



LITTLE FALLS WATERSHED ALLIANCE

EDUCATION - ACTION - STEWARDSHIP

Mark Etheridge
Dave Kuykendall
Department of Permitting Services
Rockville, MD

November 5, 2018

Re: Comments on Regency Centers' application for development at Westbard
Preliminary Plan: 120170170
Site Plan: 820180190

Dear Mark and Dave,

Thank you for meeting with Diane Cameron and me on Monday, October 22, 2018. In that meeting, we discussed the proposed Stormwater Management Plan ("SWM Plan") for the Regency Centers redevelopment application at Westbard. Following the meeting, Dave sent us copies of the applicant's stormwater documents, including the stormwater narrative dated June 22, 2018. Our discussion highlighted that while some improvements have been made in the current SWM Plan over the prior version, the current plan has a long way to go, with specific improvement needed, before it meets both the ESD to the MEP standard, and before it shows an adequate integration with the relevant objectives of the Westbard Sector Plan.

The specific objectives we discussed in our 10/22 meeting relate to the need for the applicant to meet Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP), with no waivers, and to affirmatively contribute to the restoration of Willett Branch. A primary objective is to insure that there will be adequate baseflow in the restored Willett Branch during dry weather. Achieving this objective depends upon whether, and to what extent, the SWM Plan includes infiltration practices that will feed groundwater to Willett Branch.

As we requested in the meeting, and in the memo from Diane Cameron to Little Falls Watershed Alliance (LFWA) dated October 18, 2018, there are several remaining improvements to the SWM Plan that are critical, if the intent and goals of both the Stormwater Management Act of 2007, and the Westbard Sector Plan, are to be fulfilled. The needed improvements that we discussed include:

- (1) avoiding any stormwater waivers, including rejection of the applicant's requested waiver for 9,789 cubic feet of stormwater volume from the proposed redevelopment of Westbard Avenue; LFWA requests that DPS require the applicant to meet the entire ESD Volume on-site using ESD measures, with no waivers;

(2) addition of infiltration devices, and/or infiltration elements to existing planned devices. We understand that DPS will consider requiring the applicant to install rock layers underneath the underdrains for the micro-bioretenion units; and

(3) the use of geotechnical and infiltration studies to determine optimal placement and design of infiltration techniques, in order to optimize the flow of groundwater to the restored Willett Branch, located to the East of the site.

During the meeting, we also requested that DPS consider, and work with the Planning Department staff and the applicant's engineers, a more-flexible approach to the fulfillment of ESD to the MEP at this site. The concept of flexible design of ESD devices on this site that we suggested, is based upon the need to meet the ESD volume with ESD and infiltration devices, and, to provide adequate infiltration in order to contribute to the restoration of Willett Branch via dry weather baseflow. We suggested that it might be necessary, working within the constraints of the site and the applicant, to place some micro-bioretenion and/or other infiltration units as close as possible to Willett Branch (on the East side of Westbard Avenue).

Observing that the entire site is seen as comprised of urban fill "D" soils, you stated that this would normally restrict or rule out use of infiltration techniques. Yet, this former convention of ruling out D soils for infiltration practices is now changing. The 2016 Chesapeake Bay Expert Panel that reviewed stormwater practices for disconnecting runoff from impervious areas onto amended soils, recommended that for "D" soils, use of soil tilling; compost or other amendments; and phyto-remediation be considered to increase infiltration capacity.¹

Further Discussion

The Stormwater management plan for the above applications remains unacceptable. Not only has the applicant failed to demonstrate that they have done ESD to the maximum extent practicable, but Regency Centers has consistently ignored the recommendations of the Westbard Sector Plan regarding Willett Branch restoration as integral to the SWM Plan, and regarding stormwater buffers for the site.

As you know, the Westbard Sector Plan calls for the naturalization of the Willett Branch and the creation of a new Stream Valley Park. Besides having considerable environmental impact, and providing a respite for the new residents of the area, removing the eyesore that is currently the Willett Branch and creating a beautiful park will have a positive economic effect on the surrounding properties. Countless studies have shown that properties located near parks and creeks have higher values than those located just a few blocks away. **As the major property owner in the area, Regency Centers has the most to gain from the creation of the park.**

¹ Chesapeake Bay Program, December 2016, CBP/TRS – 313 – 16

https://www.chesapeakebay.net/documents/Impervious_Disconnection_Expert_Panel_Report_WQGIT_approved_December_2016.pdf

However, the success of the new creek is dependent on robust and proper stormwater management in the area. We know that untreated and unchecked stormwater run-off is the only growing source of pollution for our waterways. We know that creeks need ample groundwater to flow in dry weather. We know that rainwater infiltration is the best method for treating polluted water and necessary for replenishing the groundwater. Yet, the Regency Centers stormwater management program makes very little use of infiltration techniques. Instead they rely primarily on 1) green roofs, which do not allow water to infiltrate the ground, and do not treat the surface rainwater that is polluted by the chemical mix that covers driveways, parking lots and roadways, and 2) stormwater vaults which hold the water and are expected to use filter cartridges. The applicant is also asking for an 88% waiver for stormwater treatment of the new road².

The applicant also ignores the directive in the Sector Plan to provide stormwater management buffer strips along and within the perimeter of the Westwood Shopping Center site (Westbard Sector Plan, pg 76). These strips would play an important role in capturing the rain water and returning it to the ground. They would also allow the applicant to meet their stormwater management requirements with additional ESD methods.

Procedural comment:

We were encouraged to learn of the intent of DPS staff to work closely with Planning Department staff on this project. This will help to avoid problems, and missed opportunities, that arose on past projects due to the historical disconnect between the Department of Permitting Services, who approves the Stormwater Management Plan and the Planning Board who develops the Sector Plan and reviews development applications. As a citizen watershed group, we stand ready to support this long-needed interagency collaboration – including for Westwood Shopping Center. We are encouraged to know that the two agencies will strive to better and more efficiently attain the goals of the Stormwater Management Act of 2007 integrated with the goals of our Master and Sector plans.

Because of the requirement in the Sector Plan to restore the Willett Branch and create a new park, it is imperative that the DPS and Planning Board work together on the issue of stormwater management. This is a unique situation where all the stakeholders must work towards the same goal - the success of the Willett Branch Park. The applicant must be required to go beyond green roofs and stormwater vaults and use all the ESD practices available so there is maximum infiltration. Extensive geotechnical studies must be done before ruling out any ESD options. No waivers should be given at all as there is too much at risk to allow untreated and unchecked runoff to flood the creek. Building footprints may have to change, but the pay-off to Regency Centers is huge. A successful robust creek restoration and new park will greatly add to the value of their properties. Imagine apartments with views of the new sparkling stream, townhouses located within a stones throw of a creek and walking trails.

We have only this one chance to get this right. The County spends millions of dollars trying to fix the problems stormwater runoff causes in our streams, parks and in public areas. With

² See the proposed SWM Concept Plan, dated May 14, 2018: “monetary contribution suggested to accommodate remaining 9,789 cf volume of ESDv for phase 2A (Westbard Improvements).”

Westbard, we have a blank slate, the opportunity to build something using the latest research on how to manage stormwater and how to build healthy waterways. The Westbard development and Willett Branch can be a national model for how development and natural areas can go hand in hand. This vision must drive the development process.

Thank you for your time on this,
Sarah Morse
Executive Director
Little Falls Watershed Alliance

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