

Dear Hearing Examiner (Ms. Byrne)

I am writing to you as a resident of the Summerfield Crossing neighborhood on West Old Baltimore Rd, that has nearly a 1000 residents, to reject/deny the application for the WorldShine assisted living facility on West Old Baltimore Road (Ruby Senior Living: CU202311). The facility is adjacent and is abutted by multiple streams of Little Seneca Creek which is the largest sub basin in the Seneca Creek Watershed area.

1. The Clarksburg Master plan comprises of approximately 500 pages. The word “environmental” shows up 350 times in those 500 pages with page after page showing that the Little Seneca Creek and its streams are considered environmentally sensitive and a critical resource that needs to be protected. Yet the Planning board/Staff found **NO non inherent impact of a 120 person + 70 employee facility sitting literally on top of the Little Seneca creek streams!** The Master plan outlines how this area is environmentally critical to the immediate area and the region. My concerns on the disregard to the non inherent environmental impact of this facility are as listed below with references to the specific pages in the master plan:
 - a. Pg 149- “Little Seneca Creek **WARRANTS extraordinary attention** and should be covered by enhanced environmental guidelines”. That requirement clearly indicates that standard guidelines that would be considered acceptable for other areas, would be insufficient to use for this environmentally sensitive area.
 - b. Impervious % is 34.7% for the proposed facility, which is more than double the 15% in a R200 residential use. The ~35% is still at the high end of the proposed TDR 200 too and may be a concern even in commercial areas. But it is especially concerning to have that high a % imperviousness in the Seneca creek Watershed area. In fact the Master plan indicates environmental limits should be held even more strictly in the special protection area (SPA), not less, as indicated above. The fact that a “upper limit” was not proposed for the Clarksburg SPA does not detract from the intent of protecting the Seneca Creek watershed and its headwater streams. Every page of the master plan literally implores that the impervious % should be carefully looked at, and thus higher standards are expected in the water shed areas not lower! The West Old Baltimore Road property in question is abutted and surrounded by multiple head water streams that feed into the Seneca Lake Water reservoir. Yet Applicant and Planning staff completely bypass all these issues by saying that the **34.7% is only “slightly higher” than the average of 15%** expected in a R200. In fact - that is more than double the average R200 impervious percentage- and would be high for even a regular area, and **definitely unacceptable in a watershed.** The statement in the application that the “impervious limits are met” is therefore highly misleading at best, and is an inaccurate assessment.
 - c. On Pg 18 of the master plan – “Little Seneca Creek is afforded special protection” ...and the need to **“limit retail and employment uses”**- The proposed assisted living facility employs 70+ people on site on a 24/7 basis. Not something you expect in a residential neighborhood, even a small business has lesser than 50 employees, at 70 employees this is a business organization.

- d. Pg 18- regarding the Seneca creek watershed- “efforts BEYOND current guidelines are **critical** to address developmental impacts to the environment” ..Instead the planning board review shows that not even the bare minimum is being done- **there is no data presented** on what the impact this particular facility will have on an already fragile and burdened water streams and reservoir!
- e. Pg 18- also says that county needs to “protect the most sensitive areas in the watershed with water quality monitoring and review- Has any study been done to show how the presence of a facility with 35% impervious surface will affect the water quality of the Seneca creek streams which feed into the Seneca Creek water reservoir? Are there other facilities that show a 35% impervious property sitting in an environmentally protected area, and how has that impacted the neighborhoods, water quality and the flora and aquatic life in the water streams? No comparison data to substantiate their assessment is provided to justify that this facility being on West Old Baltimore will have no impacts on water quality.
- f. Pg – 57- West Old Baltimore Road has been indicated as “particularly challenging environmentally in particular due to the tributaries of Little Seneca Creek and existing developmental patterns”. Yet no study or data was provided to show that the tributaries and their water quality will remain unaffected by this large facility, with large impervious areas, and heavy waste water, biohazard disposal and cleaning operations.
- g. Pg 138- The Master plan says “EXTRAORDINARY mitigation of land uses involving extensive impervious surfaces near headwater areas” is needed. The facility has an extensive 34.7% impervious surfaces in an area that is literally on top of an environmentally sensitive tributary that feeds into our raw water supply. Where is the study to look at the non inherent impact of a 120 bed, 8 building business with 70 plus employees and 34.7% impervious surfaces(double the 15% impervious surface for residential areas)? Was a study done to look at any other location in Clarksburg that would be better suited rather than situating it next to a buffer stream that feeds into the water supply reservoir and is in an environmentally fragile area?
- h. Pg 139- “Little Seneca creek is the largest sub-basin or sub watershed in the Clarksburg area and is listed as Use IV-P” and drains into public raw water supply - in this case into Potomac. The Little Seneca Creek Water shed is deemed the “second MOST sensitive to degradation” and has the greatest impact to the whole area. The placement of such a large facility DOES have a non-inherent impact to the area and definitely does not conform to the use of this location for this purpose.
- i. Pg 142-Indicates the “greatest constraints environmentally are east of 270 and in the area of the streams valley of the Seneca Creek”– which is exactly where this highly impervious surface facility is being proposed.
- j. Pg 146- “ These tiny streams near the headwaters are most sensitive to land use CHANGES because of small size and small dilutional capacity,” and getting overwhelmed by the larger

run off. And this can affect water quality and aquatic habitat of the immediate area. The streams that are just adjacent to West Old Baltimore Road and abut all around this land parcel are critically important and sensitive to any land use changes- which this conditional use application is attempting under the guise of a "residential use". But 120 individuals + 70 employees 24/7 is equivalent to a multi unit high density operation, not a single family low density use! No comparability studies of **similar properties situated close to water streams** are presented to show that even with the controls proposed for water management, whether these would truly prevent the disruption of such a delicate balance of the sensitive areas in the watershed.

- k. Pg 150- "Area where water percolates into the penetrable ground (again affected by % impervious) is the critical area to protect for recharge of ground water". Also in Pg 150- "where community water is phased in, ..can increase ground water contamination". With actively used wells in Ruby Drive and residents preferring to use the excellent natural well water available in the area- the potential for "direct conduits to the water table, toxic spills or urban runoff contaminating the ground water" and/or the streams needs to be looked at very specifically. Without these studies, the agency is at risk of being responsible and liable for any toxic spills, leaks/breaks, and health concerns that can arise from pollution due to the above issues, of the stream and well water sources that supply the area. Summerfield Crossing community which is less than 0.1 mile from this facility will be directly harmed by the presence of such a facility and it puts our health and lives at risk for all our families.
 - l. Also on Pg 150- "the upper reaches of Little Seneca creek are EASILY polluted" as per the county's own assessment (DRASTIC study). Given that the facility will have 120 residents with health conditions, huge loads of laundry and cleaning supplies, biohazardous waste disposal etc, having this facility located in this environmentally sensitive area is a very obvious non-inherent impact that has not been looked into with sufficient diligence. These impacts are non inherent and unique solely due to the location that this facility is being proposed. It must be thoroughly studied before making an irreversible and long term decision that can be directly harmful to the immediate neighbors like us, as well as the whole area. This same facility in a different area that's capable of supporting such a business operation would not have such non inherent impacts, ie would not have the environmental ramifications both short term and long term.
2. In addition to the environmental concerns listed above, I also would like to point out that the master plan clearly delineates that adult day care, elderly housing, child day care are all needed in the Clarksburg area, AND provides clear recommendations and requirements as to where these should be situated. On Pg 167- "elderly housing should be dispersed through out area **with concentration towards public facilities**". Pg 138 - "Planned growth to be diverted towards existing population centers.. **AND AWAY from sensitive areas**" as defined by MD planning Act. The proposed facility application **completely goes against** the requirements of the Clarksburg master plan for locating such facilities by 1. being away from population centers and 2. By being placed adjacent to the environmentally sensitive and fragile Little Seneca creek water streams. The master plan does not allow for shuttle buses transporting elderly residents as an acceptable

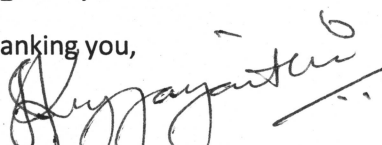
strategy to locate these facilities in remote locations such as West Old Baltimore Rd. Rather it makes being close to these public facilities a required design feature for the beneficial community aspects and well being of the elderly populations. Thus this facility proposal does not adhere to the locations listed as suitable or required for elderly housing in Clarksburg.

3. The proposed location on West Old Baltimore Road is not part of any designated TDR receiving areas though many parcels in Clarksburg do have that TDR designation and could easily be purposed/purchased for such a facility. Though such elderly facilities are needed in Clarksburg, this is not the **ONLY** parcel of land that is available for this type of use within the Clarksburg area. In fact it is the **least suitable** location that has literally been cobbled together by buying multiple single family homes and making it appear as "residential use", when it is clearly a business that provides services for payment, by admitting seniors utilizing Medicare/ Medicaid and other long term care programs.
4. Wastewater management – Per the master plan " for addition of sewerage connectivity in the sub-basin area, a detailed geotechnical and engineering study should be required and its impact on "the high water tables, shallow depth to bedrock, slope etc need to be carefully looked" at to ensure that potential contamination of the water supply as well as the wells does not occur. Per the master plan, "Little Seneca creek is already under strain and **every inch** of imperviousness will affect the creek's ability to assimilate with the water reservoir and will affect the water quality" in the area. Thus a large facility with 120 residents and 70 + employees and their daily operations and waste management can be expected to have a catastrophic impact on the area that is non-inherent to the facility except for it being located at this location.

In summary- No substantial studies have been performed by applicant to address the serious environmental concerns listed above, and the facility location is in complete misalignment with the Clarksburg Master Plan. Most notably in spite of vast directives to the contrary in the master plan, Planning board review summarily indicates that there is **NO** non-inherent impact by this property, with no basis/data to support that claim. Given the critical importance of the areas surrounding the Seneca creek streams and the Seneca Creek to the water quality both in the immediate vicinity as well as long term water quality and quantity impact , we strongly request that an independent study be conducted to evaluate the impact of this large facility that's literally right on top of the Seneca Creek streams on West Old Baltimore Road.

As the Hearing Examiner, I implore you to examine deeper and adhere to both the spirit and the requirements of the planned development process in the Clarksburg area rather than a perfunctory check box exercise of allowing this facility to get around the serious concerns that affect our daily lives. We strongly urge you to reject this proposal or any similar conditional uses, without substantial **independent** evidence that none of the water streams that are already severely constrained will be negatively affected.

Thanking you,


31 Jan 2024
Dr. Vyjayanthi Krishnan, Summerfield Crossing Resident, West Old Baltimore Rd.