

Ms. Kathleen Byrne, Hearing Examiner
Office of Zoning & Administrative Hearings
Montgomery County Government, Maryland
100 Maryland Avenue, Rockville Maryland 20850

Re: LMA H-149, Glenmont Forest Investors, LLC

Dear Ms. Byrne:

I have been a resident of Montgomery County since 2006, and lived at 2024 Wallace Avenue since 2007. I am proud to be a Montgomery County resident and a volunteer in the community (e.g., I was selected as a community volunteer to serve on the Montgomery County Commission on Health. I was further honored when my colleagues on the Commission on Health voted me to serve as Vice Chair).

The purpose of this letter is to address a couple concerns about the above referenced zoning proposal.

Timeliness of notifications

The notification received for this meeting on June 14, 2024 was postmarked on May 17, 2024 (i.e., less than 30 days prior to the scheduled meeting). Another neighbor received this notification with the same postmark date of May 17, 2024. According to the OZAH procedures, section 2.4a, notifications must be sent out a minimum of 30 days prior to the meeting. The shortened timeframe provided for drafting a response and gathering information has created some challenges.

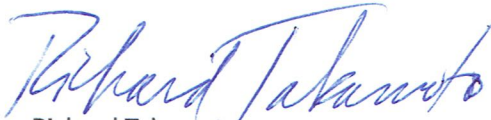
I raised my concerns about the timeliness of these notifications and left a voicemail for OZAH and sent an email to Councilwoman Fani-Gonzalez on May 21, 2024. I would like to acknowledge and thank Ms. Sara Behanna for responding to my concerns about the timeliness of notifications and that moving forward, the office plans to send hearing notices out 45 days in advance rather than 30 days (email dated 5/23/2024).

Stormwater runoff plan

My primary concern is how the proposed zoning changes and new construction will affect stormwater runoff onto my property. Out of concern for my home and property, I engaged Bramel Engineering to review the documentation available for this hearing and provide recommendations to avoid potential issues with stormwater runoff. The engineers have noted the preliminary plan does not include enough information regarding the stormwater systems proposed. Bramel Engineering and I have also noted the stormwater management plan in *Exhibit 45. Revised Ex. 4 – Application Justification, Submitted 5/20/2024*, indicates the Stormwater Management Concept Plan will be submitted in the future to Department of Permitting Services (DPS) for approval. I would like to receive a copy of this plan when it becomes available.

My concern about stormwater runoff is based on prior issues and working with Glenmont Forest for over 10 years to resolve those issues. Although Exhibit 45 states, "The site does not contain any modern stormwater management facilities," I would like to note there is an existing rip-rap drain on the edge of the property that is managed and maintained by Glenmont Forest. This rip-rap drain is also referenced in the Bramel Engineering report as part of their assessment.

Sincerely,



Richard Takamoto

2024 Wallace Avenue

Silver Spring, Maryland 20902

R9714521@gmail.com

301-310-7694



R T <richtak04@gmail.com>

RE: LMA H-149, Glenmont Forest Investors, LLC

1 message

Behanna, Sara <Sara.Behanna@montgomerycountymd.gov>

Thu, May 23, 2024 at 3:11 PM

To: R T <richtak04@gmail.com>

Cc: Elizabeth Rogers <ecrogers@lercheary.com>, "Robins, Steven A." <sarobins@lercheary.com>

Hi there. Hopefully I can answer your questions in further detail.

1. To your point of not receiving the mail in a timely manner, I cannot account for what happens to a letter once I bring it to USPS. I brought these letters to the post office myself.

However, our office discussed your thoughts about the limited time given between receipt of a notice and the request to receive the pre-hearing statement within 20 days of the hearing. Collectively, our office (there are only 3 of us at the moment) thought you made a good point and moving forward, we now plan to send hearing notices out 45 days in advance, rather than 30 days.

2. Addresses for the mailings are given to us by an applicant's attorney. I've cc'd Liz Rogers on this email if you wish to ask her for more information about the source of property owners list.
3. If your neighbors wish to hire an attorney to represent their interests as a group and need more time to produce a pre-hearing statement, they may send us an email requesting more time. We understand most citizens are not familiar with our procedural rules prior to the hearing notice and we do our best to accommodate requests for additional time for submissions.
4. You are welcome to testify as an individual without an attorney and without a pre-hearing statement. Please note the following:

Section 3.3 of OZAH's Rules regarding representation states:

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3.3 Representation.

Groups, organizations or entities arguing a matter or calling witnesses before OZAH must be represented by an attorney, but a member of an organization, authorized by that organization to do so, may offer testimony in narrative form on behalf of the organization without attorney representation. Individual members of organizations may also offer testimony in narrative form on their own behalf, without attorney representation.



Bramel Engineering, LLC
316 Fairhaven Rd.
Tracys Landing, MD 20779
(443)852-3413

June 11, 2024

Richard Takamoto
2024 Wallace Ave
Silver Spring, Maryland

Reference

Project: 2024 Wallace Ave/ Case # LMA H-149 Glenmont Forest Investors, LLC
Location: 2024 Wallace Ave, Silver Spring, Maryland
Project #: 240311-1

Mr. Takamoto:

Per your request, Bramel Engineering investigated the photographs and documents presented regarding the neighboring apartment complex, the Americana Glenmont Apartments' (Glenmont), and historic stormwater related damages onto the property at 2024 Wallace Ave in Silver Spring, Maryland. Bramel Engineering has also reviewed the tree preservation preliminary plans and documents regarding the proposed new construction to the apartment complex requiring a change of zoning. The purpose of the investigation is to review the given documents provided and determine the potential for damages on the Takamoto property related to the stormwater runoff from the construction of the redevelopment of the Glenmont Apartments, within a reasonable degree of engineering certainty, and offer recommendations that benefit both parties.

Background

The property at 2024 Wallace Ave, owned by Mr. Takamoto, is a single-family residence, two-stories in height with a finished basement. The front view and aerial view of the residence is shown in Figures 1 and 2, respectively, from Google Earth Pro. The Americana

Glenmont Apartment complex (Glenmont) is visible in Figure 1, north of the Takamoto residence.



Figure 1. Google Earth Aerial Image Dated 5/21/2023



Figure 2. Google Earth Street View Image Dated 8/2022

Based on the topography on the preliminary design plans, the Glenmont site is at a higher elevation than Mr. Takamoto's property and has a large drainage area from the apartment property directing stormwater runoff toward Mr. Takamoto's property and toward a natural stream bed to the south of the property, running east to west. According to Mr. Takamoto, there is an open channel that intercepts and directs this drainage area along the border of the two property lines; an approximate location of the channel (annotated as "rip-rap drain") and additional notes and labels provided by the homeowner is depicted in Figure 3. Historically, this drainage area and the quality of the channel has created problems including but not limited to: excessive stormwater runoff volume, sheet flow and channel flow onto and around Wallace Ave and Mr. Takamoto's lawns, severe erosion from the steep slopes (>15%), and ponding near structures vulnerable to groundwater infiltration; these issues and damages have been documented by Mr. Takamoto as early as 2008. Further investigation into the history of damages, based on the photographs taken by Mr. Takamoto, revealed that the Glenmont property's small open channel, which was stabilized in June 2023 with additional rip-rap (stones) by the owners of the Glenmont Apartments, had failed to directing runoff in April 2024. Reportedly, the rip-rap channel was repaired within the month; it is unknown the extent or the type of repair that was performed.

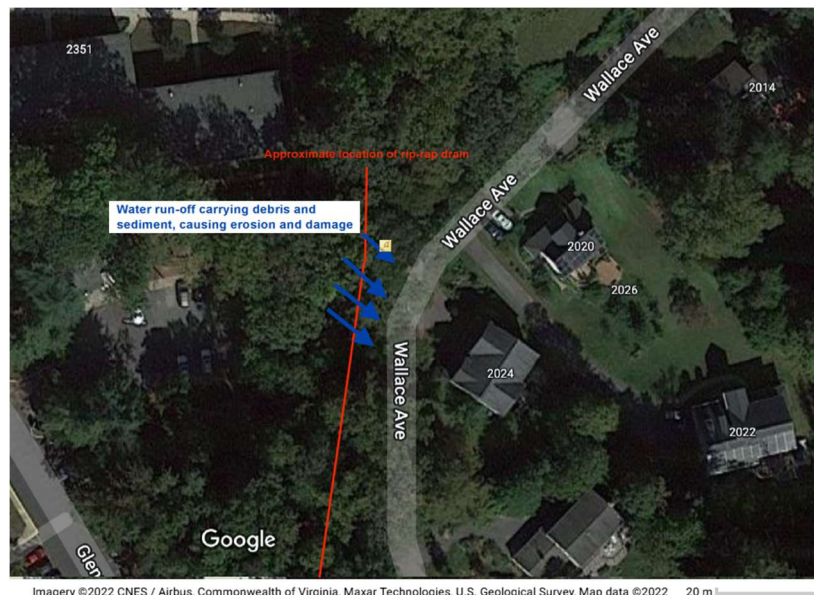


Figure 3. Mr. Takamoto's Approximate Location of SWM Channel

The historical weather data showed that precipitation occurred 7 out of 9 days between March 28th through April 5th of 2024, and was at most 1.0" in 24-hours (on the 4th). The requirement for stormwater management practices is to accommodate at a minimum a 1-year/24-hour storm, which is 2.6" of precipitation for Montgomery County; the April 2024 storm was less than half of that rainfall intensity indicating a fundamental issue with the size and slope of the channel, and an issue with the maintenance of the channel. This method of stabilization is not a long-term solution in this case as the high volume of water and high velocities from the steep slopes quickly fill in the undersized channel with sediment, vegetative debris, and trash. Historically, in an attempt to control the sediment flowing on to the road, Mr. Takamoto had placed large landscaping stones along the edge of the roadway to stop larger organic debris and sediment from depositing on the street, and has installed two surface drains placed at the corners of the residence to redirect the flow of water to the back of the residence.

The Glenmont Forest Investors, LLC is currently planning a reconstruction of the campus, including but not limited to: increasing the impervious area of the site, adding to the stormwater management systems, and altering the grade. They are also seeking rezoning from Montgomery County.

Investigation

The following documents were reviewed as part of this investigation:

1. 02-FCP-F20240450-001.pdf
2. 02-FCP-F20240450-002.pdf
3. 02-FCP-F20240450-003.pdf
4. 02-FCP-F20240450-004.pdf
5. 02-FCP-F20240450-005.pdf
6. 02-FCP-F20240450-006.pdf
7. 09-NLIST-F20240450.xlsx
8. 09-NLTR-F20240450.docx
9. 09-POST-F20240450.pdf

10. 10-VAR-F20240450.doc
11. 32-DRC-F20240450.pdf
12. Exhibit 1 Application zoning change request.pdf
13. H-149 02_ Applicant Justification.pdf
14. 00-APP-F20240450.pdf
15. 01-DESC-F20240450.docx
16. Photographs and Videos provided by Mr. Takamoto
17. Maryland Stormwater Management

Discussion

Mr. Takamoto's property currently has a drainage area of approximately 1.00 acres flowing from the Glenmont site toward his lot, in addition to the drainage area of his own lot, 0.52 acres, and the drainage area from other neighboring lots, 0.31 acres. The open channel on the Glenmont property that was recently stabilized with rip-rap is undersized and upon failure directs most if not all of the 1.00 acre drainage area from the Glenmont site onto the Takamoto property. This 1.00 acre drainage area consists of a steep sloped (>15%) forested region causing high water velocities and erosive conditions.

Based on the Preliminary Forest Conservation Plan, which includes preliminary alterations to the grading and new stormwater management systems, a large area of fill is planned near the Takamoto property which will increase the length of the steep slope directing runoff onto the Takamoto property. Figure 4 shows the preliminary grading alterations – (indicated by the topographic solid black lines) near the Takamoto property (indicated by the blue dashed boundary). The existing grade topography is represented by the lighter gray dashed lines. Figure 5 shows a cross-sectional view of the grade comparing the original grade and slopes with the proposed grade and fill northwest of the Takamoto property line.

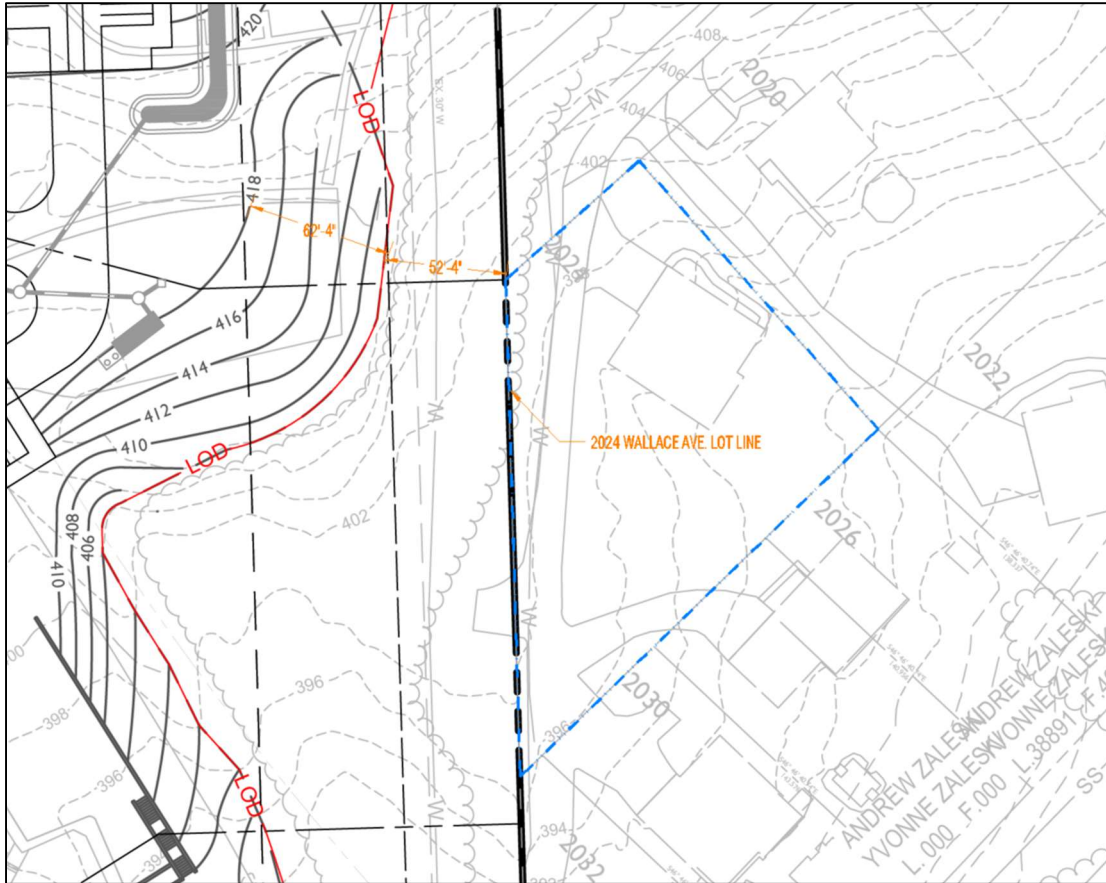


Figure 4. Excerpt of The Glenmont Site's Preliminary Plan Adjacent to Takamoto Property

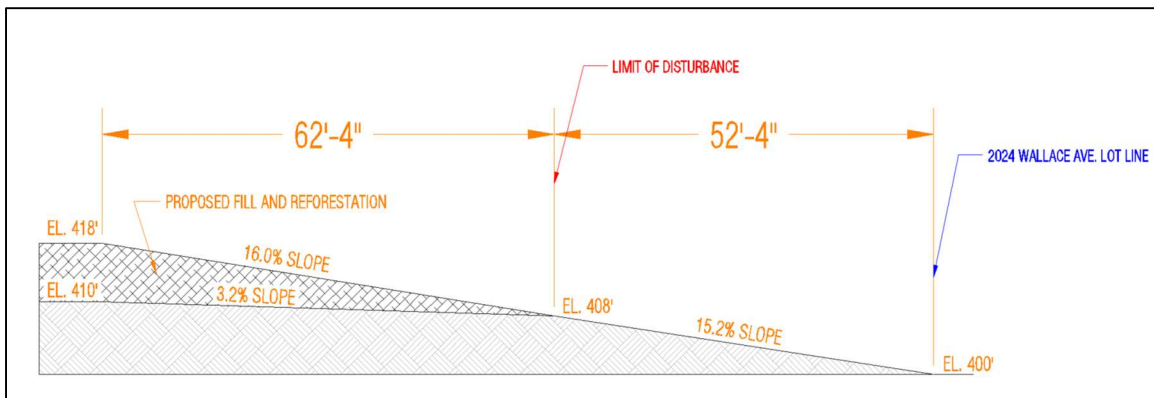


Figure 5. Cross-section of Existing vs. Proposed Grade

Elongating a steep slope without breaks increases issues with soil erosion and will lead to high velocity stormwater runoff onto the Takamoto property. Even with the aid of

reforestation of the upper portion of the slope, it will take many years before the full benefits of soil-stabilizing root systems are realized.

The preliminary plan does not have enough information regarding the stormwater systems proposed, but there are some background graphics suggesting that the stormwater at the higher elevation (above 418') will be directed into a surface drain where it is directed to outfall at the stream, southwest of the Takamoto property. This improvement should reduce the drainage area toward the Takamoto property by 17% resulting in a lower volume of total water directing toward the open channel and potentially carried across property lines. Any reduction in drainage area coming from the Glenmont site to the vulnerable residential property is an improvement to the current condition, however, the goal of the Glenmont site development team should be to reduce their risk of damages to adjacent lots by installing a stormwater management system that would eliminate as much drainage area as possible from their site onto the vulnerable neighboring residential properties, such as Mr. Takamoto's.

The construction phase of the project will also be the most vulnerable time for storm related damages to the Takamoto property due to the grading work and amount of fill built up within ~50 ft of the property line. Before the redevelopment's stormwater system is implemented, the current ~1 acre drainage area onto the property with the addition of steep slopes from spoil piles (i.e. piled soil waiting to be graded) increases risk to stormwater-related damages to the Takamoto property.

Bramel Engineering's recommendations to Mr. Takamoto are as follows:

1. Remain vigilant in documenting stormwater runoff sheet flow, channel flow, soil erosion, any damages to plants and trees, any damages to the asphalt roadway, and any other storm-related damages with date stamped photographs and videos.
2. Provide Glenmont developers with this report to reiterate the importance of designing a stormwater system that will eliminate any drainage area from their site onto the Takamoto property and the importance of addressing the >100 ft run of steep slopes (>15%).

3. Request from the Glenmont developers the preliminary Erosion and Sediment Control Plan (ESC), Grading Plan, and Stormwater Management Plan for a limited peer review as it relates to the effects on the Takamoto property.
4. Remain vigilant in reporting erosion and sediment issues, especially during the construction phase, to the Montgomery County Department of Environmental Protection using their 3-1-1 hotline (or 240-777-0311 if outside the county) and filing an erosion control complaint to resolve the problem as quickly as possible.

Conclusions

Based on the investigation, Bramel Engineering is able to state the following conclusions within a reasonable degree of engineering certainty:

1. Historically, this drainage area from the Glenmont Apartment site and the quality of the open channel has created problems including but not limited to: excessive stormwater runoff volume, sheet flow and channel flow onto and around Wallace Ave and Mr. Takamoto's lawns, severe erosion from the steep slopes (>15%), and ponding near structures vulnerable to groundwater infiltration.
2. Based on the Preliminary Forest Conservation Plan, which includes preliminary alterations to the grading and new stormwater management systems, a large area of fill is planned which will increase the length of the steep slope leading runoff onto the Takamoto property.
3. Elongating a steep slope without breaks increases issues with soil erosion and will lead to high velocity stormwater runoff onto the Takamoto property.
4. The construction phase of the project will be the most vulnerable time for storm related damages to the Takamoto property due to the grading work and amount of fill built up within ~50 ft of the property line.
5. The goal of the Glenmont site development team should be to reduce their risk of damages to adjacent lots by installing a stormwater management system that would eliminate as much drainage area as possible from their site onto the vulnerable neighboring residential properties, such as Mr. Takamoto's.

6. Bramel Engineering recommends that Mr. Takamoto: remain vigilant in documenting stormwater runoff damages; provide Glenmont developers with this report to reiterate the importance of designing a stormwater system that will eliminate any drainage area from their site onto the Takamoto property and the importance of addressing the >100 ft run of steep slopes; request from the Glenmont developers the preliminary Erosion and Sediment Control Plan (ESC), Grading Plan, and Stormwater Management Plan for a limited peer review as it relates to the effects on the Takamoto property; and report erosion and sediment issues as they arise to the county hotline.

Bramel Engineering reserves the right to revise or expand on opinions and to state any additional opinions based upon newly acquired information. If there are any questions and or concerns regarding this issue, please do not hesitate to contact me.

Respectfully,

Bramel Engineering

Authored by:



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Civil/Structural Engineer

Reviewed by:



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Structural/Civil/Mechanical Engineer