. Access to and use of this trail must be maintained on a day-to-day basis and for special events such as the marathon circuit run in November through lower Rock Creek Park. Winding Creek LP is a heavily-used urban park and the disruption and impacts to the fields and parking lots represent a substantial loss for the community use during this construction. At the conclusion of the sewer construction and disturbance in Winding Creek LP, WSSC will be required to reconstruct the facilities, including redesign of the soccer fields to address drainage problems, playgrounds, basketball courts, hiker-biker trail, and parking, in compliance with M-NCPPC standard and particular specifications provided as a part of the Parks' Construction Permit.

Environmental Impacts

The full extent of the project lies within a forested, environmentally sensitive stream valley buffer and floodplain with various areas of wetlands having been identified. Mitigation for these impacts will be required through the park permit, and typically include reforestation at 2:1 and wetland restoration.

Forest Conservation

Authority for Forest Conservation Law compliance for projects undertaken by WSSC is the purview of the State of Maryland Department of Natural Resources (DNR). Reforestation requirements will be met in compliance with DNR's requirements. Park reforestation requirements may be fully offset by DNR's requirements.

BACKGROUND

The project area is covered by the North Bethesda-Garrett Park Master Plan approved 1992, the Aspen Hill Master Plan of 1994 and the Kensington-Wheaton Master Plan dated 1989.

COMMUNITY OUTREACH

WSSC sponsored the public outreach for this project. A public meeting was held April 25, 2002 and several additional meetings were conducted with interested individuals. Additional public meetings may be held as a part of the park review.

SUMMARY

Staff believes that this is an important project to deal with the expected, increased sewage flows within the Rock Creek Basin. **Staff recommends that the Planning Board approve this project with the aforementioned conditions.**

Attachment: Master Plan Comments
Public Comments
Location Maps

Preller, Barbara

From: Zygmunt [zygmunt@erols.com]
Sent: Thursday, February 06, 2003 7:44 AM
To: MCP-Chairman
Subject: Against the expansion of the Rock Creek Sewer Line

RECEIVED
0198
FEB 06 2003

I am writing this brief e-mail in order to reach you quickly. I do not approve of using tax dollars to expand the Upper Rock Creek Sewer Line, especially as it impacts the natural areas along the Rock Creek Bike Trail.

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

This so-called simple "improvement" will allow overdevelopment of the natural wide open spaces of the rural environment of the Upper Rock Creek area by developers who will gain from having the sewer line in place. The citizens of these areas have worked long and hard to keep the Upper Rock Creek area from being damaged by uncontrolled building/development. Increased housing development will be the end result of expanded sewer lines, and other negative issues will develop, such as more over crowded, unsafe roads, etc.

Thank you for reading this e-mail, which represents the viewpoint of one concerned citizen in the effected area. I appreciate your being open to all sides during the discussion and important decisions that will be made in the upcoming sessions. Sincerely, Alina P. Zygmunt, 4404 Lescot Street, Rockville, MD 20853

Preller, Barbara

From: Derek Woods [dwoods150@comcast.net]
Sent: Wednesday, February 05, 2003 9:03 PM
To: MCP-Chairman
Subject: Agenda # 6 6th Feb Sewer

RECEIVED
FEB 06 2003

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

Mandatory Referral No. 02003-WSSC-1, Rock Creek Relief
Sewer, Parklawn Cemetery to Mahan Road; Lower Rock Creek - Approval with conditions to WSSC.
Agenda # 6

Dear Chairman Berlage,

We have just been through all the hearings on the sewer issues for the Upper Rock Creek Master Plan and I thought that our area residents had voted for a NO sewer extension in the area. Why is this issue coming up again and we the taxpayers are being asked to pay for sewer amendments so that in the future the sewer expansion could occur behind our backs?

Derek Woods
18401 Azalea Drive
Derwood MD 20855

Preller, Barbara

From: Derek Woods [dwoods150@comcast.net]
Sent: Wednesday, February 05, 2003 8:46 PM
To: MCP-Chairman
Subject: Rock Creek Sewer Line expansion

RECEIVED
FEB 06 2003

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

Dear Mr. Chairman Berlage,

I cant believe that we the residents of the Upper Rock Creek are again being given the run around regarding the development of our area. I thought we had made our position clear regarding the Master Plan for the Upper Rock Creek. Why is that not being decided first ?.Now we the taxpayers are being asked to pay for an expansion of the Rock Creek Sewer line so that Upper Rock Creek developers can make millions of dollars from rezoning. This should not happen if the Master Plan was approved as our area residents had petitioned the various boards. Please do not allow the sewer expansion .Also the WSSC was not fair in failing to keep us informed. of the plans for this project.

Lesley Woods
18401 Azalea Drive
Derwood MD 20855

2/6/2003

Preller, Barbara

From: Babb, John [JBabb@OSOPHS.DHHS.GOV]
Sent: Wednesday, February 05, 2003 5:40 PM
To: MCP-Chairman
Subject: Rock Creek Relief Sewer

RECEIVED
FEB 06 2003

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

Mr. Chairman:

As my wife and I progress toward that time just down the road where retirement beckons, we take very seriously any attempt to make our area of Rockville/Olney less desirable. We are currently blessed with a nice neighborhood, beautiful parkland, and a barely tolerable morning and evening commute to our jobs in Rockville. We thoroughly enjoy access to Upper Rock Creek Park, and the relatively wild area it entails. We are glad to know that most area schools provide a good education, although their resources are usually near the breaking point.

But now we learn about an attempt to push through Mandatory Referral No 02003-WSSC-1 - a Rock Creek Relief Sewer project - that all but the foolish can readily see is designed to accommodate a significant increase in housing in our area. Stating that this sewer project is to simply update the existing system, as WSSC representatives recently attempted to do, is a poor attempt at a smoke screen for more houses, more people, more traffic, less access to county resources, more crowded schools, and a less desirable environment from which to enjoy my retirement.

The developers' agenda, if allowed to proceed unchecked by those who willingly accept their election contributions, is going to chase me and my rather comfortable retirement away from here. I don't just mean to relocate to another corner of the county where the same agenda will soon overtake us - I mean away from here.

Stand up for the citizens of your county and stop Mandatory Referral No 02003-WSSC-1. How many instances of compacted housing, infringements on park land, and townhouse developments have to occur before you and your committee decide that citizens had a point after all? How many oversized sewer lines and school trailers have to be stuck where they weren't supposed to be before retirees like my wife and I simply take our retirement funds and find a better place to live?

John Babb

4728 Powder House Dr.

Rockville, MD

Preller, Barbara

From: Daniel.wallace [daniel.wallace@gallaudet.edu]
Sent: Wednesday, February 05, 2003 4:15 PM
To: MCP-Chairman
Subject: Mandatory Referral No. 02003-WSSC-1

RECEIVED
FEB 06 2003

Dear Mr. Berlage,

I understand that Mandatory Referral No. 02003-WSSC-1, Rock Creek Relief Sewer, Parklawn Cemetery to Mahan Road; Lower Rock Creek is about to be considered by the Planning Board this Thursday, February 6, 2003.

Please reject this project because it anticipates future development in the Upper Rock Creek area when in fact, development on the order that would require a sewer line of this capacity cannot occur unless the sewer line is built. In other words, WSSC is enabling developers with taxpayers' dollars to plan further development of greater density in an area that already is at risk due to the impervious surfaces of existing structures. This really should not be WSSC or the M-NCPPC's function. Instead, developers should be required to prove their case as to how they can integrate their projects into a vital stream valley area with minimal impact. Providing them with a huge sewer up front relieves them of a great deal of that burden without eliminating the potential damage of greater density development.

Also, I must deplore the process by which this major project was announced. Except for a few signs along the sewer alignment and the Park and Planning weekly agenda mentioning the Mandatory Referral, the public was not notified early enough or with sufficient information to know what this project forecasts for Rock Creek. If they had been well informed in a timely fashion, you most likely would have received many letters and e-mails with the same objections as this one.

Given these reasons, I urge you to say no to this project as a destructive one to the Rock Creek stream valley and an inappropriate boon to potential developers in the Upper Rock Creek area.

Sincerely,
Dan Wallace
313 Burnt Mills Avenue
Silver Spring, MD 20901-1205

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

Preller, Barbara

From: Claire Miller [clairemiller@erols.com]
Sent: Wednesday, February 05, 2003 2:37 PM
To: MCP-Chairman
Subject: To Chairman Berlage

RECEIVED
FEB 06 2003

Dear Mr. Berlage,

I am NOT in favor of sewer improvements in Lower Rock Creek in order to support the rezoning of Upper Rock Creek neighborhoods.

Claire Miller
17501 Kirk Lane
Rockville, MD 20853

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

RECEIVED
02/2
FEB 10 2003**Preller, Barbara**

From: Jagoda, Elaine (NIH/CC/PET) [EJagoda@mail.cc.nih.gov]
Sent: Friday, February 07, 2003 1:41 PM
To: MCP-Chairman
Subject: Opposed to Mandatory Referral No. 02003-WSSC-1 in Upper Rock Creek
Importance: High

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

Dear Chairman Berlage and other Board Members,

I am writing this to voice strong opposition to approving Referral No. 02003-WSSC-1, Rock Creek Relief Sewer, Parklawn Cemetery to Mahan Road; Lower Rock Creek. The purpose of this proposed project is to accommodate sewer expansion for future development in Upper Rock Creek. The rezoning of this region has come under much controversy and the Board is presently evaluating a staff draft Master Plan for the URC area which would change current zoning from septic to sewer. I am a home owner in the Upper Rock Creek (URC) area which is currently zoned for septic. As a taxpayer I should not be funding public services which will only benefit developers of the URC in their quest to rezone URC from septic to sewer. Furthermore I and the residents of URC are in compliance with present zoning -with septic and well water so now we will be expected to pay for a service which we will never utilize and run the risk of contaminating our well water as well? This environmentally sensitive area has been preserved by the current zoning set forth in the Master Plan and to change this zoning because of pressure from developers who have only one concern ---maximizing their profits; this is extremely short-sited on the part of the Board. The Board needs to carefully evaluate this decision and realize its full impact. It will be a sad statement of the failure of the democratic process if "big money" wins out in deciding the "quality of life" in this residential community and not the residents.

Sincerely,

Elaine Jagoda
5916 Wild Flower Court
Derwood, MD 20855

2/7/2003

Preller, Barbara

RECEIVED
0204
FEB 07 2003

From: Walter Sonneville [waltsonneville@earthlink.net]
Sent: Thursday, February 06, 2003 10:40 AM
To: MCP-Chairman
Subject: Proposed Rock Creek Sewer

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

Chairman Berlage, I hope you reject the proposal to allow sewer expansion for Middle Rock Creek whose purpose is to support housing development in Upper Rock Creek and North Bethesda. This would damage Rock Creek Park. (Mandatory Referral #02003-WSSC-1, Rock Creek Relief Sewer.)

Many thanks for your kind consideration.

--- Walt Sonneville
--- waltsonneville@earthlink.net
--- EarthLink: The #1 provider of the Real Internet.

Preller, Barbara

RECEIVED

FEB 07 2003

From: Kay Drew [kcwd50@hotmail.com]
Sent: Thursday, February 06, 2003 7:04 PM
To: MCP-Chairman
Subject: Mandatory Referral # 02003-WSSC-1

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PLANNING COMMISSION

Dear Mr. Berlage,

This is to protest the Planning Board's attempt to expand the sewer system to accommodate future development in Upper Rock Creek. It appears that we taxpayers are being asked to pay for an expansion of the Rock Creek Sewer line so that Upper Rock Creek developers can make millions of dollars from rezoning. This developing frenzy is inimical to the best interests to the residents of the Upper Rock Creek area, particularly our children whose schools are already overcrowded; and to all those who commute through this area daily.

Sincerely,

Katherine W. Drew

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<http://join.msn.com/?page=features/junkmail>

Preller, Barbara

RECEIVED
FEB 07 2003

From: gkeas.drew@att.net
Sent: Thursday, February 06, 2003 1:04 PM
To: MCP-Chairman
Subject: Mandatory Referral No. 02003-WSSC-1, Rock Creek Relief Sewer

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

Re: Mandatory Referral No. 02003-WSSC-1 Rock Creek Relief Sewer, Parklawn Cemetery to Mahan Road; Lower Rock Creek - Approval with conditions to WSSC.

I urge the Planning Board to reject approval of this project, or to defer final action on it to a later time.

The project goes beyond an upgrade of existing aging facilities, but is an expansion that will not be necessary unless use of sewers is permitted in non-sewered areas of the Upper Rock Creek master plan revision that is currently underway. If that change in the Upper Rock Creek master plan is not approved, this project will not be necessary, or the increased capacity provided by the project will be unnecessary and a misuse of scarce resources.

If the many community objections to extension of sewer areas in the Upper Rock Creek master plan to allow use of sewers for new construction North of Muncaster Mill Road are overridden, the extension will require this project. The decision on increasing sewer capacity in this project in Lower Rock Creek should follow, rather than precede, the decision on whether a need for that increased capacity will be allowed to develop.

While this project is being dealt with independently, it is one of a long series of independent and nonprecedential decisions that add up to a pattern directed toward eventual approval of sewer development in the Upper Rock Creek master plan area north of Muncaster Mill Road.

1. A swap of school land next to Redland Middle School on Muncaster Mill Road for parkland on Bowie Mill Road, where Sequoyah Elementary School was built.
2. Extension of sewer to exclusively serve Sequoyah Elementary School, with a greater capacity than necessary to serve the school, (reportedly at the minimum capacity that WSSC would allow), with a promise that no other use would ever be made of the sewer extension to the school. No sewer extension would have been needed at the site next to Redland Middle School.
3. Approval of a nonprecedential extension of sewer north of Muncaster Mill Road to service development of a large parcel of land on Airpark Road extended.
4. Multiple proposals to either extend sewers north of Muncaster Mill Road or to extend sewers from the line servicing Sequoyah Elementary School, in order to support cluster development and "preserve open space" while coincidentally increasing the number of dwelling units that can be developed on the affected properties, although much of the "preserved" open space could not be developed under cluster or existing zoning.
5. A zoning text amendment to allow increased development density in the Rural Neighborhood Cluster zoning that is being sought in the developments serviced by the extended sewers created for Sequoyah Elementary School or allowed by proposed rezoning of the affected parcels.
6. A project for downstream sewer capacity expansion that will be required if the extension of sewer north of Muncaster Mill Road that would be allowed by the rezoning sought in the Upper Rock Creek master plan revision is approved.

As those pieces of this pattern that have not yet been completed depend on the approval of the Upper Rock Creek master plan revision in a form that allows use of sewers north of Muncaster Mill Road, decisions on those pieces should await decision on the master plan. The master plan should drive the other decisions,

rather than be made an inevitable capstone facilitated by a series of decisions that presuppose only one conclusion.

Glen Drew
17705 Hollingsworth Drive
Rockville, Maryland 20855
301-330-9306
e-mail gkeas.drew@att.net

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