



Sierra Club Montgomery County,
P.O. Box 4024, Rockville, MD 20849

December 3, 2020

Mr. Casey Anderson, Chair
Montgomery County Planning Board
2425 Reddie Drive, 14th Floor
Wheaton, Maryland 20902

Re: Creekside at Cabin Branch, Preliminary Plan No. 120200050

Dear Chair Anderson and Planning Board members –

The Sierra Club Montgomery County Group has concerns regarding Preliminary Plan No. 120200050 for Creekside at Cabin Branch – proposed by Shiloh Farm Investments LLC and Pulte Home Corporation (Shiloh/Pulte), which would be situated in the Ten Mile Creek watershed. Ten Mile Creek, known also as the “last best” in the County, is the cleanest tributary of the Little Seneca Reservoir, the closest, backup emergency drinking water supply to the Potomac River, which serves over 400 million people in the Washington Metropolitan Area. Because of its high quality, it serves as a reference stream against which other streams are compared when monitoring water quality. With the rest of the up-county, it is a water-source area which flows to and enters the Potomac River in the near upstream from the WSSC drinking water intake where existing pollution has already increased water treatment costs.

Our key concern is that, by concentrating the development footprint in the most sensitive sub-watersheds “Little Seneca Ten Mile” LSTM 110 (King Spring) and LSTM 111, this development plan would increase imperviousness from 1.6% to 10.1% (over 600%) in LSTM 110, and from 1.2% to 12.75% (over 1000%) in LSTM 111¹. This is inconsistent with the intent of the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan (TMCA)², which was adopted with the unanimous support of the Montgomery County Council in 2014, and also with the language of the County Zoning Ordinance pertaining to the Clarksburg West Environmental Overlay Zone (CW-EOZ)³ which applies to the portion of the Ten Mile Creek watershed west of I-270, where the proposed development area is located.

The TMCA established a 6% cap on imperviousness in the portion of the Ten Mile Creek watershed west of I-270 and singled out these two sub-watersheds as the most sensitive, which therefore “warrants extraordinary protection” - in addition to the specific protections required for other sensitive areas, such as the buffer requirements for streams and wetlands.

¹ Imperviousness in LSTM 110 would rise to 7.3% as a result of this development plan, and an additional 2.8% if and when development proceeds on the neighboring King property assuming development is maximized under the 6% cap.

² Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special study Area (2014)

³ Montgomery County Zoning Ordinance Chapter 59.4.9.6, Clarksburg West Environmental Overlay Zone

The TMCA also states:

Even small changes in imperviousness will likely affect these sub-watersheds, but if imperviousness is kept as near to five percent as possible, stream conditions can be maintained in the good to excellent range, based on the majority opinion of environmental experts.

Among the TMCA recommendations for the area west of 270 is:

Reduce the development footprint and impervious cover, emphasizing reduced impacts to upland forested areas and steep slopes. In particular, protect existing stream conditions in the high-quality headwater sub-watersheds LSTM 110 (King Spring) and LSTM 111.

Although the CW-EOZ regulations apply the 6% cap across the entire development application area of 402.6 acres, they also specify that “All environmentally sensitive areas must be included in the required open space areas”.

Therefore, at a minimum, the proposed road extensions on the western and northwestern side of the plan should be denied in order to avoid encroachment into LSTM 110 and LSTM 111. Denying these two extensions would keep development closer to the ridge along Clarksburg road, and avoid the steeper slopes, thereby also avoiding the hazard of severe soil erosion and risk of sewer failure (discussed below).

Other issues of concern include:

- A Rare, Threatened and Endangered (RTE) Species survey should have been required to have been conducted prior to the development of the proposed plan so that it can provide the basis for protecting such species rather than as a condition for obtaining a sediment and erosion control permit – the last step in the process needed to begin construction. Although an RTE survey has not been conducted by the developer, and (per the staff report) the state indicated it has no record of known RTE’s, at least seven state-rare plants and over 450 native plant species have been identified in the watershed, as documented in the testimony of John Parrish.⁴
- The "final stream and wetland restoration plan" - and also the delineation of floodplain boundaries - should take into account anticipated changes in hydrology associated with changes in both land use and climate. Changes in climate are already increasing heavy storm events and, combined with changes in land use, increasing flooding and scouring of streams as well as the flow of sediment to the Reservoir.
 - Without more specific information on the justification for stream restoration activities and methods proposed by the developer for doing this, we cannot

⁴ Testimony submitted by John Parrish re Creekside at Cabin Branch Preliminary Plan 120200050, December 3, 2020. John Parrish is a professional botanist and ecologist who has expertise on flora native to the Mid-Atlantic bioregion who conducted an RTE survey on adjacent properties in summer and fall of 2019 and Spring 2020.

- provide further comment at this time but note that such efforts can be futile unless runoff is reduced from upslope impervious areas.
- The protection of 100-year floodplains in the county's stream valley park system has undoubtedly avoided significant flood damages and increased resilience to climate change. However, reports of flooding have accompanied recent increases in heavy storms, with much of it occurring in the up-county where more information is needed on what appears to be an association with current development patterns. Therefore, it is critical that these boundaries be updated by the County prior to approving additional plans.
 - The project would take place on highly erodible soils on steep slopes, of which three are rated as having a severe erosion hazard, one moderate - as shown in the USDA/NRCS Web Soil Survey, but not identified in the M-NCPPPC list which appears to be based on outdated guidance.⁵
 - We have two concerns with respect to sewer infrastructure:
 - The staff report refers to a "force main sewer system" which would require a pump station but it is not clear where this would be located. This approach was also explicitly rejected in WSSC Sewer Facility Plan process, in which a decision was reached, and approved by the Council, to use of the grinder pump/low pressure system in order to avoid the need to install pumping stations in environmentally sensitive areas.
 - Extension of sewer infrastructure (i.e., the grinder pump system) to lower elevations on the steeper slopes would place more pressure on the system and increase the risk of sewer failure.
 - The staff report found that school capacity is inadequate to support the number of units proposed and recommended that approval of all of the proposed residential units be contingent on expansion of school capacity. Construction of schools, combined with the extension of sewer infrastructure, would enable further sprawl development in low density areas.

In conclusion, the Shiloh/Pulte proposed Creekside at Cabin Branch Preliminary Plan No. 120200050 is inconsistent with the Ten Mile Creek Limited Amendment to the Clarksburg Master Plan which was adopted with the unanimous support of the Montgomery County Council in 2014 and the language of the County Zoning Code pertaining to the Clarksburg West Environmental Overlay Zone. The plan would also further sprawl development patterns.

At a minimum, extensions of the Shiloh/Pulte development into the most sensitive LSTM 110 and LSTM 111 sub-watersheds should be denied. This would reduce impacts to the most sensitive watersheds as well as reduce erosion hazards and risk of sewer failures. We also request the conduct of a full survey of Rare, Threatened and Endangered Species as the

⁵ Soil Erodibility Ratings Report prepared by Jason Martin, Soil Scientist with USDA-NRCS, October 2020, at the request of Rg Steinman and John Parrish.



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basis for a plan to mitigate impacts on such species. Lastly, the final stream and wetland restoration plan, as well as floodplain boundaries, should take into consideration of the hydrological impacts of both land use and climate changes.

We appreciate your attention and efforts on this important matter.

Thank you,

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