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July 26, 2012

Via Electronic mail:
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and First class U.S. Mail

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

Re: Burtonsville Crossroads Neighborhood Plan

Dear Madam Chair:

First, on behalf of my clients who are the five (5) property owners (Burtonsville Associates; Jennifer Sarem; Burtonsville Crossing LLC; Parviz and J.M. Sarem and Marion Sarem) of the 38.3 acres identified in the Burtonsville Crossroads Neighborhood Plan as the "Rural Edge Neighborhood" I wanted to thank you and the other members of the Planning Board for the opportunity to address the Board on July 10, 2012.

In the interim between the Planning Board's Worksession No. 2, and today's date I have researched the source material presented by members of your Planning Staff to justify the proposed 8% impervious cap for certain properties, including those owned by my clients. Attached for your information is the entire Technical Bulletin, prepared by the Chesapeake Watershed Network, (Exhibit 1) cited as the source on the slide entitled "higher imperviousness=lower environmental quality" (Exhibit 2). As I suspected and stated before Board at the worksession, the graph only tells part of the story, when you read the entire technical bulletin it is clear

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that the issue is much more complex and that there are numerous other less Draconian means to protect water quality while preserving property owners development rights.

First the percentage of impervious cover along the horizontal axis on the graph presented is a figure for an entire watershed, not the development of individual properties within that watershed. In the case of the Patuxent Watershed, according to the "Patuxent Watershed Implementation Plan" prepared for Montgomery County Department of Environmental Resources, dated January of 2012 (Exhibit 3) the impervious cover for the Entire Patuxent Watershed is only 4%. According to that same study the Hawlings River and Lower Patuxent Subwatersheds only have impervious cover of 5%. The subject 38.3 acres are located within the Lower Patuxent Subwatershed. Both the Entire Patuxent Watershed and the Lower Patuxent Subwatershed are well below the percent imperviousness for ensuring high water quality.

Based on the low density zoning proposed for the majority of the Lower Patuxent Subwater in the Burtonsville Crossroads Neighborhood Plan and the previously approved 1997 Burtonsville Master Plan it is unlikely that the imperviousness of the subwatershed will increase to any great degree, and certainly not above the 8% advocated by Staff. For example an increase of 2% impervious cover in the Hawlings River and Lower Patuxent Subwatershed would be an increase of 504 acres of imperviousness. Currently the drainage area for the Hawlings River and Lower Patuxent Subwatershed is 25, 204 acres and 5% imperviousness equals 1,321 acres (see Table 2, page 9 of 70).

If the subject 38.3 acres were developed with a reasonable impervious coverage of 30% that would equal another 11.5 acres of impervious cover in the Hawlings River and Lower Patuxent Subwatershed. 11.5 acres equals a 0.045627678% increase of impervious cover in the Hawlings River and Lower Patuxent Subwatershed.

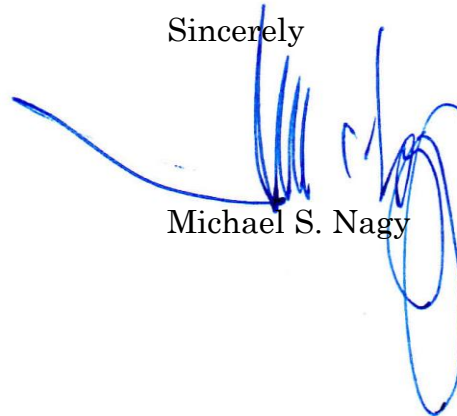
In addition to the fact that development of these properties would not measurably increase overall impervious cover for the subwatershed, the Chesapeake Stormwater Technical Bulletin provides an array of engineering and policy measures that can assure water quality without denying property owner's their development rights. For example on page 7 under the heading "Engineering Responses to the ICM" the author states that certain engineering practices can achieve annual stormwater reduction rates ranging from 40 to 90%. In addition to engineering practices the Technical Bulletin advocates a more comprehensive approach to watershed protection through a combination of public policy initiatives, economic incentives and permitting controls.

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Madam Chair, based on this information. I am respectfully requesting that the Planning Board postpone the Worksession No. 3 scheduled for this afternoon and instruct Staff to review the Chesapeake Stormwater Network Technical Bulletin in its entirety, the Patuxent Watershed Implementation Plan and to work with the affected property owners and the existing neighbors to craft a more equitable recommendation before the Plan is delivered to the County Council.

Again, thank you for the opportunity to address the Planning Board at the Worksession No 2 and for your consideration of this request

Sincerely

A handwritten signature in blue ink, appearing to read "Michael S. Nagy", is written over the typed name. The signature is stylized with a long horizontal stroke extending to the left and a large loop on the right.

Michael S. Nagy

Exhibits: CSN Technical Bulletin No 3.
Planning Staff graph
Pautuxent Watershed Implementation Plan (selected pages)

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