

MEMORANDUM

June 25, 2015

TO: Transportation, Infrastructure, Energy & Environment Committee

FROM: *KL* Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Worksession:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

#	Applicant	Request	County Executive	Planning Board	CE Staff Report		Council Staff
					Report	Maps	
1	Peter Huyser, 13-GWC-01A	Requesting public water and sewer in order to build a new single family home.	Approve W-3, Deny S-3 (Maintain S-6)	Concur with the County Executive	©1-2	©3-4	Concur with the County Executive and the Planning Board
2	Cheryl Gearhart, Tr., 13-GWC-02A	Requesting public sewer in order to build a new single family home.	Deny S-3. Maintain S-6	Concur with the County Executive	©5-6	©8-9	Concur with the County Executive and the Planning Board
3	Jane Gartner, John Mayer & Larry Musson (for Montrose Baptist Church), 14-GWC-02A	PIF Request: Requesting public water and sewer in order to relocate the existing church to this site.	Approve W-1 and S-3 for a PIF use only.	Concur with the County Executive	©10-12	©14-18	Concur with the County Executive (but with additional resolution language)
4-7	Canaan Christian Church, 13-PAX-01A, 02A,03A,04A	PIF Request: Requesting public water and sewer service for five properties in order to build a new church on the combined sites.	Deny W-3 and S-3. Maintain W-6 and S-6	Approve W-3. Concur with the CE to Deny S-6. (Maintain S-6)	©19-22	©26-29	Concur with the County Executive
8	Sunny & Rueben Bajaj Trust, 13-POT-03A	Requesting public sewer to serve the existing house	Deny S-3. Maintain S-6	Concur with the County Executive	©30-31	©34-35	Concur with the County Executive and the Planning Board
9	Ken and Kavelle Bajaj, 13-POT-04A	Requesting public sewer to serve the existing house	Deny S-3. Maintain S-6	Concur with the County Executive	©31-32	©34-35	Concur with the County Executive and the Planning Board

On May 13, 2015, the County Council received a package of nine Water and Sewer Category Change requests from the County Executive. The requests (with recommendations from

the County Executive and the Planning Board noted) are presented in the above chart. A public hearing was held on June 23, 2015.

Alan Soukup of the Department of Environmental Protection and Katherine Nelson of Planning staff are expected to attend the Committee worksession.

List of Attachments

Council Resolution (introduced May 21, 2015)	©A-B
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• Potomac Subregion Master Plan Peripheral Sewer Service Recommendations	©41
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Category Change Process Overview

The County's Department of Environmental Protection (DEP) is responsible for assembling, reviewing, and processing these amendments through the County Executive for transmittal to the Council.

DEP staff coordinates with a number of other departments and agencies and includes comments from Planning staff, WSSC, and Department of Permitting Services (DPS) staff in the Executive Staff Report.

Planning Board Review

The Planning Board discussed these amendments on June 18, 2015 and concurred with the Planning staff's recommendations in each case except for #3 (Montrose Baptist Church) (see letter to Council on ©45-46 and Planning staff packet excerpt on ©47-54). The Planning Board recommendations for each request are also noted later in this memorandum.

The Planning Board concurred with the County Executive's recommendations with regard to all of the sewer category change requests. With regard to public water for #s 4-7 (Canaan Christian Church), both the Planning Board and County Executive recommend denial of S-1. However, with regard to the public water request, the Planning Board recommended approval of W-3. The County Executive did not recommend approval of W-3 in this case, since the concept plan behind the request also assumes public sewer.

State Approval

All amendments to the County's Water and Sewer Plan are subject to approval by the Maryland Department of the Environment (MDE). Therefore, amendment approvals by the Council are considered preliminary until MDE action.

Discussion

For purposes of discussion, Council Staff presents the non-PIF requests first. Then, general PIF issues are presented, followed by a discussion of the two PIF requests.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report		Council Staff
					Report	Maps	
1	Peter Huyser, 13-GWC-01A	Requesting public water and sewer in order to build a new single family home.	Approve W-3, Deny S-3 (Maintain S-6)	Concur with the County Executive	©1-2	©3-4	Concur with the County Executive and the Planning Board

This .89 acre RE-2 zoned unimproved parcel is located on the north side of Warfield Road, east of Miracle Drive. The applicant is seeking public water and sewer service in order to build a new single-family home. Although the property does not meet the current minimum requirements for lot size in the RE-2 zone, it could develop under grandfathering provisions in current regulations.

To serve the property, WSSC has identified a 650 foot long water main extension from Warfield Road and Miracle Drive. A 425 foot long sewer main extension could connect to the existing sewer at Fulks Farm Road. Both extensions would abut three additional properties. More details regarding both extensions are noted on ©2.

Public water service in the RE-2 zone can be considered under the "large-lot area" water service policy. Public sewer service in the RE-2 zone is not consistent with general water and sewer service policies or master plan recommendations (Functional Master Plan for the Preservation of Agriculture and Rural Open Space (1980)).

Both the County Executive and the Planning Board recommend approval of W-3 and denial of S-3 (maintain S-6) based on the above-noted policies. Council Staff concurs.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report		Council Staff
					Report	Maps	
2	Cheryl Gearhart, Tr., 13-GWC-02A	Requesting public sewer in order to build a new single family home.	Deny S-3. Maintain S-6	Concur with the County Executive	©5-6	©8-9	Concur with the County Executive and the Planning Board

This .9 acre RE-2 zoned unimproved property is located on the north side of Warfield Road, west of Warfield Court. The applicant is seeking public sewer to build a new single-family home on the property. The property is already approved for public water. This property has an existing septic easement with a neighboring property (currently occupied by the applicant), allowing it to develop on septic. However, the applicant has indicated that public sewer would improve the marketability of both properties. Correspondence from the applicant is attached on ©72-73.

WSSC has identified a 300 foot long sewer extension to an existing main at Aspenwood Lane. Rights-of-way would need to be acquired and some tree removal may be needed.

Public sewer service in the RE-2 zone is not consistent with general water and sewer service policies or master plan recommendations (Functional Master Plan for the Preservation of Agriculture and Rural Open Space (1980)). While two other properties in the area have been approved for public sewer, they were approved under specific policies: public health problem due to failed septic system and the abutting mains policy. Neither of these policies applies in this case.

Both the County Executive and the Planning Board recommend denial of the request (maintain S-6) because no Water and Sewer Plan policies or Master Plan recommendations support public sewer for this property.

Council Staff concurs with the County Executive and Planning Board to deny the request.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report		Council Staff
					Report	Maps	
8	Sunny & Rueben Bajaj Trust, 13-POT-03A	Requesting public sewer to serve the existing house	Deny S-3. Maintain S-6	Concur with the County Executive	©30-31	©34-35	Concur with the County Executive and the Planning Board
9	Ken and Kavelle Bajaj, 13-POT-04A	Requesting public sewer to serve the existing house	Deny S-3. Maintain S-6	Concur with the County Executive	©31-32	©34-35	Concur with the County Executive and the Planning Board

These two 5.0 acre RE-2 zoned properties are located adjacent to each other on the southeast side of Norton Road, north of River Road in Potomac. The applicant (who owns both properties) is

seeking public sewer to serve the existing single-family homes on each property. Both properties are already served by public water.

The applicant has proposed a sewer alignment (a combination of grinder pump, low pressure sewer, and gravity sewer) of approximately 1,200 feet in length that would connect to an existing sewer main along River Road to the south. However, WSSC has identified a number of issues with this alignment (see ©31), including a substantial impact on a wooded area on a neighboring property directly to the southwest. A representative of this neighboring property owner testified at the public hearing in opposition to this alignment, citing these impacts.

WSSC has also identified a 600 foot long gravity sewer extension that would connect to an existing sewer in the neighborhood across Norton Road. However, this alignment would also require rights-of-way and may also involve some tree removal.

Public sewer service in the RE-2 zone is not consistent with general water and sewer service policies or master plan recommendations. However, these properties confront the sewer envelope across Norton Road. In cases such as these, the Potomac Subregion Master Plan Peripheral Sewer Service Recommendations (see ©41) provide for limited approvals for properties that are on the edge of the sewer envelope and that can be served by extensions within public rights-of-way. However, the potential extensions in this case would require rights-of-way and may involve damage to and/or removal of trees.

Both the County Executive and the Planning Board recommend denial of the request (maintain S-6). Council Staff concurs.

Private Institutional Facilities (PIF) Requests

Background

The current PIF Policy from the Water and Sewer Plan is attached on ©38-40.

The Water and Sewer Plan has included a PIF Policy since 1996. Excerpts from an interagency PIF Working Group Report from 2005 provide some helpful background on the PIF Policy:

“The Water and Sewer Plan includes both general policies and specific policies for the provision of public water and sewer service. The PIF policy is a specific policy that can supersede other general service policies in the Water and Sewer Plan. Actions taken under the PIF Policy may also conflict with area Master Plans.”

“Private Institutional Facilities (PIFs) are defined in the Comprehensive Water Supply and Sewerage Systems Plan (Water and Sewer Plan) as “buildings constructed for an organization which qualifies for a federal tax exemption under the provisions of Section 501

of Title 26 of the United States Code (Internal Revenue Service).” Common categories of PIF uses are: places of worship, private schools, senior housing and day care centers.”

The Council has long struggled to balance the PIF Policy (which provides a means for the consideration of service for PIF uses in areas not generally intended for public water and/or sewer service) with environmental concerns, community impacts, and land use goals.

The Planning Board has recommended denial of many PIF requests, citing inconsistency with general and/or specific master plan recommendations.

The PIF Policy was last revised in November 2005 when the Council approved Resolution 12-1234, which precluded the provision of public water or sewer service within RDT zoned properties, except to relieve public health problems caused by the failure of on-site systems.

Changes in the requirements for the approval of PIF requests in other zones (such as RE-1, RE-2, and other large-lot zones) were also considered by the Council (both in the context of the Water and Sewer Plan and as part of a zoning text amendment that would have set impervious area caps). Some Councilmembers supported additional restrictions in these zones (such as imperviousness caps), while others felt that there should be more flexibility for PIFs in these zones if public water and sewer service in the RDT zone were to be greatly restricted. Ultimately, the Council made no changes affecting PIF requests involving non-RDT zoned properties. These requests have continued to be reviewed on a case-by-case basis by the Council, and a number of PIF requests have been approved by the Council since November 2005.

In practice, this case-by-case review has generally focused on environmental impacts and compatibility concerns. In past approvals, the Council has worked with PIF applicants to limit imperviousness to 25% or less (lower in areas within the Patuxent watershed) and has, in some cases, specified a particular sewer alignment. However, the PIF Policy itself does not contain any maximum imperviousness requirements or other environmental criteria. The PIF Policy also does not specify a maximum water or sewer extension length allowed to serve the PIF use.

Another issue with the current PIF Policy is whether water/sewer extensions for PIFs can abut properties that are ineligible for service. The PIF Policy language states that (for new and relocating institutions) requests can be approved where “main extensions will abut only properties which are otherwise eligible for community service...”. However, later sections of the PIF Policy state that “Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections”, and “The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems...”. These sections do not distinguish between existing and new/relocating PIF uses, and the discussion of intervening lots implies that extensions may in fact abut otherwise ineligible properties, but those lots would remain ineligible to connect.

For past PIF requests, both the Executive and the Council have taken the view that a main extension to serve a new PIF is consistent with the PIF Policy if either: the extension is a dedicated

low-pressure main (regardless of any properties the main will abut) or the extension is a gravity main that will not abut any otherwise ineligible properties.

In discussions regarding two expanding PIFs in July 2012, Council Staff noted that, given the confusing language in the PIF Policy and the numerous other issues raised during the case-by-case review of PIF requests (such as neighborhood compatibility, impervious area limits (and the potential for environmentally sensitive design techniques to mitigate impacts), potential tree loss, the length of main extensions, etc.), Council Staff suggested that the PIF Policy should be revised (prior to the Council’s consideration of any future new or relocated PIF requests) to better reflect the intent of the Council with regard to acceptable sewer extensions.

At that time in 2012, Council Staff expected the County Executive to transmit for the Council’s review a comprehensive update to the Water and Sewer Plan within the year. However, the Council is still awaiting this transmittal, which is now expected to be drafted for Executive review this fall and to be transmitted to the Council by March 2016.

PIF Requests

#	Applicant	Request	County Executive	Planning Board	CE Staff Report		Council Staff
					Report	Maps	
3	Jane Gartner, John Mayer & Larry Musson (for Montrose Baptist Church), 14-GWC-02A	PIF Request: Requesting public water and sewer in order to relocate the existing church to this site.	Approve W-1 and S-3 for a PIF use only.	Concur with the County Executive	©10-12	©14-18	Concur with the County Executive (but with additional resolution language)

This 33.8 acre RC zoned property is located on the east side of Ridge Road, north of Davis Mill Road in Cedar Grove. The property is currently in agricultural use. The applicant is seeking both water and sewer service (through the PIF policy) to relocate the church from its existing location on Randolph Road near Parklawn Drive in Rockville. The new site would house a 500-seat place of worship, a private school (500 students), and a child development center (150 children). A concept plan provided by the applicant is attached on ©13.

According to the Executive staff report, the impervious area is estimated by the church’s engineer to be approximately 20 percent. This imperviousness is within imperviousness levels the Council has supported for other PIF requests (outside the Patuxent River Watershed), although this level of imperviousness is much greater than what would typically occur from an RC zoned development (6.0 percent on average). The maximum lot coverage is 10 percent under a typical residential development within the RC zone.¹ Surrounding properties range greatly in imperviousness from .4 percent (an adjacent farm parcel) to 52.2 percent (an adjacent church property zoned R-200).

Public water is available from one of two abutting mains along Ridge Road.

¹ However, on a lot where agricultural products are grown predominantly in greenhouses, a maximum coverage of 40 percent is permitted.

There are no existing sewer mains near the property.

WSSC initially identified a 3,000 foot gravity main extension from the church site south along Ridge Road to an existing main at Arora Hills Drive. However, because this alignment would abut as many as 25 properties (many designated S6), this approach would not be consistent with the PIF Policy since these properties could potentially connect to the new gravity main.

Four other alternatives (all involving an on-site pump and some low-pressure sewer) have also been reviewed. These extensions range from 3,000 to 4,200 feet and are detailed on ©10-11. Because these sewer alignments would include pressure sewers configured and dedicated to only serve the church property, these extensions would not open up service to properties otherwise ineligible for service and would therefore satisfy the PIF Policy requirements, according to the Executive.

An attorney representing Montrose Baptist Church provided testimony at the public hearing (see ©55-56). The attorney noted that the subject property is in a “transitional area” between denser residential uses and agricultural zoned areas and thus is appropriate to consider for a PIF use. The attorney also noted that the applicant is prepared to provide a dedicated area for a trail connection between Ovid Hazen Wells Park on the west side of Route 27 and other park facilities to the east (as requested by Parks staff; see ©52-53).

A neighboring property owner testified at the public hearing (see ©59-60) in opposition to the request. This person raised concerns about the PIF use negatively affecting the character of the historic Cedar Grove area and also about the potential sewer alignment south along Route 27 negatively affecting the historic Cedar Grove area and harming trees.

The President of the Clarksburg Civic Association also submitted comments (see ©74-75) opposing the category change request as incompatible with surrounding land uses and the vision for the area and inequitable (since abutting landowners could not connect to the sewer extension). The development could also exacerbate traffic issues in the area.

The Planning Board, in a 3-2 vote, recommended approval of this request, noting that the request, while outside the sewer envelope, is in a transition area defined by the Master Plan and that the property can accommodate a church on sewer service “that is designed to be compatible with the rural character of the area”. Planning staff had recommended denial of the request (see ©48), expressing concerns that the PIF use was not compatible with the surrounding area and that the sewer extension could potentially open up service to other properties in the future, which is not consistent with the PIF Policy (see Council Staff comments below for more discussion of this point).

The Executive recommends approval of the request (W1 and S3) restricted to the PIF use presented by the applicant.

Council Staff Comments/Recommendations

For a sense of how the neighboring area looks now, Council Staff has attached several pictures of Route 27 looking north toward the subject property (see ©42-43). The concept plan (see ©13) presents the open space and ballfields closest to Route 27, with most parking and the main building located on the eastern portion of the site away from Route 27. This use will look different from a strictly agricultural use to one driving by on Route 27. However, the generally open feel would be maintained and Council Staff does not see the concept overwhelming the character of the area.

The Council could defer this request pending the comprehensive review of the Water and Sewer Plan (as earlier discussed). However, given this review is still far off (March 2016 at the earliest), and with the Executive and the Planning Board both recommending approval of the request, Council Staff is supportive of moving forward with this request at this time.

Council Staff suggests adding language to the resolution noting that approval is based on: a development plan consistent with the concept plan provided by the applicant; a maximum impervious level of 20 percent; the applicant providing a dedicated area for a trail connection between Ovid Hazen Wells Park on the west side of Maryland Route 27 and other park facilities to the east; and a sewer main alignment that satisfies the requirements of the PIF Policy as verified by DEP.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report		Council Staff
					Report	Maps	
4-7	Canaan Christian Church, 13-PAX-01A, 02A,03A,04A	PIF Request: Requesting public water and sewer service for five properties in order to build a new church on the combined sites.	Deny W-3 and S-3. Maintain W-6 and S-6	Approve W-3. Concur with the CE to Deny S-6. (Maintain S-6)	©19-22	©26-29	Concur with the County Executive

This request involves five separate RC zoned parcels (totaling 38.3 acres located between Old Columbia Pike and Route 29 south of Dustin Road in Burtonsville). Three of the parcels are unimproved. One parcel includes a single-family house and the fifth includes a country market. The applicant is seeking public water and sewer service (through the PIF policy) to build a new church on all five parcels. A conceptual plan provided by the applicant is attached on ©25. Information regarding the church's assumed capacity (and its corresponding water and wastewater flow requirements) has not been provided by the applicant. The applicant also did not provide an estimate of the estimated impervious area based on the conceptual plan. NOTE: The Council has sought to limit PIF imperviousness in the lower Patuxent Watershed to levels lower than the 25 percent noted earlier.

Much of the public hearing testimony and correspondence received for this amendment package involved this request. Written testimony from a representative of the applicant is attached on ©57. This person contends that the combined effect of the Master Plan recommendations (recommending no sewer in the area) and a concurrent zoning text amendment limiting

imperviousness to 8 percent on this property results in a regulatory “taking” and also violates the federal Religious Land Use and Institutionalized Person Act (RLUIPA).²

Correspondence and testimony from opponents of the request were also received and are attached on ©58, ©61-71, and ©76-79. Opponents note the inconsistency of the request with the Master Plan and the ongoing need to protect the Rocky Gorge Reservoir through avoiding sewer development in the area.

The County Executive notes that public water for this request could be considered for this area, but that sewer service is not supported for any use per the 2012 Burtonsville Crossroads Neighborhood Plan (see ©44).³ **The Executive recommends denial of S-3 and W-3.**

The Planning Board concurs with the County Executive to deny S-3 but recommends approval of W-3, since the 2012 Burtonsville Crossroads Neighborhood Plan allows for the extension of water service to this area.

Council Staff Comments/Recommendations

For Council Staff, the key issue is that the relevant Master Plan for this area specifically recommends against sewer for this area for any use. Council Staff concurs with the County Executive and the Planning Board that the sewer request should be denied given the specific restrictive language included in the 2012 Burtonsville Crossroads Neighborhood Plan. Also, since sewer is needed for this particular project to move forward, Council Staff does not recommend approval of public water at this time if public sewer is denied.

Attachments

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² While there is always the potential for the County to be sued by a religious institution that is denied a water/sewer category change request, neither the Burtonsville Crossroads Neighborhood Plan nor any Water and Sewer Plan policies prohibit the construction of religious institutions on any particular parcels of land. The Master Plan recommendations focus on preserving natural features and protecting the drinking water supply in the Rocky Gorge Reservoir through restricting the intensity of development (i.e., recommending impervious area limits of eight percent and no access to public sewer) for any uses. A religious institution, or any other use allowed in the RC zone, could still move forward with a development that meets these criteria.

³ The PIF Policy can provide an avenue for consideration of category change requests that are not otherwise consistent with general master plan policies. However, in cases where a master plan has established specific water/sewer restrictions for certain areas (such as the applicant’s cluster of properties in this case), the Executive, Planning Board, and Council Staff concur that these specific Master Plan recommendations supersede any consideration via the PIF Policy.

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On May 13, 2015, the County Council received recommendations from the County Executive regarding nine Water and Sewer Plan amendments.

6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
7. A public hearing was held on June 23, 2015.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on June 29, 2015 and made recommendations to the Council.
9. The Council held a worksession on July XX, 2015.

Action

The County Council for Montgomery County, Maryland approves the following actions on amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

May 12, 2015

TO: George Leventhal, President
Montgomery County Council

FROM: Isiah Leggett, Montgomery County Executive 

SUBJECT: Transmittal of and Recommendations on Proposed Amendments to the Ten-Year
Comprehensive Water Supply and Sewerage Systems Plan

Pursuant to the requirements of the Environmental Article, Sections 9-503 through 9-506 and 9-515 through 9-516, of the Annotated Code of Maryland, I am transmitting my recommendations for nine proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing these amendments are included in the attached staff report. All nine amendments are requests for individual water/sewer service area category changes.

The recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with local area master plan service recommendations. Nevertheless, I expect that the following cases, which both involve proposals for non-profit, private institutional facilities, will likely generate public testimony and worksession discussions.

Montrose Baptist Church – WSCCR 14-GWC-01A

Montrose Baptist Church has proposed to move from its existing location at 5100 Randolph Road, Rockville, to a new site on Ridge Road, near Cedar Grove. The church plans to develop this 33.28-acre, Rural Cluster-zoned site with a sanctuary, private school, and a child development center using public water and sewer service. The category change application was filed by the current owners on the church's behalf, as the church does not yet own the site. Because the site is located outside the recommended public sewer service envelope, the applicants are seeking approval for public service under the Water and Sewer Plan's private institutional facilities (PIF) policy. The recommended approval of categories W-1 and S-3 will need to be restricted to a PIF use only.

Public water service is available from an existing main along Ridge Road at the site. Public sewer service will require a sewer main extension of between 3,000 and 4,200 feet. The church's engineer has identified four possible alignments for a sewer extension, all of which involve the use of grinder pump/low-pressure sewerage systems. Washington Suburban Sanitary Commission (WSSC) policies require that a pump/pressure sewerage system for a non-residential use be dedicated to only that use. No other connections are allowed into the pump/pressure system along the main's alignment. The new pressure main could not offer sewer service to any abutting properties along the alignment. The

George Leventhal, Council President
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Council has previously acknowledged that this restriction of new sewer service from pressure mains satisfies the PIF policy's main extension requirements.

Canaan Christian Church – WSCCRs 13-PAX-01A through -04A

Canaan Christian Church also has proposed to move from an existing location; in this case from 2100 University Boulevard in Silver Spring, to a new site along Old Columbia Pike just north of the Burtonsville commercial center. The proposed site consists of five separate parcels belonging to four owners who have acted as the applicants for these requests; the church does not currently own the site. The church plans to develop this 37.71-acre, Rural Cluster-zoned site with a sanctuary and youth center using public water and sewer service.

The 1997 Fairland Master Plan did allow for consideration of public water and sewer service for a part of this site, sparking development interest from several potential institutional and commercial users. However, the 2012 Burtonsville Commercial Neighborhood Plan revisited this rural-zoned area and recommends it now for only low-density uses suitable without the provision of public sewer service. The use of the Water and Sewer Plan's private institutional facilities policy in this instance would be in direct conflict with the Council's recent and specific land use decisions for this part of Burtonsville. This request is recommended for denial of categories W-3 and S-3.

Staff from DEP will be available to discuss these and other amendments at worksessions with the Transportation, Infrastructure, Energy, and Environment Committee and with the full Council.

IL:as

Attachment (s)

- c: Virginia Kearney, Acting Director, Water Management Administration, Maryland Department of the Environment
- David Craig, Secretary, Maryland Department of Planning
- Casey Anderson, Chair, Montgomery County Planning Board
- Jerry Johnson, General Manager, Washington Suburban Sanitary Commission
- Lisa Feldt, Director, Department of Environmental Protection
- Diane Schwartz Jones, Director, Department of Permitting Services

**Requested Amendments:
Montgomery County
Comprehensive Water Supply
and Sewerage Systems Plan**

**County Executive's
April 2015 Amendment Transmittal
to the County Council**

**NINE WATER/SEWER CATEGORY CHANGE
REQUESTS**

**Montgomery County
Comprehensive Water Supply and
Sewerage Systems Plan
Proposed Category Map Amendment**

**County Executive's April 2015 Amendment
Transmittal to the County Council**

- **Nine Water/Sewer Service Area Category Change Requests**

**Prepared by
The Department of Environmental Protection**

Lisa Feldt, Director

**David Lake, Manager, Water and Wastewater Policy Group
Alan Soukup, Senior Planner, Water and Wastewater Policy Group**

**We acknowledge and appreciate the assistance of the following
agencies in the preparation of this amendment packet:**

**Washington Suburban Sanitary Commission
Maryland - National Capital Park and Planning Commission
Montgomery County Department of Permitting Services**

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's April 2015 Transmittal Packet

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- Private Institutional Facilities (PIF) Policy (Water and Sewer Plan)Pgs. A3 – A4
- Peripheral Sewer Service Recommendations (2002 Potomac Subregion Master Plan)Pg. A6

Executive Summary: Proposed Category Change Amendments And Recommendation

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Change	Executive Recommendation & Policy Summary	Packet Page No.
WSCCR 13-GWC-01A: Peter Huysen <ul style="list-style-type: none"> • 8617 Warfield Road, Gaithersburg • Goshen - Woodfield - Cedar Grove P.A. • RE-2 Zone; 38,768 sq. ft. (0.89 ac.) • Planned Use: one single-family house 	W-6 to W-3 S-6 to S-3	Approve W-3. Deny S-3, maintain S-6. Public water service in the RE-2 Zone can be considered under the large-lot area water service policy. Public sewer service in the RE-2 Zone is not consistent with either Water and Sewer Plan policies or master plan recommendations.	Report Pgs. 1-2 Category Maps: Pgs. 3-4
13-GWC-02A: Cheryl Gearhart, Tr. <ul style="list-style-type: none"> • 9311 Warfield Rd., Gaithersburg • Goshen - Woodfield - Cedar Grove P.A. • RE-2 Zone; 39,097 sq. ft. (0.90 ac.) • Planned Use: one single-family house 	W-3 (No Change) S-6 to S-3	Deny S-3, maintain S-6. Public sewer service in the RE-2 Zone is not consistent with either Water and Sewer Plan policies or master plan recommendations.	Report: Pgs. 5-6 Support Maps: Pgs. 7-8 Category Map: Pg. 9
WSCCR 14-GWC-02A: Jane Gartner, John Mayer & Larry Musson (for Montrose Baptist Church) <ul style="list-style-type: none"> • 23501 Ridge Road Cedar Grove • Goshen - Woodfield - Cedar Grove P.A. • RC Zone; 33.82 acres • Planned Use: place of worship (500 seats), private school (500 students), & child development center (150 children) 	W-6 to W-3 S-6 to S-3	Approve W-1 and S-3, both for a PIF use only. Public water and sewer service, outside the limits of the planned service envelopes, can be considered for non-profit facilities (or PIFs) under the Water and Sewer Plan's PIF policy. Water service is available along Ridge Rd. Sewer service can be provided using pump and pressure sewer systems that will not make new sewer service available to any abutting improved or vacant properties.	Report: Pgs. 10-11 Concept Plan: Pg. 13 Support Maps: Pgs. 14-16 Category Maps: Pgs. 17-18
13 PAX-01A, -02A, -03A & -04A (for Canaan Christian Church) <ul style="list-style-type: none"> • Old Columbia Pk., Burtonsville • Patuxent Watershed Conservation P.A. • RC Zone; 11.14 ac. total • Planned Use: place of worship and associated facilities 		Deny W-3 and S-3, maintain W-6 and S-6, for all four requests. This RC-zoned site is located outside the planned sewer service envelope; sewer service cannot be considered under the Water and Sewer Plan's general service policies. Further, the 2012 Burtonsville Crossroads Neighborhood Plan <u>specifically</u> recommends against public sewer service for <u>any</u> use in this area, which is planned only for rural-type development. This recommendation supersedes water and sewer service policies that provide exceptions to the general service policies, such as that for private institutional (non-profit) facilities.	Report: Pgs. 19-24 Concept Plan: Pg. 25 Support Maps: Pgs. 26-27 Category Maps: Pgs. 28-29
13-PAX-01A: Burtonsville Crossing LLC <ul style="list-style-type: none"> • Old Columbia Pk., Burtonsville • RC Zone; 11.14 ac. 	W-6 to W-3 S-6 to S-3		
13-PAX-02A: Marion Sarem <ul style="list-style-type: none"> • Old Columbia Pk., Burtonsville • RC Zone; 5.88 ac. 	W-6 to W-3 S-6 to S-3		
13-PAX-03A: Jennifer Sarem <ul style="list-style-type: none"> • 15901 & 16001 Old Columbia Pk., Burtonsville • RC Zone; 11.77 ac. 	W-6 to W-3 S-6 to S-3	Neither the applicants nor the proposed church have indicated that public water service alone would allow the proposed project to proceed.	
13-PAX-04A: Burtonsville Assoc. <ul style="list-style-type: none"> • Old Columbia Pk., Burtonsville • RC Zone; 9.52 ac. 	W-6 to W-3 S-6 to S-3		

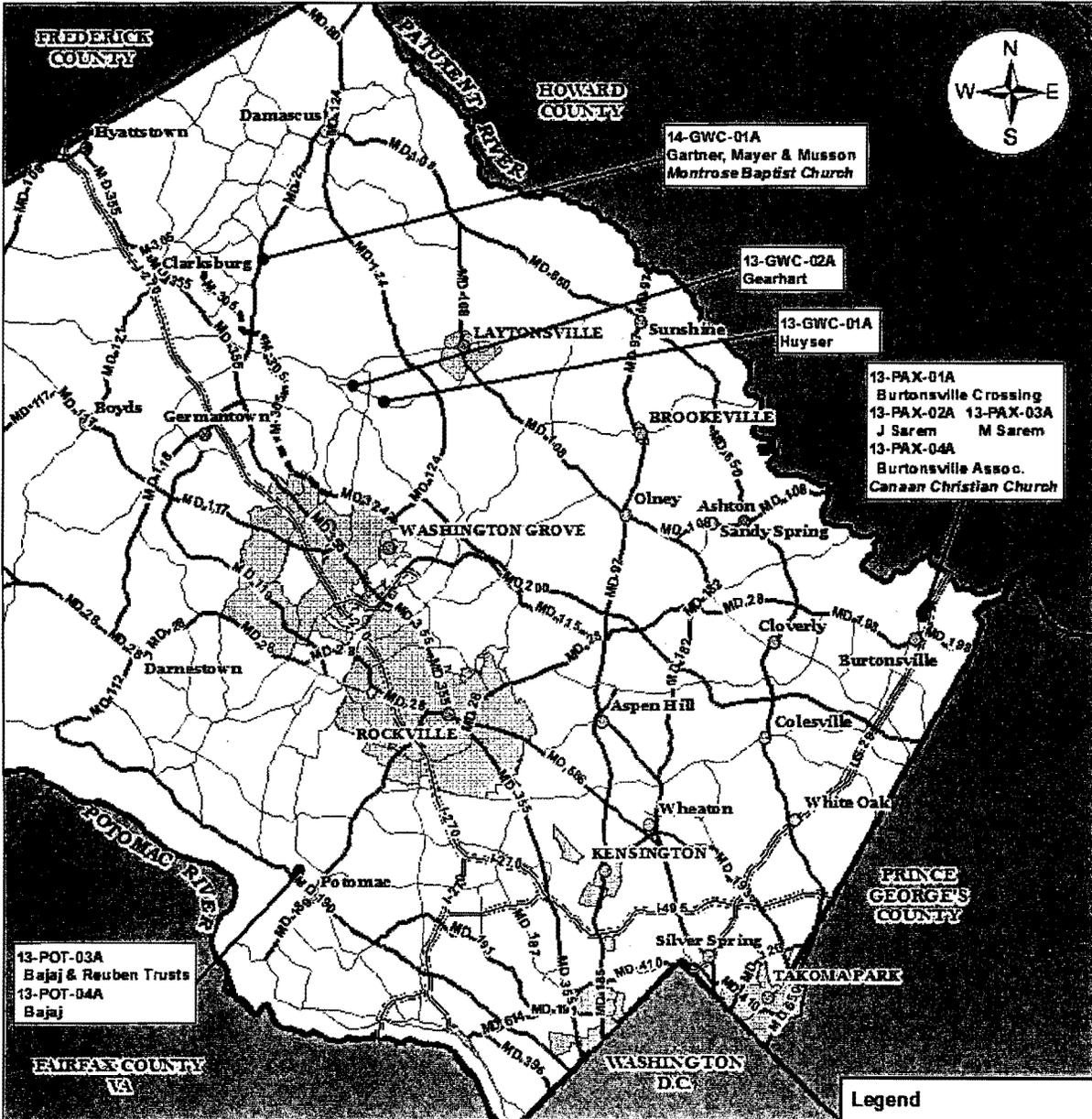
COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's April 2015 Transmittal Packet

Executive Summary: Proposed Category Change Amendments And Recommendation

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Change	Executive Recommendation & Policy Summary	Packet Page No.
WSSCR 13-POT-03A: Sunny & Rueben Bajaj Trust <ul style="list-style-type: none"> • 10121 Norton Rd., Potomac • Potomac – Cabin John P.A. • RE-2 Zone; 5.00 ac. • Planned Use: sewer service for the existing house 	W-1 (No change) S-6 to S-3	Deny S-3, maintain S-6. Water and Sewer Plan general service policies direct that public sewer use is not consistent with the RE-2 Zone that applies to this property. Use of the peripheral sewer service recommendations (2002 Potomac Master Plan) is not appropriate due to potential damage to existing trees along the proposed sewer extension alignment.	Report Pgs. 30-31 Support Maps: Pgs. 33-34 Category Map: Pg. 35
WSSCR 13-POT-04A: Ken and Kavelle Bajaj <ul style="list-style-type: none"> • 10201 Norton Rd., Potomac • Potomac – Cabin John P.A. • RE-2 Zone; 5.00 ac. • Planned Use: sewer service for the existing house 	W-1 (No change) S-6 to S-3	Deny S-3, maintain S-6. Water and Sewer Plan general service policies direct that public sewer use is not consistent with the RE-2 Zone that applies to this property. Use of the peripheral sewer service recommendations (2002 Potomac Master Plan) is not appropriate due to potential damage to existing trees along the proposed sewer extension alignment.	Report Pgs. 31-32 Support Maps: Pgs. 33-34 Category Map: Pg. 35

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's April 2015 Transmittal Packet

March 2015 Packet Transmittal: Category Change Amendments Locator
Water and Sewer Plan Map



14-GWC-01A
Gartner, Mayer & Musson
Montrose Baptist Church

13-GWC-02A
Gearhart

13-GWC-01A
Huyser

13-PAX-01A
Burtonsville Crossing
13-PAX-02A 13-PAX-03A
J Sarem M Sarem
13-PAX-04A
Burtonsville Assoc.
Canaan Christian Church

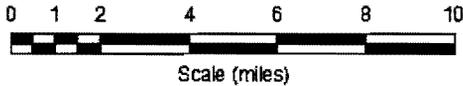
13-POT-03A
Bajaj & Reuben Trusts
13-POT-04A
Bajaj

- Legend**
- Current Requests
 - ⊙ Localities
 - Major Roads & Highways
 - County Roads
 - State Roads & Highways
 - US Highways & Interstates
 - ▬▬ Proposed Roads
 - ▨ Municipalities



DEP
Water and Wastewater
Policy Group

2/24/15



Montgomery County, Maryland
 2015 Comprehensive Water Supply
 and Sewerage Systems Plan

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's April 2015 Transmittal Packet
FY 2013 and FY 2014 Category Change Requests

Request #1

WSSCR 13-GWC-01A: Peter Huyser

County Executive's Recommendation: Approve W-3. Deny S-3; maintain S-6.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 8617 Warfield Road, Gaithersburg • Parcel P435, Dorsey Meadows; acct. no. 01527504 • Map tile: WSSC – 228NW08; MD – GU13 • North side of Warfield Rd. east of Miracle Dr. • RE-2 Zone; 38,768 sq. ft. (0.89 ac.) • Goshen – Woodfield – Cedar Grove Planning Area Preservation of Agriculture and Rural Open Space Master Plan (1980) • Middle Great Seneca Creek Watershed (MDE Use I) • <u>Existing use</u>: unimproved <u>Proposed use</u>: residential, single-family house 	<p>Applicant's Request: Service Area Categories & Justification</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing –</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested –</th> <th style="text-align: left; border-bottom: 1px solid black;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-3</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>" ...The owner would like to build a single family home here in the near future." (Source: transmittal letter from owner's engineer, Benning & Assoc., Inc.)</p>	Existing –	Requested –	Service Area Categories	W-6	W-3		S-6	S-3	
Existing –	Requested –	Service Area Categories								
W-6	W-3									
S-6	S-3									

Executive Staff Report

The applicant has requested water and sewer category changes for W-3 and S-3 to allow the construction of a new single-family house on an existing parcel. The area is zoned as RE-2 and as such, can be considered for public water service. Under the general water service policies in the County's Plan, the use of public water service for large-lot areas, including those within the Preservation of Agriculture and Rural Open Space Master Plan, has been approved in the past. Public sewer service, however, is not consistent with both Water and Sewer Plan policies and master plan service recommendations.

WSSC has identified the need for a 650-foot water main extension to serve the property. It is unlikely that an individual owner building a single house would finance this extension alone. However, approval of category W-3 here may provide incentive for other similar requests, creating a larger demand for water service in the future. In addition, other nearby properties are already designated as category W-3 (8515 and 8521 Warfield Rd.). Although the site is not recommended for public sewer, providing service would require a 425-foot sewer extension to an existing sewer main within the East Village subdivision at Fulks Farm Rd. WSSC notes that rights-of-way would need to be acquired for this extension and that construction may require removing existing trees.

M-MCPPC staff have noted the recommendation of the Preservation Agriculture and Open Space Master Plan to maintain the use of septic systems in this RE-2-zoned area. They do, however, concur with the request for approval of W-3.

Agency Review Comments

DPS: None provided.

M-NCPPC – Area 3 Planning: The 1980 Preservation of Agriculture and Rural Open Space Master Plan confirmed the RE-2 zoning for this area, and recommended against the provision of sewer. The Tax Record for this parcel indicates 38,768 square feet - close to the deed description (0.88 acres). Parcel 435 does not meet the current minimum lot size (87,120 square feet). A deed was recorded on April 26, 1972 (4207/526) which also

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's April 2015 Transmittal Packet
FY 2013 and FY 2014 Category Change Requests

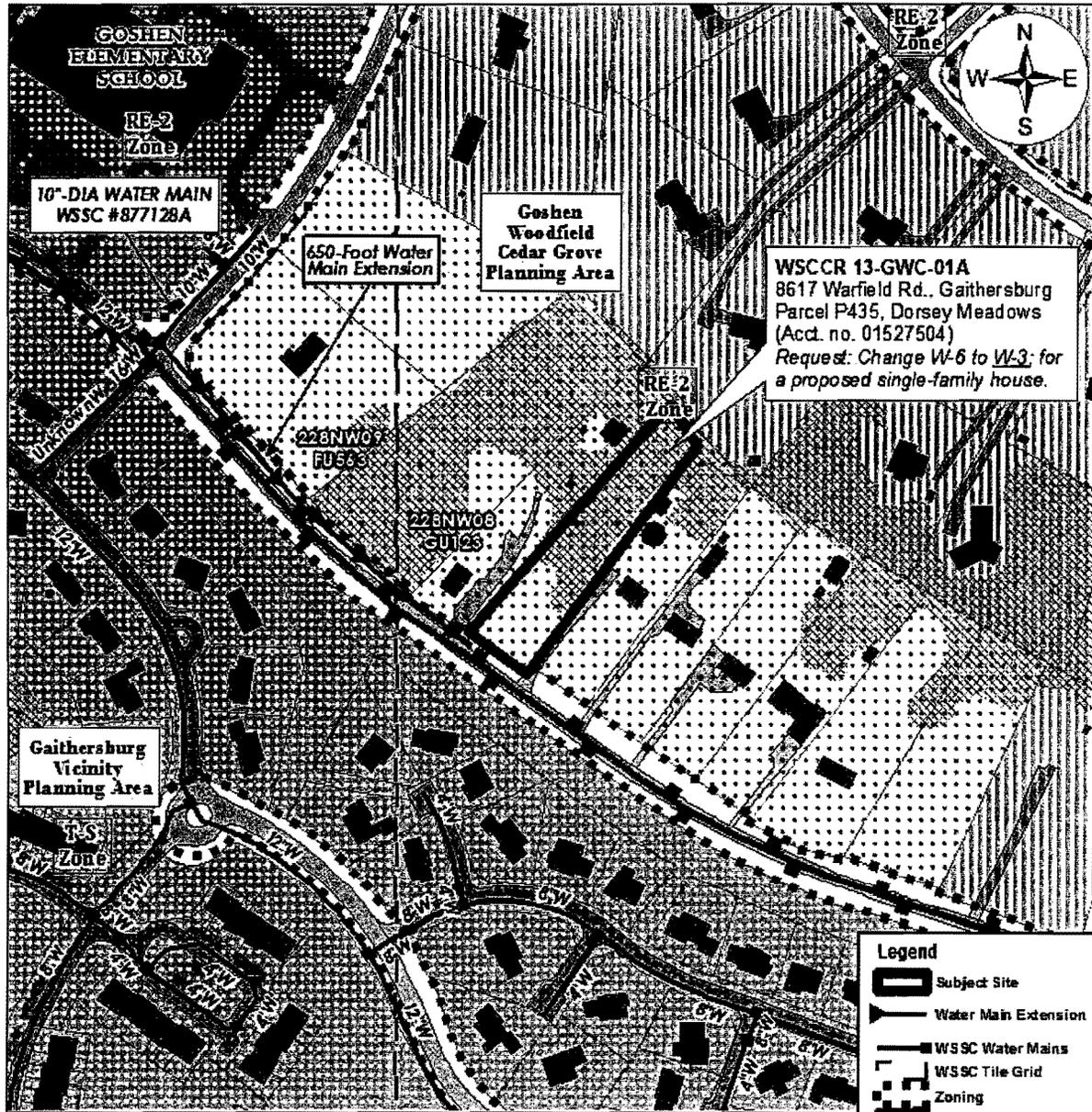
described it the property as a 0.862 acre parcel. It is likely to be grandfathered which means it could be platted, with a recommendation that it be on septic. Recommendation: Approve W-3, Deny S-3.

M-NCPPC – Parks Planning: No apparent park impact.

WSSC-Water: Water pressure zone: Montgomery County High Zone (660A). A 650-foot-long non-CIP-sized water extension is required to serve the property. This extension would connect to 10-inch main at the crossings of Warfield Road and Miracle Drive (contract no.877128A) and would abut approximately three properties in addition to the applicant's. Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it does not meet the criteria for a major project (COMAR 29 § 7-101.b.3).

WSSC-Sewer: Basin: Seneca Creek. A 425 -foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to 8-inch sewer main in Fulks Farm Rd (contract # 804674Q) would abut approximately three properties in addition to the applicant's. Rights-of-way would be required. Construction of this extension may involve the removal of trees. Average wastewater flow from the proposed development: 302GPD. Program-sized sewer mains are not required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it does not meet the criteria for a major project (COMAR 29 § 7-101.b.3). Interceptor capacity is adequate. Treatment capacity is adequate.

WSSCR 13-GWC-01A (Peter Huyser): Water Service Area Categories Map



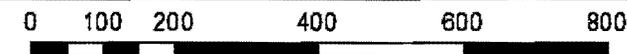
WSSCR 13-GWC-01A
 8617 Warfield Rd., Gaithersburg
 Parcel P435, Dorsey Meadows
 (Acc. no. 01527504)
 Request: Change W-6 to W-3;
 for a proposed single-family house.

Legend

- Subject Site
- Water Main Extension
- WSSC Water Mains
- WSSC Tile Grid
- Zoning
- Planning Area
- Existing Parkland
- Woodlands
- Water Categories**
- W-1
- W-3
- W-4
- W-5
- W-6



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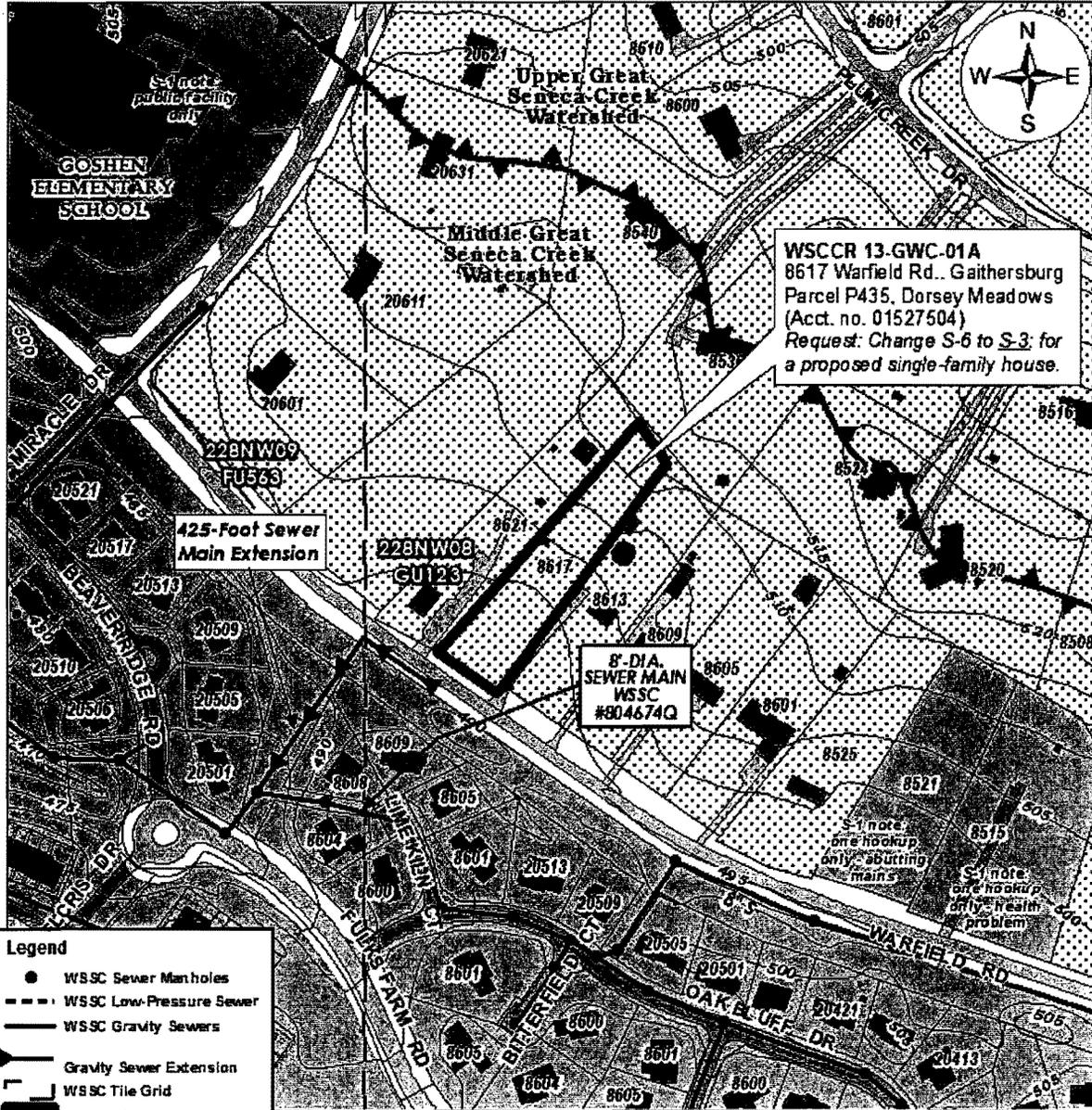


SCALE (Feet)

Montgomery County, Maryland
 Draft 2014 Comprehensive Water Supply
 and Sewerage Systems Plan

4/3/14

WSSCR 13-GWC-01A (Peter Huyser): Sewer Service Area Categories Map



Legend

- WSSC Sewer Manholes
- - - WSSC Low-Pressure Sewer
- WSSC Gravity Sewers
- Gravity Sewer Extension
- WSSC Tile Grid
- ▭ Subject Site
- Topography (5 ft. c.l.)
- ▨ Existing Parkland

Sewer Categories

- ▨ S-1
- ▨ S-3
- ▨ S-4
- ▨ S-6
- ▨ S-6



SCALE (Feet)

Montgomery County, Maryland
 Draft 2014 Comprehensive Water Supply
 and Sewerage Systems Plan



DEP
 Water and Wastewater
 Policy Group

4/3/14

Request #2

WSSCR 13-GWC-02A: Cheryl Gearhart, Tr.

County Executive's Recommendation: Deny S-3; maintain S-6.

<p>Property Information and Location Property Development</p>	<p>Applicant's Request: Service Area Categories & Justification</p>									
<ul style="list-style-type: none"> • 9311 Warfield Rd., Gaithersburg • Lot 37, Block C, Goshen Estates (acct. no. 03649692) • Map tile: WSSC -- 229NW09; MD -- FV51 • North side of Warfield Rd., west of Warfield Ct. • RE-2 Zone; 39,097 sq. ft. (0.90 ac.) • Goshen -- Woodfield -- Cedar Grove Planning Area • Preservation of Agriculture and Rural Open Space Master Plan (1980) • Upper Great Seneca Creek Watershed (MDE Use I) • <u>Existing use:</u> vacant • <u>Proposed use:</u> one single-family house 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing --</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested --</th> <th style="text-align: left; border-bottom: 1px solid black;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-3</td> <td>W-3 (no change)</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>"1. Consistency -- Residential homes at 8515 and 8521 Warfield Road with lot sizes similar to 9311 Warfield Road were granted category changes from S6 to S3 in 2005 or 2006.</p> <p>"2. Marketability -- A current approved plan for 9311 Warfield Road designs a septic easement/field on adjacent property 9301 Warfield Rd. which is detrimental to the marketing of both the approved lot at 9311 Warfield Road and the home at 9301 Warfield Road.</p> <p>"3. Environmentally -- The development of the septic field/easement by 9311 Warfield Road will negate the use of the current excellent well used by 9301 Warfield Road and force an alternate well location downhill and close to the original in-use septic field which is 50 years old.</p> <p>"4. Environmentally -- Maryland is attempting to limit septic fields/systems.</p> <p>"5. Health -- Pepco fails to deliver electricity several times annually thus bathrooms are not unusable.</p> <p>"6. Convenience -- There is a utility easement facing and leading to 9311 Warfield Road immediately across Warfield Road (within 30 or 40 feet) with connections to the public sewer lines in the Salem's Grant [subdivision].</p> <p>"As seniors we are considering selling our too large home at 9301 Warfield Road and building a new home on our approved site at 9311 and hope for your positive consideration of our request. We've included a survey for your perusal.</p> <p>"Thank you, Cheryl Gearhart"</p>	Existing --	Requested --	Service Area Categories	W-3	W-3 (no change)		S-6	S-3	
Existing --	Requested --	Service Area Categories								
W-3	W-3 (no change)									
S-6	S-3									

Executive Staff Report

The applicant has requested a change from sewer category S-6 to S-3 to support the construction of a new dingle-family house on this property. The property is designated as water category W-3 and is already eligible for public water service. Public sewer service, however, is not consistent with both general Water and Sewer Plan sewer service policies and sewer service recommendations in the Preservation of Agriculture and Rural Open Space Master Plan.

Although the site is not recommended for public sewer, service would require a 300-foot sewer extension to an existing main within the East Village subdivision at Aspenwood La. WSSC notes that rights-of-way would need to be acquired for this extension and that construction may require removing existing trees. DPS has noted that the use of existing septic easement on the adjacent Lot 28 (#9301) for the construction of a new house this property is still allowed.

M-MCPPC staff have noted the recommendation of the Preservation Agriculture and Open Space Master Plan not to provide public sewer service in this RE-2-zoned area.

The applicant has cited two other sewer category changes as a precedent for the approval of this request, identified as follows: 8515 and 8521 Warfield Road. However, the sewer category changes for these two properties were granted under specific service policies that do not currently apply to the applicant's property. 8515 Warfield Rd. was approved for public sewer service due to a health problem involving the failure of the septic system. 8521 Warfield Rd. was approved for public sewer service under the Water and Sewer Plan's abutting mains policy. (These cases are shown on the map at page 8.)

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's April 2015 Transmittal Packet
FY 2013 and FY 2014 Category Change Requests

Agency Review Comments

DPS: This property has an approved septic area on an easement on the adjacent lot. While this arrangement is no longer allowed for new lots, the use of this existing easement is grandfathered. (See pg. 7)

M-NCPPC – Planning Dept.: In 2009, this previous outlot was converted to a lot under the minor subdivision procedure. One of the findings was that there was adequate sewerage and water service to the property by an approved private well on site and an approved septic system (an easement on the adjacent property owned by the applicant). The applicants wish to move from the property subject to the easement and to the new lot created, but argue that the proposal they had approved in 2009 is detrimental to the marketing of both properties. This property is within the area of the Preservation of Agriculture and Rural Open Space Master Plan and is not recommended for public sewer service. Recommendation: Deny S-1.

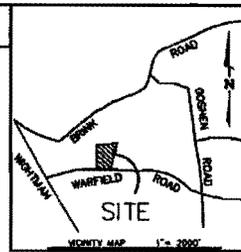
M-NCPPC – Parks Planning: No apparent park impact.

WSSC - Water: *(Not requested)*

WSSC - Sewer: Basin: Seneca Creek. A 300-foot-long non-CIP-sized water extension is required to serve the property. This extension would connect to existing 8-inch sewer main in Aspenwood Lane (contract no. 856425L). Rights-of-way would be required. Construction of this extension may involve the removal of trees. Average wastewater flow from the proposed development: 302GPD. Program-sized sewer mains are not required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it does not meet the criteria for a major project (COMAR 29 § 7-101.b.3). Interceptor capacity is adequate. Treatment capacity is adequate.

PLAT No. 28996

SURVEYOR'S CERTIFICATE
 We hereby certify that the plat shown herein is correct, that it is a subdivision of all of the land conveyed by Harold R. Gearhart and Cheryl C. Gearhart to Harold R. Gearhart and Cheryl C. Gearhart, Trustees of the Harold R. and Cheryl C. Gearhart Revocable Trust, dated September 21, 1990, by deed dated January 5, 2000 and recorded among the Land Records of Montgomery County, Maryland in Liber 17824 of Folio 181; and also being a reestablishment of all of Outlot A, Block C, as delineated on a plat of subdivision entitled "GOSHEN ESTATES" as recorded among the said Land Records on Plat No. 7400. We hereby certify that, once engaged as described in the owner's certification herein, all monuments and all property markers and other boundary markers will be set or delineated herein in accordance with the provisions of Section 50-24(a) of the Montgomery County Code. There is no street dedication by this plat. The total area included in the plat is 38,098 square feet or 0.86751 acres.



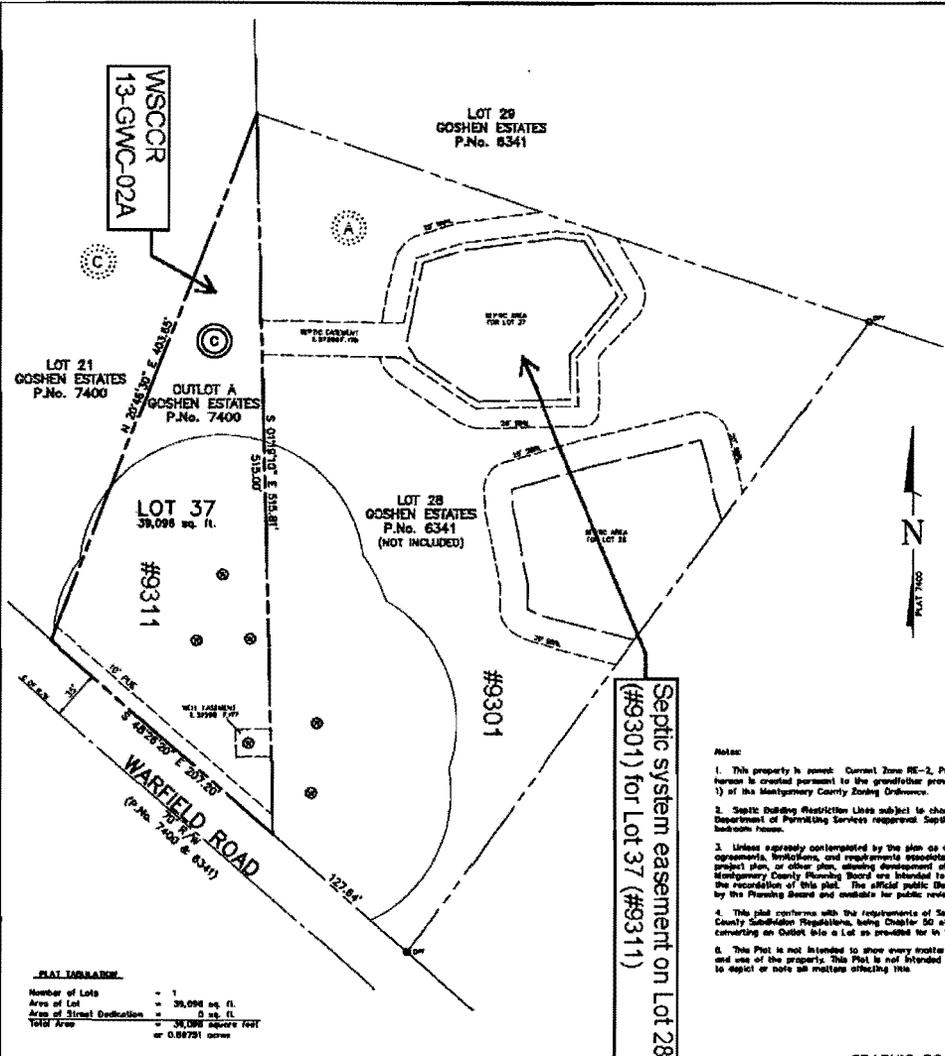
7/9/09
 Douglas H. Quesada
 DRA
 Macris, Hendricks & Glascock, P.A.
 By Douglas H. Quesada
 Professional Land Surveyor
 Md. Reg. No. 10712



OWNER'S CERTIFICATE
 Harold R. Gearhart and Cheryl C. Gearhart, Trustees of the Harold R. and Cheryl C. Gearhart Revocable Trust, dated September 21, 1990, owners of the property shown herein, hereby submit this plat of re-establishment; hereby grant a Public Utilities Easement (P.U.E.) as shown herein to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3634 of Folio 437 among the Land Records of Montgomery County, Maryland, subject to all current and applicable regulations of all federal, state, and local governing agencies. As owners of this subdivision, we, our successors and assigns, will cause all property corner markers and any other required representation, to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(a)(2) of the Montgomery County Code. There are no sales, liens, leases, mortgages, or trusts, affecting the property included in the plat of re-establishment.

7/9/09
 Harold R. Gearhart, Trustee
 Cheryl C. Gearhart, Trustee

WSSCCR 13-GWC-02A (Gearhart)

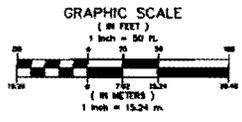


- Notes:
1. This property is zoned: Current Zone RE-2, Producers Zone B-300. The lot shown herein is created pursuant to the grandfather provision of Section 50-2-1.32 (Exempt 1) of the Montgomery County Zoning Ordinance.
 2. Septic Building Restriction Lines subject to change only with Montgomery County Department of Permitting Services approval. Septic areas are designed for a 6 bedroom house.
 3. Unless expressly contemplated by the plan or approved, all terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan, or other plan, affecting development of this property approved by the Montgomery County Planning Board are intended to survive and will be established by the recordation of this plat. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
 4. This plat conforms with the requirements of Section 50-25(a) of the Montgomery County Subdivision Regulations, being Chapter 50 of the County Code. The plat features converting an Outlot into a Lot as provided for in Section 50-25A (a)(2).
 5. This Plat is not intended to show any matter affecting or restricting the ownership and use of the property. This Plat is not intended to replace an examination of Use or to depict or note all matters affecting this.

Septic system easement on Lot 28 (#9301) for Lot 37 (#9311)

SUBDIVISION RECORD PLAT
 LOT 37, BLOCK C
 GOSHEN ESTATES
 ELECTION DISTRICT No. 1
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 50' JULY, 2009

RECEIVED
 AUG 27 2009
 Clerk of the Land Court
 Montgomery County, Md.



PLAT INFORMATION

Number of Lots	= 1
Area of Lot	= 38,098 sq. ft.
Area of Street Dedication	= 0 sq. ft.
Total Area	= 38,098 square feet or 0.86751 acres

FOR PRIVATE WELL AND SEPTIC SYSTEMS ONLY
 THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD
 APPROVED: July 30, 2009
 Chairman: [Signature]
 Secretary-Treasurer: [Signature]

MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PERMITTING SERVICES
 APPROVED: 08/10/2009
 Director: [Signature]

MHG
 Macris, Hendricks & Glascock, P.A.
 Engineers + Planners
 Landscape Architects + Surveyors
 2200 Highwood Road, Suite 120
 Montgomery Village, Maryland
 20886-1379
 Phone: 301.670.0800
 Fax: 301.670.0802
 www.mhg.com

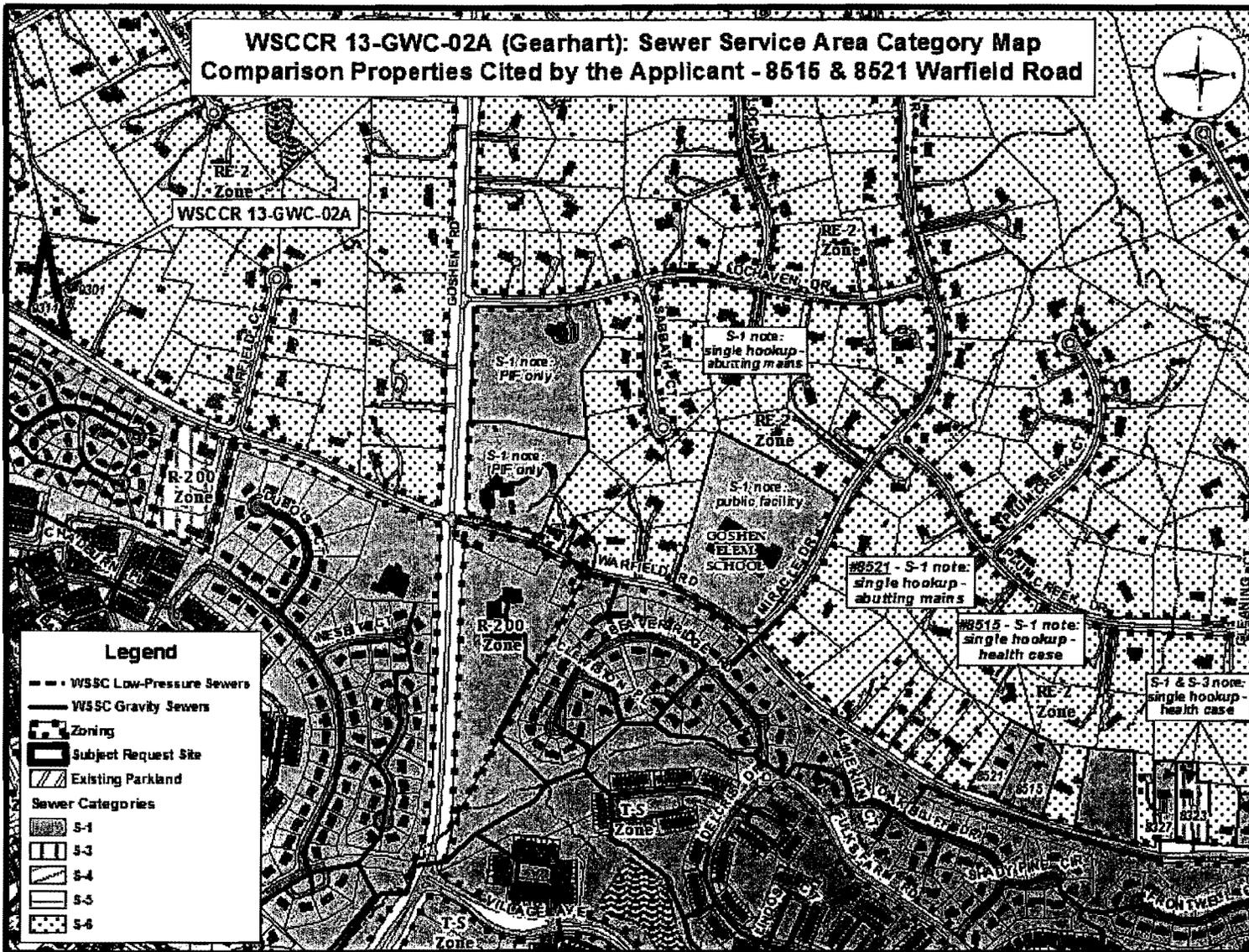
M.C.P. & P.C. RECORD FILE No. 630-97

Plat No. 28997 Minor (2) RE-2(a)F

HW4605 PUA 2014 1049 28996 2/25/14

03.217.1

**WSSCR 13-GWC-02A (Gearhart): Sewer Service Area Category Map
 Comparison Properties Cited by the Applicant - 8515 & 8521 Warfield Road**

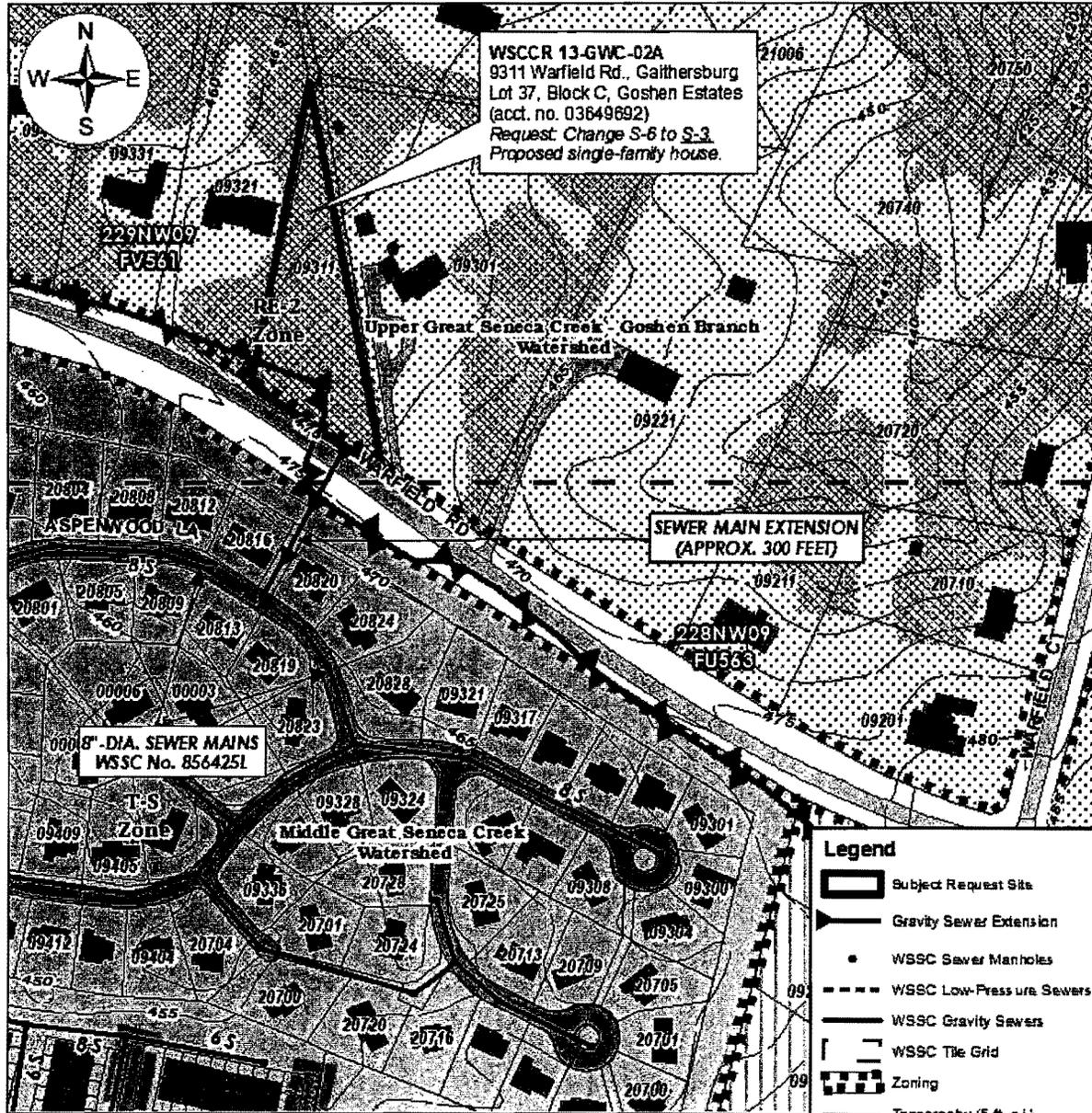


DEP
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WSSCR 13-GWC-02A (Gearhart)

WSSCR 13-GWC-02A (Cheryl Gearhart): Sewer Service Area Categories Map



Legend

- Subject Request Site
- Gravity Sewer Extension
- WSSC Sewer Manholes
- WSSC Low-Pressure Sewers
- WSSC Gravity Sewers
- WSSC Tile Grid
- Zoning
- Topography (5 ft. c.l.)
- Woodlands

Sewer Categories

- S-1
- S-3
- S-4
- S-5
- S-6

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 Policy Group



SCALE (Feet)
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FY 2013 and FY 2014 Category Change Requests

Request #3

WSSCR 14-GWC-02A: Jane Gartner, John Mayer & Larry Musson (for Montrose Baptist Church)

County Executive's Recommendation: Approve W-1 and S-3, both restricted to a private institutional facility (PIF) use only. DEP will review sewer main extension plans with WSSC to ensure that PIF policy requirements are maintained by this project.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification									
<ul style="list-style-type: none"> • 23501 Ridge Road - Cedar Grove • Parcel P813, Res on Locust Level (acct. no. 02866721) • Map tile: WSSC – 233NW11; MD – FW22 • East side of Ridge Road (MD 27), north of Davis Mill Road • RC Zone; 33.82 acres • Goshen - Woodfield - Cedar Grove Planning Area Clarksburg Master Plan (1994) • Little Seneca Creek Watershed (MDE Use IV) • <u>Existing use:</u> agricultural <u>Proposed use:</u> place of worship (500 seats), private school (500 students), & child development center (150 children) for Montrose Baptist Church (see the sketch concept plan on page 13) 	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing –</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested –</th> <th style="text-align: left; border-bottom: 1px solid black;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-3</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>"The proposed use is more compatible with public water and sewer service."</p>	Existing –	Requested –	Service Area Categories	W-6	W-3		S-6	S-3	
Existing –	Requested –	Service Area Categories								
W-6	W-3									
S-6	S-3									

Executive Staff Report

The applicants have requested the approval of categories W-3 and S-3 for the provision of public water and sewer service to a parcel zoned Rural Cluster (RC) along Ridge Rd. between Clarksburg and Damascus. Public water service in the RC Zone is generally intended for projects that use a cluster development option for multiple lots. In addition, the property is outside the planned public sewer envelope. Therefore the request will be considered under the Private Institutional Facility (PIF) policy in the Water and Sewer Plan. The PIF user, Montrose Baptist Church, has proposed relocation to this site from the church's existing location on Randolph Rd. near Randolph Farms. Although not final at this stage, the current concept plan for the church's proposed development on the Ridge Rd. site is attached at page 13. The church's engineer has estimated the impervious area on this concept plan at approximately 20 percent.

The use of public water service from one of the two abutting mains along Ridge Road is consistent with PIF policy requirements. WSSC has confirmed that water service can be provided to the property. Although water service might be considered under the abutting mains policy, an action under the PIF policy and approval of category W-1 restricted to a PIF use better fits the context of this request.

There are no existing WSSC sewer mains in close proximity to the site. WSSC's initial review considered a 3,000-foot gravity main extension from the church site south along Ridge Rd. to an existing main at Arora Hills Dr. However, this main would abut and potentially serve as many as 25 additional properties along its alignment, most designated as sewer category S-6. This is not consistent with the PIF policy requirements in the Water and Sewer Plan. Accordingly, this gravity sewer extension is not feasible for the proposed use.

The church's engineer has developed four alternative sewer extension routes from the proposed church site to three existing WSSC gravity sewer mains, which are shown on the maps at pages 15-16. The provision of public sewer service to under these four alternatives will require new main extensions of between 3,000 and 4,200 feet. All of these four alternatives involve the use of an on-site pump and low-pressure sewer. The PIF policy requires that main extensions for new or relocating uses cannot abut additional properties not otherwise approved for

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
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FY 2013 and FY 2014 Category Change Requests

Page 11

public service. However, low-pressure mains serving non-residential users (churches, schools, commercial uses, etc.) are dedicated by WSSC policies to that single user. No other property along the low-pressure main alignment is allowed a service connection. Given this restriction, the County Council has previously interpreted the PIF policy to allow these low-pressure main extensions to abut unserved properties as they cannot be granted approval for public sewer service via the dedicated, abutting low-pressure main. Any of the four following sewer extensions has the potential to satisfy the PIF policy service extension requirements.

- VIKA Sewer Alternative #1: A 4,200-foot low-pressure sewer extension north along Ridge Rd. to an existing gravity main near the corner of Ridge Rd. and Kings Valley Rd. (see pg. 15). Some additional parallel gravity main construction could be required to mitigate possible odor problems from the low-pressure extension. This dedicated extension would abut, but could not serve, as many as 34 additional properties, most of which are designated as category S-6.
- VIKA Sewer Alternatives #2A & 2B: Two alternative routes were developed for extending a low-pressure sewer main from the eastern end of the project site to an existing gravity sewer main at Preakness Dr. (see pg. 15):
 - #2A - A 3,000-foot low-pressure sewer extension directly to the northeast crossing the adjacent Tregoning property to Preakness Dr. An easement from an intervening property owner (Tregoning) will be required.
 - #2B - A 4,000-foot low-pressure sewer extension directly east crossing either the Tregoning or Gartner properties, then northwest along Kings Valley Rd. to Preakness Dr. in the Sweepstakes neighborhood. Easements from at least two intervening property owners (Garnter and Tregoning) may be required.

Some additional parallel gravity main construction could be required to mitigate possible odor problems from the low-pressure extensions. These dedicated extensions would abut, but could not serve, as many as three additional properties. Most of the land along this alignment is designated as S-6. Construction could affect trees, depending on the actual alignment.

- VIKA Sewer Alternative #3: A combined, 3,400-foot low-pressure and 600-foot gravity extension south along Ridge Rd. to an existing gravity main at Skylark Dr. in the Greenway Village neighborhood (see pg. 16). This extension would abut as many as 31 additional properties, most of which are designated as category S-6. In order to satisfy the PIF policy requirements the extension would have to be designed to avoid the gravity section abutting anything but properties already approved or intended for public sewer service.

Agency Review Comments

DPS: No comments provided.

M-NCPPC – Planning Dept.: This property at 23501 Ridge Road, Cedar Grove is zoned Rural Cluster and is within the Upper Great Seneca Creek watershed and immediately adjacent to the north of the Cedar Grove Historic District. The proposal would significantly alter the existing agricultural landscape that helps establish the context and setting of the historic district, which would have an adverse effect on this Master Plan-designated historic district.

The property is outside both the recommended sewer service envelope and the development staging areas approved in the 1994 Clarksburg Master Plan. It does not abut an existing sewer main and is over 3,000 feet away from the nearest [public] sewer system. This proposed private institutional facility (PIF) would be a relocating use requiring a new sewer main which would abut properties ineligible for community service under the policies of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. According to the special policies adopted in 2003 and 2005 by the County Council for addressing community service for PIFs on a case-by-case basis, this application does not meet the criteria for approval. Recommendation: Deny S-3, approve W-3 for a single hookup.

M-NCPPC – Parks Planning: No apparent park impacts.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
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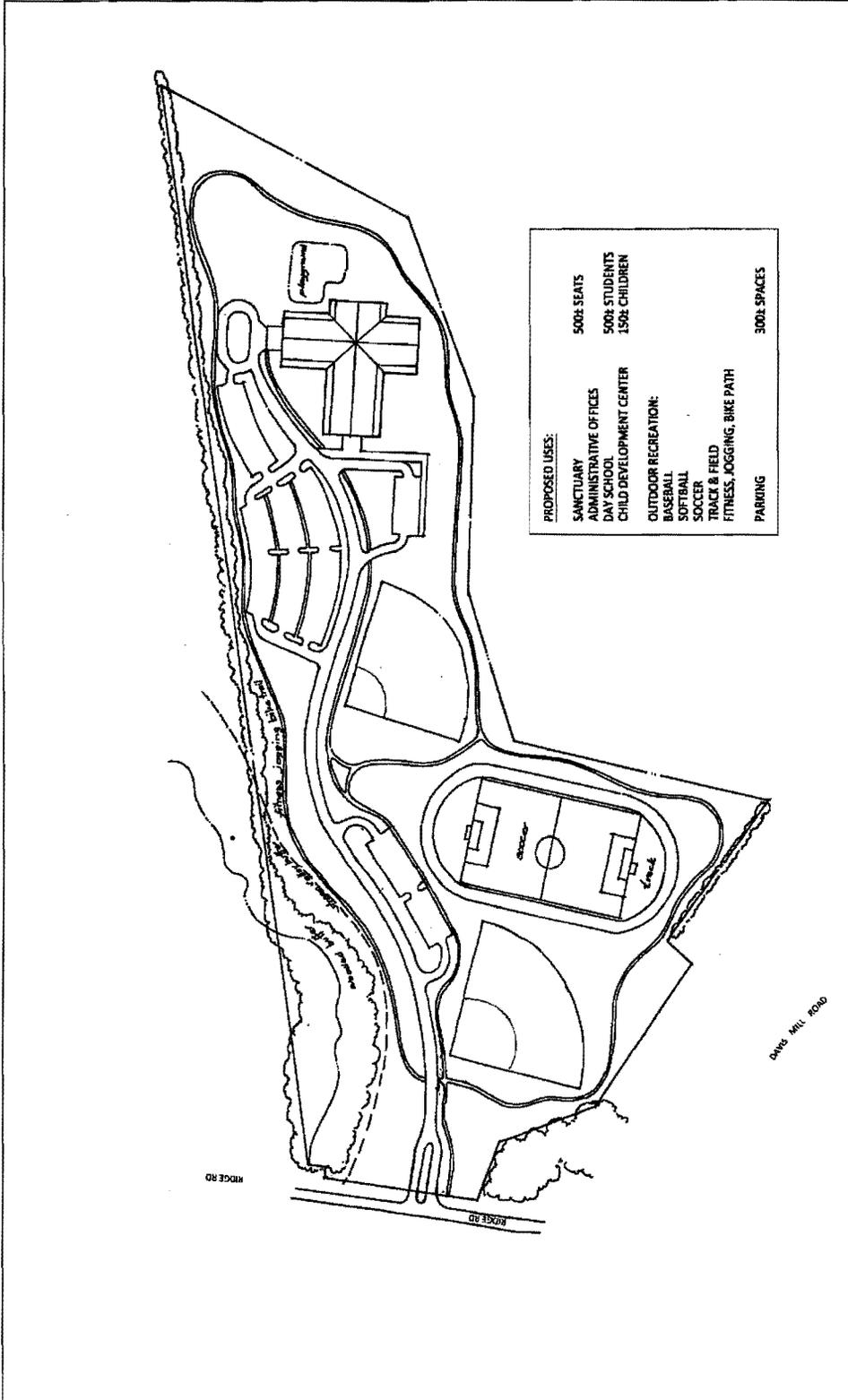
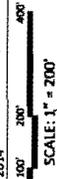
Page 12

WSSC - Water: Water pressure zone: 836A. 24 and 16-inch water lines in Ridge Road abut the property (contract nos. 91-8906A & 64-2219A, respectively). Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

WSSC - Sewer: Basin: Seneca Creek. A 3,000-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to the existing 8-inch gravity sewer on Arora Hills Dr. (contract no. 023263R) and would abut approximately 25 properties in addition to the applicant's. Rights-of-way may be required. Construction of this extension may involve the removal of trees. *[DEP note: WSSC subsequently reviewed the project engineer's proposed pressure sewer alignments and had no objections, but noted the possible need for removal of trees along each alignment.]*

WSCCR 14-GWC-02A

Proposed PIF User's Concept Site Plan

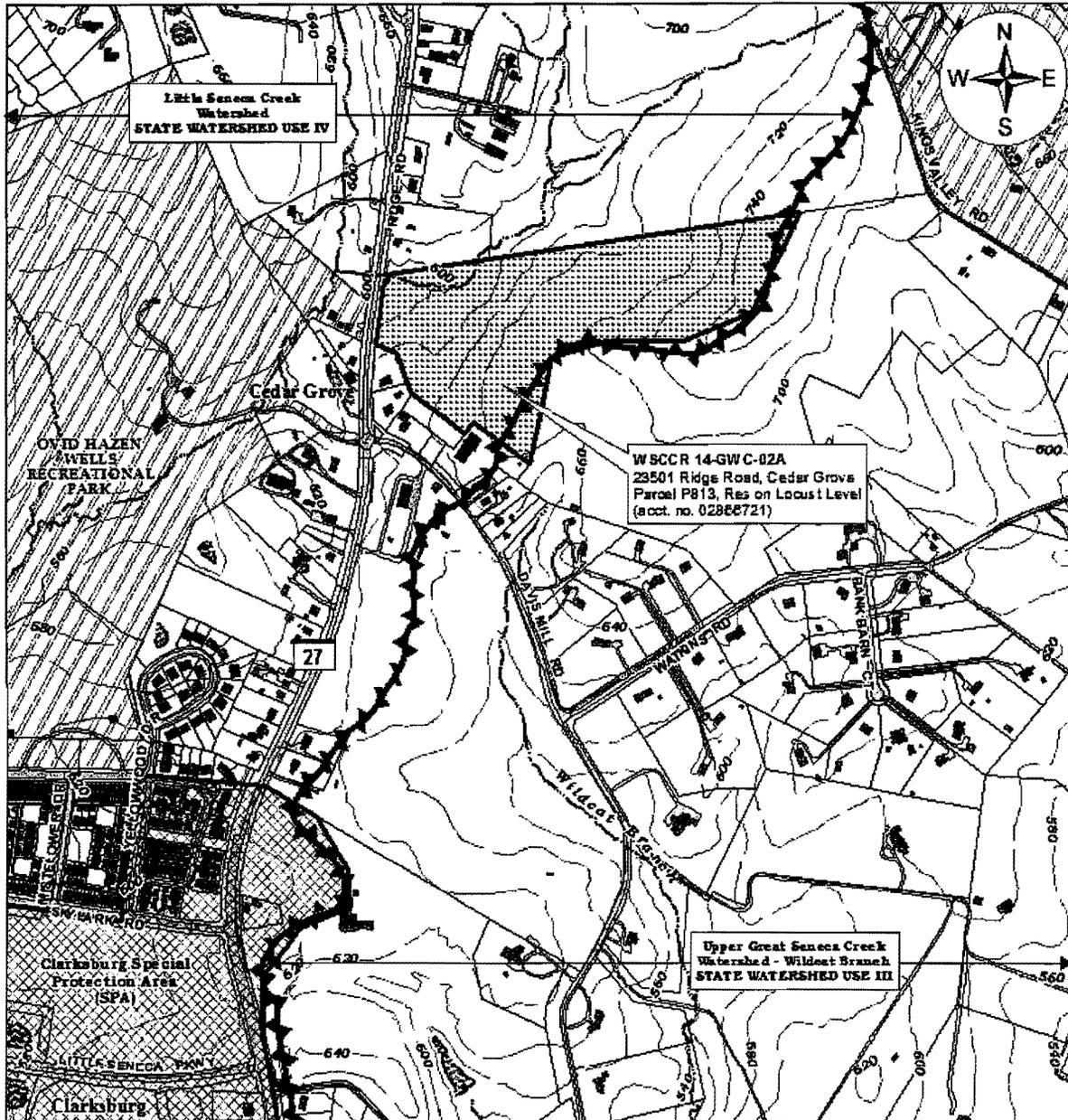


PROPOSED USES:	5000 SEATS
SANCTUARY	5000 STUDENTS
ADMINISTRATIVE OFFICES	1500 CHILDREN
DAY SCHOOL	
CHILD DEVELOPMENT CENTER	
OUTDOOR RECREATION:	3000 SPACES
BASEBALL	
SOFTBALL	
SOCCER	
TRACK & FIELD	
FITNESS, JOGGING, BIKE PATH	
PARKING	

CONCEPT SITE PLAN
 MONTROSE MINISTRIES
 JUNE 26, 2014
 GERMANTOWN, MD
 MONTGOMERY COUNTY

1000 W. WASHINGTON ST.
 SUITE 100
 GERMANTOWN, MD 20874
 TEL: 301.761.1000
 FAX: 301.761.1001
 WWW.KA.COM

**WSSCR 14-GWC-02A (Jane Gartner, John Mayer, & Larry Musson - for Montrose Baptist Church)
 Topography & Watersheds Map**



DEP
 Water and Wastewater
 Policy Group

3/23/15



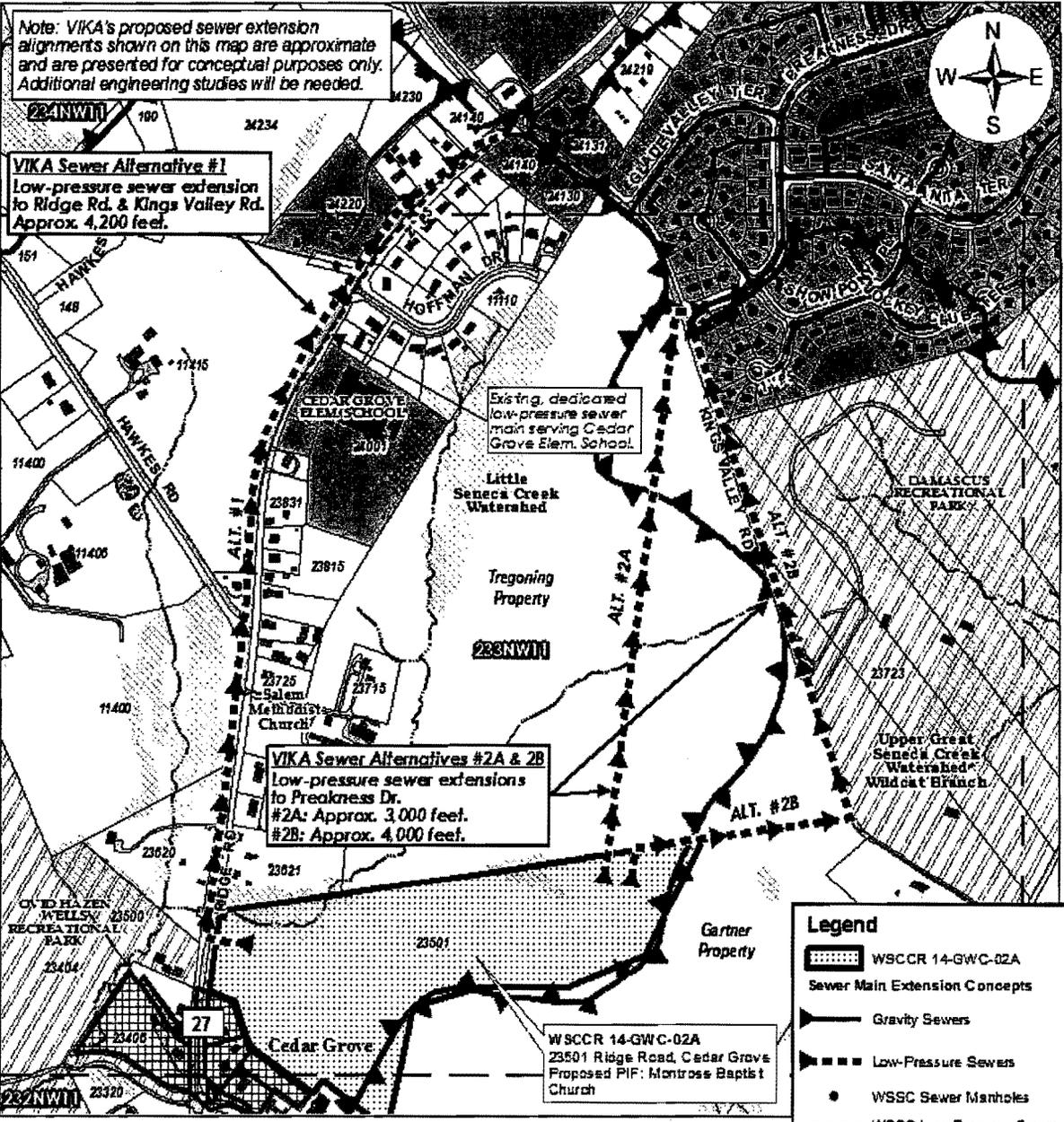
SCALE (Feet)

Montgomery County, Maryland
 Draft 2014 Comprehensive Water Supply
 and Sewerage Systems Plan

Legend

- Major Watersheds
- Topography (20 ft. c.i.)
- Special Protection Area
- Existing Park land
- WSSCR 14-GWC-02A

**WSSCR 14-GWC-02A: Possible Sewer Main Extensions to the North
 (By VIKA for Montrose Baptist Church) - Category Change Request Map**



Note: VIKA's proposed sewer extension alignments shown on this map are approximate and are presented for conceptual purposes only. Additional engineering studies will be needed.

VIKA Sewer Alternative #1
 Low-pressure sewer extension to Ridge Rd. & Kings Valley Rd. Approx. 4,200 feet.

Existing, dedicated low-pressure sewer main serving Cedar Grove Elem. School.

VIKA Sewer Alternatives #2A & 2B
 Low-pressure sewer extensions to Preakness Dr.
 #2A: Approx. 3,000 feet.
 #2B: Approx. 4,000 feet.

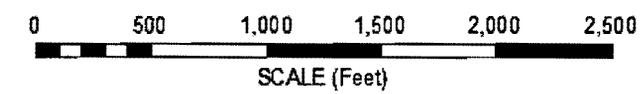
WSSCR 14-GWC-02A
 23501 Ridge Road, Cedar Grove
 Proposed PIF: Montrose Baptist Church

Legend

- WSSCR 14-GWC-02A
- Sewer Main Extension Concepts**
- Gravity Sewers
- Low-Pressure Sewers
- WSSC Sewer Manholes
- WSSC Low-Pressure Sewer
- WSSC Gravity Sewers
- WSSC Tile Grid
- Cedar Grove Historic District
- Existing Park land
- Woodlands
- Sewer Categories**
- Sewer Category S-1



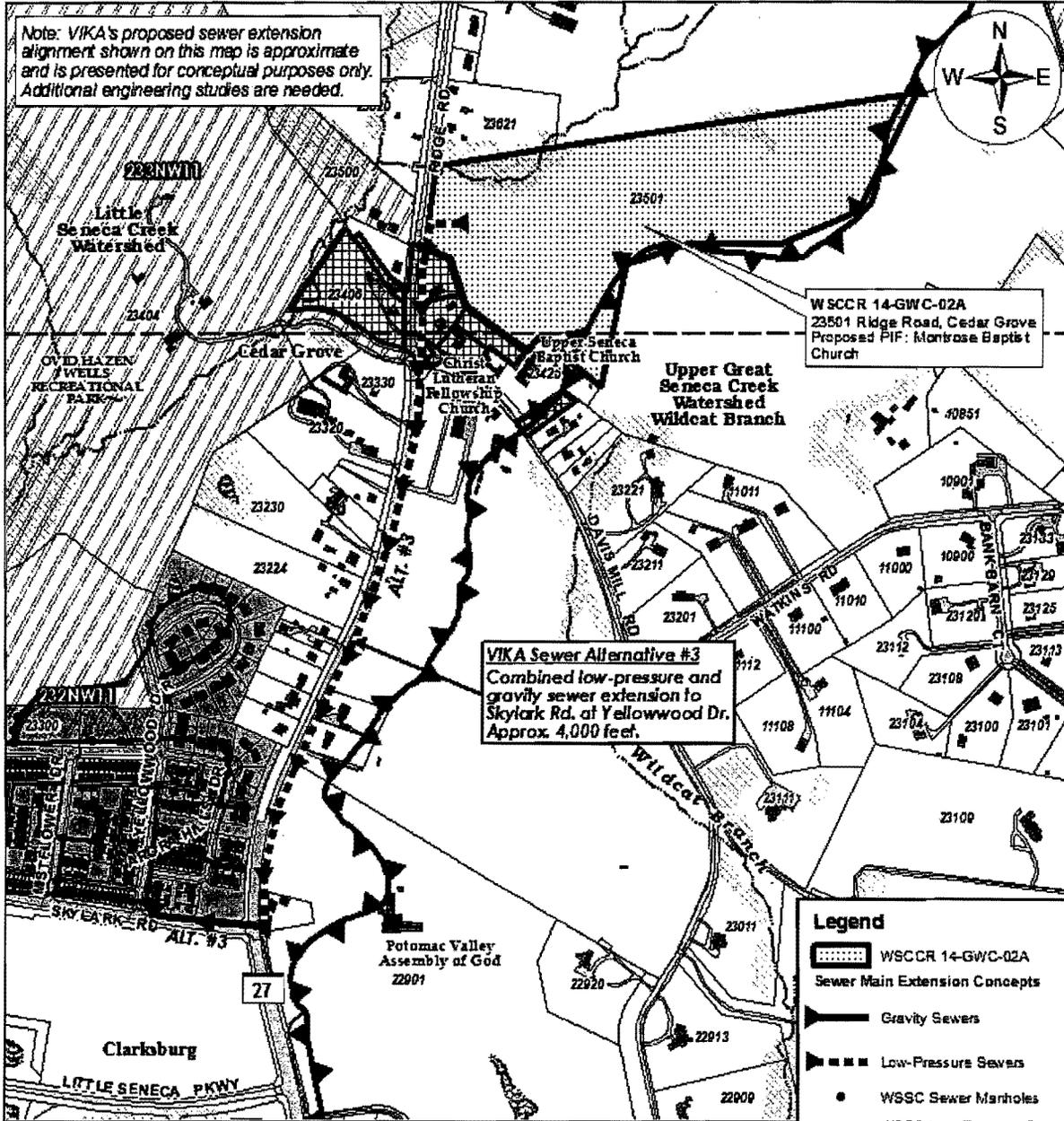
DEP
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**WSSCR 14-GWC-02A: Possible Sewer Main Extension to the South
 (By VIKA for Montrose Baptist Church) - Category Change Request Map**



Legend

- WSSCR 14-GWC-02A Sewer Main Extension Concepts
- Gravity Sewers
- Low-Pressure Sewers
- WSSC Sewer Manholes
- WSSC Low-Pressure Sewer
- WSSC Gravity Sewers
- WSSC Tile Grid
- Cedar Grove Historic District
- Existing Parkland
- Woodlands
- Sewer Category S-1

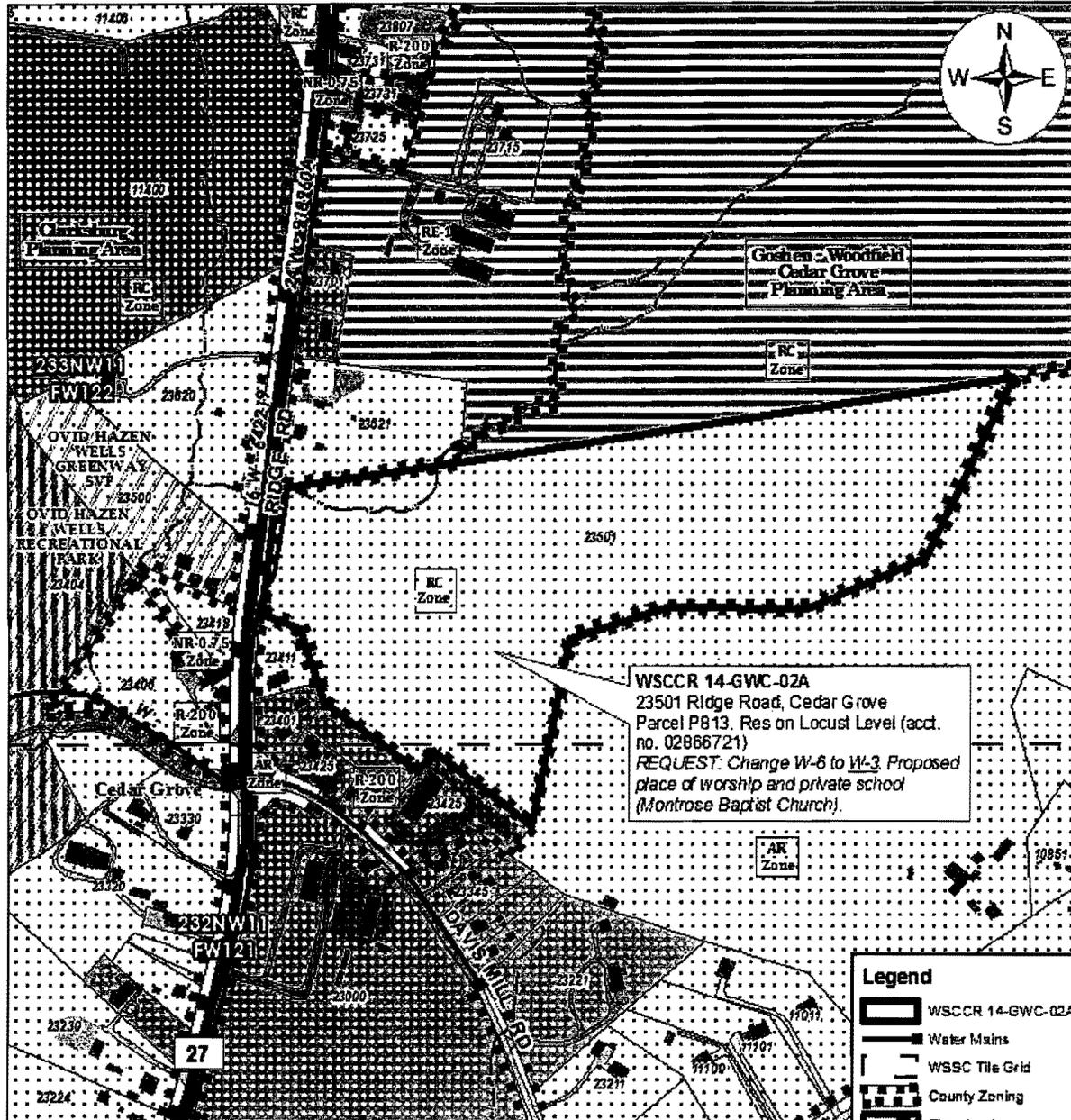
0 500 1,000 1,500 2,000 2,500
 SCALE (Feet)

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 Water and Wastewater
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3/24/15

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 Draft 2014 Comprehensive Water Supply
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**WSSCR 14-GWC-02A (Jane Gartner, John Mayer, & Larry Musson - for Montrose Baptist Church)
 Water Service Area Categories Map**



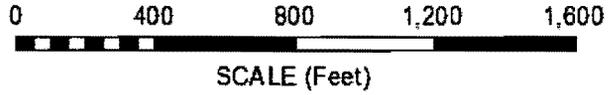
Legend

- WSSCR 14-GWC-02A
- Water Mains
- WSSC Tile Grid
- County Zoning
- Planning Area
- Existing Park land

Water Categories

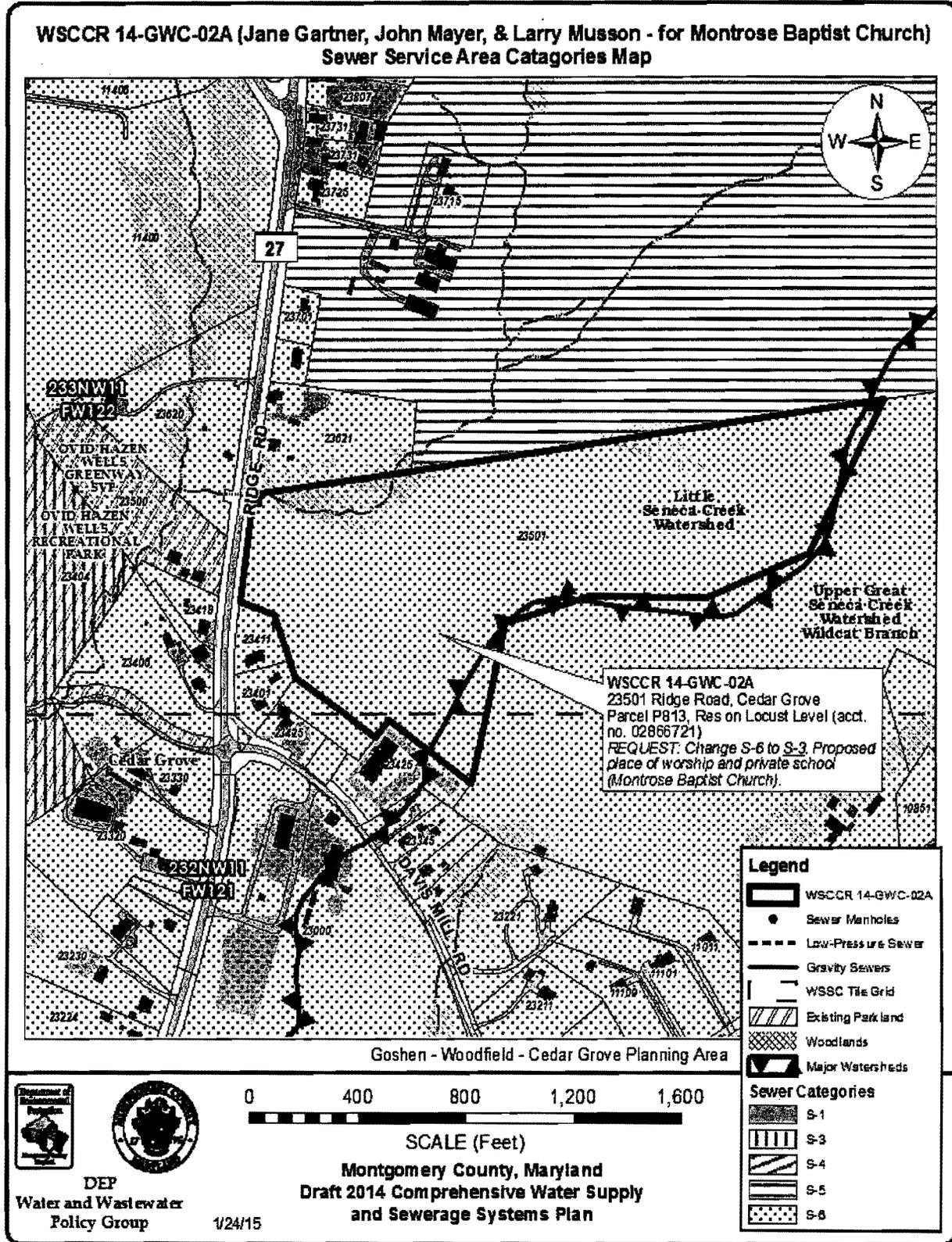
- W-1
- W-3
- W-4
- W-5
- W-6

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Montgomery County, Maryland
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1/22/15



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Requests #4-7

The following four requests are presented together as one group, WSSCCR 13-PAX-01A - 04A. A single PIF user, Canaan Christian Church, proposes to acquire all five properties included in these four requests for a single development project.

WSSCCR 13-PAX-01A: Burtonsville Crossing LLC

County Executive's Recommendation: Deny W-3 and S-3, maintaining W-6 and S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • Old Columbia Pk., Burtonsville • Parcel P365, New Birmingham Manor (acct. no. 00272438) • Map tile: WSSC – 221NE04; MD – KS62 • East side of Old Columbia Pk., north of PEPCO alignment and Burtonsville Crossing Shopping Center • RC Zone; 11.14 ac. • Patuxent Watershed Conservation Planning Area Fairland Master Plan (1997), Burtonsville Crossroads Neighborhood Plan (2012) • Lower Patuxent River Watershed (MDE Use I) • <u>Existing use</u>: unimproved <u>Proposed use</u>: church^A 	<p><u>Existing – Requested – Service Area Categories</u></p> <table> <tr> <td>W-6</td> <td>W-3</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p><u>Applicant's Explanation</u></p> <p>"Church development." (Refer to letter at pgs. 23-24.) ^A DEP note: This is one of five contiguous properties filing together for category changes for the proposed Canaan Christian Church project. (WSSCCRs 13-PAX-01A, -02A, -03A, & -04A)</p>	W-6	W-3	S-6	S-3
W-6	W-3				
S-6	S-3				

Executive Staff Report and Agency Review Comments start on pg. 21.

WSSCCR 13-PAX-02A: Marion Sarem

County Executive's Recommendation: Deny W-3 and S-3, maintaining W-6 and S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • Old Columbia Pk., Burtonsville • Parcel P095, Elizabeth Delight (acct. no. 01976493) • Map tile: WSSC – 221NE04; MD – KS62 • East side of Old Columbia Pk., north and opposite of Bell Rd. • RC Zone; 5.88 ac. • Patuxent Watershed Conservation Planning Area Fairland Master Plan (1997), Burtonsville Crossroads Neighborhood Plan (2012) • Lower Patuxent River Watershed (MDE Use I) • <u>Existing use</u>: unimproved <u>Proposed use</u>: church^A 	<p><u>Existing – Requested – Service Area Categories</u></p> <table> <tr> <td>W-6</td> <td>W-3</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p><u>Applicant's Explanation</u></p> <p>"Church development – contract purchaser – Canaan Christian Church. Property is 'unimproved land' with a designated land use of agricultural. It is located between Old Columbia Pike and the new Route 29 – New Columbia Pike." (Refer to letter at pgs. 23-24.) ^A DEP note: This is one of five contiguous properties filing together for category changes for the proposed Canaan Christian Church project. (WSSCCRs 13-PAX-01A, -02A, -03A, & -04A)</p>	W-6	W-3	S-6	S-3
W-6	W-3				
S-6	S-3				

Executive Staff Report and Agency Review Comments start on pg. 21.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
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Requests #4-7

WSSCR 13-PAX-03A: Jennifer Sarem

County Executive's Recommendation: Deny W-3 and S-3, maintaining W-6 and S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • 15901 & 16001 Old Columbia Pk., Burtonsville • Parcels P230 & P226, Elizabeth Delight (acct. nos. 01976516 & 01976505) • Map tile: WSSC – 221NE04; MD – KS62 • East side of Old Columbia Pk., opposite and south of Bell Rd. • RC Zone; 11.77 ac. total • Patuxent Watershed Conservation Planning Area Fairland Master Plan (1997), Burtonsville Crossroads Neighborhood Plan (2012) • Lower Patuxent River Watershed (MDE Use I) • <u>Existing use</u>: single-family house and country market • <u>Proposed use</u>: church ^A 	<p>Existing – Requested – Service Area Categories</p> <table border="0"> <tr> <td>W-6</td> <td>W-3</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p>Applicant's Explanation</p> <p>"Church development – Canaan Christian Church is contract purchaser. Contact name, address and phone is attached." (Refer to letter at pgs. 23-24.)</p> <p>^A DEP note: These are two of five contiguous properties filing together for category changes for the proposed Canaan Christian Church project. (WSSCRs 13-PAX-01A, -02A, -03A, & -04A)</p>	W-6	W-3	S-6	S-3
W-6	W-3				
S-6	S-3				

Executive Staff Report and Agency Review Comments start on pg. 21.

WSSCR 13-PAX-04A: Burtonsville Associates

County Executive's Recommendation: Deny W-3 and S-3, maintaining W-6 and S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • Old Columbia Pk., Burtonsville • Parcel P037, Waters Gift (acct. no. 00251083) • Map tile: WSSC – 221NE04; MD – KS62 • East side of Old Columbia Pk., south of Dustin Rd. • RC Zone; 9.52 ac. • Patuxent Watershed Conservation Planning Area Fairland Master Plan (1997), Burtonsville Crossroads Neighborhood Plan (2012) • Lower Patuxent River Watershed (MDE Use I) • <u>Existing use</u>: unimproved • <u>Proposed use</u>: church ^A 	<p>Existing – Requested – Service Area Categories</p> <table border="0"> <tr> <td>W-6</td> <td>W-3</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p>Applicant's Explanation</p> <p>"Church development." (Refer to letter at pgs. 23-24.)</p> <p>^A DEP note: This is one of five contiguous properties filing together for category changes for the proposed Canaan Christian Church project. (WSSCRs 13-PAX-01A, -02A, -03A, & -04A)</p>	W-6	W-3	S-6	S-3
W-6	W-3				
S-6	S-3				

Executive Staff Report and Agency Review Comments start on pg. 21.

Executive Staff Report

The applicants have requested approval for categories W-3 and S-3 to support the use of this multiple-parcel site for a private institutional facility (PIF) use, Canaan Valley Christian Church. The church plans to acquire all five parcels included in the preceding four category change applications for its use; a schematic presentation of the site layout is provided at page 25. The current master plan for this area of Burtonsville recommends against public sewer service for any use on these properties, as discussed in more detail below. The approval of public sewer service for this request is not recommended.

Public sewer service for a project located outside the planned public sewer envelope, such as the church's development proposal, can often be considered under the Water and Sewer Plan's private institutional facilities (PIF) policy. However, the recent amendment to the 1997 Fairland Master Plan, the 2012 Burtonsville Crossroads Neighborhood Plan, makes sewer service recommendations for this area north of the P.E.P. Co. transmission mains, referred to as the "Northern Properties" in the plan's Rural Edge Neighborhood. The 2012 master plan specifically recommends against the provision of public sewer service for any use for the Northern Properties, zoned Rural Cluster (RC), as confirmed by the M-NCPPC comments that follow below.

The provision of public water service in an area planned and zoned for five-acre cluster development can be considered on a case-by-case basis under Water and Sewer Plan general service policies. This is supported by the 1997 master plan. The use of public water service in the RC Zone is typically limited to cluster-type development as opposed to single large-scale projects. Again, the PIF policy could be used for consideration of water service for this case. However, neither the applicants nor the church have indicated that water service alone would accomplish the planned site improvements.

Agency Review Comments

DPS: No comments provided.

M-NCPPC – Planning Dept.: These sites are identified as the Northern Properties in the Rural Edge Neighborhood in the 21012 *Burtonsville Crossroads Neighborhood Plan*. They are zoned RC and "limited to 8 percent imperviousness without development in the stream buffers and without public sewer" (p.43).

The Plan's Environmental Section identifies the development constraints in the Rural Edge areas. These include: the presence of three tributaries (with declining water quality), the Patuxent River Primary Management Area (PMA) restrictions, the impervious limit, and a sewer extension limitation. These constraints will limit the size and placement of development. (p. 30). Furthermore, the 2012 Plan recommends retaining the low-density zoning to protect the tributary headwaters of the Patuxent River Watershed.

Plan recommends:

- impervious levels limited to eight percent cluster development
- preserving and increasing tree canopy
- seasonal community uses that support agricultural uses such as fairs, ice-cream sales, and other events
- designation as a Water Supply Protection site in the Legacy Open Space program
- no public sewer service should be permitted for any use (p. 46)

The Plan's Water and Sewer Section recommends "against providing public sewer service for Rural Edge properties under any circumstances, other than for relief of documented health problems (p. 60). The Plan does not recommend against extending water service. These requests do not conform to the 2012 Master Plan sewer service area recommendations (See attachments 2-5). Recommendation: Deny S-3, Approve W-3

M-NCPPC – Parks Planning: No park impact.

WSSC - Water: Water pressure zone: 660A. There are two options for water service:

- Water Option 1: An approximately 2,300-foot-long CIP-sized water extension [along Old Columbia Pk.] may be required to serve the property. This extension would connect to a 20" water main along Sandy Spring Rd. (contract no. 57-0269) and would abut approximately 16 properties in addition to the applicant's. Easements are required. Construction of this extension may involve the removal of trees or disturbance of tree beds. [DEP note: Properties zoned RC and abutting this main along Old Columbia Pk. can be considered for public water service on a case-by-case basis under the water service to large lot areas general service policies in the Water and Sewer Plan.]

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- Water Option 2: An approximately 1,300-foot-long non CIP-sized water extension may be required to serve the property. This extension would connect to a 12" water main in Burtonsville Shopping Center (contract no. 86-6711A) and would abut approximately 4 properties in addition to the applicant's. This alignment travels through PEPCO easement and Burtonsville shopping center. Easements are required. Construction of this extension may involve the removal of trees or disturbance of tree beds.

Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) may be required to serve the property.

WSSC - Sewer: Basin: Patuxent North. The combined properties are currently in Patuxent North watershed. The nearest gravity sewer is located in Paint Branch watershed. On-site pumping is required. A gravity sewer may be possible to serve the combined properties. As shown on the attached sketch, two potential options may be possible:

- Sewer Option 1: A 2,400-foot-long non-CIP-sized sewer extension *[along Old Columbia Pk.]* is required to serve the property. This extension would connect to an 8" sewer along Sandy Spring Rd (contract no. 84-5960A) and would abut approximately 15 properties and a PEPCO easement in addition to the applicant's. Construction of deep sewers ranging from 10 – 17 feet is required. Easements are required. Construction of this extension may involve the removal of trees or disturbance of tree beds. *[DEP note: This extension has the potential to make public sewer service available to many properties along Old Columbia Pk. that are not otherwise eligible for such service. This is not consistent with the Water and Sewer Plan's PIF policy.]*
- Sewer Option 2: A 2,100-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to an 8" sewer along Sandy Spring Rd (contract no. 00-4874A) and would abut approximately 5 properties in addition to the applicant's. Construction of deep sewers ranging from 10 – 18.5 feet is required. Construction of shallow sewers is required. This alignment travels through PEPCO easement. Grading to provide minimum 3 feet cover for a few stretches passing through PEPCO easement is required. Easements are required. Construction of this extension may involve the removal of trees or disturbance of tree beds.

Since information regarding the size of the church is unavailable, and the total land size is over 38 acres, it is assumed that the church capacity is large and has maximum 16000 members. Average wastewater flow from the assumed proposed development: 92,160 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Further evaluation may be needed depending on the amount of sanitary flow generated. Treatment capacity is adequate.



THE LAW OFFICE OF
**Michele
Rosenfeld LLC**

RECEIVED

JUN 30 2014

Environmental
Protection

June 30, 2014

Mr. Alan Soukup
Senior Planner
Water and Wastewater
Policy Group
Montgomery County DEP
255 Rockville Pike
Suite 120
Rockville MD 20850

RE: WSCCR 13-PAX-01A (Burtonsville Crossing LLC)
WSCCR 13-PAX-02A (Marion Sarem)
WSCCR 13-PAX-03A (Jennifer Sarem)
WSCCR 13-PZX-04A (Burtonsville Associates)

Contract Purchase: Canaan Christian Church

Dear Mr. Soukup:

Please accept the enclosed sketch plan in support of the pending water/sewer category change application for the above-referenced properties. The contract purchaser, Canaan Christian Church ("Church"), seeks a water/sewer category change to support its use of these properties as the relocation site for its current church facilities, which it has outgrown.

The enclosed concept plan shows a general design for the Church that will accommodate its religious needs. The Church building itself is comprised primarily of a sanctuary that will seat approximately 2,000 people and a Youth and Adult Bible Study Wing. The Church building also includes a narthex, offices for the Pastor and Youth Pastors, meeting space, space for the Church choir to assemble and practice, and functional space for needs such as storage, restrooms and mechanical equipment. Current space limitations require the Church to hold multiple services. These multiple services must be shortened because of time limitations, which constrain the ability of the Church to hold exercise its basic religious practices such as baptisms and communion during a single communal worship service.

The outdoor facilities include an outdoor grassed amphitheater that can serve as an outdoor sanctuary, 500 parking spaces, a future youth center and a grassed athletic field.

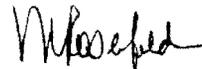
The Church, currently operating at 2100 University Boulevard, West in Silver Spring, is badly in need of additional space to accommodate its growing needs. Its core mission includes religious instruction during formal religious services, instruction in adult and youth bible classes, weddings and baptisms, and community functions including communal meals and celebrations that serve its congregants and the larger community as well. The Church cannot adequately meet these needs in its current facility.

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As shown on the enclosed plan, the new Church location is proposed near the intersection of Old Columbia Pike and Bell Road. Impervious coverage is estimated at approximately 20 percent.

Thank you in advance for your consideration of this application, and please let me know if you need any additional information.

Sincerely,

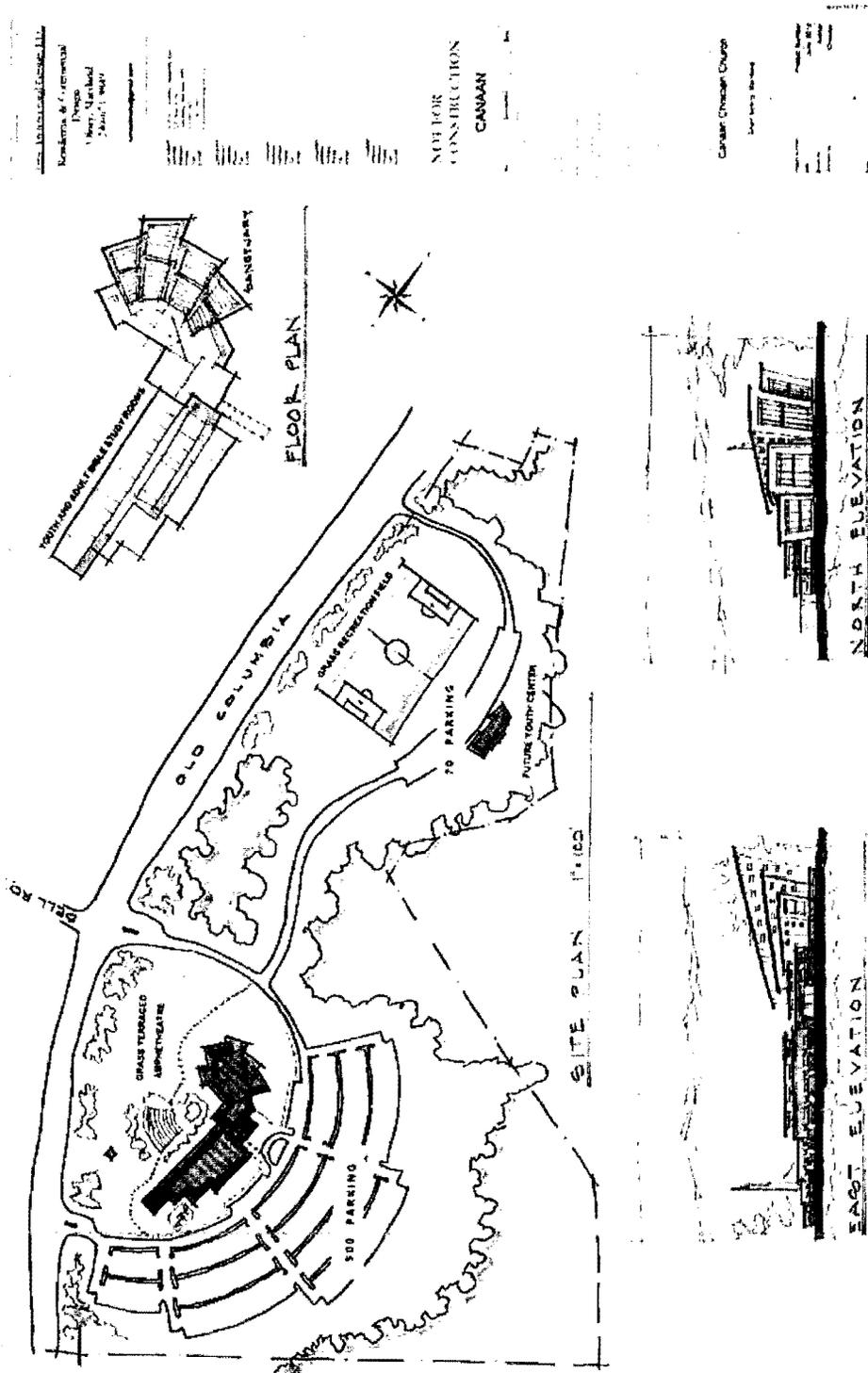


Michele Rosenfeld

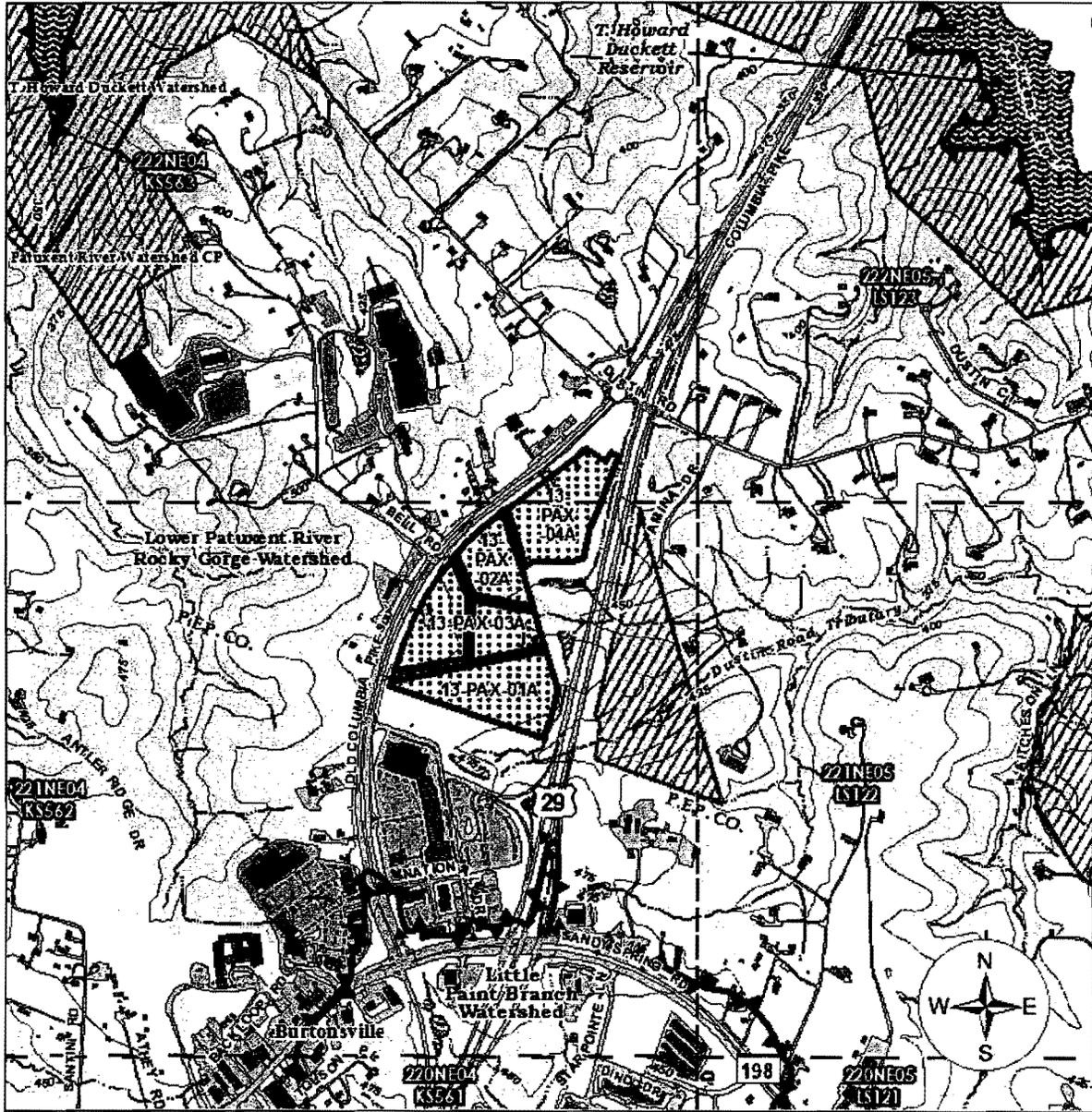
Enclosure

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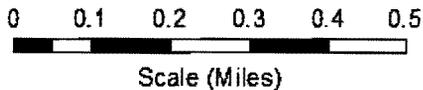
WSCCRs 13-PAX-01 to -04A: Conceptual Site Plan for Canaan Valley Church



WSSCRs 13-PAX-01A -02A -03A -04A (for Canaan Christian Church)
 Vicinity/Locator Map With Topography & Woodlands



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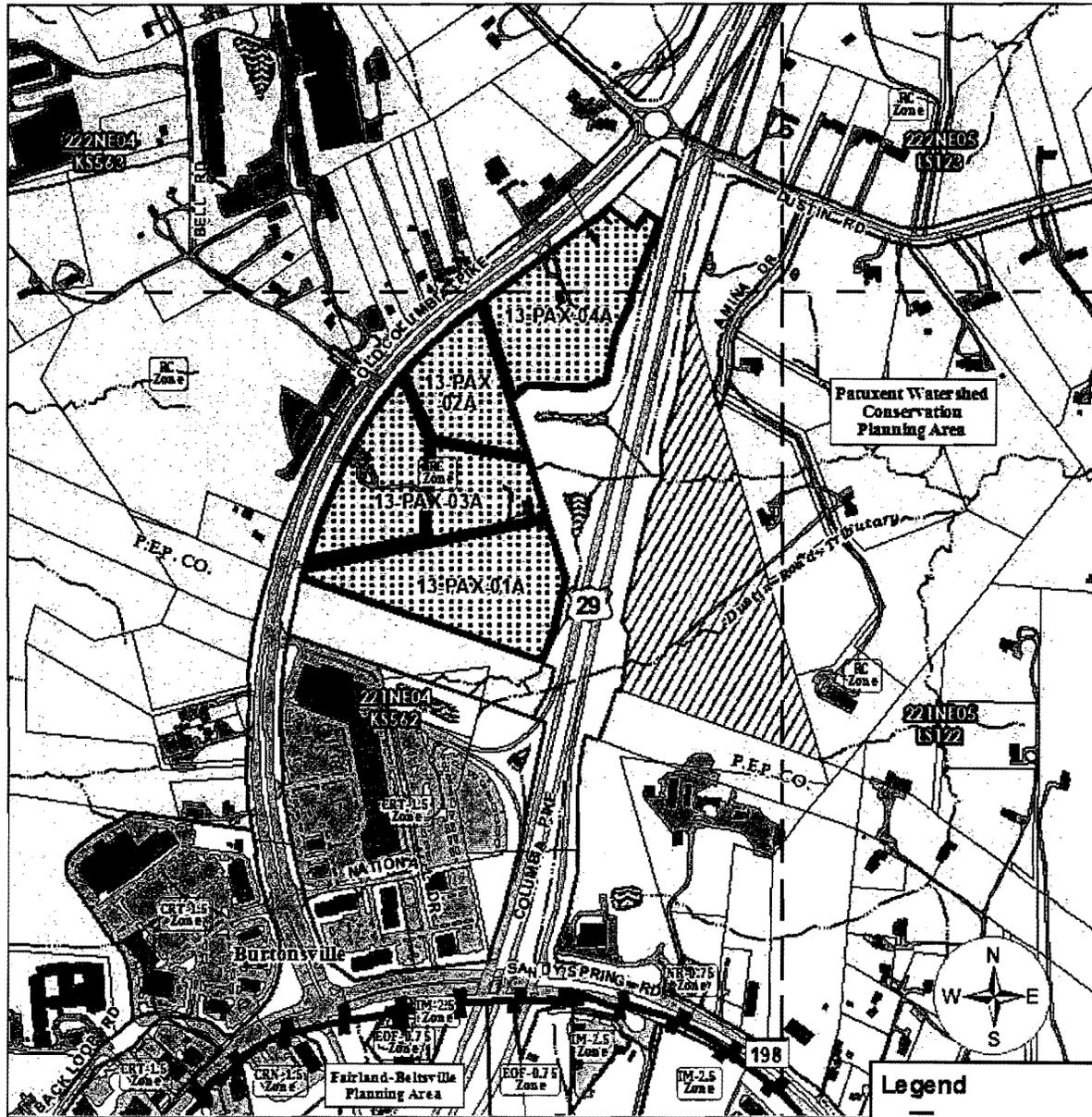


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Legend

- Subject Sites
- WSSC Tile Grid
- Topography (25 ft. c.i.)
- Existing Parkland
- Woodlands

WSSCRs 13-PAX-01A -02A -03A -04A (for Canaan Christian Church)
 Zoning Map

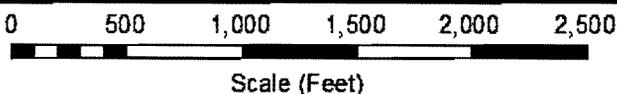


Legend

- WSSC Tile Grid
- Planning Area
- Subject Sites
- Existing Parkland
- Zoning**
- Other Zones
- RC Zone

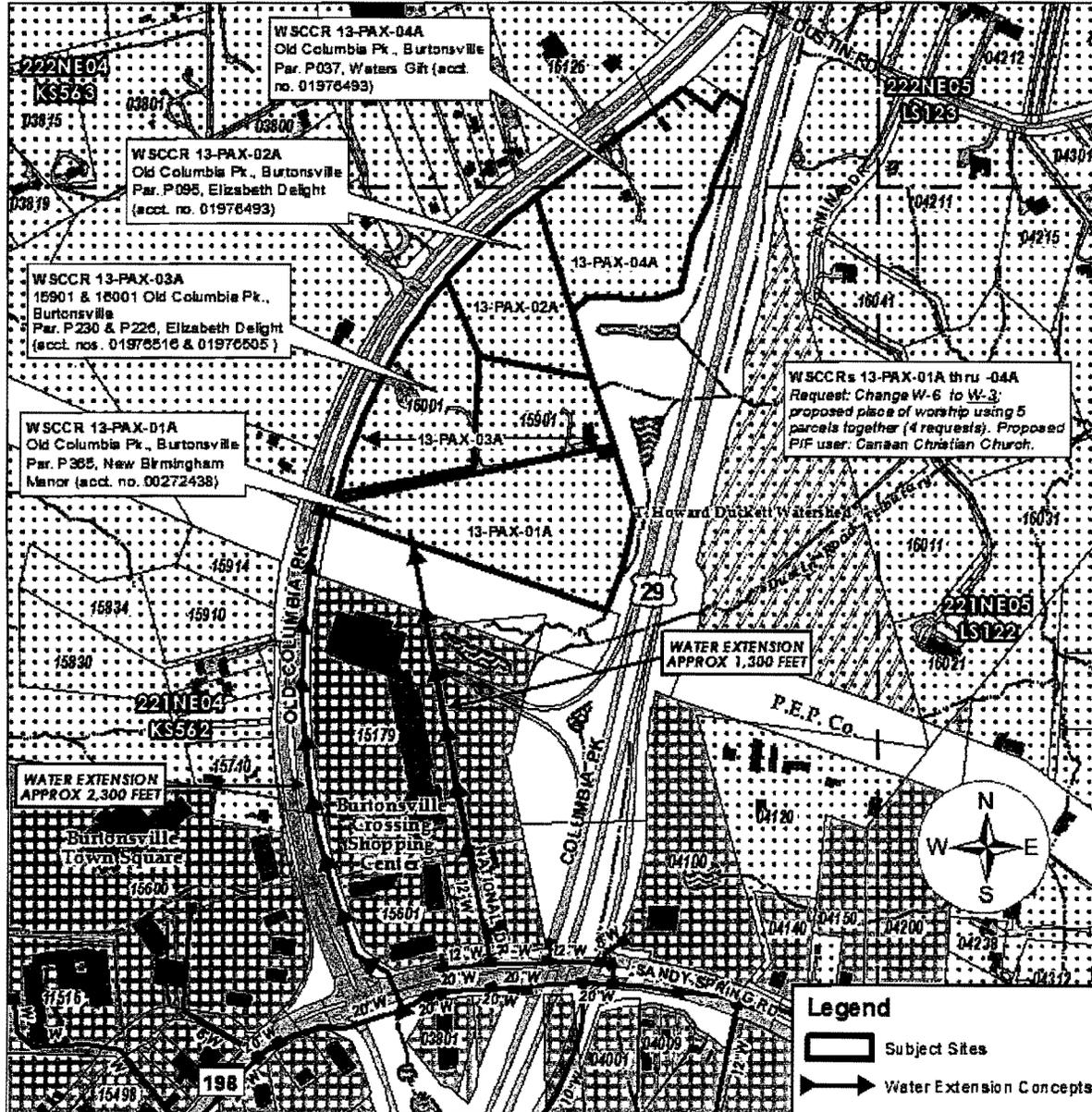


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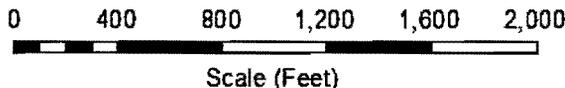


Scale (Feet)
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WSCCRs 13-PAX-01A (Burtonsville Crossing LLC), 13-PAX-02A (Sarem), 13-PAX-03A (Sarem), & 13-PAX-04A (Burtonsville Assoc.): Water Service Area Categories Map

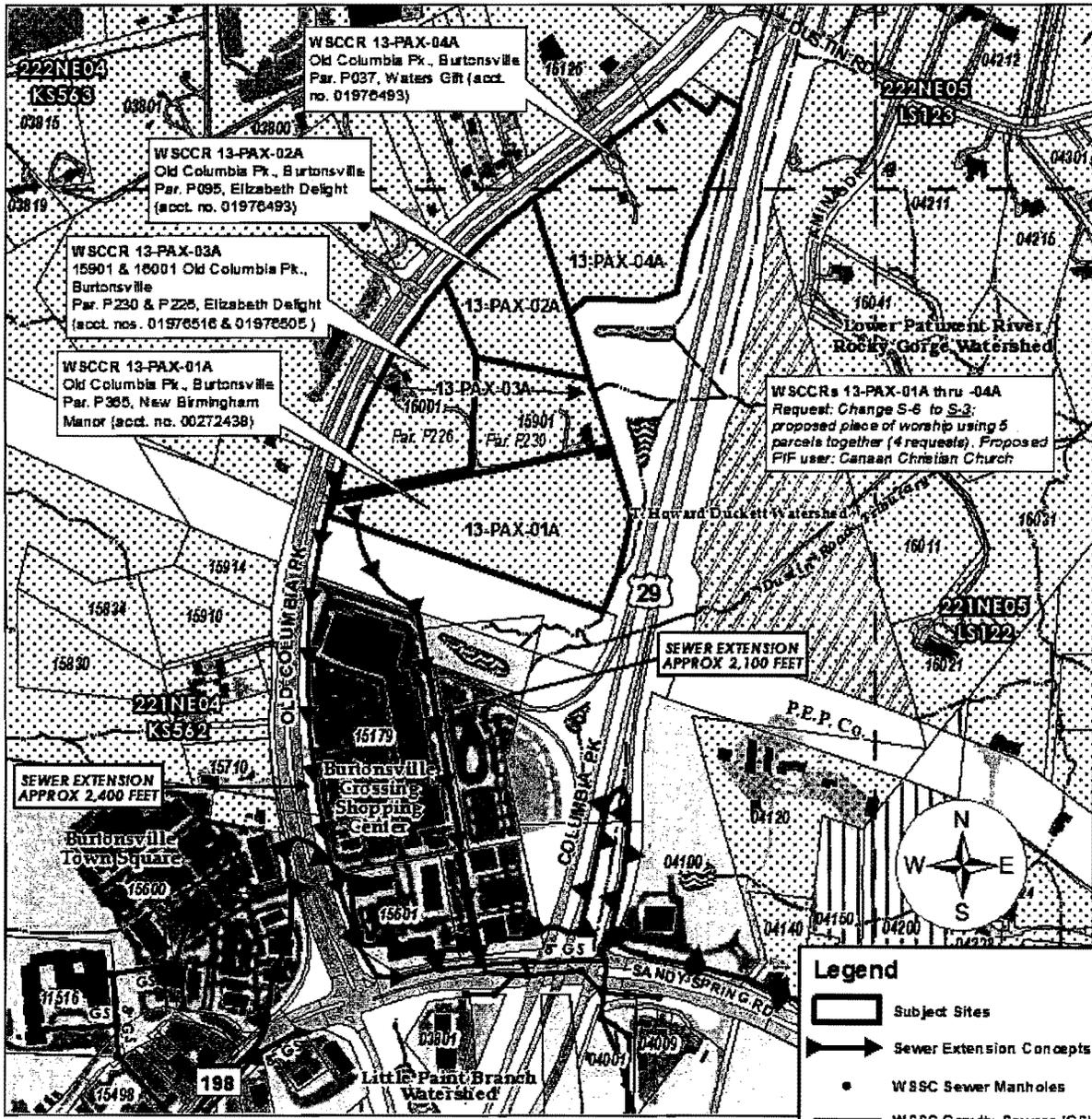


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WSSCRs 13-PAX-01A (Burtonsville Crossing LLC), 13-PAX-02A (Sarem), 13-PAX-03A (Sarem), & 13-PAX-04A (Burtonsville Assoc.): Sewer Service Area Categories Map



Legend

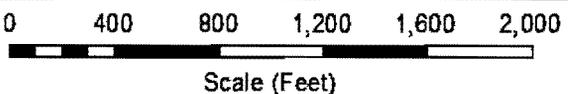
- Subject Sites
- Sewer Extension Concepts
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- WSSC Tile Grid
- Existing Parkland

Sewer Categories

- S-1
- S-3
- S-6



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Requests #8 & #9

The following two requests are adjacent to each other. The applicants proposed to use the same sewer extension to River Rd. to provide sewer service.

WSSCR 13-POT-03A: Sunny & Rueben Bajaj Trust

County Executive's Recommendation: Deny S-3, maintaining S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • 10121 Norton Road, Potomac • Lot 7, Block C, Potomac Farm Estates (acct. no. 00848936) • Map tile: WSSC – 213NW10; MD – FP33 • Southeast side of Norton Rd., north of River Rd. (MD 190) • RE-2 Zone; 5.00 ac. • Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: single-family house • <u>Proposed use</u>: sewer service for the existing house 	<p><u>Existing – Requested – Service Area Categories</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">W-1</td> <td style="width: 50%;">W-1 (No change)</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p><u>Applicant's Explanation</u></p> <p>"Request sewer service for the existing dwelling." <i>DEP note: This property is adjacent to and south of WSSCR 13-POT-04A.</i></p>	W-1	W-1 (No change)	S-6	S-3
W-1	W-1 (No change)				
S-6	S-3				

Executive Staff Report

The applicant has requested approval of sewer category S-3 to allow the extension of public sewer service to an existing single-family house. The property is located outside of the planned public sewer service envelope in an area zoned RE-2. The property does confront the sewer envelope across Norton Rd. (see pg. 34) and therefore could be considered under the peripheral sewer service policy recommended in the 2002 Potomac Subregion Master Plan (see page A6). However, proximity to the sewer service envelope is not the only criterion that is considered under this policy. The alignment of the needed sewer main extension, and its potential effect on existing wooded land, indicate that this request does not qualify for sewer service and should be denied.

M-NCPPC staff indicated that the proposal for sewer service appears to fit the requirements of the Potomac peripheral sewer service policy with regard to location with respect to the planned sewer service envelope; the site confronts properties within the envelope across Norton La. However, M-NCPPC staff also raised concerns about the impact of the applicant's planned sewer extension across two to three intervening properties (see pg. 35), especially with regard to impacts on forest areas and specimen trees. WSSC staff also raised concerns about the applicant's planned sewer extension to River Rd., noting that a gravity extension is not feasible due to grade changes. Although the approval of public sewer service is not recommended in this case, service would require a pump/low-pressure system with a gravity outfall to River Rd. WSSC identified a second alternative for the needed sewer extension. However, this alignment, which would need easements between two to three properties on the west side of Norton Rd. also raises concerns about construction effects on existing properties.

Agency Review Comments

DPS: None provided.

M-NCPPC – Planning Dept.: These two requests should go before the County Council for action. They appear to conform to the Potomac Master Plan sewer service policy to allow for the limited provision of service at the periphery of the sewer service envelope. However, the applicants propose an easement across two and possibly three properties. The sewer extension would have to traverse existing forest with specimen trees at 10111 Norton Road. This would require an amendment to this property's Forest Conservation Plan. I also note that WSSC have

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not yet pronounced as to whether this option is feasible or meets their own policies, and that the Watts Branch sewer is closer to the properties than is River Road. Recommendation: Deny S-1.

M-NCPPC – Parks Planning: No park impact.

WSSC - Water: (Not requested.)

WSSC - Sewer: Basin: Watts Branch. The Applicant's proposed sewer alignment (using grinder pump & low-pressure sewer and gravity sewer extensions) would be approximately 1,200 feet in total length. After considering functional limitations of grinder pump & low-pressure sewer systems, this option would not be feasible for service due to non-uniform topography along the path of the Applicant's proposed alignment. If this alternative was chosen for service, a non-CIP-sized gravity sewer extension and a grinder-pump and low-pressure sewer system would be required for service. Removal of trees and rights-of-ways from at least 2 property owners would be necessary. Odor problems would likely occur.

Alternatively, a 600-foot-long non-CIP-sized sewer extension would be required to serve the property. This extension would connect to an existing 8-inch sewer built under contract no. 84-6092A, then extend between the Lots located at 10616 Barn Wood Lane and 10116 and 10200 Norton Road, and then across Norton Road to front the Applicant's property. This gravity sewer extension would abut approximately 3 properties in addition to the applicant's. Rights-of-way would be required (a portion of the overall right-of-way length may already exist). Construction of this extension may involve the removal of trees.

Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

WSSCR 13-POT-04A: Ken and Kavelle Bajaj

County Executive's Recommendation: Deny S-3, maintaining S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification									
<ul style="list-style-type: none"> • 10201 Norton Road, Potomac • Lot 8, Block C, Potomac Farm Estates (acct. no. 00856457) • Map tile: WSSC – 213NW10; MD – FP33 • Southeast side of Norton Rd., north of River Rd. (MD 190) • RE-2 Zone; 5.02 ac. • Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use:</u> single-family house • <u>Proposed use:</u> sewer service for the existing house 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing –</th> <th style="text-align: left;">Requested –</th> <th style="text-align: left;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1 (No change)</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>"Request sewer service for the existing dwelling." <i>DEP note: This property is adjacent to and north of WSSCR 13-POT-03A.</i></p>	Existing –	Requested –	Service Area Categories	W-1	W-1 (No change)		S-6	S-3	
Existing –	Requested –	Service Area Categories								
W-1	W-1 (No change)									
S-6	S-3									

Executive Staff Report:

The applicant has requested approval of sewer category S-3 to allow the extension of public sewer service to an existing single-family house. The property is located outside of the planned public sewer service envelope in an area zoned RE-2. The property does confront the sewer envelope across Norton Rd. (see pg. 34) and therefore could be considered under the peripheral sewer service policy recommended in the 2002 Potomac Subregion Master Plan (see page A6). However, proximity to the sewer service envelope is not the only criterion that is considered under this policy. The alignment of the needed sewer main extension, and its potential effect on existing wooded land, indicate that this request does not qualify for sewer service and should be denied.

M-NCPPC staff indicated that the proposal for sewer service appears to fit the requirements of the Potomac peripheral sewer service policy with regard to location with respect to the planned sewer service envelope; the

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site confronts properties within the envelope across Norton La. However, M-NCPPC staff also raised concerns about the impact of the applicant's planned sewer extension across two to three intervening properties (see pg. 35), especially with regard to impacts on forest areas and specimen trees. WSSC staff also raised concerns about the applicant's planned sewer extension to River Rd., noting that a gravity extension is not feasible due to grade changes. Although the approval of public sewer service is not recommended in this case, service would require a pump/low-pressure system with a gravity outfall to River Rd. The applicant's mapping shows the same proposed extension for both properties. Apparently an off-site hookup would be use to connect this lot with the proposed extension. WSSC identified a second alternative for the needed sewer extension. However, this alignment, which would need easements between three properties on the west side of Norton Rd., also raises concerns about construction effects on existing properties.

Agency Review Comments

DPS: None provided.

M-NCPPC – Planning Dept.: These two requests should go before the County Council for action. They appear to conform to the Potomac Master Plan sewer service policy to allow for the limited provision of service at the periphery of the sewer service envelope. However, the applicants propose an easement across two and possibly three properties. The sewer extension would have to traverse existing forest with specimen trees at 10111 Norton Road. This would require an amendment to this property's Forest Conservation Plan. I also note that WSSC have not yet pronounced as to whether this option is feasible or meets their own policies, and that the Watts Branch sewer is closer to the properties than is River Road. Recommendation: Deny S-1.

M-NCPPC – Parks Planning: No park impact.

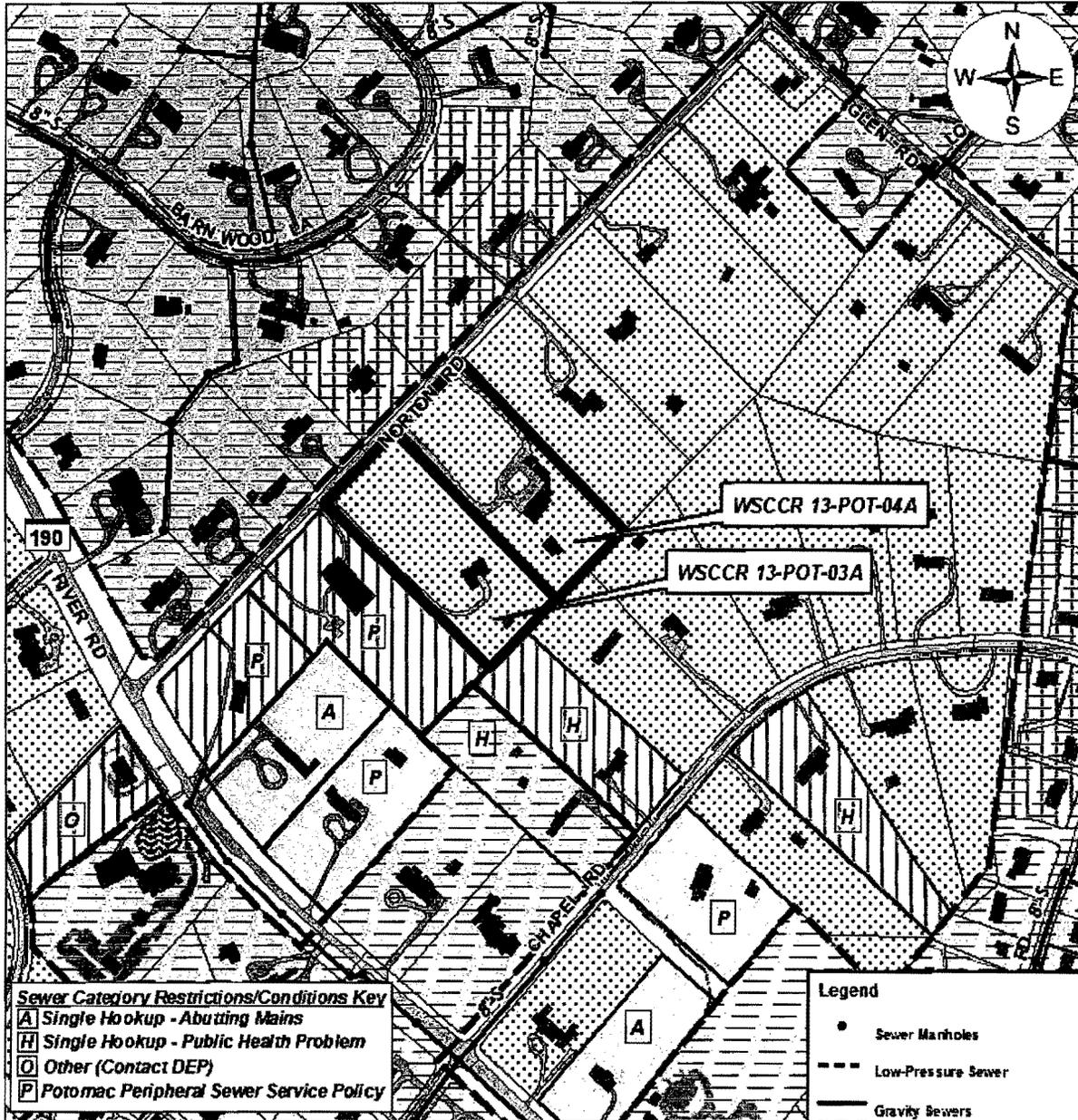
WSSC - Water: *(Not requested.)*

WSSC - Sewer: Basin: Watts Branch. The Applicant's proposed sewer alignment (using grinder pump & low-pressure sewer and gravity sewer extensions) would be approximately 1,700 feet in total length. After considering functional limitations of grinder pump & low-pressure sewer systems, this option would not be feasible for service due to non-uniform topography along the path of the Applicant's proposed alignment. If this alternative was chosen for service, a non-CIP-sized gravity sewer extension and a grinder-pump and low-pressure sewer system would be required for service. Removal of trees and rights-of-ways from at least 2 property owners would be necessary. Odor problems would likely occur.

Alternatively, a 750-foot-long non-CIP-sized sewer extension would be required to serve the property. This extension would connect to an existing 8-inch sewer built under contract no. 84-6092A, then extend between the Lots located at 10616 Barn Wood Lane and 10116 and 10200 Norton Road, and then across Norton Road to front the Applicant's property. This gravity sewer extension would abut approximately 4 properties in addition to the applicant's. Rights-of-way would be required (a portion of the overall right-of-way length may already exist). Construction of this extension may involve the removal of trees.

Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

**WSSCRs 13-POT-03A (Sunny Bajaj Trust) & 13-POT-04A (Ken & Kavelle Bajaj)
 Sewer Service Area Categories & Public Sewer Service Envelope Map**



Sewer Category Restrictions/Conditions Key
A Single Hookup - Abutting Mains
H Single Hookup - Public Health Problem
O Other (Contact DEP)
P Potomac Peripheral Sewer Service Policy

Legend

- Sewer Manholes
- Low-Pressure Sewer
- Gravity Sewers
- ▭ Planned Public Sewer Envelope
- ▭ Service Conditions/Restrictions

Sewer Categories

- S-1
- ▨ S-1
- ▤ S-6



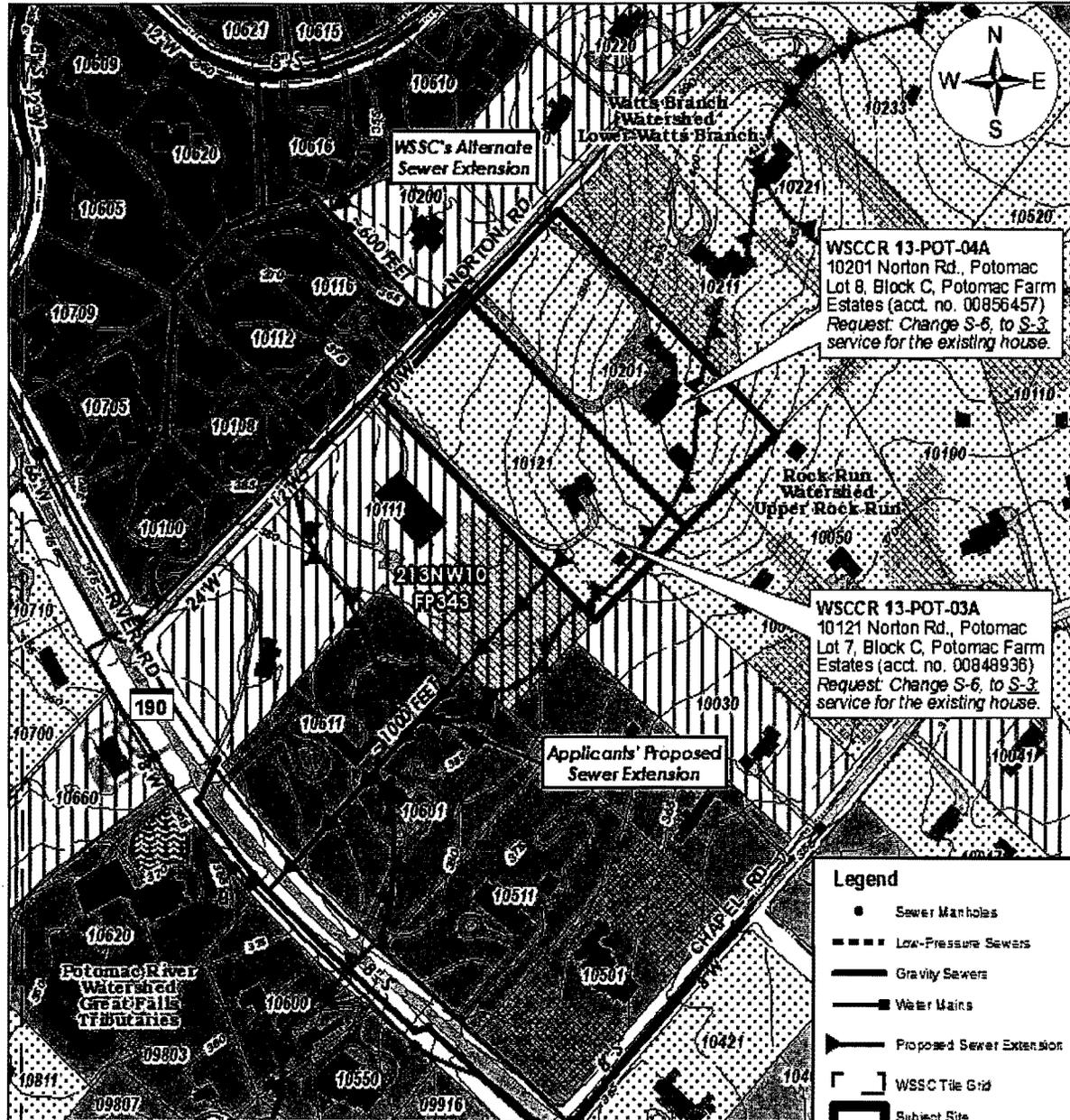
0 500 1,000 1,500

SCALE (Feet)

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**WSSCRs 13-POT-03A (Sunny Bajaj Trust) & 13-POT-04A (Ken & Kavelle Bajaj)
 Sewer Service Area Categories Map**



Legend

- Sewer Manholes
- Low-Pressure Sewers
- Gravity Sewers
- Water Mains
- Proposed Sewer Extension
- WSSC Tile Grid
- Subject Site
- Watersheds
- Topography (5 ft. c.i.)
- ▨ Woodlands

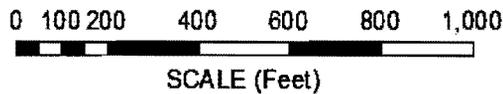
Sewer Categories

- ▨ S-1
- ▨ S-3
- ▨ S-6



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Appendix Table of Contents

Water/Sewer Service Area Category Information (Water and Sewer Plan)Pgs. A1 – A2
 Private Institutional Facilities (PIF) Policy (Water and Sewer Plan)Pgs. A3 – A5
 Peripheral Sewer Service Recommendations (2002 Potomac Subregion Master Plan).....Pg. A6

WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant's own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. • This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-2 and S-2	Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan. (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.	

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Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-6 and S-6	<p>Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5.</p> <ul style="list-style-type: none"> • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans. 	<p>WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.</p>

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service area categories for a property.

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2003 – 2012 Comprehensive Water Supply and Sewerage Systems Plan Excerpt

Private Institutional Facilities Policy (Chapter 1, Section II.E.4.)

Adopted by the County Council November 18, 2003 (CR 15-396)
Revised by the County Council November 29, 2005 (CR 15-1234)

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service -- In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

4. Community Service for Private Institutional Facilities -- This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

a. Facilities Located Within the Community Service Envelopes -- For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.a.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the general water and sewer service policies (Section II.D.) included in this Plan.

b. Facilities Located Outside the Community Service Envelopes -- For existing or proposed PIF uses located outside the acknowledged water and/or sewer envelopes, the County Council shall consider requests for the provision of community service for PIF uses according to the following criteria:

i. Sites Abutting Existing Water and/or Sewer Mains -- For cases where existing or approved water or sewer mains abut or will abut a property, service area category amendments may be approved for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned RDT (see subsection iii).

ii. Sites Requiring New Water and/or Sewer Mains Extensions -- For cases where the provision of community service for a PIF use requires new water and/or sewer mains, the following criteria shall apply:

- For existing PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan.

iii. Sites Zoned Rural Density Transfer -- To help preserve the integrity of the land-use plan for the County's agricultural reserve, neither community water nor sewer service shall be used to support existing or proposed PIF uses within the Rural Density Transfer (RDT) Zone. This prohibition shall apply to all PIF cases regardless of whether public service requires either new main extensions or only service connections to an existing, abutting main. The only exception allowed to this prohibition is to allow for community service to relieve health problems caused by the failure of on-site systems, as documented by the Department of Permitting Services (DPS). In the case of a public health problem, DEP and DPS staff will need to concur that the provision of community service is a more reasonable alternative to a replacement of the failed on-site system, either by

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standard or alternative/innovative technologies. WSSC and DEP staff will need to concur that the provision of community service is technically feasible.

c. Main Extensions for PIF Uses -- Main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access" consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.2). Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. The County and WSSC may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Under its Systems Extension Permit (SEP) process, WSSC now requires that all commercial and institutional service applicants construct and pay for the community systems main extensions needed to serve their projects. In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC shall not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station which does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

d. PIF Uses in Existing Residential Structures -- The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

e. PIF Policy Directions -- The Council originally adopted a Water and Sewer Plan service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognized as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions outside the community service envelopes to support PIF uses.

The PIF policy has accomplished the preceding goals, at least to some extent. However, it has also created unintended concerns, involving complex relationships between differing public policies and affecting private institutions needing space to locate and grow within an often fiercely competitive Real Estate market. This makes less costly land, usually located outside of the community water and sewer service envelopes and zoned for lower-density development, more attractive to institutional uses. Among the concerns which have come to the attention of both the County Council and County agency staff are the following:

- The policy has resulted in the clustering of PIF uses at the edge and outside of the acknowledged community water and/or sewer service envelopes.
- The policy has facilitated the siting of PIF uses on properties where the institutional use and its ancillary needs, especially parking, can create imperviousness far in excess of that normally resulting from residential uses, leaving little open space and creating water quality problems.
- The policy has facilitated the siting of PIF uses within the county's RDT-zoned agricultural reserve areas.

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's April 2015 Transmittal Packet**

PACKET APPENDIX

- The policy has promoted speculative interest in sites because of their potential ability to satisfy the PIF policy requirements, not because a specific private institution has a need for that site.
- The policy does not provide guidance concerning institutional subdivisions, where two or more PIF uses subdivide and locate on an existing property approved for community service.
- The policy can not address issues beyond the scope of the Water and Sewer Plan, such as community compatibility, traffic congestion, and alternate facility uses.

An interagency PIF policy working group has reviewed the PIF policy and other County regulations and ordinances, with particular attention to the preceding issues. The PIF policy as amended in this Water and Sewer Plan contains changes from the original PIF policy which address some of these concerns. Among these are a policy preventing publicly-funded support for community service to PIF uses where WSSC pumping facilities would be required, and a prohibition against providing community service to PIF uses in the Rural Density Transfer (RDT) Zone. In addition, the working group has recommended to the County Council impervious area limits for most land uses in lower-density rural and rural estate zones to help limit the environmental impacts often associated with institutional development within these zones.

The preceding policies focus on community water and sewer service for institutional uses. The working group also recognized that a prohibition on community service in the RDT Zone could result in an increase in PIF project proposals using multi-use on-site systems. The County needs to ensure that these on-site systems can provide long-term, sustainable service for their users in order to avoid the need to provide community service to relieve on-site system failures (see Section III.B.2.).

Water and Sewer Plan Recommendation

The County needs to recognize that the recommendations from the PIF Working Group represent the first efforts in addressing the community and environmental effects of large commercial and institutional land uses, especially those [[which]] that locate with the rural part of the county. At the least, the working group will need to follow up periodically to consider 1) the effectiveness of these recommendations, 2) public and development industry concerns with regard to the County's policies, and 3) the need for additional or alternative actions.

PACKET APPENDIX

2002 Potomac Subregion Master Plan Excerpt

Potomac Peripheral Sewer Service Recommendation (see boxed paragraph below)

ENVIRONMENTAL RESOURCES PLAN CHAPTER (pgs. 22-23)

Sewer Service Policies

Low-Density Areas

In part, the 1980 Potomac Master Plan's intent was to use community sewer service to take maximum advantage of the allowed density in lower-density zones such as RE-1 and RE-2 where it was appropriate. Much of the undeveloped area zone RE-1 and RE-2 was placed in master plan sewer stage IV where the provision of community sewer service was evaluated on a case-by-case basis of logical, economical, and environmentally acceptable service. Twenty years later, a comprehensive evaluation indicates that providing community sewer service to areas zoned for one- and two-acre development, and contrary to smart growth policies, has undermined the environmental emphasis of zoning areas for low-density development, especially where septic suitability is marginal. With increasing demand for homes and recent development and redevelopment trends, especially where sewer service is provided, this exception to the general service policy is no longer effective. Much of the remaining undeveloped RE-1 and RE-2 land is beset by environmental constraints limiting potential development without sewer.

Under the prior master plan, the Subregion has experienced substantial provision of community sewer service to lower-density areas. Because of this, and because the County considered the approval for much of this service on a case-by-case basis, the current Potomac community sewer envelope is irregular, established by demand rather than by plan. Voids within the envelope and irregular boundaries along its perimeter abound. Although this Master Plan generally recommends against the continued provision of community sewer service for low-density (RE-1 and RE-2) areas, it does support limited approvals for community service for low-density areas within the envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing or proposed mains and on properties which can be served by sewer extensions within public rights-of-way. Main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. Any approvals granted along the currently-established edge should not be cited as justification for expanding the sewer service envelope beyond the limits recommended in this plan.

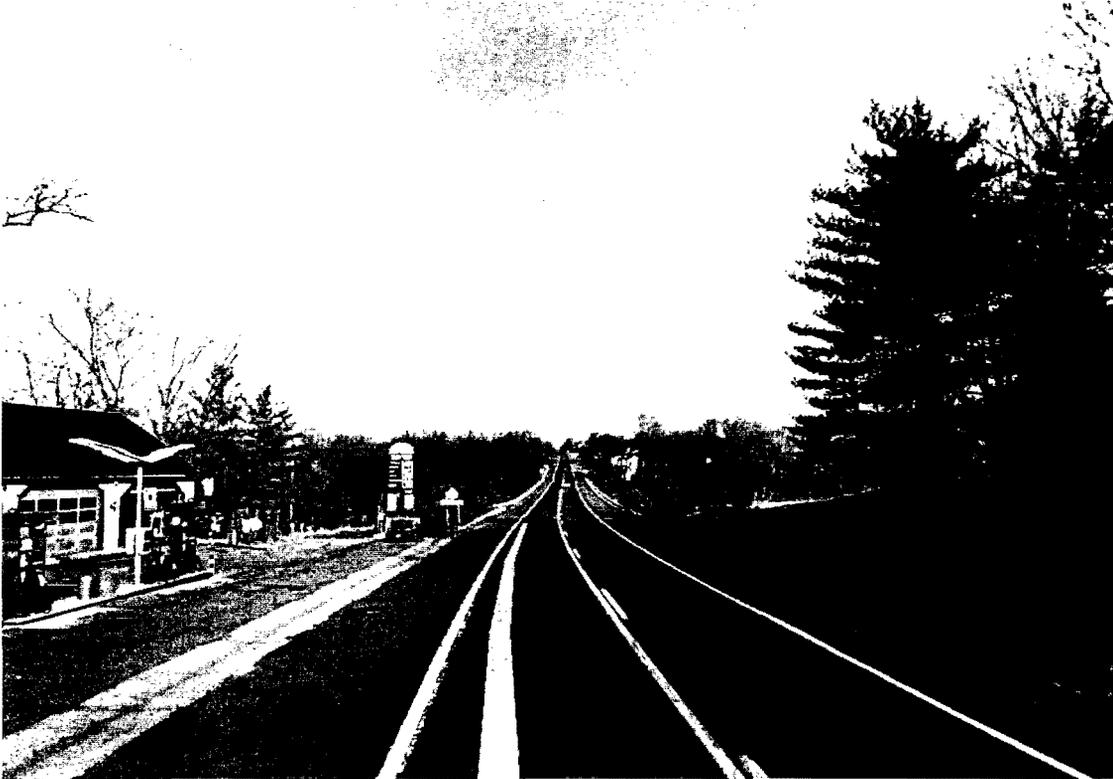
Sewer Service Recommendations

- **Provide community sewer service in the Subregion generally in conformance with Water and Sewer Plan service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service further extension of community service.**

- **Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. (See foldout Map D.) Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction sewer extensions, if needed, along roads rather than through stream valleys.**

WSSCR 14-GWC-02A (Montrose Baptist Church) Property

Approaching the subject property from Route 27 heading north (at the northern edge of the Cedar Grove Historic District). The property is on the east side of Route 27 past the trees on the right.



Approaching subject property from Route 27 heading north. The property is the bare area on the right between the trees on the right and the trees in the center of the photo.



A view of the subject property looking east from Route 27

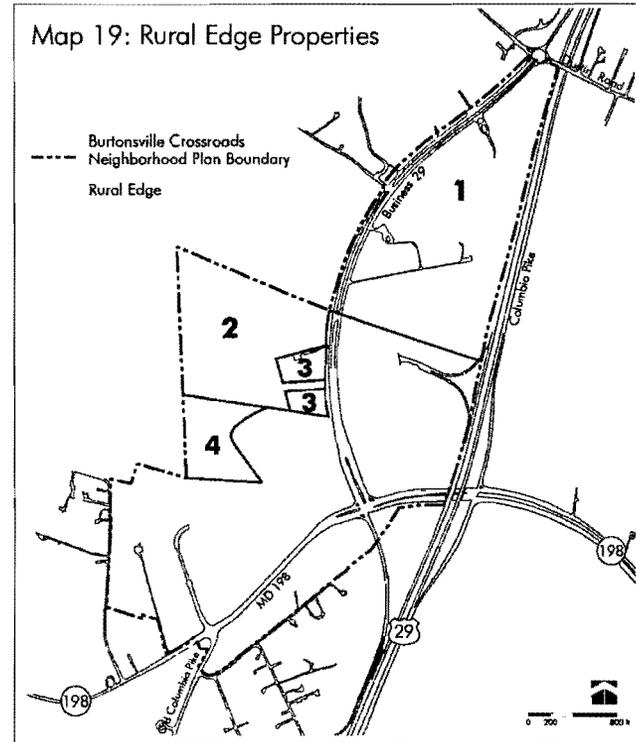


specific property recommendations

1. Northern Properties: confirm RC Zone, for rural cluster and open space

This area consists of seven properties located north of the Pepco right-of-way in the tributary headwaters of the Patuxent Watershed. Land uses that limit imperviousness to eight percent and that don't need public sewer are appropriate. With the impervious limit, the recommended RC Zone provides for preservation of natural features and protections for the headwater tributaries of the Patuxent Watershed. Because of their proximity to the Rocky Gorge Reservoir, development should be limited to protect the drinking water supply by confirming low density zoning, restricting the extension of community sewer service, and reducing imperviousness. Retaining these properties in the RC Zone will focus development in the Burtonsville commercial core. Designation in the Legacy Open Space program will further protect water supply resources by supporting cluster development options and creating the option for acquisition as parkland. The Burtonsville Fire Tower is located on a small site owned by the University of Maryland. This site is not appropriate for park acquisition. The larger properties south of the fire tower may also be appropriate for public acquisition for parkland. The Plan recommends:

- impervious levels limited to eight percent
- cluster development
- preserving and increasing tree canopy
- seasonal community uses that support agricultural uses such as fairs, ice-cream sales, and other events
- designation as a Water Supply Protection site in the Legacy Open Space program, to be implemented through cluster development or acquisition as parkland
- no public sewer service should be permitted for any use.





MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 23, 2015

The Honorable Isiah Leggett
County Executive
Montgomery County Government
101 Monroe Street
Rockville, Maryland 20850

The Honorable George Leventhal
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan*: Sewer
Category Change Requests – April 2015 Group

Dear Mr. Leggett and Mr. Leventhal:

At our regular meeting on Thursday, June 18, 2015, the Montgomery County Planning Board considered the April 2015 group of water and sewer category change requests. On behalf of the Planning Board, I am pleased to transmit to the County Council and County Executive Office the Board's decisions:

1. WSCCR 13-GWC-01A (Peter Huyser)
2. WSCCR 13-GWC-02A (Cheryl Gearhart Trust)

The Planning Board unanimously concurred with the staff and Executive recommendation for denial of sewer service. The 1980 Functional Master Plan for the Preservation of Agriculture and Rural Open Space confirmed the RE-2 zone for this area, but recommended against the provision of sewer service for both of these properties. The Plan does allow water service as applicant 01A requested. The Planning Board recommended approval of water service.

3. WSCCR 14-GWC-02A (Montrose Baptist Church)

The Planning Board agreed, on a three to two vote, with the Executive's recommendation to allow sewer service for a private institutional facility only on this property. The Board concluded that providing sewer service and water service to this property is consistent with the Clarksburg Master Plan. Although the property is located outside the sewer envelope, this property is in the transition area defined by the plan and can accommodate a church on sewer service that is designed to be compatible with the rural character being protected in this area by the zone and the sewer envelope.

Mr. Leggett
Mr. Leventhal
June 23, 2015
Page Two

4., 5., 6., 7. WSCCR 13-PTX-01A, 02A, 03A, 04A (Canaan Christian Church)

The Board unanimously agreed with the staff and Executive recommendations to deny sewer and water service. The subject properties are identified as the Northern Properties of the Rural Edge Neighborhood in the 2012 Burtonsville Crossroads Neighborhood Plan. They are zoned RC and "limited to 8 percent imperviousness without development in the stream buffers." These requests do not conform to the 2012 Master Plan sewer service area recommendations. The Plan recommends "no public sewer service should be permitted for any use" for these properties.

8. WSCCR 13-POT-03A (Sunny & Ruben Bajaj Trust)

9. WSCCR 13-POT-04A (Ken & Kevelle Bajaj)

The Board unanimously agreed with the staff and Executive recommendations to deny sewer service. The requests conform to the Potomac Master Plan sewer service policy that allows for limited provision of service at the periphery of the sewer service envelope. However, the applicants propose an easement across two and possibly three properties. The sewer extension would have to traverse existing forest and would require an amendment to this property's approved Forest Conservation Plan.

Thank you for the opportunity to provide recommendations on these cases. If you have any questions, please contact Katherine Nelson at 301-495-4622.

Sincerely,



Casey Anderson
Chair

CA/KN:rb

cc: Keith Levchenko, Montgomery County Council Office
David Lake, MCDEP
Alan Soukup, MCDEP
Katherine Nelson, M-NCPPC, Area 3

Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan - April 2015

KN

Katherine E. Nelson, Planner Coordinator, Katherine.Nelson@mncppc-mc.org 301-495-4622

Fb

Frederick Vernon Boyd, Master Planner, Area 3, Fred.Boyd@montgomeryplanning.org 301-495-4654

KER

Kipling R. Reynolds, Chief, Area 3

Completed: 6/11/15

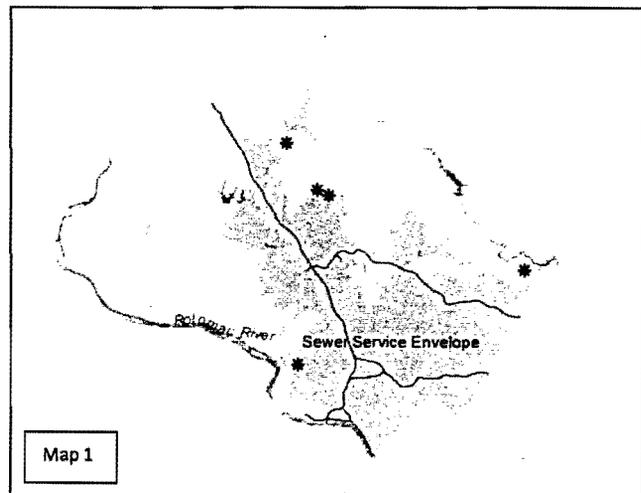
Description

Proposed Amendments:

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan - April 2015

Referred to the Planning Board for a determination of consistency with relevant master and sector plans, with recommendations to the County Council for final action.

Staff Recommendation: *Transmit Recommendations to County Council*



Summary

The Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change Request (WSSCR). The accompanying map shows the existing sewer envelope. The properties requesting sewer service is shown as an asterisk.

The Planning Board's recommendations will be transmitted to the County Council for a public hearing and final action. After a public hearing, the Council will hold committee meetings for a more detailed evaluation of each case. The full Council will subsequently take final action. Information and maps of zoning, existing and proposed uses and recommendations from other agencies are shown in the attached packet from the County Executive. (Attachment 1)

STAFF RECOMMENDATION

Transmit recommendations to County Council. All recommendations except one (Montrose Baptist Church, WSSCR 14-GWC-02A) are in agreement with the County Executive's recommendations.

Water and Sewer Category Change Requests—April 2015

WSSCR 13-GWC-01A (Peter Huyser) page 1 of Attachment 1/Map 2

This property is located at 8617 Warfield Road. The interagency distribution review page cites the zoning on this property as R-200/TDR and the acreage as 0.54 acres. Both are incorrect. The 1980 Functional Master Plan for the Preservation of Agriculture and Rural Open Space confirmed the RE-2 zone for this area, and recommended against the provision of sewer. The Tax Assessor's record for this parcel indicates 38,768 square feet - close to the deed description (0.88 acres). A deed was recorded on April 26, 1972 (4207/526) which also described the property as a 0.862 acre parcel. Parcel 435 does not meet the current minimum lot size for a parcel in the RE-2 Zone (87,120 square feet). Under current regulations, this property could develop under grandfathering provisions, which means that it could be platted, with a recommendation that it be on septic.

Staff Recommendation: Approve W-3, Deny S-3

County Executive Recommendation: Approve W-3, Deny S-3

WSSCR 13-GWC-02A (Cheryl Gearhart Trust) page 5 of Attachment 1/Map 3

This property is located at 9311 Warfield. In 2009, this previous outlot was converted to a lot under the minor subdivision procedure. One of the findings was that there was adequate sewerage and water service to the property by an approved private well on site and an approved septic system (with an easement on the adjacent property owned by the applicant). This property is within the area of the Preservation of Agriculture and Rural Open Space Master Plan and is not recommended for public sewer service.

Staff Recommendation: Deny S-3.

County Executive Recommendation: Deny S-3

WSSCR 14-GWC-02A (Montrose Baptist Church) page 10 of Attachment 1/Map 4

This property, located at 23501 Ridge Road in Cedar Grove, is zoned Rural Cluster, and is within the Upper Great Seneca Creek watershed and immediately adjacent to the north boundary of the Cedar Grove Historic District. The proposal would significantly alter the existing agricultural landscape that helps establish the context and setting of the historic district, which would have an adverse effect on this Master Plan-designated historic district.

The property is outside both the recommended sewer service envelope and the development staging areas approved by the 1994 Clarksburg Master Plan (Attachment 2). The nearest existing sewer mains are between 3,000 and 4,200 feet away. This proposed private institutional facility (PIF) would require extensive new sewer infrastructure that would abut properties ineligible for community service under the policies of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. Although a pressure sewer alternative is available and would be limited to a single user, WSSC has in the past granted a single hookup to properties along these mains to relieve failing septic systems. According to the special policies adopted in 2003 and 2005 by the County Council for addressing community service for PIFs on a case-by-case basis, this application does not meet the criteria for approval.

The Department of Parks has commented that "a portion of this property is identified as a major trail connection. That issue will be addressed at the time of development. (See Attachment 3)

Staff Recommendation: Deny S-3, Approve W-1 for single hookup.

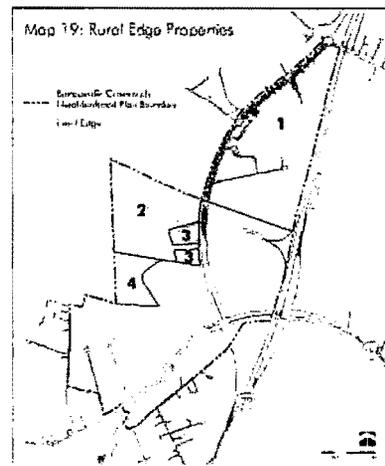
County Executive recommendation: Approval for water and sewer connections, both restricted to a private institutional facility (PIF) use only.

WSSCR 13-PTX-01A, 02A, 03A, 04A (Canaan Christian Church) page 19 of Attachment 1/Map 5

These requests are from four different owners of five properties. The subject properties are located between Columbia Pike and Old Columbia Pike north of Burtonsville (see #1 on Map 19 below from the Burtonsville Crossroads Neighborhood Plan). The beneficiary of the category change would be the Canaan Christian Church. These sites are identified as the Northern Properties in the Rural Edge Neighborhood in the 2012 *Burtonsville Crossroads Neighborhood Plan (BCNP)*. They are zoned RC and “limited to 8 percent imperviousness without development in the stream buffers and without public sewer” (p.43 BCNP).

The Plan’s Environmental Section identifies the development constraints in the Rural Edge areas. These include: the presence of three tributaries (with declining water quality), the Patuxent River Primary Management Area (PMA) restrictions, the impervious limit, and a sewer extension limitation. These constraints will limit the size and placement of development (p. 30). Furthermore, the 2012 Plan recommends retaining the low-density zoning to protect the tributary headwaters of the Patuxent River Watershed. The Plan recommends:

- impervious levels limited to eight percent cluster development
- preserving and increasing tree canopy
- seasonal community uses that support agricultural uses such as fairs, ice-cream sales, and other events
- designation as a Water Supply Protection site in the Legacy Open Space program
- no public sewer service should be permitted for any use (p. 46 BCNP)



The Plan’s Water and Sewer Section recommends “against providing public sewer service for Rural Edge properties under any circumstances, other than for relief of documented health problems (p. 60 BCNP). The Plan does not recommend against extending water service.

These requests do not conform to the 2012 Master Plan sewer service area recommendations.

Staff Recommendation: Deny S-3, Approve W-3

County Executive Recommendation: Deny S-3, Deny W-3

WSSCR 13-POT-03A (Sunny & Ruben Bajaj Trust) page 30 of Attachment 1/Map 6

WSSCR 13-POT-03A (Ken & Kevelle Bajaj) page 31

These properties are located at 10121 and 10201 Norton Road and zoned RE-2. These two requests conform to the Potomac Master Plan sewer service policy that allows for limited provision of service at the periphery of the sewer service envelope. However, the applicants propose an easement across two and possibly three properties. The sewer extension would have to traverse existing forest with specimen trees at 10111 Norton Road. This would require an amendment to this property’s Forest Conservation Plan. In addition, WSSC does not accept the feasibility of the applicant’s proposal due to non-uniform topography along the path of their proposed alignment.

Staff Recommendation: Deny S-3

County Executive Recommendation: Deny S-3

NEXT STEPS

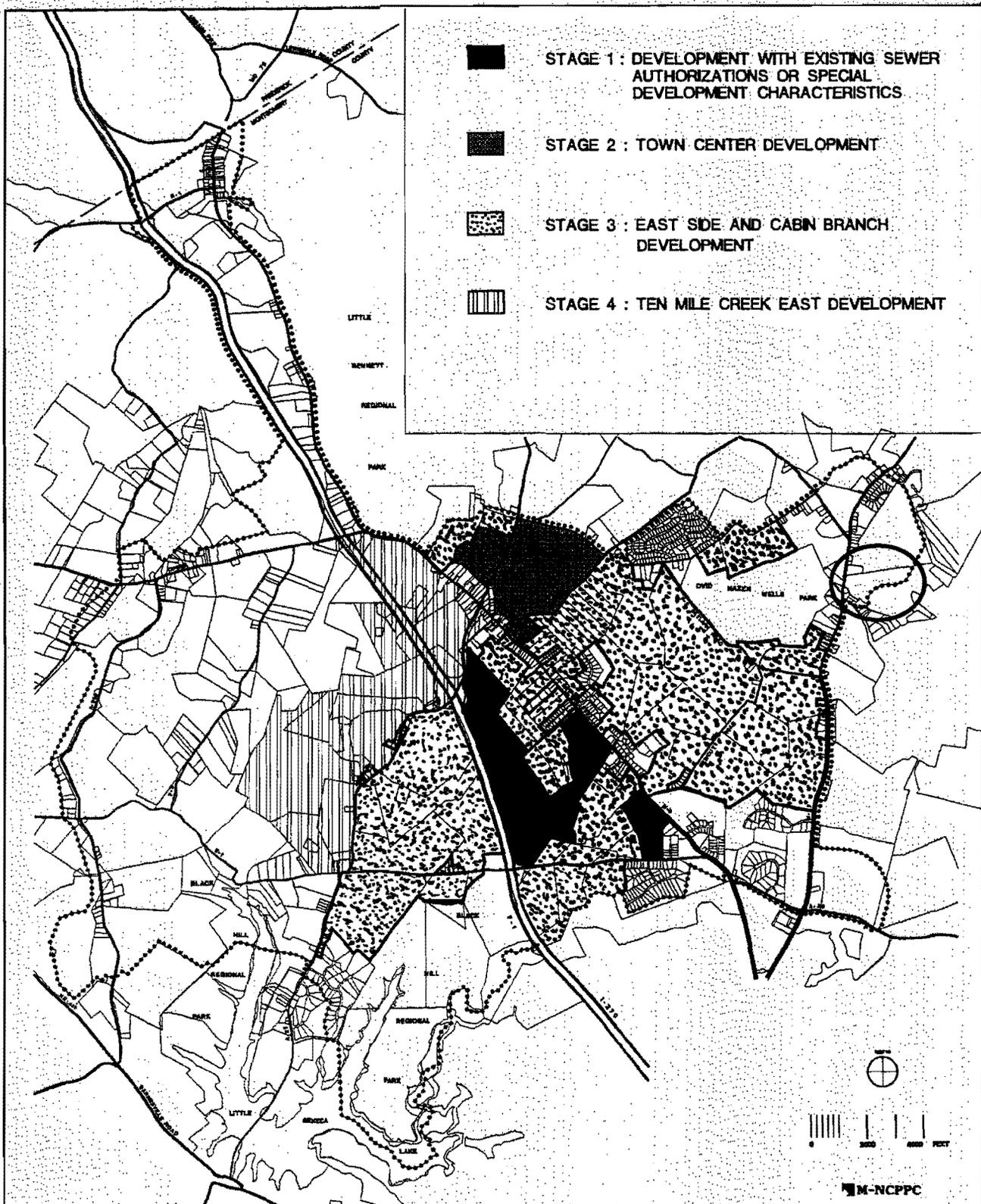
The Planning Board's recommendations will be transmitted to the County Council. The Council will hold a public hearing on June 23, 2015 at 1:30 pm. The Transportation, Infrastructure, Energy & Environment (T&E) Committee will deliberate on these requests at their June 29, 2015 meeting. Final action by the County Council will take place in July.

Attachment:

1. County Council Notice of Public Hearing and attached package
- ✓ 2. Clarksburg Master Plan Staging Policy
- ✓ 3. Memo from Department of Parks

Clarksburg: Staging of Development

Figure 54





MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: June 3, 2015

TO: Katherine Nelson, Planner Coordinator
Department of Planning

VIA: John E. Hench, Ph.D., Chief
Park Planning and Stewardship, Department of Parks *Jehench*
Jai Cole, Natural Resources Manager *Jai*
Park Planning and Stewardship, Department of Parks

FROM: Geoffrey Mason, Principal Natural Resources Specialist *GM*
Park Planning and Stewardship, Department of Parks

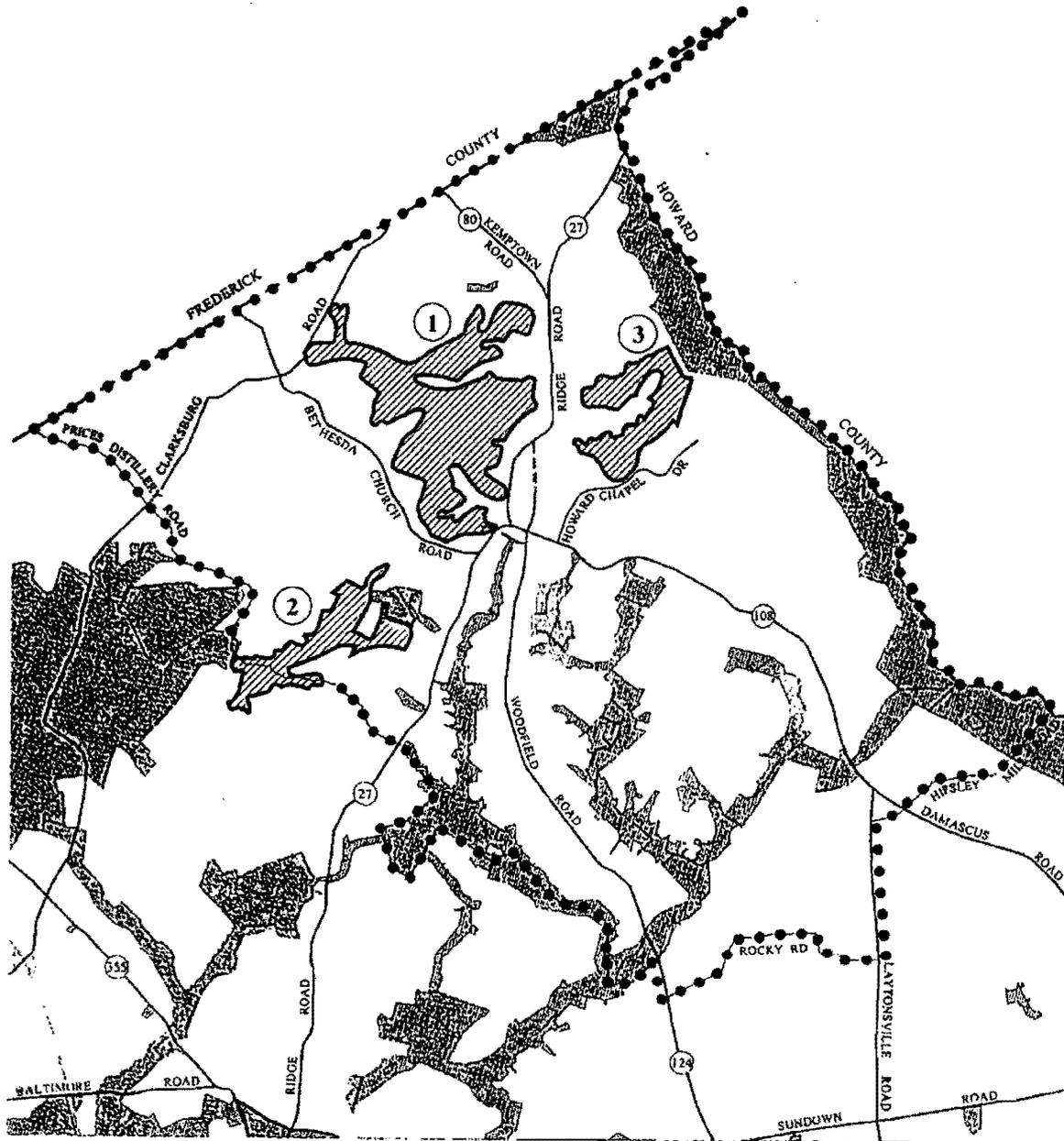
SUBJECT: Sewer and Water Category Change WSSCR 14-GWC-02A: Jane Gartner, John Mayer
and Larry Musson (for Montrose Baptist Church)

The Department of Parks would like to include the following language in your staff report on this Sewer and Water Category Change application:

"A portion of this property is identified in the adopted Countywide Park Trails Master Plan as a trail corridor to connect Ovid Hazen Wells Recreational Park (west of Ridge Road) with Damascus Recreational Park to the east. However, the proposed sewer and water category change should not have any impact on implementing that trail proposal. Given that hard surface trails are not generally constructed in environmentally sensitive areas (as described in M-NCPPC'S Environmental Guidelines) and are not permitted by right in Category 1 Forest Conservation Easements, the Department of Parks will need to work with the applicant to achieve shared objectives of both their proposed development and M-NCPPC's proposed hard surface trail."

cc: Bill Gries, Land Acquisition Specialist
Brenda Sandberg, Legacy Open Space Program Manager

Legacy Open Space Recommendations



●●●● Master Plan Area Boundary

 Existing / Proposed Parkland

 Potential Legacy Open Space Sites

① Bennett Creek Headwaters Area
(Natural Resource Site)

② Little Bennett Creek Headwaters Area
(Natural Resource Site, Proposed Parkland Acquisition)

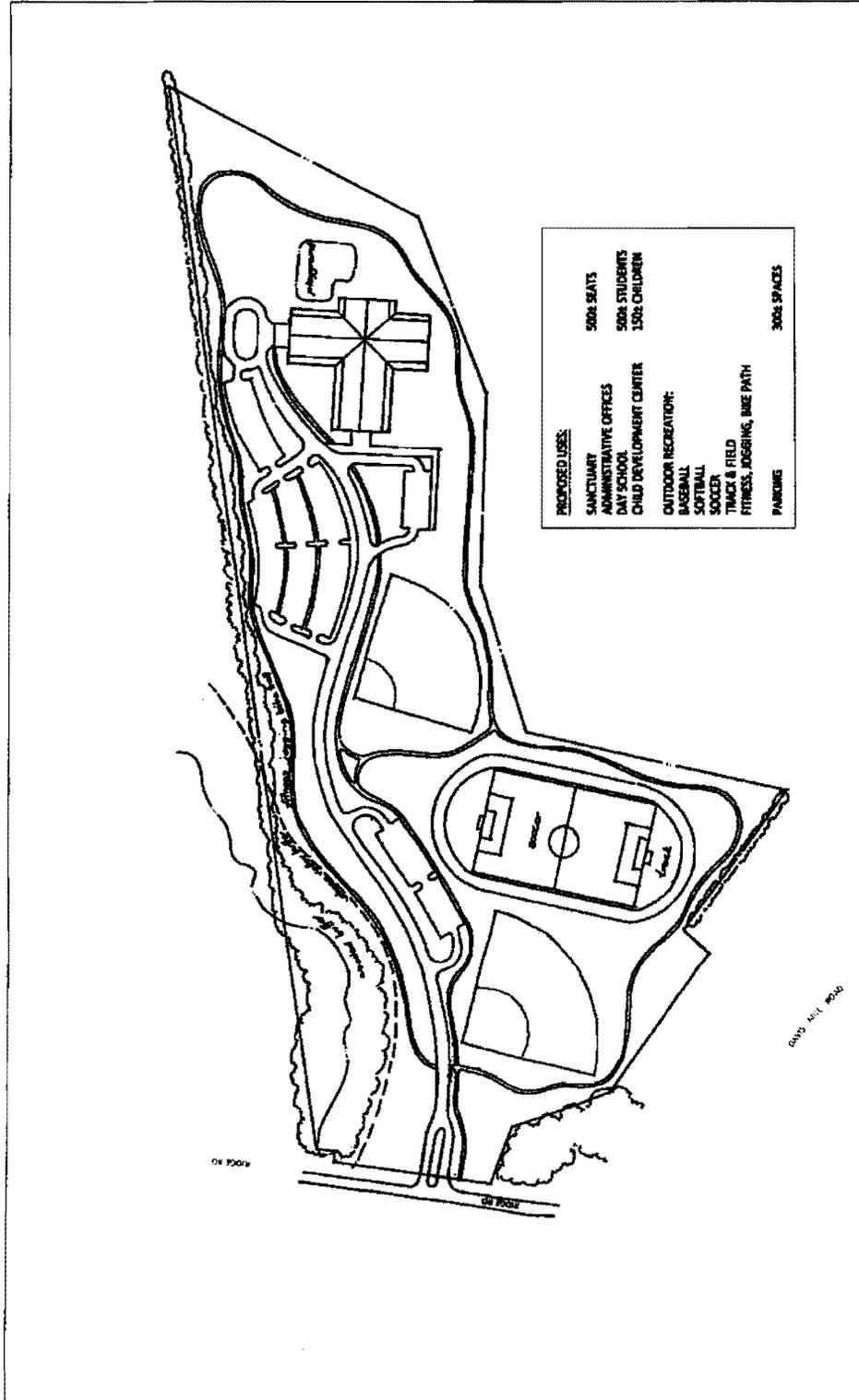
③ Upper Patuxent River Watershed Area
(Natural Resource Site, Water Supply Target Area)



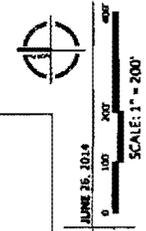
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WSSCR 14-GWC-02A

Proposed PIF User's Concept Site Plan



PROPOSED USES:	
SANCTUARY	500+ SEATS
ADMINISTRATIVE OFFICES	500+ STUDENTS
DAY SCHOOL	150+ CHILDREN
CHILD DEVELOPMENT CENTER	
OUTDOOR RECREATION:	
BASEBALL	
SOFTBALL	
SOCCER	
TRACK & FIELD	
FITNESS, JOGGING, BIKE PATH	
PARKING	300+ SPACES



MONTROSE MINISTRIES
 GERMANTOWN, MD
 MONTGOMERY COUNTY

CONCEPT SITE PLAN

THE SITE PLAN, DESIGN, AND CONSTRUCTION OF THE MONTROSE MINISTRIES FACILITY IN GERMANTOWN, MONTGOMERY COUNTY, MARYLAND, IS THE PROPERTY OF MONTROSE MINISTRIES. ALL RIGHTS ARE RESERVED.



TESTIMONY OF MONTROSE BAPTIST CHURCH
BEFORE THE MONTGOMERY COUNTY PLANNING BOARD
WATER AND SEWER CATEGORY CHANGE REQUEST
WSSCR 14-GWC-02A

JUNE 23, 2015

Good afternoon, for the record I am Bob Harris of Lerch, Early & Brewer. With me today is Rev. Ken Fentress, the Pastor of Montrose Baptist Church. We are here to seek your approval of this Category Change Request, as recommended by the County Executive and the Montgomery County Planning Board.

By way of background, the Montrose Baptist Church operates a church, school and child development center on Randolph Road, near the White Flint Metro station. They have been there for more than 60 years. Over that period of time, the congregation has evolved and, most recently, has been reduced in size as members have moved. At the same time, the existing buildings are aging and are very expensive for the Church to maintain. The Montrose Baptist congregation has decided that its future depends on moving upcounty to better serve the growing communities of Clarksburg, Germantown, Gaithersburg, Damascus and Urbana.

Over a period of many months, Montrose Baptist searched for potential relocation sites. Finally, it found the subject property and has a contract to purchase it. The site is excellent because its 33 acre size is large enough to accommodate all of the church's needs, while, at the same time, leaving significant open space. It has direct access to a state highway and is convenient to I-270 as well. Public water services is already available and, with this category change approval, sewer can be installed in a feasible way to enable development of the site as envisioned.



The County's Comprehensive Water and Sewer Plan supports extension of sewer for churches and other institutional uses such as this because of the important role these facilities play in a community. Although the Policy does not allow such extensions into land zoned for agricultural purposes in the AR zone, it expressly allows these extensions into residentially zoned properties such as this. Under its existing zoning, the uses Montrose Baptist proposes for the site are allowed as a matter of right. The only difference that this category change approval will make, is that the church can be served by public sewer rather than relying on septic system. Both the State of Maryland and Montgomery County have emphasized the environmental benefits of public sewer over septic systems and Montrose Baptist believes public sewer is the best way for it to develop this site.

The County Executive and the Department of Environmental Protection support this extension as does the Montgomery County Planning Board. The Washington Suburban Sanitary Commission has already reviewed it as well and we are not aware of any opposition.

Finally, in our review of this with the Park and Planning Commission, we became aware that the Park Department would like access through the northwest corner of this property, to enable a park connection between the Ovid Hazen Wells Park on the west side of Maryland Route 127, and other park facilities to the east. Montrose is prepared to provide a dedicated area for this trail connection at the time development of its property.

We respectfully request your support of this request.



Committee to Save Burtonsville

www.SaveBurtonsville.com

June 23, 2015

Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, MD 20850

**RE: Water & Sewer Plan Amendments
WSSCR 13-PTX-01A, 02A, 03A, 04A (Canaan Christian Church)**

Dear County Council:

Burtonsville is in a crisis. The recent Master Plan recommendations for this area have left the heart of Burtonsville a poorly planned, under-developed, and blighted community, complete with panhandlers and unaddressed traffic congestion. Although there is dramatic growth and modernization taking place in Howard County to the North and Prince Georges County to the East, Burtonsville has stagnated. We seek a water and sewer category change for the above-referenced properties to allow the construction of a house of worship on property bounded by high-traffic roadways on all sides.

The combined effect of the Master Plan recommendations and concurrent zoning text amendment limiting imperviousness on this property to 8% result in a regulatory "taking" of this property and violates the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). Approval of the requested water/sewer category change will mitigate the effects of these actions and allow for a meaningful and low-impact use of this land.

On behalf of all of the property owners and the contract purchaser, Canaan Christian Church, we respectfully request that the County Council recommend approval of the requested water/sewer category change.

Respectfully,

Thomas A. Norris
Committee to Save Burtonsville

smk

cc: Pastor Melara, Canaan Christian Church
Pastor Elijah Ahn, New Hope Korean Church
Michele Rosenfeld, Esquire

4

Testimony of James Putman-MONTGOMERY COUNTY COUNCIL
WSSCRs 13 PAX -01A through -04A June 23, 2015

Thank you for the opportunity to be heard on this very important topic. My name is James Putman and I live at 4617 Dustin Road, an RC zoned property.. My neighbors and I depend on our wells for all our water needs, and these wells are crucial and fragile. We all bought or built our homes in this "Agricultural Wedge" and put up with the expense and aggravation of well and septic, because we want to live in a low-density, country atmosphere. We understand how attractive the relatively large parcels in this area are to people—we, too were attracted by the same attributes. However, we know the huge risk of placing sewer pipes in the watershed, because pipes break. When sewer pipes break, sewage escapes and, due to gravity, runs downhill. Downhill from these properties are our homes, wells and the Rocky Gorge reservoir, the primary water supply for hundreds of thousands of citizens.

I had hoped that this issue was settled by the 2012 Burtonsville Crossroad Neighborhood Plan, reopened by the Council's order, specifically to restudy these "north Burtonsville" properties. The restudy was completed, recommending retention of RC zoning, decreasing the permitted impervious surface limits from 10% to 8%, and prohibiting sewer extensions into the watershed. The revised study was approved by the Planning Board and by the County Council, unanimously. I was a witness. Planning Staff and DEP staff experts are well-informed about the facts and consequences of a sewer incursion downhill into the watershed. We live very close- uncomfortably close in the event of a pump or pipe failure. The Planners had a smaller, simpler RC compliant usage in mind.

If this sewer extension is approved, it will fail at some time, and my neighbors and I will become the "canaries in the coalmine". When we become sickened by sewage in our wells, we will know that there is an uphill failure, and recovery from that failure will entail a terrible price to pay.

Mr. Chairman and Council Members, we need to reject this unnecessary and dangerous extension now. I implore the Council to deny this category change request.

*extra
Testimony*

June 23, 2015 Public Hearing for Water/Sewer Category Changes

Plan Amendment Application # WSCCR 14-GWC-02A – 23501 Ridge Road, Cedar Grove

Testimony of Todd Raveslout, Abutting Property Owner

Good afternoon Councilors and thank you for this opportunity to speak regarding this petition.

I am speaking in opposition to this proposed water/sewer category change. My property is a part of the Master Planned Cedar Grove Historic District and directly abuts this one . For the basis of my opposition, I am quoting Chapter 1, Sections II.E.4 of the Comprehensive Water Supply and Sewerage Systems Plan, as it pertains to criteria to allow PIF uses outside of the established Community Service Envelopes. It states:

For existing PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.¹

I refer to the M-NCPPC – Planning Department comments on this application, and do concur with them that the proposed development will have an adverse effect on the Cedar Grove Historic District, in that it would significantly alter the existing agricultural landscape that helps establish the context and setting of the historic district. The Cedar Grove district was designated as an example of a rural crossroads community that was once common but is rapidly disappearing from the County. The Clarksburg area master plan recommends a land use pattern which provides a suitable setting for the district. This proposed use does not. Though churches are allowed in the RC zoning, the school and day care are defined as “Conditional Uses” that, according to my research, need to be approved via public hearing, and to my knowledge this has not occurred yet. Furthermore, the Land Use Plan in the 1994 Clarksburg area master plan recommends a rural residential land use, to encourage an attractive rural setting, which this proposed use does not conform to either.

The second criteria for PIF uses in the Water/Sewer Plan states the following:

For new or relocating PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan.²

The staff report for this petition states that this requirement is null since a low pressure sewer main is being proposed. However, I must point out that the Alternate Route #3 for the sewer proposes to extend along the front of mine and other historic district properties, and I am concerned about its potential to harm historic trees in the historic district parcels, which would have an adverse effect on

¹<https://www.montgomerycountymd.gov/DEP/Resources/Files/ReportsandPublications/Water/Water%20supply%20%26%20Waste%20water/Comprehensive-water-supply-and-sewerage-systems-plan-03-to-12-chapter-1.pdf>

² Ibid.

the district. On a personal note, I do not believe that it would be very fair to disrupt, and potentially destroy trees on my property, to provide a utility that I would never be able to benefit from.

To conclude, I would ask the council to deny this petition based on the potential adverse effect that this use would impose on the Cedar Grove Historic District, and the adverse effects that would be imposed by the construction of over one half mile of new sewer main. Thank you very much for your time.

Todd Ravesloot
23401 Ridge Road
Cedar Grove

Patuxent Watershed Protective Association
Testimony for the Montgomery County Council
in re WSCCRs 13-PAX-01A, 13-PAX-02A, 13-PAX-03A and 13-PAX-04A
Donald E. Chamberlin
18 June 2015

Councilmembers,

I am Donald Chamberlin, a long-time resident of Burtonsville. I am a member of the Patuxent Watershed Protective Association (PWPA), which opposes the proposed water and sewer category change requests 13-PAX-01A through 04A. The PWPA has asked me to testify on their behalf.

These requests constitute yet another in a very long series of attempts to more densely develop the North Burtonsville (NB) properties, otherwise known as the Northern Rural Edge Properties in the revised Burtonsville Crossroads Plan. The Plan, which amends and updates the Fairland Master Plan, contains strengthened environmental criteria due to Burtonsville’s proximity to Rocky Gorge Reservoir within the Patuxent Watershed. The Plan was unanimously approved by the County Council in December 2012, after due consideration of the considerable public and Planning Board input, and the decades-long continuing quest to preserve the safety of the Patuxent Watershed Reservoirs system. Most of you were here and actively participated during the Plan revision process, and will recall the relevant arguments. Nevertheless, these commercial-scale development attempts continue unabated, despite the known environmental sensitivity of the NB land, and the developer’s knowledge of the strengthened protection in the Plan. Nothing about the land has changed since the last time we were here. It still slopes to Rocky Gorge Reservoir, it’s still critical to the drinking water for 650,000 people, and it still needs the strongest possible protection.

The contract purchaser for the NB properties in the subject WSCCRs is a church. For the record, PWPA has absolutely no objection to a house of worship being constructed on the parcels in question. Who the applicant is doesn’t matter. PWPA’s objections to the WSCCRs are based entirely on the necessity of protecting the public drinking water supply in the Rocky Gorge Reservoir and its supplying aquifer. If the proposed construction can be accomplished in accordance with established environmental guidelines, PWPA will be the first to welcome them to the neighborhood. There are two houses of worship already on two adjacent RC-zoned properties, and in 2001 area residents approved construction of a mosque per then-extant RC zoning criteria on the parcel now in 13-PAX-01A.

It is significant here that the Religious Land Use and Institutionalized Persons Act (RLUIPA), often cited by developers (more often their lawyers) as giving churches a “get out of zoning” card, does not give religious institutions a free pass with respect to zoning. It does give them the same rights as any citizen. Specifically relevant is the Joint Statement of Senators Hatch and Kennedy – the authors of RLUIPA – in 146 Cong. Rec S7776 (2000):

"[t]his Act does not provide religious institutions with immunity from land use regulations, nor does it relieve religious institutions from applying for variances, special permits or exceptions, hardship approval, or other relief provisions in land use regulations, where available without discrimination or unfair delay."

The Government does have a compelling interest and duty in preserving the safety of the public drinking water supply. The same criteria apply to everybody. It doesn't matter whose run-off or sewage is involved, or how noble their cause may be – the essential nature of effluent is still the same. All exceptions pose cumulative health threats. The best way to avoid drinking water safety problems is to not create them in the first place.

Allowing sewer pipes into the NB properties absolutely violates the guidance contained in the Burtonsville Crossroads Neighborhood Plan. The guidance maintains the RC zoning of the property, and further stipulates an 8% impervious coverage limit, and says no public sewer service is allowed for any purpose. The prohibition is absolute and applies equally to everyone. It is not debatable and there are no exceptions.

So, ignoring for the moment this absolute prohibition against sewers, let's review some environmental facts – still applicable – that led to the Council decision to protect the public drinking water. Allowing sewer pipes into the NB properties endangers public drinking water safety because:

- Rocky Gorge Reservoir is the drinking water supply for 650,000 WSSC customers in Montgomery and Prince Georges counties, and the backup for the entire Washington Suburban Sanitary Commission (WSSC) system of 1.8M+ customers. There is no backup for Rocky Gorge water drinkers. There are no do-overs. You can't unpollute a reservoir.
- The NB land is an arrow pointed downhill at the heart of Rocky Gorge, ~200 feet below. It's surrounded on three sides by Rocky Gorge Reservoir (see Attachment 1). It's also the origin point for reservoir feeder streams, and subject to erosion problems. Anything coming off this land flows rapidly to the reservoir and/or the aquifer, one way or the other. A recent WSSC watershed study identified many erosion-based problems.
- The area soil substrate is fractured shale, with unmapped fissures leading down to the reservoir and/or the supplying aquifer, which also supplies area homeowner's wells. Many of these wells are close by. You also can't unpollute an aquifer.
- WSSC had to buy adjacent and nearby properties per their 2005 Consent Decree with the EPA because they failed to adequately protect Rocky Gorge. In particular they bought over 20 acres abutting the east side of the NB properties (see Attachment 2). The NB property is no less sensitive than what WSSC had to buy. Appendix F1 to the Consent Decree's Separate Environmental Program calls for (a) preserving forests, (b) limiting development in the watershed, (c) limiting impervious surfaces, and (d) ensuring that the Patuxent Reservoirs and watershed remain as precious ecological resources for current and future generations. Approving the WSCCRs will destroy all of these objectives.

Scientific studies have established that the Patuxent Reservoirs (Triadelphia and Rocky Gorge) are stressed. It is further well established scientifically, as we have testified in numerous prior cases, that reservoirs are endangered by both sewage and runoff problems.

In regard to sewer problems:

- **Sewer pipes break. It's a matter of when, not if.** Per the Maryland Department of the Environment data base of Sanitary Sewer Overflows (SSOs), The Washington Suburban Sanitary Commission (WSSC), which operates the public sewage systems in Montgomery and Prince Georges counties, averaged 166 overflows/year in 2005-14. Montgomery County has largely avoided polluting the Patuxent Watershed by severely restricting sewers in it. Large buildings will require large sewer pipes and have episodic flows, both of which are problematic, given the slope of the land and its location.
- Based on the submitted concept sketch, the sanctuary complex requires a run of ~ 1800' to a WSSC-compliant sewer entry point, and another ~1200' from the sanctuary to the future youth complex, for a total of ~3000'. That's approximately 3/5 of a mile of sewer protruding deep into the Patuxent Watershed, and most of it uphill from the northernmost terminus to the WSSC main sewer line. The property is only ¼ mile from Rocky Gorge, and originates major feeder streams which enter Rocky Gorge directly upstream of the WSSC drinking water intakes. Many nearby and abutting properties have wells less than 500' away. We're not talking about a property on the split borderline of a watershed – we're talking deep internals here.
- For previous development attempts on this property, WSSC said a "force main," i.e., pressurized, sewer would be required to pump sewage to their main lines, and that the private sewer line behind the Burtonsville Crossing shopping center does not meet their standards. A review of the updated 2015 WSSC sewer design criteria related to gradient slope, required flow rates, etc., indicates that, given that the land slopes from Route 198 to the Reservoir, it is unlikely that a gravity sewer is feasible. The alternative of a pressurized sewer is fraught with even more technical design and operational maintenance risks, not to mention the well-documented propensity of things like mechanical pumping systems to fail, even given triple backups. See previous PWPA testimony in this regard pertaining to several WSCCRs dating back to 2008.
 - **BUT – all of this discussion of what type of sewer is moot, because the Plan stipulates no sewer of any kind for any purpose.**
- Sewerage contains over 2 dozen noxious pathogen types, all of which are harmful to humans. You don't want any of this in your drinking water.
- A sewer leak goes up to the surface, and/or percolates down to the aquifer. The former runs downhill into the feeder streams and/or reservoir, and the latter seeps silently into the aquifer, and thence to the Reservoir, and isn't detectable until people get sick, by which time it's too late. Sub-surface leaks particularly endanger area wells.
- So not only do the WSCCRs ask to violate the environmental standards, they ask to do so in the worst possible way!

In regard to runoff problems:

The properties generate significant runoff, which required large drainage pipes and erosion control measures by the State Highway Administration along new Route 29. These measures proved inadequate during heavy rains and caused major watershed and road damage along Amina Drive, created a new swamp, and caused severe feeder stream bank erosion. It is well established scientifically that erosion causes known water quality impairment and sedimentation, and large impervious areas generate chemically polluted runoff. Per the applicant's concept sketch, the proposed impervious coverage of 20% exceeds allowable limits by 2.5X. Two of the three Patuxent sub-watersheds in Burtonsville already exceed allowable impervious coverage limits. The worst, and most critical, of the three is the one containing the NB properties. It is therefore essential that the Plan's mandated 8% impervious coverage limits for the NB properties not be breached. The fact that mistakes were made years ago, or that a few parties in the Watershed were not called to account for illicit impervious expansion, is not justification to continue perpetuating the old errors.

PWPA has examined many types of allegedly semi-pervious paving techniques as well as runoff amelioration techniques. What they all have in common is that if they work, they don't work for long, because the operational maintenance burden is huge, and the owners/operators get tired of sustaining that labor and cost. We're talking about a lifetime – and beyond – operational commitment here. In short, an unacceptable risk to the public drinking water safety.

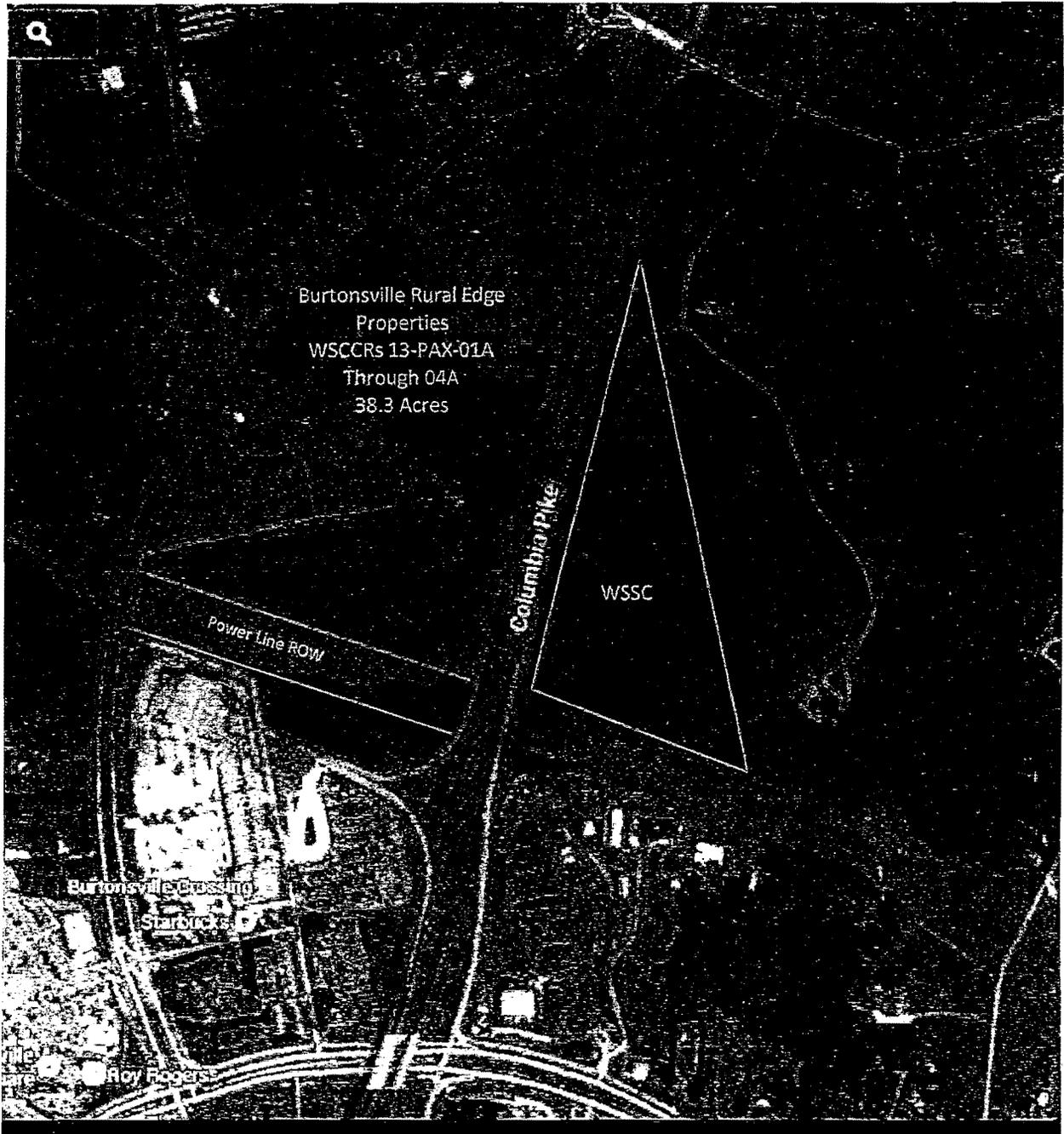
Proximity Counts - Sewage leaks and runoff from the properties will enter Rocky Gorge Reservoir not far above the WSSC drinking water intakes. Any problems originating on these properties will be quickly sucked into WSSC.

You cannot unpollute a reservoir or an aquifer in any acceptable time period. "Just add more chemicals" is not an acceptable solution, since many treatment chemicals are carcinogenic.

The Council made the right decision the first time to continue strongly protecting the Reservoir. Please continue to do so.

For all of the above reasons, the PWPA strongly urges you to deny the requested WSCCRs. 650,000 people in Montgomery and Prince Georges counties are depending on you to protect their only drinking water, and so are the local residents who depend on their wells.

Attachment 2: Burtonsville Rural Edge Properties



Timber Hill Civic Association

Testimony for the Montgomery County Council
Regarding WSCCRs 13-PAX-01A, 02A, 03A and 04A
23 June 2015

The Timber Hill Civic Association (THCA) consists of Burtonsville residents who live on Dustin Road and Dustin Court, near the properties referenced in WSCCRs 13-PAX-01A through 04A. Many of us have lived here over 40 years, and take care to abide by and maintain the environmental restrictions of the area including conservation easements on our own lots.

The THCA opposes granting the WSCCRs because they endanger the safety of the public drinking water supply in Rocky Gorge reservoir, and the safety of the well water our members drink from. The land in these WSCCRs lies between old and new Route 29, north of the power line right of way, and south of the Dustin Road circle in Burtonsville. In the Burtonsville Crossroads Plan, which amended the Fairland Master Plan, this land is known as the northern rural edge properties.

These WSCCRs represent the latest gambit in a long string of attempts to densely develop the Burtonsville Northern Rural Edge properties (aka the North Burtonsville properties) on a commercial scale.

As in a recent prior case, the designated end user is a church. As previously stated, the THCA has absolutely no objection to a religious institution wanting to build on the land. The objection remains entirely environmental. If the church can build in compliance with the RC-zoning criteria for the land, they are most welcome in the neighborhood. Conversely, the risks of introducing commercial-scale public sewer into this land within the Patuxent Watershed are unacceptable. The Religious Land Use and Institutional Persons Act (RLUIPA) was intended to eliminate religion-based discrimination. It was not intended to create a class of "more equal" users with more rights than other applicants. Religious freedom does not trump the safety of our drinking water. As clearly stated by RLUIPA's authors in the Congressional Record (146 Cong. Rec S7776 (2000)),

"[t]his Act does not provide religious institutions with immunity from land use regulations, nor does it relieve religious institutions from applying for variances, special permits or exceptions, hardship approval, or other relief provisions in land use regulations, where available without discrimination or unfair delay."

The THCA objects to the WSCCRs because they represent a pollution risk to the public drinking water supply, and more specifically to the aquifer which supplies area residents' wells.

The land in question is environmentally sensitive and directly affects the safety of the drinking water in Rocky Gorge Reservoir, which is the drinking water supply for over 650,000 residents of Montgomery and Prince Georges counties, and is the backup for the rest of WSSC's 1.8M

customers. For people who get their drinking water from Rocky Gorge or its supplying aquifer, there is no option, and there are no “do-overs.” You only have to mess it up once for there to be a terrible problem. For this reason area residents and Montgomery County have, since 1981, taken special means to keep this land low density with low impervious coverage allowance. WSSC restrictions have been in place since the reservoir was created in 1952.

In December of 2012 the County Council, agreeing with the need to continue protecting the Reservoir, unanimously approved the continuation of RC zoning, prohibited sewer service for any purpose, and further reduced the allowable impervious coverage limit to 8% on this land. For details, see the section on Rural Edge Properties in the Burtonsville Crossroads Plan, which amends the Fairland Master Plan. Under Maryland law, Master Plan “recommendations” are enforceable standards.

The WSSCRs violate the “no sewer for any purpose” mandate and the 8% impervious limits in the recently unanimously approved Burtonsville Plan.

The proposed impervious coverage of approximately 20% (7.6 acres!) is 2.5 times the allowable limit. Scientific studies have shown that impervious coverage in excess of 8% significantly increases the danger of runoff pollution. For example, pavement generates 16X the runoff of a meadow. In its natural current meadow state, this land generates a lot of runoff directly into the feeder streams for the Reservoir - most of which ends up in the already stressed Dustin Road Tributary. State efforts to control the runoff from this land during heavy rains have been largely unsuccessful. Significant erosion damage has occurred along Amina Drive. 2 of 3 sub-watersheds in the Burtonsville area are already over the impervious limits. The worst of the three is the Dustin Road sub-watershed, in which this land sits. See attachments 1 and 2. It is therefore essential that we do not make the situation worse. Don’t pave paradise to put up another 570-space parking lot next to the Burtonsville Park & Ride next to the near 100% impervious coverage of the Burtonsville Crossing Shopping center and office park.

As the County Council unanimously affirmed in December 2012, allowing sewer of any kind on the land introduces an unacceptable risk to the drinking water supply in Rocky Gorge Reservoir. Sewer lines all break, sooner or later. Over the past ten years WSSC averaged over 166 sewer line breaks per year. The Maryland Department of the Environment data base of WSSC sewer spills does not show an improving trend line in this regard. A sewer line break, whether it comes up to the surface, or goes underground down to the aquifer, will always flow downhill to the reservoir. If it's underground, it will continue undetected for a long time, if ever, and pollute the wells of area residents before it gets to the reservoir. If it's underground, we'll never know it until our wells are contaminated. Aquifers and reservoirs are very slow moving, and once polluted will not clear themselves in anything short of geologic time. That’s way longer than our grandchildren (many of whom live with us) can survive.

Per the church’s concept sketch, and based on the location of the nearest WSSC-compliant gravity sewer line, we must assume that the requested sewer line would be approximately 1800 feet to the church's sanctuary/office/classroom complex, and another approximately 1200 feet to the youth center, for a total of approximately 3000 feet, which would have to be pressurized, given the general slope of the land. For prior development attempts on this land, WSSC has said

that a Force Main (pressurized) sewer line would be required. The land hasn't changed. It still slopes downhill to the reservoir. Sewage would still have to be pushed uphill.

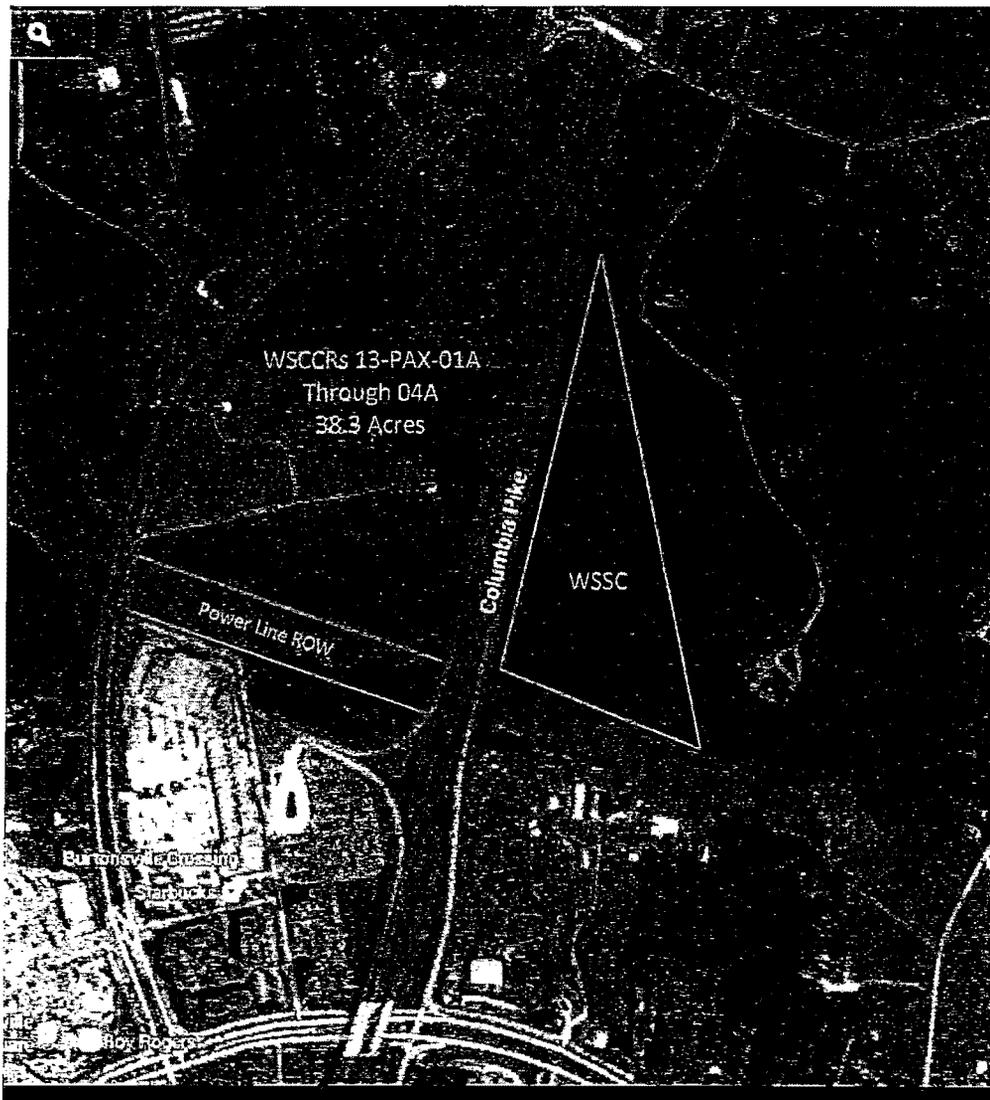
Rocky Gorge Reservoir surrounds the land on three sides. No matter in which of these three directions you go from this land, you slope downhill to the Reservoir. Many of the surrounding property owners (including many THCA members) have given, or purchased their land with, conservation easements to protect the water quality. WSSC was legally required to purchase a large property abutting this land to protect the Reservoir. All property owners in the area have a moral and legal duty to safeguard the Reservoir. We take that responsibility seriously.

For all the above reasons, the THCA strongly urges you to deny the requested WSCCRs.

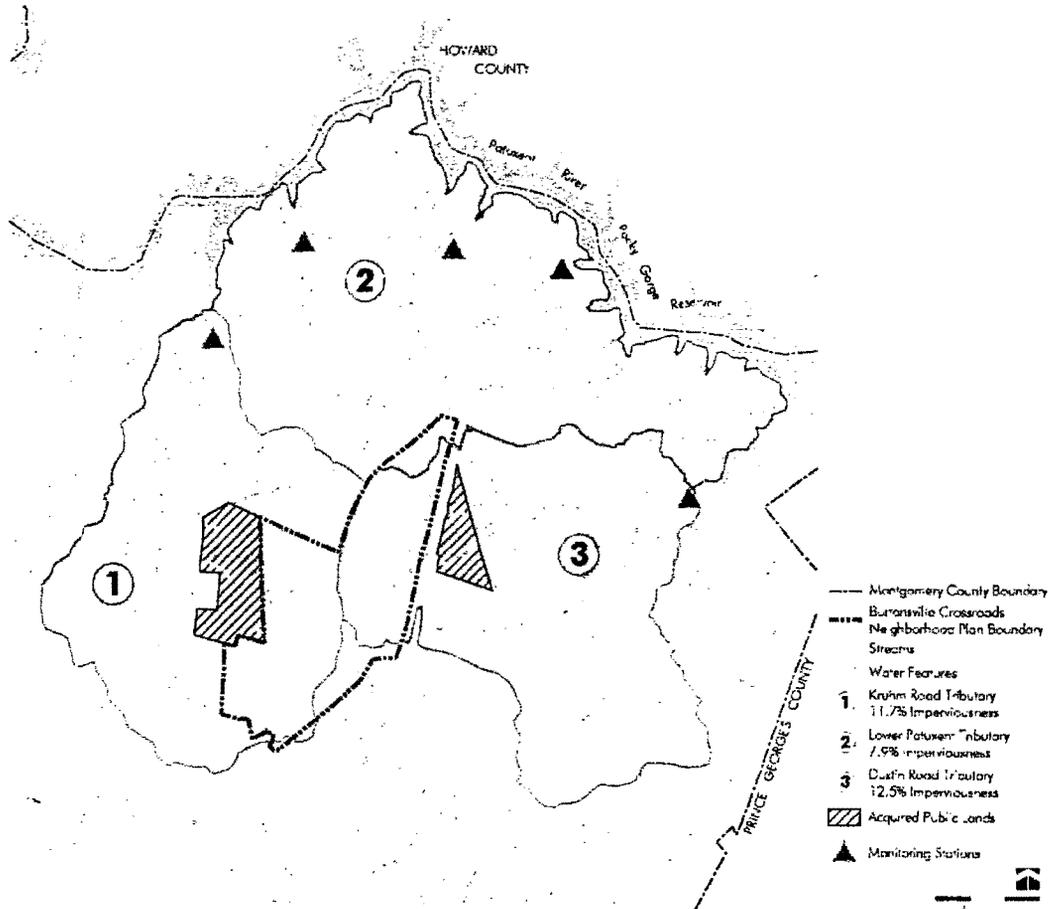
*/s/ George E. Krouse, President, Timber Hill Civic Association
4540 Dustin Road Burtonsville, Maryland 20866
301 421 9574*

Attachment 1: Burtonsville Rural Edge Properties in re WSCCRs 13-PAX-01A through 04A

Land north of Route 198 and east of the arc of old Route 29 lies in the Dustin Road sub-watershed. Note nearly total impervious coverage in the Burtonsville Crossing shopping center, the Park and Ride, and the office park complex to the south of Burtonsville Crossing. Power line and WSSC purchased property boundaries are approximate. The road to the right of the WSSC property is Amina Drive, along which major erosion damage occurred and a new tree-killing swamp formed.



Attachment 2: Burtonsville Sub-Watersheds



ENV &
ENERGY

KL

13-GWC-02A, Cheryl Gearhart Trustee
9311 Warfield Rd.

Dear Council Members, Sorry we are unable to testify on our own behalf but we are annually committed to a family vacation the last week of June on the ocean.

We fully understand that our home at 9301 Warfield Road is located in a zone which is subject to the "Rural and Open Space Master Plan". However several homes fronting Warfield Road within the RE-2 zone have been granted the use of public sewer. Yes, there are mitigating circumstances in each case but exceptions have been accommodated. We'd appreciate a corresponding consideration regarding our request for a category change to S-3. This request is for a single lot at 9311 Warfield Rd.

Briefly:

1. There have been numerous holes dug and soil testing performed on the subject 9311 Warfield for percolation, but tests failed. Obviously, we wanted the septic field located on the subject site. An easement in the backyard of 9301 became the alternative.

2. A plat from Macris, Hendricks & Glascock identifies our site at 9311 Warfield Rd. as R-200 not RE-2. The improvement to be constructed must adhere to the standards of R-200 zoning. The numerous and contiguous improved sites are all zoned R-200. They front on Warfield Road west of our lot, continuing to Wightman Road. Accordingly, the sewer category change request may not relate to the Water and Sewer plan policies of the Master Plan.

Goshen Estates is an intensely developed area of older houses so the potential for any additional development is nil. Agricultural use is preserved. We live in the oldest section of Goshen Estates developed by the Mayne Company in 1960. It is likely that failing septic fields along the road may need public facilities in the near future. This has been the case east of the Goshen Elementary School in the 8300 and 8500 blocks of Warfield Rd.

3. Kettler Brothers, developer of the adjacent Salem's Grant SD, provides a 20 foot wide PUE easement fronting Warfield Road directly across from 9311. A young child could throw a football from the front of the subject lot into the easement. WSSC assured me that gravity feed sewer line could be extended through the easement. Obviously, there was anticipation of public utilities being extended to this block of Warfield Road. Please see the map visuals. I inspected the potential sewerage pipe extension and confirm there is insignificant tree growth along Aspenwood Road there are no trees in the 20 foot easement.

4. WSSC studies and information indicates the extension of 8 inch sewer lines is physically possible.

We realize that the category change to S-3 and ultimate extension of the line would be extremely expensive but it would allow marketability of our two properties and rid the area of another septic field.

Thank you to Alan Soukup, Councilman Rice and his assistant Ms. Sharon St Pierre for their help. Mr. Parent's email to us is enclosed.

Please give our request significant thought and consideration,

Cheryl Gearhart
Alan and Cheryl Gearhart

H.R.G.
PO #2256
Fairbairn, MD.
20879

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MONTGOMERY COUNTY
COUNCIL
JUN 23 AM 9:01

4/14/2011

I'd suggest going for the sewer installation vs. the water, as a failed septic system will cause more long-term issues on a property than an occasional well pump issue during a power outage.

FYI: Below is an excerpt from WSSC's standard comments regarding the right-of-way topic. There are no exceptions that I know of.

WSSC's minimum easement width for a normal (14-inch diameter or less) pipeline (water or sewer at normal depth) is 20-feet. When both water and sewer (normal diameter and depth) are installed in the same easement, the minimum width is 30-feet. Installation of deep or large water/sewer will require additional easement width.

As always, let me know if I can be of further assistance.

-Art

Art Parent --WSSC

E-Mail Viewer

Message Details Attachments Headers Source

[HTML](#)

From: "BARRY FANTLE" <bfantle@aol.com>
Date: 6/22/2015 5:56:18 PM
To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>
Cc:
Subject: Agenda Item 9: Montrose Baptist Church Water/Sewer Category Change Request

CCA
P.O. Box 325
Clarksburg, MD 20871

June 21, 2015

RE: Montrose Baptist Church Water/Sewer Category Change Request

Dear Mr Leventhal,

I am writing on behalf of the Clarksburg Civic Association (CCA). The property concerned is within the boundaries of the 1994 Clarksburg Master Plan and planning area. It is located within the Agricultural Reserve, although not in an RDT zone.

First, CCA is concerned that it did not receive notification of the proposed category change even though it is in the Clarksburg Mater Plan area. How are we supposed to know?

The Civic Association is opposed to any water/sewer category change for this property. Most importantly, as noted in the Planning staff's notes, the Clarksburg Master Plan prohibits development of this type in this area. The area is intended to remain rural and agricultural; a large church with school and day care center is not compatible. There are many long-established churches within a short distance, most are small and they do not have associated schools or day care centers. There are also a few day care centers located in proximity to this land. All of these are on well and septic service and are managing well. There is no reason a church on this property should not do the same. Accordingly, while the recommendation to allow a single hook up might seem a sound one (cat. 1), it is also unnecessary for a church in this area and would set a bad precedent. Multiple hookups (cat. 3) for water and sewer are not compatible with the CMP nor with its intended use and development in this area. This area is part of a larger plan and overall vision, it should not be developed in a piecemeal fashion nor based on the desires or wants of prospective land owners to the detriment of the existing and future residents.

As noted by the Planning staff, "This proposed private institutional facility (PIF) would require extensive new sewer infrastructure that would abut properties ineligible for community service under the policies of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. "

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In other words, this proposed use would require extensive infrastructure, and that infrastructure would not benefit adjacent properties who are currently ineligible for water/sewer community service. It seems quite clear that Montrose Baptist Church's proposal should be denied if for no other reason than equity to existing landowners. MBC is a prospective landowner, not a current one. CCA also objects to this amount of development on Rte. 27 at this location. The entrance will be next to an existing small church, on a road which is very congested during rush hours. There is no particular need for an additional school nor day care center at this location, and adding both plus a large church will add immeasurably to the congestion on this already overburdened road.

It should be noted that a church further north on Route 27 is proposing to build with no sewer connection and we have objection to that. Applications such as this should be summarily denied until the infrastructure and roads have been improved significantly to the level promised and deemed necessary in the CMP, which will accommodate the new, intense development as planned.

CCA also notes that a similar category change was allowed in Olney, for a church (single hookup) and the church was dissatisfied with the outcome, eventually filing a suit against the county. Such a precedent should not be allowed to become a possibility here.

Sincerely,

Barry Fantle
Clarksburg Civic Association
President

Close

Patuxent Watershed Protective Association

Supplementary Testimony in re WSCCRs 13-PAX-01A through 04A

23 June 2015

Let us address several points:

1. The developer for these Northern Property parcels contends that the Burtonsville Crossroads Plan changes, unanimously approved by the County Council in December 2012 after extensive public input and debate by all concerned, have left Burtonsville poorly planned, under-developed, and blighted.
2. The developer implies that granting water and sewer variances for a church on the 38+ acres of the Northern (Rural Edge) Properties will somehow solve Burtonsville's problems.
3. The developer's singular interest, pursued through many gambits before the Council over many years, has been to develop the Northern Properties on a commercial scale, and profit thereby, ignoring the adverse environmental impacts on the public drinking water supply.
4. The developer contends that restricting the impervious coverage of the Northern Properties is a "regulatory taking".
5. The developer contends that failing to grant the requested water and sewer category change requests is a violation of the Religious Land Use and Institutionalized Persons Act (RLUIPA), in support of which he cites RLUIPA cases *Reaching Hearts* and *Bethel World Outreach Church vs. Montgomery County*.

To these contentions, PWPA asks that the Council consider the following:

General: The developer ignores the environmental sensitivity of the Northern Properties, which are – for multiple reasons explained fully in PWPA and other testimony over many years – critical to the safety of the public drinking water supply in the Patuxent Watershed, specifically Rocky Gorge Reservoir, which is the only drinking water supply for 650,000 residents of Montgomery and Prince George's counties. Neither the desire for profit, or alleged religious rights, trumps the clear and compelling need of the Government (Montgomery County in this case) to protect safe public drinking water.

As to the specific points:

1. Burtonsville is not now poorly planned. The Burtonsville Crossroads Plan solved that problem. All that is needed is for private developers to put up their own money to make the vision happen. Certain activities along these lines are allegedly already happening with respect to the Park & Ride and the Burtonsville Crossing Shopping Center. The principal impediment to the Burtonsville Crossing Shopping Center re-development was the Giant grocery store, which held on to their old lease there to prevent a competing food-oriented business from becoming the anchor tenant of Burtonsville Crossing. The owner of Burtonsville Crossing failed to secure an alternative anchor tenant, and – as predictable – many existing tenants decamped for the newest mall (Burtonsville Town Center), which now

had the new Giant grocery store as its anchor tenant. Thus instant greed temporarily trumped longer-range planning and economic vitality (benefitting others), and Maple Lawn in Howard County leapt into the breach. They also had the benefit of a clean start on 605 acres of open farm land in which to plan a new "high rent district" town unencumbered by history and entrenched local businesses.

2. Building one large church on the Northern Properties will have a very small overall impact on Burtonsville at best. There are over 17,000 households within a 3-mile radius of Burtonsville. The only things that will happen, were the WSCCRs to be granted, are: [1] the developer makes a huge profit from effectively rezoning RC-zoned land, [2] the church gets hit with an enormous upfront cost to install the sewer (which maybe they can't afford), and [3] the public water supply in Rocky Gorge Reservoir, and its supplying aquifer, is endangered by the inevitability of a sewage leak along 3000' or more of sewage piping (in part if not entirely pressurized) involving a projected sewage flow of over 92K gallons/day per WSSC, plus the increased runoff pollution engendered by ~7.6 acres of new impervious coverage in the Dustin Road sub-watershed, which is already over the safe limit of 8%.
3. Profit *per se* is not reprehensible; Windfall profits while risking the safety of the public drinking water are another matter. Consider also this hypothetical situation: were the water and sewer change requests to be granted, it's not the contingent purchaser church that would hold them, it's the developer-as-current-owner. So for a time at least he's free in theory to market the "with sewer" and "with increased impervious coverage allowance" properties to a richer church bidder. Commercial development is on a "concept" basis. The developer can, within broad limits, change the "concept" any way he wants, including presumably the contingent purchaser church, and the design, and the impervious coverage, and...[you get the idea].
4. It's not in any sense a "taking." The owners of the Northern Properties can use them in accordance with the existing RC zoning, which is the same right they have always had. The land was RC zoned (or its predecessor zoning) when they bought it. Therefore they suffer no loss, because the Burtonsville Plan reaffirms and protects what has always existed. The reduction in impervious coverage allowances is moot, because 4 of the 5 properties are unimproved meadows or semi-forested, and the one property with a house and barn on it is below the limit. No harm, no foul. Potential windfall from potential zoning changes is nowhere defined as a "right" – particularly in environmentally sensitive areas - and therefore nothing is being taken away from anybody.
5. The Religious Land Use and Institutionalized Persons Act (RLUIPA) prevents religious-based discrimination. It does not create an Orwellian class of more-equal-than-ordinary-people institutions who can ignore zoning laws and get whatever they want. The Congressional Record, and many recent court decisions, make this point quite clear. Churches have exactly the same rights as any other applicant. No more, no less. There are two points in RLUIPA

cases: equal application under the law, and substantial burden. In the former case, the watershed-protecting restrictions on the Northern Properties apply equally to all applicants, no matter who they are, so that is by definition equal application, per many recent court cases. As regards substantial burden, the right to exercise one's religion does not trump the Government's need to provide safe drinking water to the public and, in the course of that objective, restrict activities and practices that it is known will inevitably endanger the water supply. That is the very definition of a compelling Government need. In this case, the least restrictive means is the total prohibition applying equally to all. There not degrees of "NO." The church in question is not prohibited from exercising their religion in any other safe location within Montgomery County. Moreover, were the church to elect to build on the Northern Properties in accordance with the applicable environmental guidelines, they are most welcome to do so. Again, for the record, PWPA has absolutely no objection to religious organizations *per se*. PWPA does, however, adamantly object to anything that has the potential to threaten the safety of the Patuxent Reservoirs system.

The developer cited two RLUIPA cases in alleging a church's unstoppable right to get whatever they want in the way of water and sewer rights, zoning that applies to everyone else notwithstanding: *Reaching Hearts* and *Bethel World Outreach Church vs. Montgomery County*.

Reaching Hearts has absolutely nothing to do with the current WSCCRs in that [1] the entire basis of *Reaching Hearts* was blatant public and on-the-record discrimination against the church *per se* by the Prince Georges County planning board, and the West Laurel Civic Association – for which they were rightfully slammed, and [2] the PG board simultaneously granted a similar variance to a secular applicant on nearby property. Thus there were two violations: religious discrimination and unequal treatment under the law. Nothing of the kind has occurred, or is occurring, with either Montgomery County organizations or the various civic and environmental organizations involved in these matters. The environmental limits on the Northern Properties apply equally to all. No discrimination and no unequal application = no applicability.

Bethel is equally irrelevant with respect to the developer's contention, but precisely on point to the contrary. As noted in the *UCLA Law Review*, in *Bethel*, decided by the Maryland Appellate Court, the church bought property and claimed that they had been led to expend substantial funds and led to expect they would get the water and sewer category changes they wanted [by whom, one wonders...]. When the change request was rejected, the church sued in state court. The Maryland Court of Special Appeals held that the church had not adequately demonstrated a substantial burden resulting from the denial of its category change request, and that the church had not shown that it was entirely prohibited from building on its property, and should not have expected that its change request would be approved [just because they were a church]. The Court reasoned that the purchase of property by a religious group does not make approval of a category change request automatic. [*Bethel World Outreach*, 967 A.2d at 251-53] Significant here is that the church already owned the property, giving them status to sue. It's not clear that a contract

purchaser who doesn't yet own the property has standing to sue, and a developer is not by definition a church, and therefore can't by definition show religious discrimination or substantial burden.

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