



Montgomery County Planning Board Hearing

Downtown Silver Spring

Project Plan Amendment: 91998005C, Site Plan Amendmt: 81999002M

June 18, 2020

Testimony of Friends of Sligo Creek

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References: Site Plan Amendment 81999002M and Project Plan Amendment 91998005C, Foulger Pratt's proposals for changes to DTSS

### **Summary**

- **OPPOSITION** - Friends of Sligo Creek's general position on the use of artificial plastic turf and playgrounds, is we oppose them. Whether plastic glued to asphalt, or other use of plastics on playground or field surfaces for use by individuals, including athletes, children, walkers and players, we oppose them. We also in general and in specific on this project, advocate the use of materials which function to capture and infiltrate stormwater. This testimony will address concerns only the use of plastic turf on top of Ellsworth Drive.
- **IMPROPER USE** - Intentionally or not, Foulger Pratt, the applicant, seemingly has not released or else exaggerated uses of SynTurf product it proposed to have

placed on top of asphalt on Ellsworth Drive. Despite critical questions posed by us, by Planning Board staff, and parts of the County Executive, the applicant has not provided sufficiently detailed or relevant scientific information for the Planning Board and public to evaluate. The manufacturer of the product has claimed certifications from the EPA and CPSC, but it has failed to provide supporting details. As a consequence, we believe there may be problems with the product proposed and certainly there are large knowledge gaps.

What we do know is that SYNLawn's SYNTipede 343 is recommended by the manufacturer for landscape, pets, rooftops and lawns – not the heavy foot traffic and vehicular use it will see on Ellsworth Drive. The developer is proposing a significant off-label use of this product, that is not certified or recommended. A different SYNLawn product would not eliminate these problems.

- **TOXIC GLUE:** The developer is also proposing a highly unusual installation – use of a toxic glue on the existing but milled asphalt. The adhesive's Safety Data Sheet warns that the substance should not go into storm drains or our waterways.
- **DIFFICULT MAINTENANCE:** SYNLawn's Care and Maintenance Manual must not be overlooked. The County or applicant in agreement with the County cannot follow the Manual and still protect the public and Sligo Creek. For example, the Manual recommends using dry cleaning fluid or mineral spirits to clean vehicle fluids. Does the Planning Board and County want this to go into Sligo Creek and for children and pets to walk on this? There are many other examples. Maintenance at least is a headache, but more likely impossible and will speed failure of the product. Please read the Manual.

As there will be no padding or underlayment on the SynTurf, as is typically installed, we would expect much higher rates of degradation, and wear and tear of the product, increasing maintenance and shortening its lifespan.

- **CHANGE THE PLAN:** To protect the public, Sligo Creek and our environment, we urge the Planning Board to change this plan, and to require the developer either to come up with another solution that is widely recognized as environmentally friendly or as a second choice, leave the asphalt in place.

We support the staff recommendation that the applicant propose an alternative to the synthetic turf proposal in the Certified Site Plan.

The stakes are high. The specific site is actively used by many people. Any decision will affect Sligo Creek and the surrounding environment. It is the core of development in Silver Spring and should be a healthy fun show piece.

Whatever the Planning Board decides here will undoubtedly be a precedent for other projects.

## **Specifics**

### **Flammability**

The Planning Board, County Council and County Executive should not allow a flammable material to be installed in a very active outdoor area, which drains in our water.

1. The DPS reviewer states that it is flammable. **The plastic grass product proposed is substantially petroleum-based.** The substantial petroleum content makes the product flammable, as the County's Departments of Permitting Services and Transportation have recognized. ***Montgomery County should not allow people to use and vehicles to drive on a flammable surface.***
2. The applicant has failed to produce scientific evidence that (1) the material with any coating is not flammable and (2) any resulting fire will not release harmful chemicals that would be toxic if inhaled. They produced test results for plastic carpeting as flooring and roofing, but not for the actual conditions that will exist on Ellsworth. The test results did not establish that the material wasn't flammable – only that it any flame wouldn't spread. Moreover, they didn't respond to concerns that there might be ignition from emergency and delivery vehicles that would still be given access to that stretch of Ellsworth

See the very limited relevance of how applicant responded to flammability concerns, in a memo from the applicant's consultant Oculus (Brian Flynn) to

Peterson and Foulger Pratt, April 10, 2020, p. 11, Attachment C of Attachments posted on PB Agenda items:

**“Flammability**

a. Based on the manufacturer’s published literature, the specified material has passed flammability testing according to D2859 “Standard Test Method for Ignition Characteristics of Finished Textile Floor Covering Materials”; This test method determines the flammability of finished textile floor covering materials when exposed to an ignition source; The specified material has passed this test and, as such, is rated as “flame resistant” under laboratory conditions. b. The material also passed testing according to ASTM E108-17 “Standard Test Methods for Fire Tests of Roof Coverings, Class A Spread of Flame Testing”. The specified material is therefore a Class A roofing material, offering the highest rating for resistance to fire. Note: SYNTipede 243, the specified material, is essentially the same, but with a shorter pile height.”

See also Staff Recommendations:

Safety/Flammability Both the Department of Permitting Services and commenters raised concerns about safety related to elevated temperatures and flammability. In response, the Applicant provided Staff a heat map of Ellsworth Drive (based on readings taken July 15, 2019) that shows the portion of the roadway where the synthetic turf is proposed maintains a high degree of shade and is not expected to create unsafe heat conditions. The Applicant also provided supplemental information on the synthetic turf product Page 18 which details the testing that was conducted by the manufacturer, which passes the “Class A” requirements of ASTM E108-17 flammability test applied to roofing materials, meaning the material is effective against severe test exposure, affords a high degree of fire protection, and does not present a flying hazard in terms of spread of flame.

Pp 18-19, Staff Recommendations

<https://eplans.montgomeryplanning.org/UFS/29273/84370/32-SR-81999002M%20Part%201.pdf/32-SR-81999002M%20Part%201.pdf>

**Heat**

Anyone who has visited that area knows it gets hot in the summer. Asphalt is already very hot. Mid-day sun falls on that roadway. The manufacturer has admitted that SynTurf gets hotter than asphalt. New street trees will take years to provide shade (if they survive and thrive in that relatively difficult environment), and though early and late sun may not fall directly on the site, mid-day is a different matter. Farmers market, play activities and other events could become intolerable with greatly increased heat. What is the temperature or other environmental impact of the product on top of asphalt with a toxic glue?

**Water Quality Management**

How will this product degrade in addition to the massive loss of plastic blades? We're concerned about chemical contaminants and see no studies of evidence of safe decomposition, or of the absence of PFAS.

**Stormwater Mitigation Required – over 5000 sq ft?  
And Forest Conservation Plan**

There have been conflicting and changing reports of the square footage of the area. Either way it's about the point where there should be stormwater mitigation. That is the rational thing to do, especially for a highly visible public use project.

Excerpt, staff recommendations, about 5,000 square ft:

"5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.

The original Site Plan approval (819990020) included a Forest Conservation Plan, which required 3.08 acres of afforestation and was originally met through providing 3.25 acres of planting landscape trees and receiving credit for saving existing trees. This Project does not change the existing limits of disturbance (LOD), however the Applicant proposes to amend the Forest Conservation Plan to remove four landscape trees, and plant an additional nine landscape trees. This

results in an additional 0.08 acres of landscape trees, bringing the total afforestation to 3.33 acres, exceeding the original 3.08-acre requirement. The Amendment will redesign and reconfigure an existing hardscape public use space and right-of-way. As such, the Project was not subject to stormwater compliance review as the Amendment consists of less than 5,000 square feet of land disturbance, per Article II, 1031(c), which was confirmed by the Montgomery County Department of Permitting Services – Water Resources Section on October 30, 2019.”

[P 23 https://eplans.montgomeryplanning.org/UFS/29273/84370/32-SR-81999002M%20Part%201.pdf/32-SR-81999002M%20Part%201.pdf](https://eplans.montgomeryplanning.org/UFS/29273/84370/32-SR-81999002M%20Part%201.pdf/32-SR-81999002M%20Part%201.pdf)

#### **Summary of mischaracterized or exaggerated claims**

- Vehicular rated: (Mischaracterization, consultant VIKA to Marie LaBaw, DPS, May 13 letter about Fire Dept). We raised this as a serious error to Grace Bogdan, PD staff, chief reviewer.
- Bio-based, environmental, green product: According to manufacturer data, the product is polypropylene with some additives.
- EPA, CSPC certifications: meaning what?
- The fire ratings: Limited relevance to expansive planned uses.