

CCV Stormwater Management Committee Meeting
January 26, 2021 7:00-8:30 PM

In Attendance: Julie Sparacino, David Goldwyn, Kevin Cannard, Nancy Somerville, Peter Marks, Bruce Hebbard, Todd Eskelsen, Tony Salah and Tom McCarty, Mark Etheridge DPS, Elise Pas, Brian Manion, Ron Sherrow, Caller 01

- I. Introduction and Purpose of the Work Session - quorum (10 members) was noted and meeting initiated (Goldwyn)
- II. Approval of Minutes for 12.15.2020
 - A. Edits were reviewed on screen.
 - B. Minutes were adopted
- III. Q and A with Mark Etheridge, Montgomery County Department of Permitting Services
 - A. Brief history of program in the county
 1. SWM goes back to the 1940s with the Flood Act. Modified in 1972 with the Clean Water Act
 2. MoCo entered SWM with a handoff from the Soil Conservation Service.
 3. Migrated to on-site mitigations
 4. 2007 Storm Water Act introduced ESD
 5. The smaller the drainage area and closer we get to mitigation
 6. This is a streamwater treatment protocol that is focused on pollutants and erosion
 7. No SWM before 2010. For example, did not know how to put ponds on single family lots
 8. Single family tear downs are not supposed to comply with the protocols
 - B. Is there a provision for periodic review of standards and protocols?
 1. Piping and roads is not the focus. Stormwater treatment is the focus.
 2. New data from NOAA. 2.6 inch per hour standard has not changed.
 3. DoT is very concerned about more stormwater and aging infrastructure.
 4. The system was designed to handle conveyance of a ten year storm
 5. State Highway has moved to 25 year storm even conveyance.
 - C. Is more runoff from construction impacting the water quality?
 1. Required to meet the MDE standard for treatment.

2. Pollutants get washed off in the first flush event. That is the worst part of the event.
 3. Not looking at testing the large volume of water over the course of the event. More concerned about the pollutants which occur in the beginning of the event.
- D. (Dave) Is there a way to review the site remediations to determine if they are effective? How do the neighbors know what was required and if a waiver is granted?
1. State analyzes program every three years.
 2. When ESD was put in 2010, they were using guidance from DEP.
 3. Soil maps were too general to be effective. This changed to a focus of on-site soil tests.
 4. One of the unfortunate bi-products was a discovery that stormwater management criteria would not be effective. This caused an increase in waivers which was not the intended outcome.
 - a) Only issue waivers if the full standard can not be obtained.
 5. It is difficult to notify the public. Will take calls if requested on a particular property. Not a good process for formal notification of the public. This applies to plans and waivers.
 - a) Roughly 600 plans per year.
 6. Plans provide the amount of required storage and any waivers.
 7. There is a GIS site that shows all of the permits
- E. (Nancy) Is there another angle that can address concerns of property damage or public safety in addition to water quality issues?
1. Property damage is difficult for the county to adjudicate. This is typically handled in the court system.
 2. Limitations from lot to lot are not in the zoning code now.
 3. A stormwater management plan does not alleviate the builder and property owner for downstream impacts. However, this is not well understood by the drainage engineers.
 4. Engineers now need to sign off on their responsibilities as a result of their development.
 5. Most times water flow from yard to yard is not a problem. However, a minor instability from a development can cause new consequences downstream.
 6. Some discussion about changes to zoning to put in new standards vs through in-site mitigation.
 - a) CCV SWMC encourages that discussion to go forward.
 - b) It might be appropriate for the county to up the standards to meet the need. But, need to be careful with standards

because it sometimes does not work in implementation. This could give the engineer an out for taking responsibility. The standard can be a tool for minimal compliance, actions that meet the standard but don't adequately address the problem.

- c) Requirements could be different based on local circumstances.

F. (Tony) Are there any punitive penalties for engineering mistakes and bonds?

- 1. Yes. Sediment control and SWM. The purpose is to ensure they build what they planned to build. It can not be used for other damages as a result of the plan.

G. (Tony) Is there a threshold that needs to be met to get a waiver?

- 1. The SWM plan typically goes through several reviews.
- 2. Staff pushes engineers to put in all mitigations.
- 3. Waivers are granted, in general, for mitigations that are not physically possible.
- 4. Added roadside tree protection. Canopy protection.
- 5. It will get more difficult for developers, but it is doable.

H. (Todd) If one finds out about an upstream development, is there a way for someone to get involved in the permitted process?

- 1. Some people hire engineers to review developers' plans that may impact their property.
- 2. Send comments to the engineer to have them look at the issue. MoCo can't get too much into "group review", but MoCo would like to know about the concerns if they want to have a chance to impact.
- 3. If downstream residents have recurring problems, then they would work with the engineer to try to mitigate.

I. (Tony) it actually is a life-safety issue. Can that angle be addressed?

- 1. Perhaps DoT could address
- 2. September event was catastrophic
 - a) If it is recurring then the county could address
- 3. It is difficult to make a single developer do all of the work.
- 4. If a plan meets the requirements of the code, then MoCo is required to issue the permit.
- 5. DEP can do larger watershed projects.
- 6. There is no ability to tell the developer to build a smaller house.

J. (Pete)

- 1. CCV has the power to govern building regulations.

2. There was a discussion about the character of the town.
 3. It is possible that CCV could entertain building regulations that have an impact (e.g. "massing").
 4. It is not purely a zoning issue.
- K. (Nacy) Much of the problem is coming from the decrease in impervious surface, not the size of the house per se. In older neighborhoods are additions paid attention to? Has there been any thought to needing a different approach to older neighborhoods vs. newer neighborhoods that are already complying with design?
1. Considered "zone overlays" to address newer requirements for what is allowed for existing, older residential neighborhoods.
 2. Older neighborhoods have different situations and therefore different requirements.
 3. There is a balance in an older neighborhood that can be disturbed by new construction upstream.
- L. Mark Etheridge was happy to meet with us and offered to answer follow-up questions or meet with the SWMC again. Mark left the meeting
- IV. Update on consultations with local jurisdictions (Somerville)
- A. Nacy sent a spreadsheet for others to verify.
 - B. Adding budget info.
 - C. Will be done in a couple weeks
 - D. Compiling information on correspondence
- V. Review Outline of Draft Report
- A. What was called out today should be reflected in key findings. In particular the concept of zoning vs. building regulation.
 - B. Draft shared on screen
 - C. Process
 1. Agree on the structure
 2. Assign sections
 3. Dave would be the first editor to harmonize
 4. Three bits of information yet to come
 - a) Clark Azar report - re-enforcing the topographic findings and design of inlets.
 - b) Neighborhood survey - number of houses and areas of vulnerability
 - c) Comparative jurisdictions
 5. Set deadline for first draft of sections
 6. Use next meeting to discuss recommendations
 7. Would this be an appropriate topic for a Council Working Session?

8. The recommendations should be discussed by the SWMC
9. The report might want to have a work session to discuss the report and invite the committee to join the session.
10. Another meeting or two of the SWMC should suffice to prepare the report
11. Should we discuss broad categories of broad recommendations tonight?
12. Leads and helper - much of the information is in the minutes
 - a) Intro - Dave
 - b) SWMC process - Dave, Elise can help
 - c) Sept. 10 storm - Bruce. Leave survey data blank.
 - d) Key findings
 - (1) Topographic findings Tom and Paul
 - (2) Increase in impervious surface - anecdotal information should not be the only source. Use historical aerial photographs
 - (3) Increase in rainfall intensity - Bruce. Include what a 1, 10, 1000 year flood means. A glossary of terms might be helpful.
 - (a) Discuss what SWM is in layman terms. A primer on SWM as supporting background info. Note the differences (e.g. drainage study vs. stormwater management).
 - (4) Insufficient infrastructure - Elise
 - (5) Section b-e Nancy, Todd will help
 - e) Looking for volunteers to organize and synthesize recommendations - Tony
 - f) What format with the final product. Should it be prepared for digital with links or paper. Consult with Jana on how the final product will be published (e.g. website, PDF)
13. Discussion of tentative recommendations
 - a) Members can put them in an email for the SWMC- David can go through them.
 - b) Improve infrastructure
 - c) Sufficiency of pipes that drain.
 - d) Drainage and storage strategies
 - e) Ground water permeability
 - f) How to manage what is on a property
 - g) Reporting where there is a local problem with drainage and how to respond once the SWMC is concluded.

- h) streets, curbs, gutters. Clark Azar illustrate over \$680K of infrastructure upgrades in CCV. Some areas where curbs are non-existent. Some are uneven.
- i) CCV should be looking into green infrastructure ways to address those deficiencies in addition to conventional ways (curbs, driveways, etc.). It is cheaper to do green infrastructure in the public realm if it is done when there are other improvements underway. What are possible green mitigations as an alternative to conventional methods? Dry well, cisterns below what is visible. The sooner the suggestions of concrete examples to Council, the better. That suggestion should be made to the Council, not Clark Azar because it was not in their scope. Clark Azar was hired to look at conveyance, not retention.
- j) Make recommendations of small scale mitigations an individual homeowner can do.

VI. Next Meeting

- A. February 9th. Focus on recommendations
- B. First section drafts 16th.
- C. First comprehensive draft after that.

VII. Resident questions - no non-committee residents present

VIII. Adjournment