

CCV Stormwater Management Committee Meeting  
December 1, 2020 7:00-8:30 PM

**In Attendance:** Julie Sparacino, David Goldwyn, Elise Pas, Paul Kempton, Kevin Cannard, Nancy Somerville, Peter Marks, Bruce Hebbard, Todd Eskelsen, Ron Bolt, Joe Toomey, and 4 residents (Rebecca Fitzsimmons, Catherine Shrempf, Pablo Guerrero, Brian Ridgeway)

- I. Initiation of the meeting - quorum was noted and meeting initiated.
- II. Approval of minutes - motion from K. Cannard and P. Kempton, seconded by E. Pas
- III. Introduction and Purpose of the session
- IV. Question and Answer Session on Permitting and Town Ordinances with Ron Bolt and Joe Toomey (All)
  - A. How does the county regulate the retention of stormwater in the permitting process?
    1. 2 criteria for MoCo SWM division within the Dept of Permitting Services that require addressing stormwater issues:
      - a) New houses involving a disturbance of more than 5K sq-feet of land and in those cases, requires an engineering firm to do a large-scale sedimentation and drainage planning. Involves downspouts and below ground pits and typical new homes may have 3-5 of these pits on the property.
        - (1) Residents can request a waiver for these regulations for smaller lots that could not fit smaller lots which could not fit the drainage pits required. There is no structured process for notifying the town or neighbors if the County has granted a waiver.
        - (2) Maryland Design Manual sets forth what SWM strategies are appropriate- this requires Environmental Site Design (ESD) to the Maximum Extent Possible (MEP) - can seek partial or full waivers if soil has too much clay or the property has too much slope (>15%)-CCV not part of the waiver.
      - b) In cases of < 5K sq feet disturbance and more than 400 sq ft of new roof, a simpler plan is required for runoff into small lots and can be designed by anyone. Roof area does not include overhangs- and is based on the size of the original house footprint.

2. No requirements for drainage if: there is a small addition to a home, a large patio installation, driveways, walkways.
  3. County regulations are the result of federal nPTS permitting requirements - both are concerned with the treatment of water quality treatment which is not the same as a water retention requirement. In 2005, CCV adopted a regulation about water retention to address the impact on neighbors of stormwater runoff.
- B. How have these regulations changed over time and are any additional regulations being considered?
1. Design of dry well pits has been modified (e.g., distance from structure – max size and the cleanup and observation pipe)
  2. The SWM and drainage plan must be able to capture 1.5 inch rainfall; that regulation has been in place for at least the past 8 years.
- C. Is the county meeting the goals established in its MS4\*permit?
1. The county's MS4 (Municipal Separate Storm Sewer System) permit requires the following: (a) Add stormwater management and restore degraded streams; (b) Reduce stormwater pollution to meet water quality goals established through Total Maximum Daily Loads (TMDLs), (c) Reduce trash and litter to the Potomac River and its tributaries; (d) Develop and implement a public outreach and education program that focuses on reducing stormwater pollution and litter; (e) Complete a Countywide Coordinated Implementation Strategy to meet all Permit requirements, (f) Conduct preventive maintenance inspections of all Stormwater management facilities.
    - a) No additional input here; N. Somerville will further investigate.
- D. How are these ordinances enforced?
1. The county enforces it for new house construction through building inspectors that examine the SWM drainage pits (when being dug- and requires a sign off)- the SWM plans are the first thing to be looked at (Mr. Toomey goes to the site). The county also monitors the plans for any addition for over 400 sq ft addition of the roof size.
  2. A complaint can be filed by a resident and the inspector for the site would be the contact. The county can investigate a complaint once the building is completed but any new

construction or additions likely were already signed off on by the county.

3. Would need to ask the county how they follow up about concerns about how/where water is diverted.
  4. N. Somerville mentioned that she has filed a concern with DPS online for stormwater issues.
- E. Does CCV, or can CCV consider the adequacy of the county's permitting in any way?
1. Any CCV permit is contingent on getting a county permit. CCV cannot consider the adequacy of the county permit, but CCV can make sure that the county permit is being followed but mostly serves in a role of ensuring that there is a county permit. CCV then issues its permit and then construction can begin.
  2. CCV has a legal right to impose more stringent laws or rules on SWM and can decide which county laws it can be exempt from.
- F. What responsibilities or regulations are there about how water flows through the neighborhood?
1. In MD, water is allowed to run as it would naturally (downhill), so the uphill neighbor has no responsibility to capture the water. On the other hand, no one can pump out water onto another property or unnaturally elevate/grade their property, but the latter is contingent on whether there is a required permitting process (e.g., for new construction or additions of over 400 sq feet of roof). Pre-construction grade is a part of the permitting of a new house.
  2. CCV does not have any regulations about the responsibility of residents to capture water from their property.
- G. Is CCV aware of sound practices of other communities that the SWM should consider?
1. Chevy Chase 5 has a plan to require permeable pavers or other drainage plans indicating that drainage would be dealt with on the lot (e.g., rain gardens, barrels, drain pits) for new driveways and any other new impervious surfaces (sheds, garages, patios, walkways, additions and new house construction)- they have a pamphlet for how to handle the control of rainwater runoff to small lots. They do not grant waivers (e.g., if someone cannot handle all of their runoff).

- a) CCV requires this same plan for any detached accessories in the backyard (e.g., detached dwelling unit). CCV has not yet had an application for such a unit yet.
  2. The Town of Chevy Chase requires drainage plans for any project of 700 sq feet or more of impervious surfaces. The new runoff must be captured on site.
  3. Chevy Chase Village and Chevy Chase 3 have a general requirement where an applicant must indicate that their project will not create an adverse impact on neighbors.
  4. The Village of Martins Addition, Garrett Park, and North Chevy Chase all have no requirements. NCC does require tree planting for addition of 180 square feet of impervious surface.
  5. The Towns of Somerset and Glen Echo have a similar committee as we do in CCV but no current requirements.
- H. Does CCV have up-to-date mapping of CCV infrastructure it can share with the SWM?
1. Not really. CCV has access to what the county has on GIS.
  2. Any new construction (last 5 years) has to document the location of downspouts and ensure they do not intersect with the right of ways (i.e., 10-12 feet away from the curb).
  3. Piping to the curbs or pipes that come out near the street (i.e., within 10-15 feet of the street) can be inventoried. Would need to manually look into the manholes and determine what pipes are going into them.
  4. \*This type of inventory would require an outside group with expertise to do.
- I. How can we identify which infrastructure on private property ties into county infrastructure?
1. County can provide records of ownership- but there are instances of disputed ownership of infrastructure in other areas, so we can expect it may be difficult to determine ownership of all drainage infrastructure.
  2. Drains on private property tend to be private drains, but not 100% of the time. We already know of 2 on Dresden. If the county has no record of the private property drain, it is likely private.
- J. What other requirements or incentives are in place at the county level to encourage best management practices (BMPs) for green

infrastructure (aka environmental site design, AKA low-impact development)? How effective are these? How widespread is their use in CCV?

1. No other requirements are known. No discussion on the council about incentives for this in the last 4-5 years.

K. What impact, if any, has the county tree canopy law had on maintaining/enhancing tree canopy in the county? How does the law apply to residential development projects in CCV and elsewhere? What is CCV's approach to tree canopy maintenance?

1. Impact of the tree canopy within the county is unknown by Mr. Bolt and Toomey.
2. CCV does not apply the county canopy law - the law was first written to require replanting 3 trees for every removed tree (anticipating that 2 may die)- the revision of the law requires 3 tree plantings for every 6K square feet you disturb and each tree has to be given 300 sq feet of growing area. If you do not have the space for these plantings, you pay a fee to the county to plant trees anywhere else in the county. Because of these changes (which morphed more into a development tax), the CCV council exempted the law.
3. CCV does have a tree planting program to plant trees within the rights of way. There were discussions by the council in 2006 about tree protection but it was very divisive and residents came out to dispute the town council regulating any private property trees and the matter was dropped.

L. Are tree/vegetation protection zones required for construction work on private property by CCV or the county and, if so, when are they required and what are they?

1. No- CCV does not have any requirements. The county does for the SWM and control plans, but only for the 2 criteria (new homes and large additions). Smaller additions do not have any requirements.
2. Other towns have an arborist on staff to review the plans and approve a tree protection plan. Not required in CCV.

V. Town Council responses to Committee recommendations:

- A. Meet with Ron and Joe: was approved and they were present tonight as a result.
- B. Endorse a MCDOT study: no motion or formal resolution by the council. Councilman Albornoz is going to continue to push for this.

- VI. Introduction to Stormwater practices of neighboring towns workstream (N. Somerville)
  - A. Obvious gaps in the CCV SWM practices as compared to neighboring towns. Some were already discussed above.
  - B. Seeking out success stories to share with the committee.
- VII. Resident questions
  - A. Questions to Mr. Bolt and Toomey throughout; no additional questions at close of meeting.
- VIII. Next Steps
  - A. Compile 3 key pieces of information:
    - 1. Results of the Clark Azar study (should be complete in late December)
    - 2. Survey data (80 responses so far - 25% of the town)- reminder notice went out yesterday.
    - 3. Review of neighboring towns practices (end of December)
  - B. Make recommendations for a final report
  - C. Compile resources (e.g., where to remedy issues; how to file concerns with SWM runoff; information for private residents to implement that ideally highlight resources within the county such as the rainscapes program, which is currently fully subscribed).
  - D. Next meeting will be December 15th at 7-8:30
- IX. Adjournment