

**MEMORANDUM**

January 16, 2014

TO: Planning, Housing, and Economic Development and Transportation, Infrastructure,  
Energy and Environment Committees

FROM: <sup>MM</sup> Marlene Michaelson, Senior Legislative Analyst

SUBJECT: Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and  
Hyattstown Special Study Area

This is the Planning, Housing, and Economic Development (PHED) and Transportation, Infrastructure, Energy and Environment (T&E) Committees' second joint worksession on the Planning Board Draft of the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area (hereafter referred to as the Ten Mile Creek Amendment). **Attachments from the first packet are not reproduced here and therefore Committee Members may want to bring that packet to the meeting for reference.**

At this worksession, the Committees will continue to review the recommendations of the Planning Department consultants (Biohabitats and Brown and Caldwell) and address questions to the consultants. In addition, a panel of government experts will address the Committees, following up on the issues discussed at the first worksession. The issues of drinking water quality and reservoir water quality will be deferred until the next meeting.

The last worksession (on January 29) will cover land use issues and property specific recommendations for land use, zoning, impervious caps, etc. At this meeting, Staff will present options for each property that will allow the Committees to vote on recommendations. This meeting will also address the Plan's recommendations for parkland and Legacy Open Space.

**Councilmembers should bring their copy of the Plan to the meeting.**

## **Planning Department/Consultant Presentation**

Planning Department staff and their consultants will finish their presentation and address Councilmember questions not addressed at the first worksession. The following consultants will once again be at the meeting:

Ted Brown  
Practice Leader  
Biohabitats

Greg Milstead  
Supervising Engineer  
Brown and Caldwell

In addition, representatives from the following government entities will also be available to address Council questions.

Susan Jackson  
Biological Criteria Program  
United States Environmental Protection Agency (USEPA)  
Office of Water  
Office of Science and Technology

Matthew Stover  
Natural Resources Planner  
Maryland Department of the Environment

David Bolton  
Hydrogeology and Hydrology Program Chief  
Maryland Geological Survey

Matthew Baker  
Associate Professor  
Geography and Environmental Systems  
University of Maryland, Baltimore County

## **Questions**

The following questions either appeared in the January 13 packet and were not addressed at the first worksession or were added at the request of Councilmembers. Staff has indicated who would be most likely to address each question below. Committee members will also have the opportunity to ask additional questions at the worksession.

## **Consultants**

1. If some traditional stormwater practices are needed due to the limits of disturbance and grading necessary, will this pose a greater risk to the stream?

2. How do small increases or decreases in impervious surface levels impact water quality? What are the potential impacts of setting the impervious surface level cap on the Pulte property to 8% (as recommended by Planning Department Staff), 10% (as recommended by the Planning Board) or 12.5% (as requested by the property owner/contract purchaser)?
3. Would the recommended development in the Planning Board Draft Master Plan have a negative impact on water quality?

### **State/Federal/Academics**

1. What was the basis for the Environmental Site Design (ESD) performance standard set by the State, and what is ESD intended to achieve?
2. If ESD to the Maximum Extent Practicable (MEP) is applied to development, will that ensure that there will be no impacts to the biological health of receiving ecosystems and streams, and hence no need to limit the extent of development or impervious cover?
3. If development proceeds in Ten Mile Creek under the 1994 Master Plan, what might happen to the current high-good to excellent stream quality of the affected subwatersheds and the mainstem?
4. Based on the current environmental health of Ten Mile Creek, what would be a sound approach in Ten Mile Creek to balance development and environmental protection?
5. What do the scientific data tell us about the biological effects of incremental increases in impervious cover in sensitive watersheds? Does the relationship between imperviousness and biological impacts suggest threshold levels that could be useful in setting impervious cover limits to help protect biological health?

### **Maryland Geological Survey**

1. Would the proposed ESD development on the east side of Ten Mile Creek seriously degrade groundwater quality or quantity in the Ten Mile Creek Watershed or the Piedmont Sole Source Aquifer? Could development levels recommended in the Master Plan significantly impact the quantity or quality of well water in either of these two areas?

### **Montgomery County Department of Environmental Protection**

1. What are the highest quality streams in the County and how are they protected?
2. What are reference streams and what other reference streams exist in the County? If there are multiple reference streams, is it necessary to keep Ten Mile Creek as a reference stream?

3. Could master plan decisions allow water quality to improve in sub-watersheds where water quality has already deteriorated? Under what circumstances is water quality likely to deteriorate?

### **Montgomery County Department of Permitting Services**

1. How does the Department determine the MEP in the situations expected under the proposed plan? How likely is it that “full ESD” will be achieved on the different properties?

### **Montgomery County Planning Department**

1. Where has the Council limited impervious surface levels in the past?
2. The Master Plan Amendment allows different levels of impervious surface on different properties within the same watershed. What was the basis of the Planning Board’s decision to recommend varying levels of imperviousness? Has the Planning Board recommended different impervious surface levels for different properties within the same watershed in the past?
3. What is the rationale for allowing a higher impervious surface level cap in the headwaters than downstream?
4. The Council has received testimony recommending both higher and lower impervious surface levels on the Miles-Coppola and Egan properties. What is the impact on the environmental conditions of increasing imperviousness to 35%? Reducing it from 25% to 20% or 15%? Reducing it to 8%?
5. Could master plan decisions allow water quality to improve in sub-watersheds where water quality has already deteriorated? Under what circumstances is water quality likely to deteriorate?