



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

OFFICE OF THE CHAIR

June 20, 2012

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

The Honorable Roger Berliner
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: **March 2012 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan***

Dear Mr. Leggett and Mr. Berliner:

On Thursday, May 31, 2012 the Montgomery County Planning Board considered the above cited water and sewer service area category changes. Our recommendations are as follows:

11A-PAX-01: Getachew & Wubet

The 1997 Cloverly Master Plan states on page 91 that "The extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area is not consistent with this Plan because of potential impacts on the low-density character of both areas and conflicts with the long standing recommendation not to provide sewer service in the Patuxent River watershed in order to control water quality in the reservoir." Because the Master Plan recommends no sewer service to any uses in the Patuxent River watershed, the Planning Board finds this application inconsistent with the Cloverly Master Plan.

Unanimous Sewer Category Recommendation: Deny S-3

11A-TRV-08: Kapoor Property

This property is outside the Potomac Master Plan sewer service envelope and it is within the Piney Branch Special Protection Area. The 2002 Potomac Master Plan confirms the Piney Branch restricted sewer access policy in the Montgomery County Comprehensive Water Supply and Sewerage System Plan. This property does not meet specific service condition within that policy and is therefore excluded from public sewer service.

Unanimous Sewer Category Recommendation: Deny S-3

11A-CLO-01: Shri Mangal Mandir

This 16.5 acre property is located outside the 1998 Sandy Spring/Ashton Master Plan designated sewer envelope. The Master Plan recommends on page 83 that community service be provided consistent with the Water Supply and Sewerage Systems Plan, which does not recommend extension of sewer to densities of less than ½ acre. This property is zoned RE-2, which permits a maximum density of two units per acre. The Master Plan recommends extension of sewer to only three other types of development:

- RNC zoned properties using the optional method
- Properties within the Rural Village Overlay Zone
- Properties with demonstrated health problems

This property does not fall within any of these categories.

Unanimous Sewer Category Recommendation: Deny S-3

The County's private institutional facility (PIF) policy states that "for new or relocating uses, service area category amendments may be approved for sites . . . 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." The Planning Board agreed with our staff that there is a strong argument that this request is for a *new* use rather than the expansion of an existing use, as it is a different structure on a different property. Also, we were not convinced that the proposed conceptual alignments would satisfy the standard under the PIF policy for existing uses: that the sewer connection would not open the opportunity for service to currently un-served and undeveloped properties. We ask that if sewer service is granted to

this property, the sewer main alignment be required to satisfy the PIF policy as stated in the conditions proposed by the Department of Environmental Protection.

11A-TRV-06: Glenstone Foundation (Circle 12 of the attachment)

Glenstone constitutes five contiguous properties and an area of 127 acres on the south side of Glen Road, a designated rustic road in the Potomac Subregion. All five properties are outside the approved sewer service envelope within the Potomac Subregion Master Plan. Although the properties do not have any known septic limitations, the applicant seeks approval for public sewer service under the Water and Sewer Plan's PIF policy. The applicant proposes construction of a 3,000-foot pressure sewer, 1,500 feet of which would be off-site, to serve an existing museum building on one property and a proposed new and larger museum on an adjacent property. The sewer main extension is proposed to cross the Greenbriar Branch stream valley and floodplain.

In addition to establishing a sewer service envelope, the Master Plan-adopted sewer service policy set three criteria for possible extension of mains to properties at the periphery of the sewer service envelope. These criteria stated that a main extension could be considered if:

1. Properties abutted existing or proposed sewer mains
2. Mains could be constructed within public rights-of-way, and;
3. Mains avoided disruption to streams and their undisturbed buffers.

Glenstone meets none of these criteria.

The Planning Board recommends that the category change application should be denied as inconsistent with the 2002 Potomac Subregion Master Plan for the reasons stated above. Nonetheless, the County's PIF policy allows the Council to grant a sewer category change outside the sewer service envelope under certain conditions:

- For a new PIF use, a service area category change may be approved if the required main extension will abut only properties that are otherwise eligible for community service under the general policies of the Water and Sewer Plan.

The Honorable Isiah Leggett
The Honorable Roger Berliner
June 20, 2012
Page 4

- For an existing PIF use, a service area category change may be approved 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.

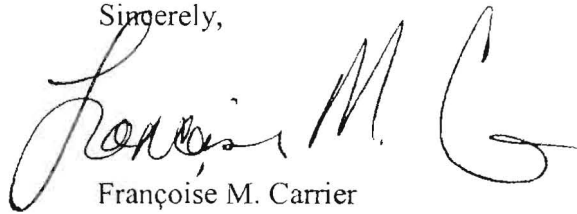
The Planning Board submits that Glenstone is arguably a *new* use because it is a new structure on a different property. As a new use, the proposed museum would not satisfy the applicable PIF test. Even if the proposed museum is considered part of an existing use, the Planning Board believes the request should be denied on master plan grounds.

In a minority opinion, Commissioner Dreyfuss stated that the Master Plan does not expressly prohibit this use, that the application is for an expansion of an existing use under the terms of the PIF policy and that it should be granted.

Sewer Category Recommendation: Deny S-3

We thank you for the opportunity to provide recommendations on these cases.

Sincerely,

A handwritten signature in black ink, appearing to read 'Françoise M. Carrier', with a large, stylized 'C' at the end.

Françoise M. Carrier
Chair

FC:KN/rb/kr

cc Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Katherine Nelson, M-NCPPC Environmental Planning
Clara Moise, M-NCPPC Chairman's Office

Attachment:

Planning Board Staff Report
PowerPoint presentation regarding Glenstone



**Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
April 2012 County Council Group**



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



Callum Murray, Supervisor, Area 3, Callum.Murray@montgomeryplanning.org 301-495-4733



Mary Dolan, Chief, Functional Planning and Policy, Mary.Dolan@montgomeryplanning.org 301-495-4552

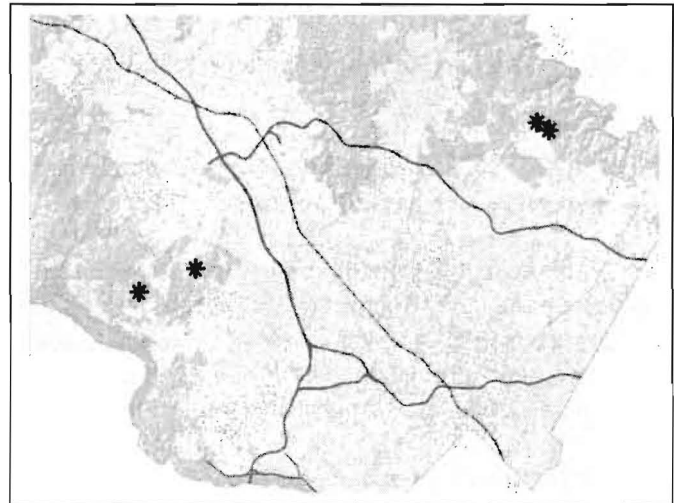
Completed: 05/25/12

Description

Council Sewer and Water Category Change Requests are:

- 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.

The accompanying map shows the existing sewer envelope in tan. The properties requesting to be served are shown as asterisks. More detailed information on zoning, existing and proposed uses, and recommendations of other agencies are shown in the attached packet from the County Executive.



Summary

The Planning Board is required by State law to make a Master Plan determination for consistency on each case. Staff has found that all four cases are not supported by their respective Master Plans and recommends denial of sewer service:

- 11A – TRV-06: Getachew and Wubet
- 11A-TRV-08 Kapoor
- 11A-TRV-06 Glenstone Foundation
- 11A-CLO-01: Shri Mangal Madir

Category Change Requests

11A-PAX-01: Getachew & Wubet (Circle 9 of the attachment)

Requests a change from S-6 to S-1

This two acre, RC-zoned property is located in the Patuxent River watershed. This outlot could not obtain a successful septic test when it was platted in 1974 and has remained vacant since that time.

The 1997 Cloverly Master Plan states on page 91 that “The extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area is not consistent with this Plan because of potential impacts on the low-density character of both areas and conflicts with the long standing recommendation not to provide sewer service in the Patuxent River watershed in order to control water quality in the reservoir.” Because the Master Plan recommends no sewer service to any uses in the Patuxent River watershed staff finds this application inconsistent with the Cloverly Master Plan.

Sewer Category Recommendation: Deny S-3

11A-TRV-08: Kapoor (Circle 36 of the attachment)

Requests a change from S-6 to S-3

This 2-acre, RE-1 zoned property is outside the Potomac Master Plan sewer service envelope and it is within the Piney Branch Special Protection Area. The 2002 Potomac Master Plan confirms the Piney Branch restricted sewer access policy in the Montgomery County Comprehensive Water Supply and Sewerage System Plan. This property does not meet six specific service condition within that policy (Circle x of the attachment) and is therefore excluded from public sewer service.

Sewer Category Recommendation: Deny S-3

11A-TRV-06: Glenstone Foundation (Circle 12 of the attachment)

Requests a change from S-6 to S-3

Recommendation

The category change application should be denied as inconsistent with the 2002 Potomac Subregion Master Plan and contrary to the land use and environmental considerations that are integral to the Plan as a whole. The proposed new museum does not meet the PIF approval threshold, and the applicant has not demonstrated the need for sewer for the existing museum.

Background

Glenstone constitutes five contiguous properties and an area of 127 acres on the south side of Glen Road, a designated rustic road in the Potomac Subregion. All five properties are outside the approved sewer service envelope within the Potomac Subregion Master Plan (See Attachment 2). The applicant seeks approval for public sewer service under the Water Supply and Sewerage Systems Plan’s private

institutional facility (PIF) policy, and proposes construction of a 3,000-foot pressure sewer to serve a non-profit museum building. The extension is proposed to cross the Greenbriar Branch stream valley and floodplain.

This section of the staff report addresses the following three items:

1. Master Plan sewer service policies in Potomac
2. An explanation of the County Council's sewer service policy for Private Institutional Facilities (PIFs) and its relationship to this case
3. Conclusion

Sewer Service Policies in Potomac- Historical Perspective (From the 1980 Potomac Master Plan)

The area covered by the Potomac Subregion Master Plan has a long and complex history regarding the provision of public sewer. In order to fully understand the present policies guiding sewer service, it is essential to understand the underlying philosophy and actions of past Montgomery County Councils.

In the 1970's, the philosophy changed from one of supporting continued unlimited expansion of sewer service, to the withdrawal of service in the major portions of the Muddy, Watts and Rock Run Basin. In 1971, the Montgomery County Council, through their regulatory authority in the Water Supply and Sewerage Systems Plan, designated certain areas in these basins as ineligible for sewer service. These basins were interwoven with sewer trunks, but mains and lateral service were not available to development unless a public health problem was identified by the County's Department of Environmental Protection, or whenever the County Council found other compelling reasons to exempt specific properties from the general withholding of service to an area.

In 1980, the Potomac Subregion Master Plan established many of the zoning densities that were confirmed with the adoption of the 2002 Plan update. For the residential properties generally between Piney Meetinghouse Road and Travilah Road, south of Boswell Lane and continuing south to River Road, the 1980 Plan envisioned this area as a low density residential wedge in which the applied zoning would better protect the natural environment by minimizing the negative effects of development to the streams and natural ecosystem. The rationale was that these zoning densities would follow the General Plan and protect the environment, even with the provision of sewer to selected areas. (Sewers typically increase unit yield beyond that which can be achieved with septic systems).

The 2002 Potomac Subregion Master Plan referenced the sewer policies of the 1980 Potomac Master Plan. The 2002 Plan acknowledged that the extension of sewer service to low density residential zones (RE-1 and RE-2) was a deliberate goal of the 1980 Plan to "...take maximize advantage of the allowable density in lower density zones (RE-1 and RE-2) where it was appropriate". (p.22) The 1980 Plan established a "logical, economical and environmentally acceptable test" to evaluate individual sewer category changes on a case by case basis. The extension of sewer service into these low density zones was acknowledged to be contrary to the general sewer extension policies of the Comprehensive Water Supply and Sewerage Systems Plan.

The 2002 Plan stated "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" (p.22). The sewer policy in the 1980 Plan resulted in environmental damage to

the local stream systems. The damage resulted from the physical construction, maintenance and repair of sewer lines, (running parallel to and across streams), from increased densities and impervious areas, and the tendency for sewer lines to leak and to contaminate streams and groundwater.

The 2002 Plan recognized the deleterious impacts of the former Plan's sewer extension policies and sought to align itself more with the sewer service policies in the Comprehensive Water Supply and Sewerage Systems Plan. The current Plan significantly curtails extensions of sewer outside the service area (envelope) and established a "peripheral service policy." The peripheral sewer policy eliminated the "logical, economical and environmentally acceptable test" and applied a more restrictive test to a more limited area within the master plan area.

The peripheral service policy allows limited sewer service outside the sewer envelope to properties zoned RE-1 and RE-2 but the focus is for properties, "which abut existing or proposed mains" and "on properties which can be served by sewer extensions within public rights-of-way." The policy also states that, "Main extensions that would disrupt streams and their undisturbed buffers should be avoided." (See page 23, Potomac MP)

On page 23 of the 2002 Potomac Subregion Master Plan, the plan makes specific sewer recommendations. Two of the four recommendations apply to the area zoned RE-2 between Piney Meetinghouse Road and Travilah Road and are as follows:

- *Provide community sewer service in the Subregion generally in conformance with the 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 from 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 sewer service envelope. 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 in page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extension, if needed, along roads rather than through stream valleys.*

The first bullet above provides a general exclusion of continued sewer service to RE-1 and RE-2 zoned properties. The second bullet establishes the peripheral service policy for RE-1 and RE-2 zoned properties but specifically excludes from this policy certain areas defined within the Master Plan. The peripheral service policy applies directly to the property under discussion.

The objective of the peripheral policy was to curtail the large-scale expansion of the sewer envelope that occurred over the previous 20 years. The policy sets criteria for which extensions of mains can be considered both within the prescribed sewer envelope but also to properties "at the periphery" of the envelope. The language preceding the bulleted recommendations in the Plans stipulates that the policy be applied with a "focus" on properties that already abut existing or proposed sewer mains, that can be constructed within public rights-of-way and avoid disruption to streams and their undisturbed buffers.

Private Institutional Facilities (PIFs)

The following discussion cites *Bethel World Outreach Council v. Montgomery County, Maryland*, Court of Special Appeals of Maryland, September Term 2007, No. 03082. This particular PIF applied for public sewer service in an area specifically excluded for such by a local area Master Plan (The Preservation of Agriculture and Open Space, 1980). The application included a request for a "limited access sewer." (Glenstone's application is for a single, user-dedicated pressurized sewer extension.)

In 2001, an application for public sewer by Bethel in the RDT Zone in an area categorized as S-6 prompted the County Council to review certain provisions in the Sewerage Systems Plan known, collectively, as the Private Institutional Facilities (PIF) policy. The Plan defines PIFs as "buildings constructed for an organization which qualifies for a federal tax exemption under the provisions of Section 5012 of the U.S. Code (Internal Revenue Service)." PIFs include churches, schools and museums. Of particular concern to the County was the proliferation of large PIFs, "outside of the acknowledged water and/or sewer envelope."

In 2003, the Council formed an interagency working group to study the issue. As noted by Council staff, one of the key concerns of the working group and the M-NCPPC was the "large impervious area that results from PIF approvals." (Staff notes that the Glenstone proposal is not a typical PIF application and the proposed maximum impervious surface is 15 percent).

In January 2005, the Council formed another working group (the PIF Working Group) that further studied the PIF issue. The PIF Working Group presented a report, dated August 29, 2005, to the Council. The Group reiterated the Planning Board's "concerns regarding the PIF Policy... and the fact that this policy allows for more intense developments of large lot zoned properties than was envisioned in area Master Plan." Council staff noted that the State of Maryland had advised that it may deny future water and sewer plan amendments that were not consistent with the Master Plan. The PIF Working Group noted that PIFs "tend to be much more intense developments" that create greater impervious area, and that "Increased impervious area correlates to lower water quality." They also observed that the "extension of sewer to serve a property can lead to future pressure to hookup additional properties causing additional environmental impacts."

On November 29, 2005, with the adoption of Resolution No. 15-1234, the Council amended the Sewerage Systems Plan, in part, to state:

"For existing PIF uses, service area category amendments may be approved for sites only where required 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 where required sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan."

(Glenstone has an existing museum on one lot and proposes a new museum on an adjacent lot. For the existing museum, the proposed sewer extension would not threaten to open undeveloped land to development. For the new museum, on an adjacent property, the proposed sewer extension does not abut properties eligible for community service).

On November 29, 2005, the Council denied Bethel's application for water and sewer service. Bethel argued that the Council could not, under the Water Supply and Sewerage Systems Plan, consider Master Plan recommendations or traffic impacts when reviewing an application for a category change. The Court of Special Appeals found that argument to be directly and unequivocally refuted by the plain language of the Plan. The Court found that that the Council had substantial justification to deny the application. "The (Water Supply and Sewerage Systems) Plan incorporates the Master Plan which recommends against the extension of public sewer."

The Council renders decisions on applications initiated by private property owners within the context of the Water Supply and Sewerage Systems Plan. The Court of Appeals has determined that "all amendments to a Master Water and Sewer Plan are, by definition, comprehensive planning actions." *Appleton v. Cecil County*, 404 Md. 92, 104, 945 A.2d 648, 655 (2008). A water and sewer service plan has "a broad or comprehensive land use planning basis." *Id.* (quoting *Gregory v. Board of County Commissioners of Frederick County*, 89 Md. App. 635, 640, 599 A.2d 469, 472 (1991)). A "legislative body's focus" in such a planning action:

Is not on a single piece of property, but rather on a considerable number of properties as they relate to each other and to the surrounding area.... These are not adjudicative determinations affecting one property owned by one person, but instead are classically legislative determinations designed to affect local and regional needs and all property owners within the planning area. *Gregory*. 89 Md. App. At 640-641, 599 A.2d at 472 (internal citations omitted).

The *Gregory* court noted that the "adoption of a particular amendment to the plan cannot be isolated from the context of the plan as a whole." 89 Md. App at 643-644, 599 A. 2d at 473. The *Gregory* court was "unable to conceive of a situation in which the adoption of an amendment to a county's water and sewerage plan would lack a comprehensive planning basis."

In the Bethel case, the Court of Special Appeals stated that "The Council acted consistently with the Master Plan (which recommends against public sewer extensions in the RDT Zone) and in furtherance of the land use and environmental considerations that are integral to the Plan."

If this is true for the public sewer service restrictions in The Preservation of Agriculture and Open Space Master Plan of 1980, it is equally true of the public sewer service restrictions in the Potomac Subregion Master Plan of 2002.

Conclusion

The Potomac Subregion Master Plan is a comprehensive plan, based on a detailed 2-year environmental inventory study, with sewer service policies and recommendations decided in advance of zoning and land use policies. The Master Plan identified one of the greatest challenges facing the Potomac Subregion to be the development of sewer service recommendations to protect the Subregion's environmental quality and water resources.

The Glenstone Property is 127 acres in area, and would therefore constitute a very significant island intrusion into the area outside the sewer service envelope. The applicant has also acquired the entire Three Sisters subdivision, (8 developed lots) and an additional 7 undeveloped lots in the abutting Stoney Creek Farms subdivision. The applicant has thus assembled a contiguous area of 203.88 acres, with

access from two rustic roads (Glen Road and Stoney Creek Road). The purpose in acquiring the additional acres is unclear, as the furthest lot is well over a half mile away from the present museum. The additional acreage is not part of the current application, but there is nothing to prevent multiple future applications based on additional museum buildings.

The applicant proposes that a pressure sewer extension cross a stream valley and floodplain. The Applicant's engineers have proposed several methods to minimize risk and to rapid resolve any leakage (P35, Executive packet). They do not rule out the possibility of a pipe leakage and the prospect of raw sewage leaking into the stream, and ending up in the Watts Branch, flowing into the Potomac just upstream of the WSSC water intake.

The 382-mile long Potomac, classed as a Heritage River, provides water for 4 million people in Maryland, Virginia, and the District of Columbia. It used to be so polluted that it was once called "a national disgrace." Thanks in large part to the Clean Water Act, water quality has dramatically improved. But according to a report released by American Rivers on May 15, 2012, the Potomac is now threatened by polluted rainwater -- wastewater overflowing from sewers and agricultural waste, and is one of the nation's most endangered rivers.

The adopted sewer service policy in the Potomac Master Plan set three criteria for which extensions of mains could be considered within the sewer envelope but also to properties "at the periphery," i.e., the provision of service would be considered if:

1. Properties abutted existing or proposed sewer mains
2. Mains could be constructed within public rights-of-way, and;
3. Mains avoided disruption to streams and their undisturbed buffers.

Glenstone meets none of these criteria.

The objective of the peripheral policy was to curtail the large-scale expansion of the sewer envelope that occurred over the previous 20 years. The applicant has not demonstrated the need for public sewer. Construction of a new museum building on 127 acres would not be precluded by the use of a maximum 6 acres for septic fields.

The Ten Year Comprehensive Water Supply and Sewerage Systems Plan approved by the Maryland Department of the Environment, and the Potomac Subregion Master Plan are in agreement that the Glenstone property is not intended to be served by public sewer. (Category S-6)

The Council's PIF policy states that for existing PIF uses, service area category amendments may be approved for sites only where required sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area Master Plan.

For the existing Glenstone museum, an extension would not threaten undeveloped land.

However, the Council's PIF policy also states that for new PIF uses, service area category amendments may be approved for sites where required sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan. Glenstone's new museum does not meet this threshold for approval. The abutting properties are not eligible for community service.

Staff believes that the Bethel case offers guidance where a PIF application is at odds with the underlying Master Plan recommendations. The proposed new museum does not meet the PIF approval threshold, and the applicant has not demonstrated the need for sewer for the existing museum. In order to be consistent with the Potomac Subregion Master Plan and in furtherance of the land use and environmental considerations that are integral to the Plan as a whole, the category change application should be denied.

Sewer Category Recommendation: Deny S-3

11A-CLO-01: Shri Mangal Mandir (Circle 1 of the attachment)

Requests a change from S-6 to S-3

Master Plan Recommendation

This 16.5 acre, RE-2 zoned property is outside the 1998 Sandy Spring/Ashton Master Plan designated sewer envelope. The Master Plan recommends on page 83 that community service be provided consistent with the Water Supply and Sewerage Systems Plan, which does not recommend extension of sewer to densities of less than ½ acre. The Master Plan recommends extension of sewer to only three other types of development:

- RNC zoned properties using the optional method
- Properties within the Rural Village Overlay Zone
- Properties with demonstrated health problems

This request does not meet these criteria.

In addition, the plan states on page 85, “wherever possible, sewer main alignments should be carefully planned, selected and constructed to minimize stream crossings and disturbance to stream buffers, and to avoid wetlands and other natural resources.” The first proposed WSSC sewer extension alignment for this site extends 4,500 feet along a forested stream valley. The second would cross existing forest conservation easements on Montgomery County Revenue Authority land.

With regard to the PIF policy discussed in the Glenstone Foundation application, it states that “for new or relocating uses, service area category amendments may be approved for sites . . . 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.” Since both of the proposed WSSC sewer alignments will bring sewer lines past undeveloped properties, the property is not eligible for the Private Institutional Facility (PIF) policy contained in the Water Supply and Sewerage Systems Plan.

Background

The Shri Mangal Mandir Temple has been located just north of the subject property since the late 1980’s. With this category change request, the applicant seeks to build a new congregation center near the corner of Ednor and New Hampshire Avenue (see circle 7 & 8). Planning staff are currently reviewing a forest conservation plan associated with a sediment control plan. This plan proposes the construction of a parking lot and playground. The parking lot is connected to and will serve the existing temple site. The new congregation center will take the place of the playground if sewer service can be obtained. A preliminary plan would be required prior issuance of a building permit to construct the new center.

Sewer Category Recommendation: Deny S-3

CONCLUSION

Staff recommends denial of these four sewer and water category change requests.

NEXT STEPS

The Planning Board's recommendations will be transmitted to County Council during a public hearing on June 21, 2012. The County Council T&E Committee will subsequently discuss these cases before bringing them to the full Council for final decision.

Attachments

Attachment 1

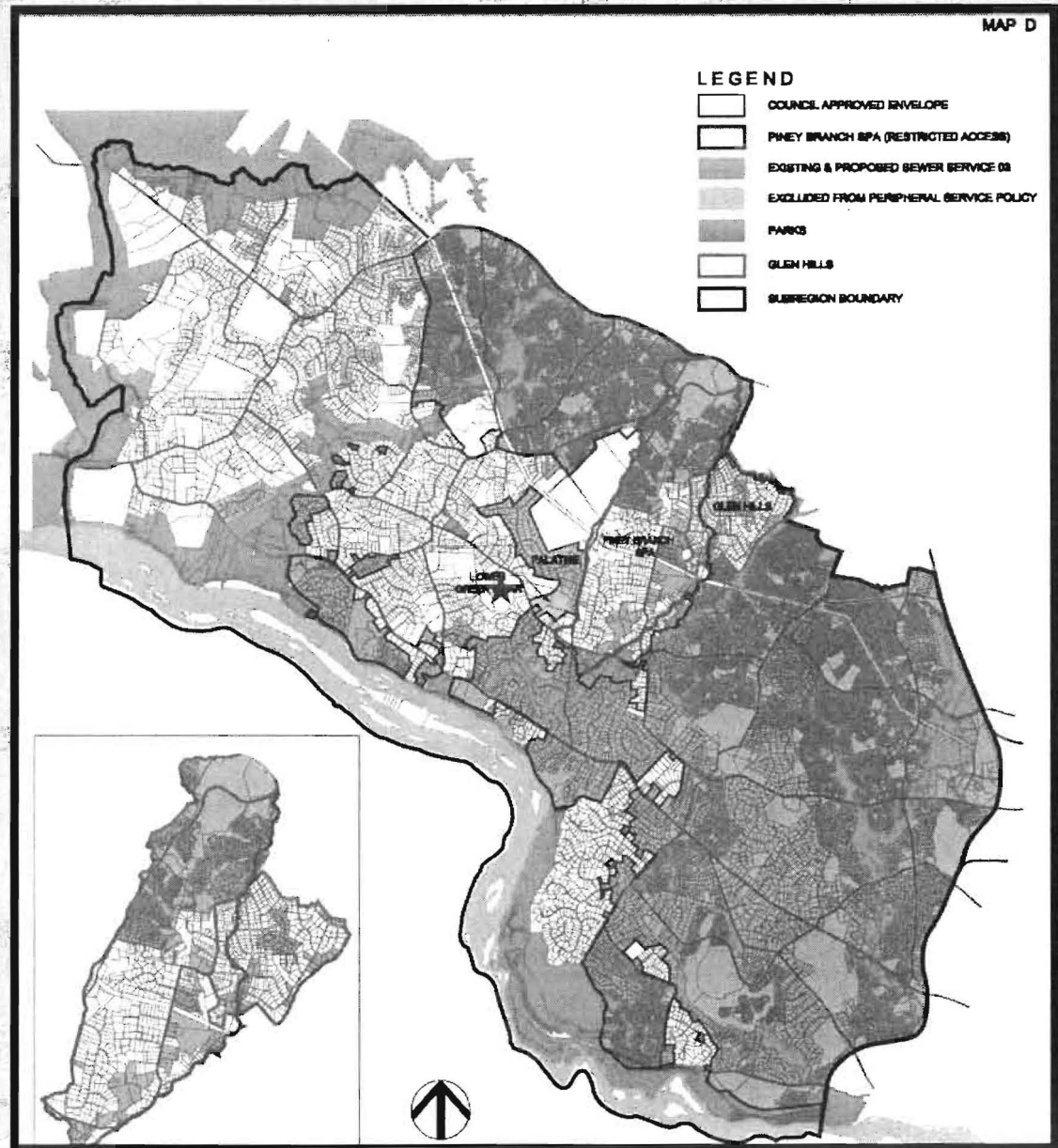


Glenstone Foundation

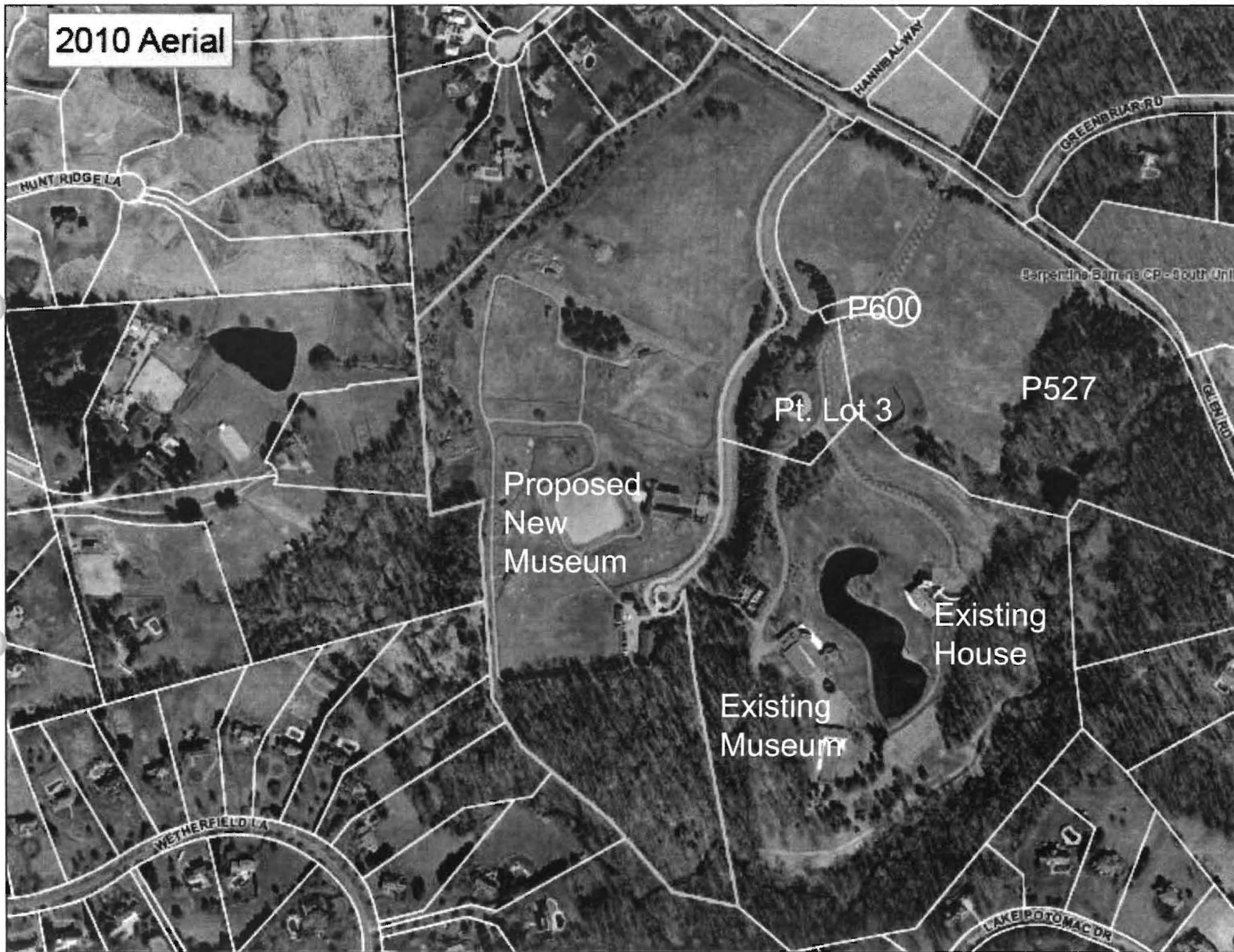
WSCCR 11A-TRV-06

Potomac Sewer Service Envelope

The Potomac Subregion Master Plan shows the Glenstone properties located outside the approved sewer service envelope.



2010 Aerial



Glenstone



Legend

Envelope Boundary

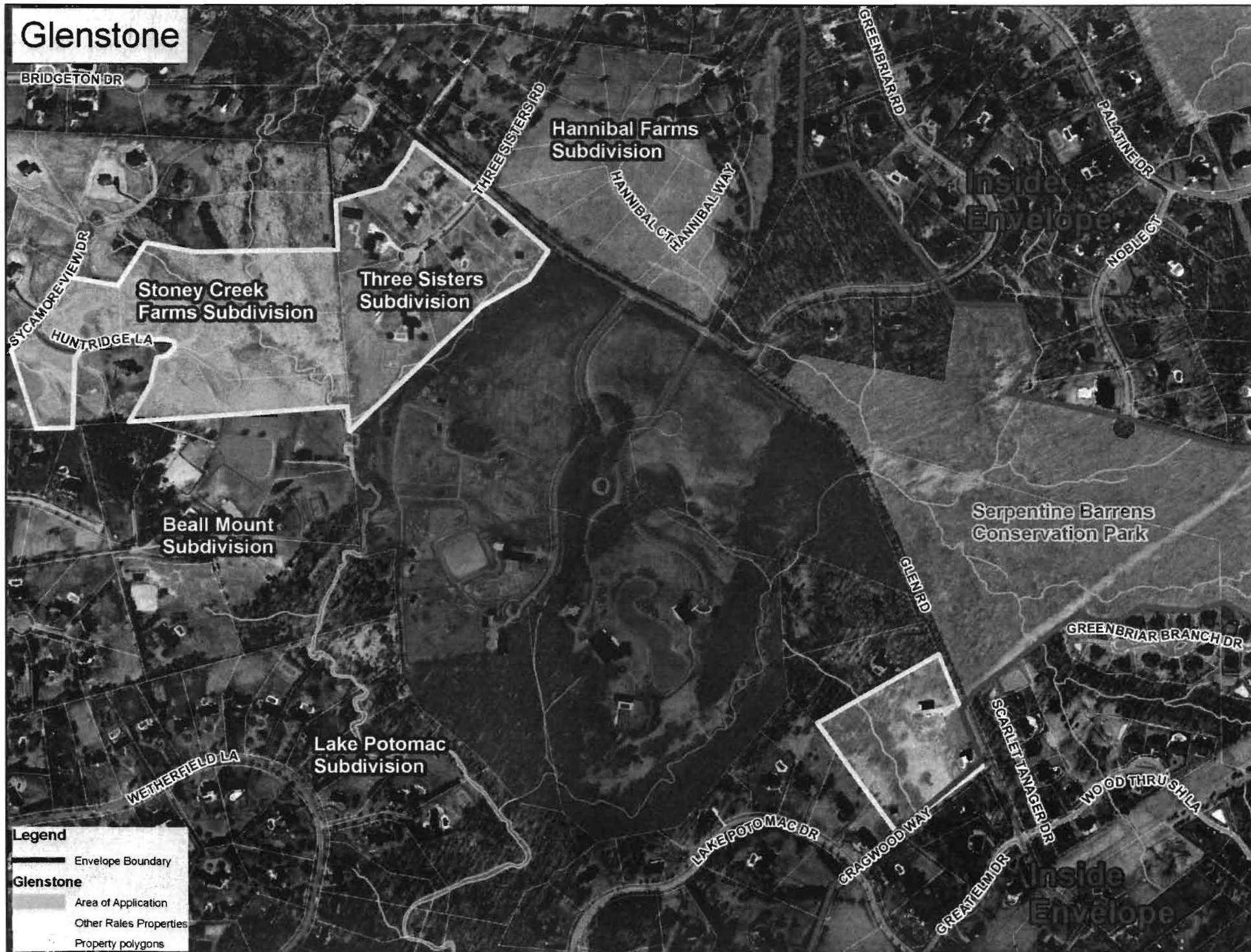
Glenstone

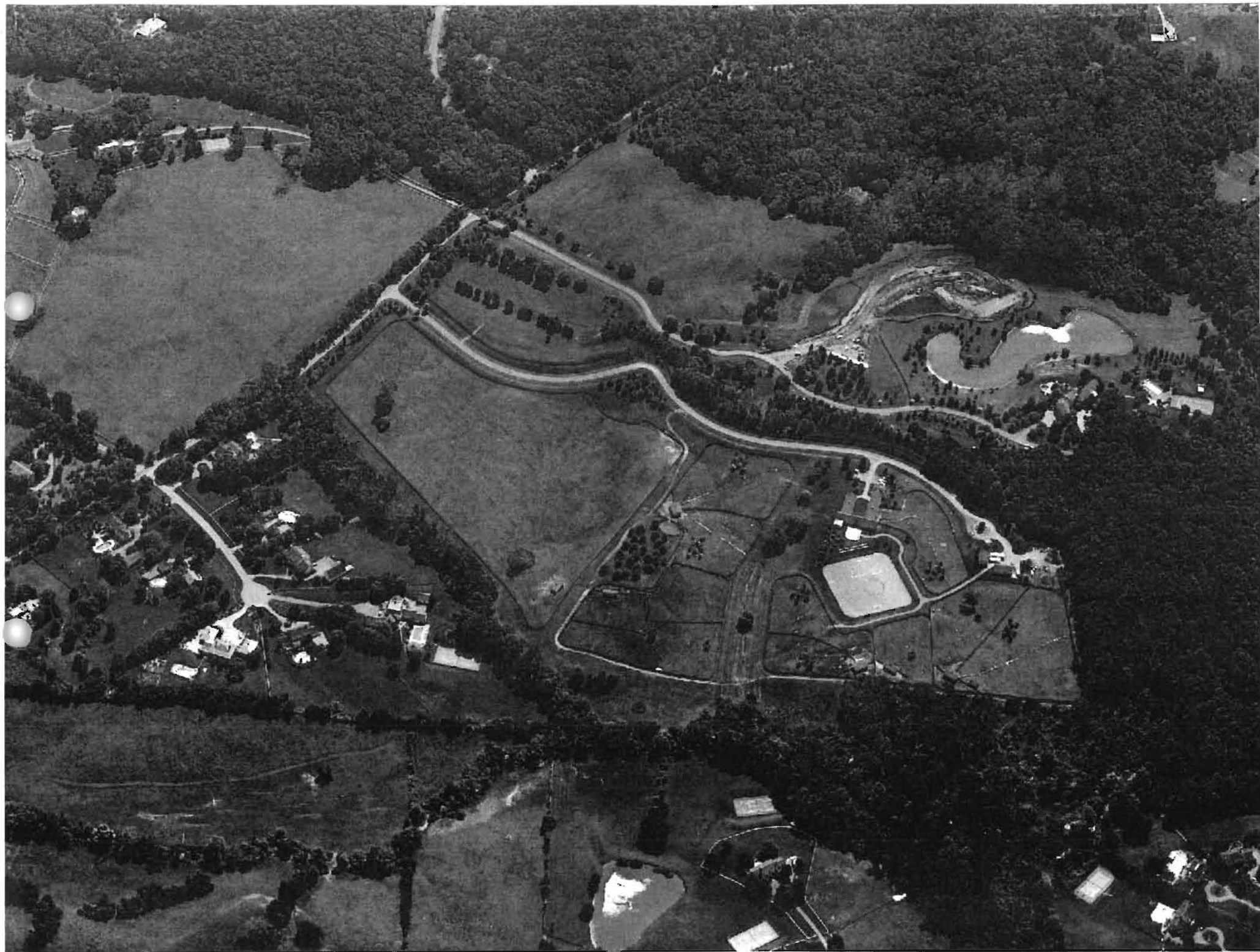
Area of Application

Other Rales Properties

Property polygons

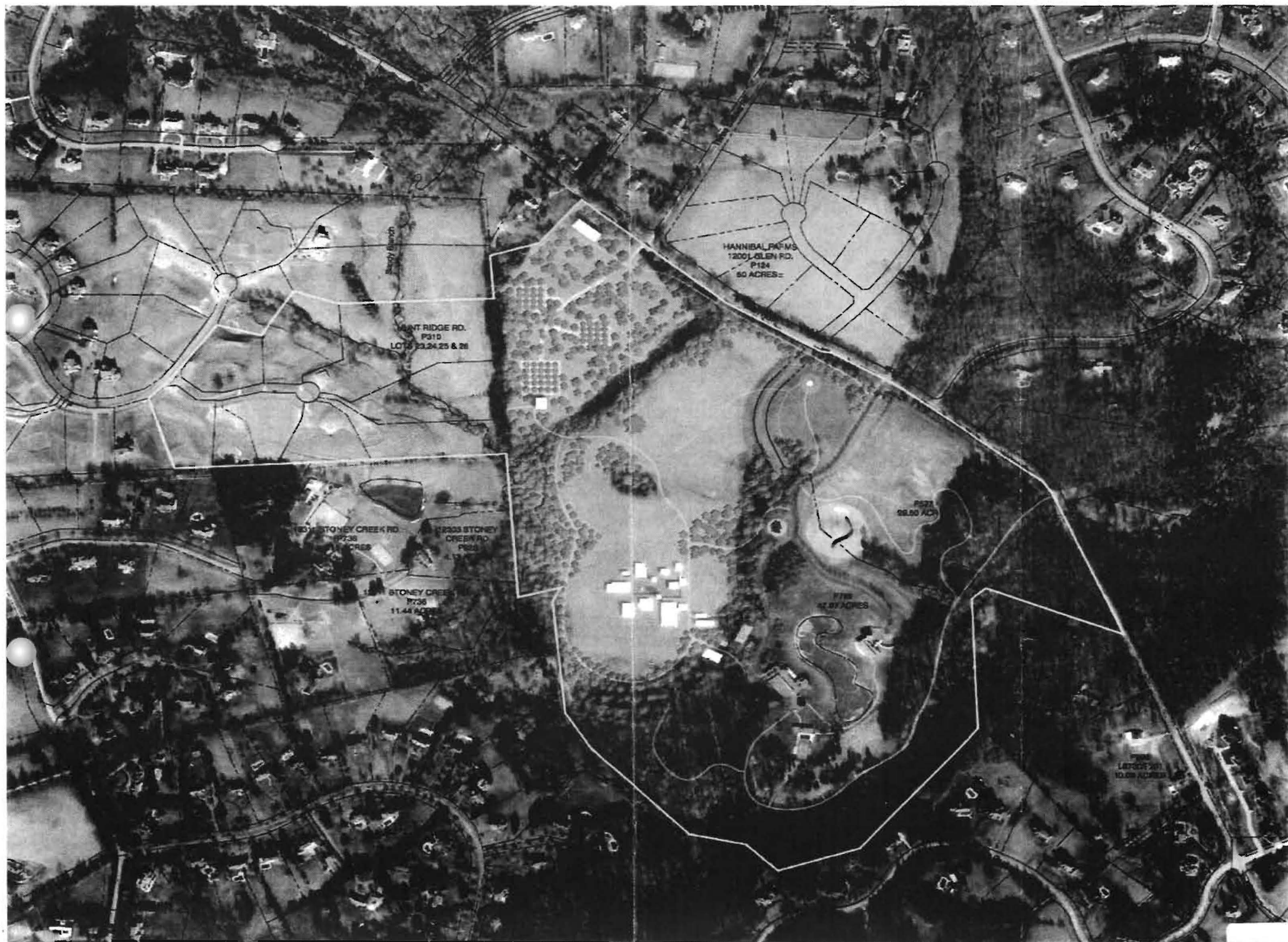
Glenstone





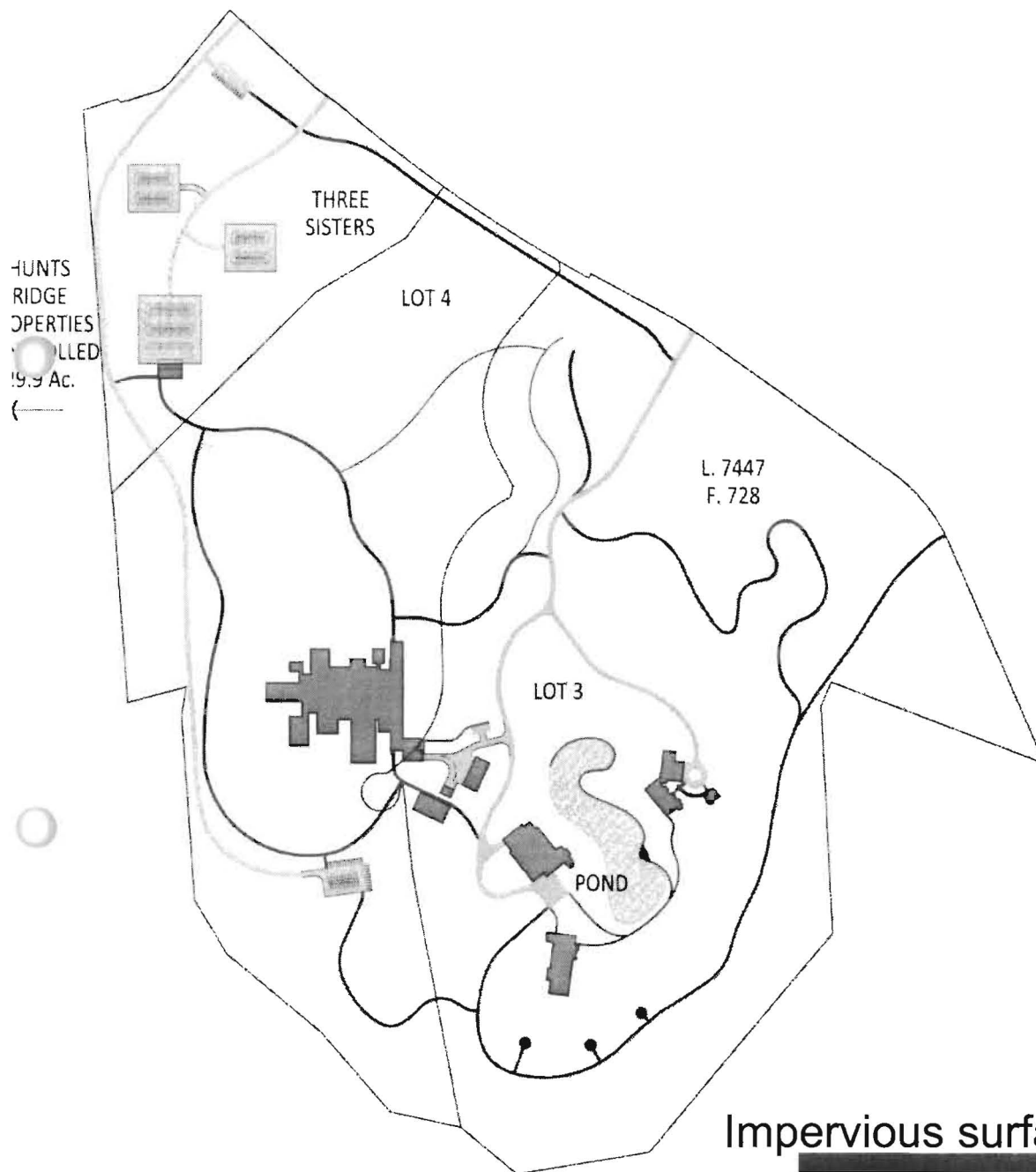








Point	Year Purchased
1	2012
2	2011
3	2010
4	2008
5	2008
6	2010
7	2011
8	2011
9, 10	2009
11, 12, 13, 14	2008
15	2009



Impervious surface 10.89%

IMPERVIOUS SURFACES CALCULATIONS

GLENSTONE II

ANALYSIS FOR CATEGORY CHANGE AND POTENTIAL IMPERVIOUS CAP

ULTIMATE IMPERVIOUS AREAS: (PROPOSED & EXISTING TO REMAIN)

THREE SISTERS (SEE NOTE 1):		20.25 AC	
PROP. ROADWAY	142,469 SF	3.27 AC	16.12%
PROP. WALKING PATH	9,774 SF	0.22 AC	1.11%
PROP. BUILDINGS	16,884 SF	0.38 AC	1.91%
	169,127 SF	3.88 AC	19.14%

LOT 4:		48.9 AC	
PROP. ROADWAY	48,712 SF	1.12 AC	2.24%
PROP. WALKING PATH	32,176 SF	0.74 AC	1.48%
PROP. BUILDINGS	45,978 SF	1.06 AC	2.12%
PROP. GREEN ROOF	30,000 SF	0.68 AC	1.38%
PROP. WATER FEATURES	21,447 SF	0.49 AC	0.99%
EX. WALKING PATH	14,285 SF	0.33 AC	0.68%
	162,597 SF	4.42 AC	8.98%

LOT 3 AND PARCEL L. 7447 F. 728:		77.2 AC	
PROP. ROADWAY	14,824 SF	0.34 AC	0.44%
PROP. WALKING PATH	85,362 SF	1.96 AC	2.54%
PROP. BUILDINGS	13,841 SF	0.31 AC	0.41%
EX. POND	89,499 SF	2.05 AC	2.66%
EX. ROADWAY	72,796 SF	1.67 AC	2.16%
EX. WALKING PATH	14,285 SF	0.33 AC	0.42%
EX. BUILDINGS	30,036 SF	1.15 AC	1.49%
	340,622 SF	7.82 AC	10.13%

HUNTS RIDGE (SEE NOTE 2):		29.9 AC	
EX. & PROP. IMPERVIOUS	0 SF	0.00 AC	0.00%

TOTAL ULTIMATE IMPERVIOUS AREAS OF PROJECT:		702,346 SF	16.12 AC
---	--	------------	----------

*SHOWN THROUGHOUT PROJECT SITE BUT ASSUMED TO GO ON LOT 3 AND LOT 4 ONLY

IMPERVIOUS AREAS TO BE REMOVED

LOT 4:		48.9 AC	
EX. SURFACES AND STRUCTURES TO BE REMOVED	87,070 SF	2.00 AC	4.01%
	87,070 SF	2.00 AC	4.01%

LOT 3 AND PARCEL L. 7447 F. 728:		77.20 AC	
EX. SURFACES AND STRUCTURES TO BE REMOVED	51,816 SF	1.18 AC	1.54%
	51,816 SF	1.18 AC	1.54%

TOTAL TO BE REMOVED FROM LOT 3 & LOT 4		3.18 AC	2.51%
--	--	---------	-------

TOTAL IMPERVIOUS, INCLUDING AREAS TO BE REMOVED ON LOT 3 & 4 (FOR INTERIM CONDITION: TOTAL MAX AT ANYTIME)		19.31 AC	
--	--	----------	--

LOT 3, LOT 4, PARCEL L. 7447 F. 728, THREE SISTERS & HUNTS RIDGE	TOTAL IMPERVIOUS	LOT AREA	%
	19.31 AC	177.35 AC	10.89% IMPERVIOUS

NOTES:

1. LOT 1 ON THREE SISTERS IS NOT CURRENTLY OWNED BY THE FOUNDATION. CALCULATIONS ASSUME A FUTURE ACQUISITION. LOTS INCLUDED IN THIS CALCULATION ARE LOTS 1 THROUGH 8.

2. INCLUDES LOTS 21, 23-25, 26, 35 & PARCELS B & D.

3. CONTINGENCIES SHOULD BE APPLIED FOR FINAL DESIGN AND FUTURE DEVELOPMENT NOT CONSIDERED AT THIS TIME.

4. IMPERVIOUS AREAS ABOVE INCLUDE 30,000 SF OF GREEN ROOF ON BUILDINGS AND APPROXIMATELY 111,000 SF OF WATER FEATURES AND POND.



Glenstone II
Potomac, Maryland
Impervious Areas
Exhibit

Applicant: "Septic does not facilitate the many existing and planned environmental initiatives that are part of the Glenstone Mission." (P26 of Executive packet)

- Organic Lawn Care

- Pilot program with University of Maryland for sustainable organic turf

- Renewable energy

- LEED Certification

- Construction of a Living Building at Glenstone, with 100% sustainability

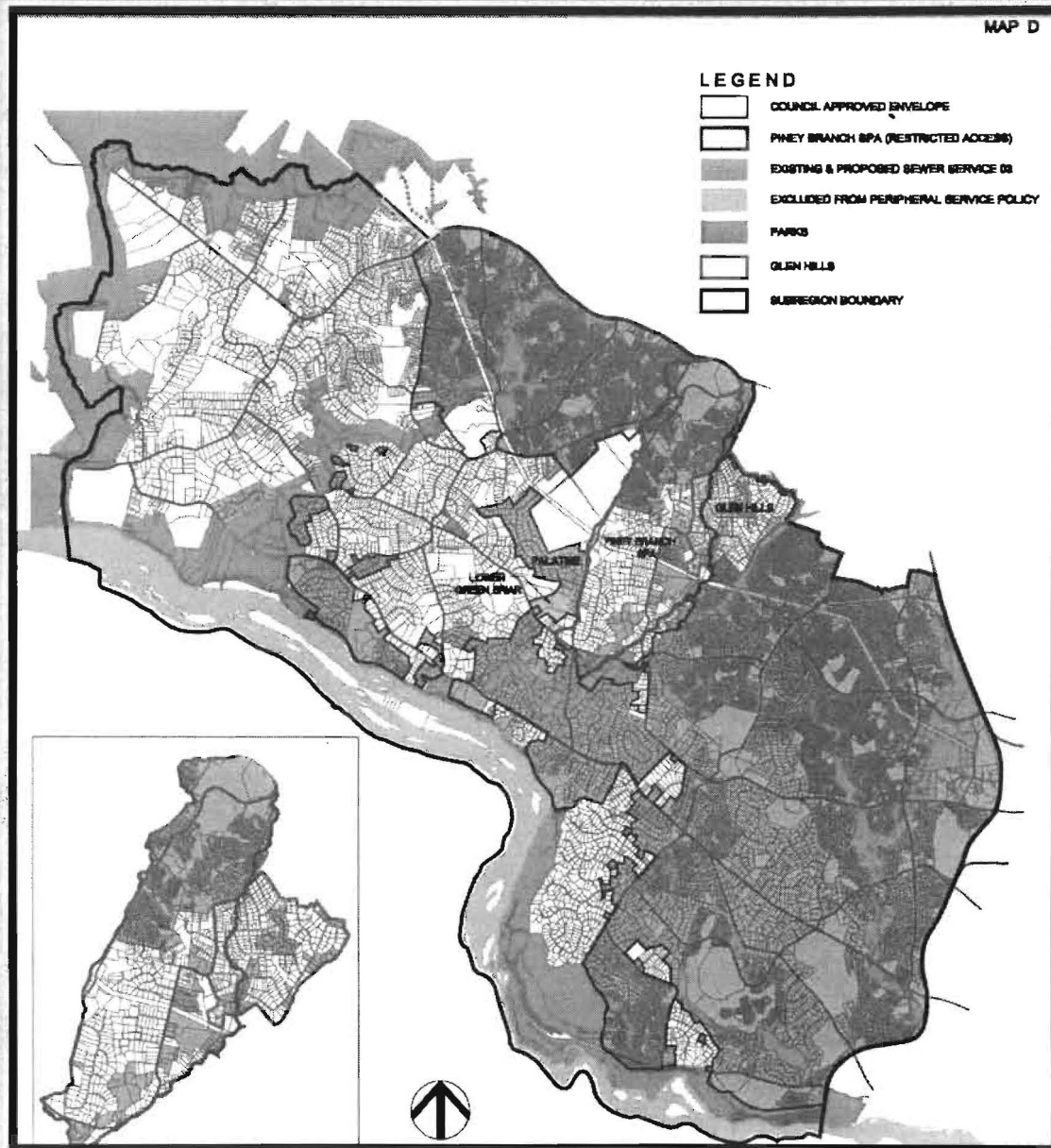
- Compliance with Sustainable Site Initiative administered by ASLA

- Preservation of Green Area with approximately 15% impervious surface

- Applicant wishes flexibility to locate monumental sculptures on the property (p30), including 6.0 acres for future septic and reserve fields.

Potomac Sewer Service Envelope

The Potomac Subregion Master Plan shows the Glenstone properties located outside the approved sewer service envelope.



Applicant's Proposal to address Construction and Maintenance of pressure sewer main

1. Directional boring
2. Pump redundancy
3. Back-up power supply
4. Monitoring function
5. Rain water flushing
6. Multiple pressure gauges
7. Periodic pressure testing
8. Potential casing pipe to catch any leakage

Applicant does not contest the possibility of a sewage leak, under pressure, directly into the stream

Owner values existing ambience of area

○ Policies which have created existing ambience:

1. Master Plan
2. Zoning pattern
3. Park acquisition
4. Two-lane road policy
- 5. Rustic roads
6. Sewer service policy



Potomac Master Plan Sewer Policy

Consider provision of service on periphery of envelope if:

1. Property abuts existing or proposed sewer main,
2. Main can be constructed within public right-of-way, and;
3. Main avoids disruption to streams and undisturbed buffers.

Glenstone meets none of these criteria

Existing Museum Property



For existing PIF uses, category amendments may be approved only where the sewer main extension does not threaten to open undeveloped land to development.

The proposed sewer main would not threaten to open undeveloped land to development.

Museum has an existing septic field.

Need for sewer not demonstrated.

Proposed museum property



For new PIF uses, category amendment may be approved where the required sewer main extension will abut **ONLY** properties eligible for community service.

The proposed main abuts several properties outside the sewer service envelope that are ineligible for community service.

Conclusions

1. Master Plan strongly recommends against extension of sewer outside approved envelope.
2. Existing museum property qualifies for PIF consideration but is served by existing septic field with no established need for sewer.
3. New museum property does not qualify for PIF consideration as the proposed sewer main abuts properties outside the envelope that are not eligible for community sewer service.

Recommendation: Deny S-3 category change

Testimony for Montgomery County Council
Mitchell P. Rales

Good evening. My name is Mitchell Rales and my wife Emily and I are the founders of Glenstone. In 1966 my mom and dad decided they wanted to find a better place to raise their four boys. I was nine years old when the family left Pennsylvania and moved to Bethesda. I have spent the last 46 years as a resident of Montgomery County.

Since 2006 Glenstone has been open to the public, free of charge, and we have watched over ten thousand people come through our doors to enjoy the unique experience that Glenstone offers. It has been one of our greatest joys to see the happy faces of our visitors, and to read their thank you letters as they stream in. After witnessing such a response, we feel it is our responsibility to further expand access to Glenstone. I would like to speak about the importance of art, education, and the environment, and the role they play in expanding our facilities.

We have spent the last 20 years building the art collection. Currently in our existing facility only 10% of the collection can be shown at any given time. By expanding our exhibition space, we can allow a much greater percentage of the collection to be seen.

Funding for art education in public schools has been cut drastically in recent years and continues to dwindle in favor of math, science, and reading. While these subjects are essential, we feel art is a key component in allowing young people to jumpstart their creativity, and unleash the imagination. This spring we welcomed

our first Montgomery County high school students to Glenstone. We provided bus transportation and information on the artworks to all the teachers. With time, we hope to have every high school student in Montgomery County visit Glenstone at least once before graduation. Every educational program requires investments in staff and additional space, and our future plans take these into account.

I am proud to say that I am not only an environmentalist, but a treehugger as well. Since 2010, not a single synthetic chemical has come into contact with the landscape at Glenstone. In fact, Glenstone is the largest property of its kind on the east coast that has converted to a 100% organic landscape management program, and the results are spectacular.

Glenstone represents our legacy gift and will be endowed in perpetuity to ensure funding is never an issue. So, our new facility will be built to last 100 years. It is clear that connecting this 100 year building to public sewer is environmentally more responsible than constructing septic fields, and we will do it at our own expense. We have also taken steps to inform our neighbors of this initiative, inviting over 650 of them to attend an open house at Glenstone earlier this year. I have also spent considerable time with the leaders of the West Montgomery County Citizens Association and the Countryside Alliance to explain the reasoning behind our request and its environmental benefits and operational necessities.

In closing, we are very excited about the opportunity to further expand Glenstone so we may provide benefits to all the constituents of Montgomery County.

Thank you all for considering our request.



My name is Adrienne Nicosia. I am presenting testimony tonight on behalf of the Audubon Naturalist Society and its members.

As the County builds out, your decisions regarding water/sewer changes will be even more critical in nature, especially on proposals for mega-institutions in conflict with Master Plans. Tonight, we concur with the Planning Board's recommendation of denial for all four requests.

The Council wisely created the Private Institutional Facilities (PIF) legislation, and strengthen it in 2005, to address mega-institutional sprawl. I would draw your attention to the Planning Chair's letter of June 20, 2012, to Mr. Leggett and Council President Berliner (attached), which clearly summarizes why Glenstone and the Shri Mangal Mandir Temple do not satisfy the PIF test.

While we applaud the concept of the Glenstone Museum and art collection, County staff indicate that the museum can be built using an on-site system, especially given the 127 acre plus size of the property. Further, it is well outside the water/sewer envelope and violates clear language in the Potomac Sub-region Master Plan crafted to protect the fragile network of water resources such as the Greenbrier Branch, which would be impacted by this proposal.

I want to address the Executive's staff support for this extension using a "grinder pump." It is important to note that the County argued against the use of a limited access sewer main in the Beth El case. Moreover, the Special Court of Appeals agreed with the County that a "carve out" for these types of sewage systems violated the intent of the PIF. And while former Councils have approved some gravity systems in the distant past, those actions were taken before the PIF regulations were strengthened. **If the Council agrees with DEP that a pressure system effectively moots the issue of "ineligible abutting properties" then you arguably will set a policy interpretation in conflict with the Beth El case, and render the PIF policy meaningless with respect to any property that would rely on pressure sewer - regardless of the distance or location of the extension.**

Regarding, the Shri Mangal Mandir Temple request, we again concur with the Planning Commission's recommendation to deny. This proposal fails the PIF test as well. I am attaching a Google Earth photo which also makes the case against siting this massive proposal at the headwaters of Northwest Branch, in a rural neighborhood already burdened with two large institutions in close proximity. We respectfully urge you to deny these requests.



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

OFFICE OF THE CHAIR

June 20, 2012

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

The Honorable Roger Berliner
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: March 2012 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan*

Dear Mr. Leggett and Mr. Berliner:

On Thursday, May 31, 2012 the Montgomery County Planning Board considered the above cited water and sewer service area category changes. Our recommendations are as follows:

11A-PAX-01: Getachew & Wubet

The 1997 Cloverly Master Plan states on page 91 that "The extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area is not consistent with this Plan because of potential impacts on the low-density character of both areas and conflicts with the long standing recommendation not to provide sewer service in the Patuxent River watershed in order to control water quality in the reservoir." Because the Master Plan recommends no sewer service to any uses in the Patuxent River watershed, the Planning Board finds this application inconsistent with the Cloverly Master Plan.

Unanimous Sewer Category Recommendation: Deny S-3

11A-TRV-08: Kapoor Property

This property is outside the Potomac Master Plan sewer service envelope and it is within the Piney Branch Special Protection Area. The 2002 Potomac Master Plan confirms the Piney Branch restricted sewer access policy in the Montgomery County Comprehensive Water Supply and Sewerage System Plan. This property does not meet specific service condition within that policy and is therefore excluded from public sewer service.

Unanimous Sewer Category Recommendation: Deny S-3

11A-CLO-01: Shri Mangal Mandir

This 16.5 acre property is located outside the 1998 Sandy Spring/Ashton Master Plan designated sewer envelope. The Master Plan recommends on page 83 that community service be provided consistent with the Water Supply and Sewerage Systems Plan, which does not recommend extension of sewer to densities of less than ½ acre. This property is zoned RE-2, which permits a maximum density of two units per acre. The Master Plan recommends extension of sewer to only three other types of development:

- RNC zoned properties using the optional method
- Properties within the Rural Village Overlay Zone
- Properties with demonstrated health problems

This property does not fall within any of these categories.

Unanimous Sewer Category Recommendation: Deny S-3

The County's private institutional facility (PIF) policy states that "for new or relocating uses, service area category amendments may be approved for sites . . . 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." The Planning Board agreed with our staff that there is a strong argument that this request is for a *new* use rather than the expansion of an existing use, as it is a different structure on a different property. Also, we were not convinced that the proposed conceptual alignments would satisfy the standard under the PIF policy for existing uses: that the sewer connection would not open the opportunity for service to currently un-served and undeveloped properties. We ask that if sewer service is granted to

The Honorable Isiah Leggett
The Honorable Roger Berliner
June 20, 2012
Page 3

this property, the sewer main alignment be required to satisfy the PIF policy as stated in the conditions proposed by the Department of Environmental Protection.

11A-TRV-06: Glenstone Foundation (Circle 12 of the attachment)

Glenstone constitutes five contiguous properties and an area of 127 acres on the south side of Glen Road, a designated rustic road in the Potomac Subregion. All five properties are outside the approved sewer service envelope within the Potomac Subregion Master Plan. Although the properties do not have any known septic limitations, the applicant seeks approval for public sewer service under the Water and Sewer Plan's PIF policy. The applicant proposes construction of a 3,000-foot pressure sewer, 1,500 feet of which would be off-site, to serve an existing museum building on one property and a proposed new and larger museum on an adjacent property. The sewer main extension is proposed to cross the Greenbriar Branch stream valley and floodplain.

In addition to establishing a sewer service envelope, the Master Plan-adopted sewer service policy set three criteria for possible extension of mains to properties at the periphery of the sewer service envelope. These criteria stated that a main extension could be considered if:

1. Properties abutted existing or proposed sewer mains
2. Mains could be constructed within public rights-of-way, and;
3. Mains avoided disruption to streams and their undisturbed buffers.

Glenstone meets none of these criteria.

The Planning Board recommends that the category change application should be denied as inconsistent with the 2002 Potomac Subregion Master Plan for the reasons stated above. Nonetheless, the County's PIF policy allows the Council to grant a sewer category change outside the sewer service envelope under certain conditions:

- For a new PIF use, a service area category change may be approved if the required main extension will abut only properties that are otherwise eligible for community service under the general policies of the Water and Sewer Plan.

The Honorable Isiah Leggett
The Honorable Roger Berliner
June 20, 2012
Page 4

- For an existing PIF use, a service area category change may be approved 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.

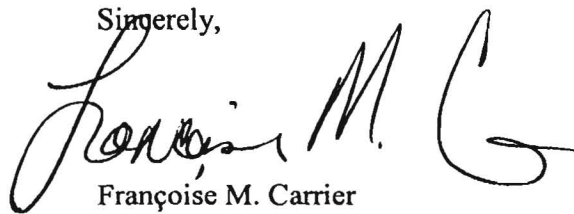
The Planning Board submits that Glenstone is arguably a *new* use because it is a new structure on a different property. As a new use, the proposed museum would not satisfy the applicable PIF test. Even if the proposed museum is considered part of an existing use, the Planning Board believes the request should be denied on master plan grounds.

In a minority opinion, Commissioner Dreyfuss stated that the Master Plan does not expressly prohibit this use, that the application is for an expansion of an existing use under the terms of the PIF policy and that it should be granted.

Sewer Category Recommendation: Deny S-3

We thank you for the opportunity to provide recommendations on these cases.

Sincerely,



Françoise M. Carrier
Chair

FC:KN/rb/kr

cc Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Katherine Nelson, M-NCPPC Environmental Planning
Clara Moise, M-NCPPC Chairman's Office

Attachment:

Planning Board Staff Report
PowerPoint presentation regarding Glenstone

Over Five Acres of Significant Sandy Spring Forest to be Cleared for Parking/Expansion



Shri Mangal Mandir Proposed Expansion Outlined in Red.

Earl A. Powell III
Director, National Gallery of Art

I am here to voice my support for the remarkable project that Mitch and Emily Rales are proposing to carry out at Glenstone. In speaking on its behalf, I will not presume to comment on infrastructure and county policy. Those matters are clearly outside my field. But I do know something about art museums and on that basis I can tell you that the further development of Glenstone deserves wholehearted encouragement from Montgomery County.

Glenstone has assembled one of the world's most important collections of art from the period after World War II—a collection that continues to grow. Any museum in the world—including the National Gallery of Art—would be eager to have the Glenstone collection for itself.

It is extraordinary that a collection of Glenstone's exceptional quality should now reside in Potomac, where the public can visit it entirely for free, in a museum building and a beautifully designed landscape made expressly for these works.

Glenstone is already a tremendous boon to the people of Montgomery County—especially young people. It is rapidly becoming an invaluable resource for the school system, providing experiences that the students can get literally nowhere else. I know Glenstone is going to be doing still more for education and it is also planning to make much more of the collection available to the public, within the existing borders of its property.

I have every reason to believe that Glenstone will carry out this internal expansion with the sensitivity to the landscape, and the respect for nature, that it has already shown.

I also note the very important point that Mitch and Emily Rales are making financial provisions for the future of Glenstone. Someday, people other than Mitch and Emily will take over the direction of this institution—and when they do, they will never have to seek grants or subsidies for its support. Through an exceptional act of generosity, Glenstone is being fully endowed.

As both a museum director and a citizen of this region, I am eager to see Glenstone realize its plans. With thanks to the council for considering my opinion, I urge you to approve this application.

Montgomery County Council meeting

Earl Powell

- Thank you for allowing me to speak to you today. My name is Rusty Powell, and I am the Director of the National Gallery of Art
- I am here to voice my support for the remarkable project that Mitch and Emily Rales are proposing to carry out at Glenstone.
- In speaking on its behalf, I will not presume to comment on infrastructure and county policy. Those matters are clearly outside my field.
- But I do know something about art museums. And on that basis, I can tell you that the further development of Glenstone deserves wholehearted encouragement from Montgomery County.
- Glenstone has assembled one of the world's most important collections of art from the period after World War II—a collection that continues to grow.
- Let me emphasize this point. Any museum in the world—including the National Gallery of Art—would be eager to have the Glenstone collection for itself.
- I hope the fact that this collection resides here, in Potomac, will not blind the citizens of this county to its significance. It is human nature to think that if a resource is sitting in your own back yard, it can't be that great.
- But I am here to tell you, the Glenstone collection *is* that great. And it is extraordinary that it should now reside in Potomac, where the public can visit it entirely for free, in a museum building and a beautifully designed landscape made expressly for these works.
- Glenstone is already a tremendous boon to the people of Montgomery County—especially young people. It is rapidly becoming an invaluable resource for the school system, providing experiences that the students can get literally nowhere else.
- I know Glenstone is going to be doing still more for education. And it is also planning to make much more of the collection available to the public, within the existing borders of its property.
- I have every reason to believe that Glenstone will carry out this internal expansion with the sensitivity to the landscape, and the respect for nature, that it has already shown.

- I also note the very important point that Mitch and Emily Rales are making financial provisions for the future of Glenstone. Someday, people other than Mitch and Emily will take over the direction of this institution—and when they do, they will never have to seek grants or subsidies for its support. Through an exceptional act of generosity, Glenstone is being fully endowed.
- As both a museum director and a citizen of this region, I am eager to see Glenstone realize its plans. It is unthinkable to me that Montgomery County would miss the great opportunity that Glenstone offers.
- With thanks to the council for listening to my opinion, I urge you to approve this application.



**Before Montgomery County Council: Proposed Amendments: Montgomery County
Comprehensive Water Supply and Sewerage Systems Plan
April 2012 County Council Group
Testimony Delivered on Behalf of Montgomery Countryside Alliance
By Caroline Taylor - June 21, 2012**

Good evening, I am Caroline Taylor I am here to provide testimony on behalf of Montgomery Countryside Alliance (MCA) and our members and supporters. After thorough review of the public materials, we have concluded that the Planning Board recommendations for denial of all four applications are sound, grounded in law and adhere to long range master plans and, therefore, deserve our support. Collectively, our vision must be long term. We must guard against short term decisions that provide dangerous precedent that too often undermine that vision.

I will address with specificity the application by Mr. Rales on behalf of Glenstone Foundation. There are several aspects of this issue that are quite clear: The museum project sounds quite wonderful. The merits of the project, though we await a specific plan, are not germane to the decision regarding sewer extension. **And the happiest news:** The project, per both Planning Board and County Executive opinions, can be achieved within the confines of the Master Plan and existing law. The County Executive's transmittal packet at circle 14 reads: "Typically, PIF applications depend on a category change for construction to proceed. This one does not. The museum expansion can be built with septic fields. The rationale for the application includes the desire for flexibility in locating large and (sic) sculpture using heavy equipment." The report goes on to suggest that innovative on-site sewerage treatment be explored. MCA hopes to discuss that unexplored option with the applicant.

Both the Planning Board and the County Executive opinions provide multiple citations to the PIF and the master plan, though the Executive's summary oddly relegates these important elements to footnotes. Notably both acknowledge that this application fails to meet the following threshold master plan criteria that require that:

1. Properties abut existing or proposed sewer mains
2. Mains should be constructed within public rights-of-way, and;
3. Mains avoid disruption to streams and their undisturbed buffers.

It was, therefore, more than a bit perplexing that the opinions arrived at opposite conclusions. The Executive opinion appears to rely on the notion that the PIF is satisfied by employing a single user pump grinder system. There is no basis for this conclusion in current law. It is ridiculous to assume that few if any could afford such a system. Currently several large scale institutions are proposing exactly the same systems in rural zones. In one of these cases, Bethel World Outreach Church, the County has vigorously defended the PIF and master plan. Granting these applications on such a flimsy basis ensures that the County's rural lands will become a holding ground for large scale public institutions with ample resources:

Thank you for the opportunity to provide comment.

Contact: Caroline Taylor, 301-461-9831 – caroline@mocoalliance.org

TESTIMONY OF BARBARA SEARS

Service Category Change Request 11A TRV-06;

Glenstone Foundation

June 21, 2012 Public Hearing

- Good Evening. My name is Barbara Sears, with the law firm of Linowes and Blocher, representing the Glenstone Foundation and Mitchell and Emily Rales, its founders. Glenstone presents an excellent opportunity to use the PIF Policy exactly as it was intended to be used – to accommodate and support the expansion of an existing non-profit cultural institution that contributes to and enriches the community.
- Glenstone is not in the sewer service envelope, and under the PIF Policy it specifically does not need to be. As found by the County Executive in his recommendation of approval, the Application is consistent with the policies of the Water and Sewer Plan and the sewer service recommendations of the Potomac Subregion Master Plan.
- In this regard, the Sewer Service Policies of the Master Plan require that they be considered together with the policies of the Water and Sewer Plan, which include the PIF Policy.

- The PIF Policy existed in 2002 when the Master Plan was adopted and the Master Plan did not exclude or limit its use.
- Because Glenstone was not founded until four years after the Master Plan was adopted, it would have been impossible for the Plan to have evaluated a museum use on the property. The purpose of the PIF Policy is to allow the Council to undertake a later case-by-case analysis and permit a non-profit institutional facility to develop on public sewer where the PIF criteria is met and the impacts justified.
- Accordingly, the grant of this Application will not establish a precedent. It stands on its own based on its unique facts and circumstances that promote not only outstanding art, but the highest standards of environmental sustainability and open space conservation squarely consistent with the overarching goals of the Master Plan.
- Consistent with these goals, the Application does not facilitate maximum density – on the 127-acre Application area alone, Glenstone removes 40 previously approved house lots on septics; limits impervious area to 15%, and implements a host of environmental initiatives.

- The property is not in the RDT Zone. It is zoned RE-2. By its terms, the PIF Policy cannot be used in the RDT Zone – there is no threat to the Agriculture Reserve.
- Visitors have staggered and timed entry, resulting in evenly distributed and off-peak trips that have minimal impact on Glen Road.
- Consistent with the PIF Policy, the extension of the limited access sewer line does not threaten to open undeveloped land to development contrary to the Master Plan. The line abuts only a handful of single-family lots that have been improved.
- In conclusion, the Applicant accepts the conditions recommended by the Executive limiting the public sewer to the museum facilities for the use of the Foundation. Thank you for your consideration.

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20854

Founded 1947

Testimony - June 20, 2012 - @ Montgomery County Council - Proposed Amendments to MC Comprehensive Water Supply and Sewerage Systems Plan

WMCCA fully supports **denial** of sewer on the requests before you in the Potomac Subregion but we are particularly concerned about the Glenstone property on Glen Rd. (11A-TRV-06). We have hosted a presentation by Glenstone to our Board of Directors. I have personally toured the site with Mr. Rales and his consultants in the company of former Council President Valerie Ervin. WMCCA has made our objections known to the applicant and tried to work with him on potential alternatives.

To be clear, we are not opposed to the existing Glenstone Museum, the opening of additional access to the public or the expansion anticipated on the site. We can see how this is a cultural enhancement to the entire region even though we have concerns about future impacts to Glen Rd., designated as Rustic and already facing the addition of the Greenbriar Local Park which will include a soccer field and other recreational amenities.

Mr Rales does not need sewer to build Glenstone II and we are convinced that he has the flexibility to locate 6 acres of septic on 127+ acres since he continues to buy surrounding properties. The arguments being made for using sewer undermine the very premise of *Potomac Subregion Master Plan* and threaten our highly prized Agricultural Reserve.

The criteria for a main extension under *The Potomac Master Plan* have not been met. The site does not abut any properties otherwise eligible for sewer service. Remember, here we have at least 5 properties, not one. It requires a mile extension to existing sewer. It will cross the Greenbriar Branch, a stream this County made a strategic decision to stay out of at least 15 years ago.

We agree with the Planning Board finding that this application does not meet the standards for granting a change under the PIF policy. It is a new use because it is a new structure on a different property. There are 5 separate properties, not one. Even if it were considered an existing use, it should be denied on Master Plan grounds.

Money is obviously no object here since the property owner has spent \$28 million on 6 surrounding properties just to eliminate the existing houses. To truly support the expansion of this museum, we need to see it be a model of septic innovation. We also encourage exploring new technologies for onsite sewerage treatment. Sewer is not required to build Glenstone II and it is much too risky to our established policies in Potomac and the Ag. Reserve to grant it here.

Respectively submitted, Ginny Barnes, Environmental Chair.

10311 Glen Rd. Potomac, Md. 20854 ~ (301) 762-6423 ~ ginnybarnes@tuno.com

Steven Baumgartner
 Buro Happold
 Draft Testimony Talking Points

- Good evening, my name is Steven Baumgartner with Buro Happold. I am Glenstone's energy engineer and Sustainability Consultant. Buro Happold is a practice of problem solvers working in the built and natural environment tackling the hardest issues that are most relevant to buildings, cities and strategic plans.

My testimony will focus on our initiatives for achieving energy efficiency in the design and operation of all aspects of the project. The project/Foundation shares the highest vision for environmental standards and sustainability. Looking beyond just-built environment to the seamless integration of landscape/ecology, and the regeneration of the landscape.

- For the expansion project, our goal is to set a benchmark for Energy efficiency and conservation in museum environments. We are benchmarking other museum projects and using industry best standard, ASRHAE-90.1 as a design code in which we are targeting 25% below standard energy consumption.
- This project is currently tracking LEED Gold. LEED is a third-party tracking tool on 'how green' your project is. Goes beyond energy to look at water, etc.
- In looking at storm water, water supply and wastewater options for this project, we studied a broad range of options, including pre-package treatment plants and on-site blackwater treatment.
- From an energy use standpoint, public sewer is less energy intensive relative to alternatives. Centralization has a greater efficiency of scale, in that they can treat wastewater more efficiently. Even with pumping energy back to the waste-water treatment plant, the overall most efficient option is connection to sewer.
- Glenstone's commitment doesn't just stop at 'energy'. There are several on-site water conservation measures
- It is also a known fact that these systems lead to nitrogen build-up within the soil and watershed systems. The pollution of waterways from nitrogen build up of these septic systems is a national problem.

In closing, after close consideration of the environmental and energy impact, we strongly recommend the connection to the sewer system.

SHRI MANGAL MANDIR RELIGIOUS AND CHARITABLE TRUST**County Council Hearing – July 21, 2012**

Good evening, Pat Harris, Lerch, Early & Brewer on behalf of the Shri Mangal Mandir Religious Education and Charitable Trust. As DEP has concluded, extending sewer service to this property is consistent with the PIF policy. We are pleased with the Planning Board's comment that if the Council were to grant the requested sewer category change, the sewer line alignment needs to be acceptable to DEP.

The Temple, which is the only meaningful Hindu temple of any size in Montgomery County, has grown significantly since it was established in 1993, as a result of an increase in population as well as an increase in interest in the facility. This growth is particularly evident in the senior and youth population who participate in religious educational studies. The Temple now has up to a total of 1,500 people at special events. Recognizing their growth, and in an effort to be a good neighbor, the Temple purchased Parcel 491 in 2008 which is immediately adjacent to the existing Temple site.

The Temple desires to do what many other congregations and religious institutions up and down New Hampshire Avenue within a stones throw of the site have done, including Ukraine Catholic Church, Immanuel's Church, Jehovah Witnesses, Resurrection Baptist, Ashton United Methodist, Hampshire View Baptist, and Seventh Day Adventist, and that is to provide expanded facilities to accommodate their growing

population. At least two of these neighboring churches were granted sewer category changes to accommodate their growth – Immanuel Church and Ashton Methodist.

The Property is currently approved for four residential lots with septic. Thus, approving the category change would be completely consistent with the State's objective of eliminating septic use in an effort to clean up the Bay.

As DEP has determined, the request is consistent with the PIF policy which provides in part "to continue to support where the provision of community service is reasonable, the County's private institutional facilities which the Council recognizes as having an important role in their community and for their residents." Without question, the sewer category change to allow construction of a structure to house an activity – religious education -- which is currently occurring in the existing public facility, satisfies this goal.

It is important to remember that the entire purpose of the PIF policy is to provide the opportunity to lift public institutions out from under the general water and sewer recommendations of the existing Master Plan if they meet the PIF criteria and if doing so is not inconsistent with the Master Plan.

The requested change would allow the Temple that has been at the present location since 1993 to continue to do exactly what they are currently doing, except in an improved environment. That is, no longer would there be different groups of various kids huddled in separate corners of a room or in a hallway in their education study groups

because of limited space. No longer would the existing events be packed into the existing facility. The category change would allow the Temple to enjoy the same advantage of additional space as the variety of other religious institutions up and down New Hampshire Avenue.

We urge the Council to approve the requested category change.



Testimony on Glenstone Project on Glen Road, Potomac

By Eliot Pfanstiehl, CEO Strathmore

June 21, 2012

In Favor of the Amendments to the Comprehensive Water Supply
and Sewerage Systems Plan: Water and Sewer Category Change
Request 11A-TRV-06

Good evening Honorable Council Members. My name is Eliot Pfanstiehl, CEO of Strathmore, located at 5301 Tuckerman Lane, North Bethesda, MD 20852.

You know us well. We are a unique presenting, producing and educating, multidisciplinary arts center based right here in Montgomery County. You own us, and have trusted us to make you proud since 1983, some 30 years ago, when we opened the Mansion.

Now, entering our 8th season in our Music and Arts Education Center, I believe we have again proven our ability to make about two million more visitors proud since opening on February 5, 2005. We do this by bringing some of the best performing artists in the world to our citizens in Montgomery County. “World class” is not an aspirational term; it is reality. And that’s why I am here, tonight.

Glenstone, the life dream of Mitch and Emily Rales, is also a certifiably “world-class” art institution with the kind of art collection few could imagine, much less assemble, under one roof. One of the County’s best kept secrets, I only just discovered Glenstone this past year after being invited on a tour of their exquisite grounds and the stunning museum. When I heard they want to open it up to greater public access, especially for school children, we started a conversation about how to engage MCPS, the public and the County, something at which we have become quite proficient. That led to deeper discussions about arts education, public visitation and environmental education. We were soul mates.

Mitch and Emily accepted my invitation to tour Strathmore and consider placing a loaned piece of their collection on our site on a

rotating basis. That day, sitting in the 2,000 seat Concert Hall, our discussion was comfortable, collaborative and even passionate. We both shared our combined, broader vision for bringing the best performing and visual arts in the world to the County. We agreed that with our increasingly diverse population of nations, cultures, languages and artistic legacies, Montgomery County has a near perfect audience for our sophisticated, world-wide program of artistic content. In fact, there may be no better demographic profile of appreciative and knowledgeable citizens in the entire nation.

On a practical level, Strathmore has a well established reputation and highly visible location attracting a quarter million visitors a year. Glenstone has the kind of art deserving of much greater recognition and access than has been able to realize to date. It was a match made in heaven. Three months later, a stunning Keith Haring piece was unveiled in our Lockheed Martin Lobby at our Annual Spring Gala as we jointly announced this new partnership of world-class Montgomery County based arts institutions to the Gala audience.

Now, Glenstone plans to expand their museum with a second larger, even more impressive facility, where the architecture and surrounding landscaping will be a masterpiece. Given the extensive size of their art collection, this additional state-of-the art gallery space simply makes sense.

Mitch and Emily Rales have already proven themselves to be remarkable and conscientious stewards of the landscape, not only shaping the rolling grounds to frame an array of magnificent outdoor sculptures, but using “best practices” land management strategies based on the very latest in enviro-responsible and sustainable science.

Of course, they clearly have the private resources to make every promise come true with the end goal of changing how we, in Montgomery County, see ourselves and our community... as a truly world-class place to live.

This is a unique gift to Montgomery County, pure and simple. It is worthy our serious attention, our heartfelt support, and our hospitable welcome. Lives will be shaped by its presence, just as they are shaped daily by Strathmore.

You've been right before. Thank you for your wise and favorable consideration of their proposal.

Eliot Pfanstiehl, CEO
Strathmore Hall Foundation, Inc.
5301 Tuckerman Lane
N. Bethesda, MD 20852
301.581.5120

11

Christy O. Stebbins
542 Ednor Rd. • Silver Spring, MD 20905
caostebbins@verizon.net • 301-570-0301

21 June 2012

Roger Berliner, President
Montgomery County Council
100 Maryland Ave.
Rockville, Maryland 20850

Re: Shri Mangal Mandir Request for Sewer Category Change WSCCR 11A-CLO-01

Good evening:

My name is Christy Stebbins, and my husband and I are downstream property owners bordering the Shri Mangal Mandir.

Should the Temple's request for a sewer category change be approved so that they can build a congregation center and a 250-space parking lot, in addition to their current temple and current parking lot, at the intersection of New Hampshire and Ednor Road? No. Here's why.

If their request is approved, and all of their plans go forward, then we will have a mega-religious institution at "the crossroads"—the entry point—of a historic rural area of Montgomery County at the headwaters of the Northwest Branch, a tributary to the Anacostia. The Sandy Spring-Ashton Master Plan very clearly does not support such development and cautions how that intersection is developed because it "defines the character of the area because it serves as an entry." In this case, I urge the County Council to deny the request as per the recommendations of the Montgomery County Planning Board.

If their request is denied, however, the Temple could follow the example of the Resurrection Baptist Church just across the street from them, *who clear-cut their entire parcel in order to install a septic field*. This would be the worst of all outcomes. Please note the pictures attached to this letter.

The problem with that plan is that the parcel where the development is proposed doesn't perc. That land, originally called the Ford property, was approved for the development of four homes, but they all required sand mound septic, not a traditional septic system.

If the Temple can put their septic system under the proposed 250-space parking lot, and I understand that their current septic field is under their current parking lot, then the sewer category change should be denied so as not to disrupt other stream areas leading to the site as per the Planning Board recommendations.

But the question of a sewer category change begs the question of the location of a mega-religious institution with total parking for 350-400 cars at the entry point of a historic

rural neighborhood, not to mention the environmental impact on the headwaters of a tributary, and the habitat loss for forest interior dwelling birds.

A few of us neighbors have met, at our request, with Temple representatives, and they have told us that what they are proposing is for our sake! They are trying to address one of the biggest complaints about the parking in the neighborhoods whenever they hold one of their large celebrations. What they do not seem to understand is that a rural residential area is not the appropriate location for such large gatherings in the first place. The Temple is not doing this for the Sandy Spring-Ashton community. They are trying to meet their own needs in a space that, in the end, is not suitable. By creating an even larger space for their gatherings, they are only going to increase the friction with the neighborhood, impact the watershed, the forests, the wildlife, and the quality of life in the Sandy Spring-Ashton area.

I urge you to deny the sewer category change.

Sincerely,

A handwritten signature in cursive script, reading "Christy O. Stebbins", followed by a long horizontal flourish.

Christy O. Stebbins

Two attachments:

Sandy Spring Forest Threatened by Proposed Clear Cutting for Parking Lot Expansion
Over Five Acres of a Significant Sandy Spring Forest to be Cleared for
Parking/Expansion

Thank you to the Audubon Naturalist Society for preparing these images and the permission to use them.

Sandy Spring Forest Threatened by Proposed Clear Cutting for Parking Lot Expansion



Google Earth Photo of Existing Parcel

Over Five Acres of Significant Sandy Spring Forest to be Cleared for Parking/Expansion



Help Preserve Sandy Spring's Rural Character. Oppose the Temple Expansion.



*Sugarloaf Citizens'
Association*

Protecting Our Rural Legacy

Linden Farm, 20900 Martinsburg Rd., PO Box 218, Dickerson, MD 20842 • Tel. 301-349-4889 • www.SugarloafCitizens.org

Testimony before T & E Committee, June 21, 2012
Urging DENIAL: Glenstone Museum preliminary plan #120100200, 11ATRV-06
Chris Kendrick, Treasurer, Sugarloaf Citizens' Association, Inc.

On behalf of the Board and Members of Sugarloaf Citizens' Association, we urge the Committee to uphold the critical review criteria set forth in the Public Institutional Facility (PIF) policy and Potomac Subregion Master Plan. Both were cited by the Montgomery County Planning Board in their May 31 review, and *recommendation of denial*, for application #11A – TRV-06. Their thoroughgoing report also recommended denial of three other applications; below is a summary of all four.

- 11A – TRV-06 Mitch Rales / Glenstone Foundation
DENY: Provision of service would be considered if: 1) Properties abutted existing or proposed sewer mains, 2) Mains could be constructed within public rights-of-way, and 3) Mains avoided disruption to streams and their undisturbed buffers. *Glenstone meets none of these criteria.*
- 11A – PAX-01: Getachew and Wubet
DENY: Application inconsistent with the Cloverly Master Plan; *no sewer service to any uses in the Patuxent River watershed.*
- 11A – TRV-08 Kapoor
DENY: Property *does not meet six specific service conditions within the Piney Branch restricted sewer access policy*, and is therefore excluded from public sewer service.
- 11A – CLO-01: Shri Mangal Madir
DENY: At 16.5 acres the 1998 Sandy Spring/Ashton Master Plan recommends extension of sewer to only three types of development: 1) RNC zoned properties using the optional method, 2) Properties within the Rural Village Overlay Zone or 3) Properties with demonstrated health problems; *property does not meet any of these criteria.*

That Glenstone's proposed solution has garnered endorsements from several influential members of our community, looks nifty on paper, or happens to be well funded are *immaterial* to the essential public policies cited by our professional planners. Each of us can appreciate the public benefit in the end goal of this application, but we ask the Council to uphold Park and Planning's recommendation of denial. We acknowledge that this responsible course would represent an inconvenience to Mr. Rales' immediate vision for Glenstone, but it is, by no means, a show stopper.

The allocation of only six acres to septic infrastructure, in the more than 200 contiguous acres Mr. Rales has amassed, is all that stands between his laudable ambitions and our significant concerns.

By contrast, if the Council fails to regard the advice of planners, and the considerable experience of concerned residents, we walk down a slippery and all-too-familiar slope, opening the doors to existing and unforeseen development threats on land in many rural zones.

We urge the County Council to stand behind the research and recommendations of Park and Planning staff, and ask the Glenstone team to develop a plan that fulfills their vision, while complying with both the Potomac Subregion Master Plan and PIF policy.

Respectfully submitted,



Chris Kendrick, Treasurer,
on behalf of the Board and Members of
Sugarloaf Citizens Association, Inc.

June 21, 2012

Montgomery County Council
Rockville, MD

Dear County Council:

This letter is in regards to the Water and Sewer Plan Amendments hearing scheduled for this Thursday June 21, 2012 at 7:30pm. As a lifetime resident of the county and an active member of the community, I am writing this letter to respectfully oppose the current recommendation to deny our request for a single hook up to public sewer for our home at 10401 Boswell Ln., Potomac, MD where we have lived for over 6 years. The impetus for our request is based on hazardous conditions experienced by visitors and guests to our home who simply have nowhere to safely park except on heavily-traveled Boswell Ln. during gatherings at our house. In fact on many occasions guests were nearly hit by passing traffic. Just this last February we had a party at our home for the 5th grade boys' basketball team for which I was the coach. Due to limited parking some families had to park along Boswell lane and a child was almost struck by a passing car ! With this public sewer hookup, our existing septic field could be abandoned and used as a place to safely park for our guests. Thus far we have not allowed guests to park there because it will permanently damage our septic field. Attached is a map showing our current layout.

Over the course of time EVERYONE ON BOSWELL HAS OR WILL HAVE ACCESS RIGHTS TO SEWER HOOKUP EXCEPT ME. In fact, builder RAM Investing LLC (WSCCR-00A-TRV-03) received sewer hookup in 2004 and they did not meet the requirements of the master plan, not only that but the planning board let him sub-divide into FOUR LOTS which was ALSO against the master plan !!!! The builder dragged the sewer from over 1900 ft away for that project !!! I'm asking for ONE sewer hookup to a nearby sewer main for my existing home so I can use my open space for safe parking during gatherings. While multimillionaires and billionaires have attorneys to devise crafty ways to get category changes and permits through the county system, the average citizen is being rejected and treated unfairly at the sacrifice of their safety and well being! Please use uniform rules for everyone and not selective interpretations of out dated plans. I will be extremely disappointed to see these wealthy business men get their way while my application is rejected. That will be extremely unfair and negligent considering this is also a dangerous safety issue.

By the way, I have approached the county about getting a sidewalk installed so guests would have a safe place to at least walk along Boswell Ln but the county has already told me that constructing a sidewalk on Boswell would be almost impossible because we would need to get approval from all the homeowners on Boswell Ln.

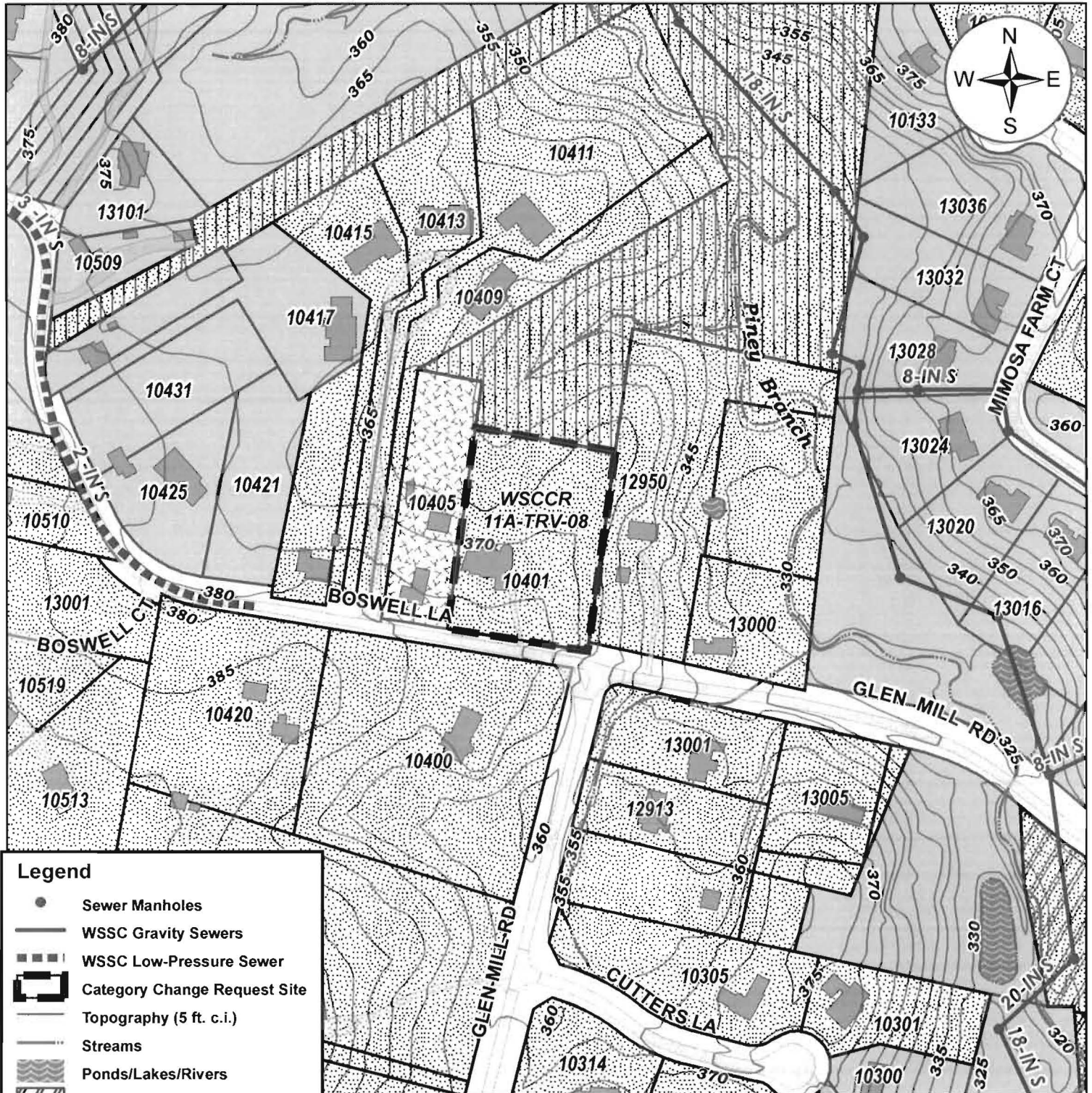
Citizen groups no longer care about Boswell Lane anymore, because the street is now fully developed and there is nothing to restrict. I'm the only one left on Boswell Ln. who will not have the right to hook up!! The recommendation on the table regarding our

application is simply a strict interpretation of a "plan" that is now out dated and makes no sense to interpret literally any longer for our property. For Boswell Lane the plan was for no sewer hookup in accordance with the Potomac Master plan.

The executive recommendations provided to you are strict interruptions of a general 30 year plan from individuals who are simply doing their job. However, "Plans" change, and we adjust our plans in order to do the right thing, which in this case is to ensure citizen safety and protect our beautiful county at the same time. So I employ to the County Council's sense of practicality and judiciousness as our elected leaders to make the right decision and grant us an S-6 to S-3 category. Thank you very much for your consideration.

Regards,
Ravinder Kapoor
Homeowner
10401 Boswell Ln.
ph. 301-251-2130

Sewer Service Area Categories Map: WSCCR 11A-TRV-08 (Kapoor)



Legend

- Sewer Manholes
- WSSC Gravity Sewers
- - - WSSC Low-Pressure Sewer
- Category Change Request Site
- Topography (5 ft. c.i.)
- Streams
- Ponds/Lakes/Rivers
- Existing Parkland
- Sewer Categories**
- S-1
- S-3
- S-4
- S-5
- S-6
- Conditional Approval for S-3

0 200 400 600 800

SCALE (Feet)

Montgomery County, Maryland
Draft 2011 Comprehensive Water Supply
and Sewerage Systems Plan



DEP-WWPG

6/20/12

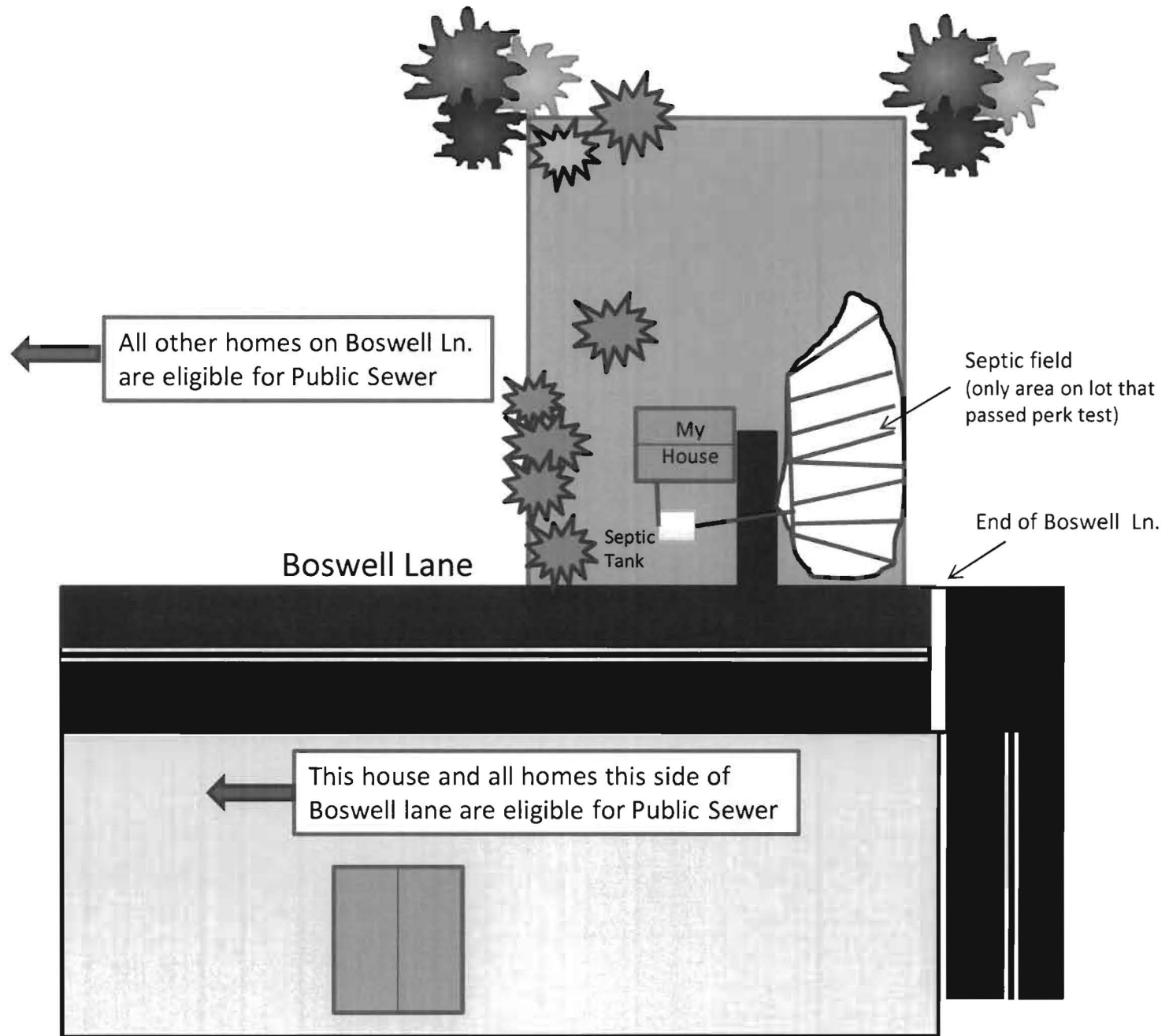
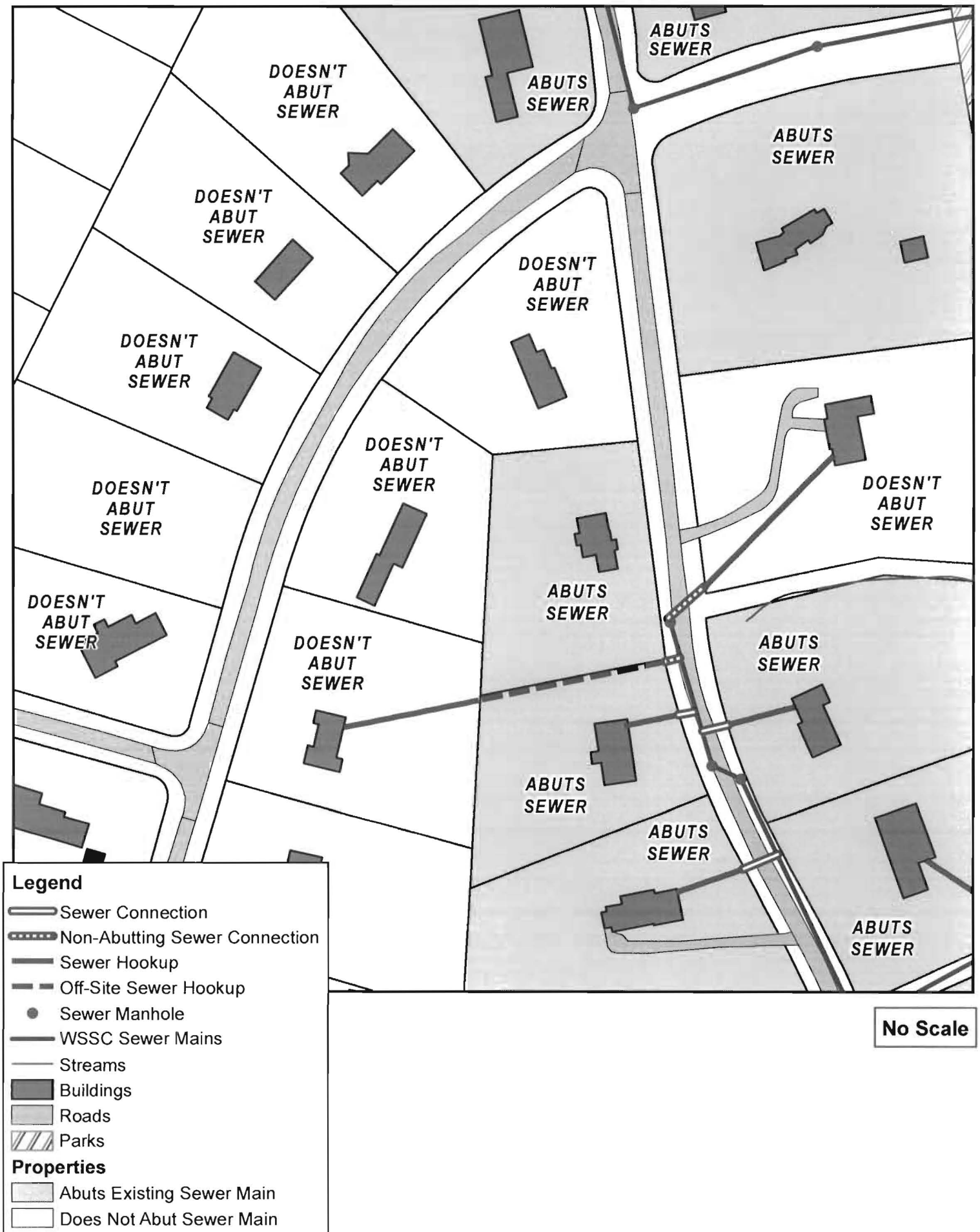


Figure 1-FX: Examples of House Connections/Hookups and Abutting/Non-abutting Properties





The Glenstone Model for Sustainability

Hello, my name is Paul Tukey, founder of the SafeLawns Foundation. I first began working with Glenstone in 2010, when the Rales contacted me for advice on creating a greener and safer environment at Glenstone. During the past two years, I have worked closely with the Rales and the Glenstone staff to initiate sustainable practices and programs.

In the context of the Chesapeake Bay watershed in crisis due to runoff from septic systems, poor farming practices, and excess lawn fertilizer and pesticides such as weed and insect killers and fungicides, Glenstone has handed the state of Maryland, its educators and political leaders a world-class opportunity for cutting-edge research and education in all three critical areas:

THE LANDSCAPE — Glenstone's generous, timely and fortuitous commitment to all-organic protocols across 160-plus acres of suburbia is keeping fertilizers out of the watershed and toxic pesticides out of general circulation. Simply stated, this is the largest organic landscape project of its kind in North America. By bringing in the nation's leading consultants in sustainable landscape maintenance — and making an ongoing commitment to sharing that information with Montgomery County and the world at large — Glenstone is leading by example. Glenstone has hosted numerous educational tours of horticultural educators, policy and thought leaders who can bring the message of sustainable landscaping back to their communities. Additionally, Glenstone has sponsored more than a dozen of my personal presentations to homeowners and other community groups throughout the County and into the District of Columbia. Glenstone and the SafeLawns Foundation have made this an ongoing commitment for as long as the message is needed.

THE RESEARCH PROJECT — Demonstrating its commitment to landscape education



and outreach, Glenstone made a six-figure pledge to fund a research project with the University of Maryland's internationally renowned turfgrass program. Starting in October of 2011, university researchers began visiting Glenstone to conduct experiments aimed at achieving sustainable lawncare with natural, locally available substances. The result will be a peer-reviewed research paper, likely to be

published in 2013, that details "The Glenstone Model" for sustainable landscapes. The nation is set to get a preview of this project in late July of this year when the PBS program, Growing a Greener World — watched by a million viewers weekly — airs a featured segment focusing on the Glenstone and UMD collaboration.

FARMING — Among the most unique aspects of Glenstone's landscape is the conscious integration of sustainable farming upon its landscape and even amongst its artwork. Animals from nearby Grassential Farm graze daily on the naturally maintained fields; their rotations are carefully calibrated and monitored to ensure soils are not denigrated — to the contrary, testing shows that the Grassential animal rotation program is rebuilding the soils so runoff into nearby streambeds is eliminated. Construction of a septic system at Glenstone would eliminate valuable grazing acreage from the Grassential operation. The Maryland Department of Agriculture, the University of Maryland Cooperative Extension, among many other organizations, recommends animal grazing not be conducted within a leach field zone for the following reasons: 1) heavy animals are likely to damage the drain field by compressing the soil and possibly by damaging buried piping. Compressing the soil over a septic drain field interferes with soil transpiration, cutting the oxygen level needed by soil bacteria in the biomat and reducing removal of septic effluent through evaporation. 2) There is also some chance that pathogens from septic effluent may pass to and infect the animals.

SEWER VS. SEPTIC — Unassailable evidence tells us that sewage treatment is better for the environment than septic treatment, especially within the Chesapeake Bay region. Numerous state agencies and Maryland's governor have led campaigns to reduce the region's dependence on septic systems, which are far more prone to failure and to leaching harmful nutrient loads into the watershed. Careful study of these issues has led those of us associated with Glenstone to conclude that feasible connection to existing sewer lines is the only sustainable outcome to best benefit Potomac, Montgomery County and the State of Maryland. — Paul Tukey, paul@safelawns.org.

Montgomery County Council Testimony

Kerry Brougher

As Chief Curator and Deputy Director of the Hirshhorn Museum, which is part of the Smithsonian, you might have expected me to begin by speaking about the amazing art of Glenstone. Although I can absolutely attest to the fact that Glenstone has built and continues to build one of the finest collections of modern and contemporary art in the world, I am here first and foremost because I am a Montgomery County resident and because I am a parent with children in Montgomery County public schools.

As a resident living on the edge of Potomac, I have to say that it has been a privilege to have Glenstone in our neighborhood. I love living in Montgomery County; it's a beautiful place to reside, which is why I greatly appreciate and admire the fact that Glenstone has been particularly careful to not only maintain the beauty of the area, but has even enhanced it with an important commitment to the environment and ecologically sound landscaping. Mitch Rales grew up in Bethesda. He is a local kid who cherishes the natural beauty of his home area and has sought to preserve its agrarian roots. I have taken my two children to Glenstone on several occasions, and the experience of seeing such astounding art in such a magnificent setting, was one of peaceful and calm joy.

Most museums are built in cities, and it is the city dweller that has access to them, while those of us out in the suburbs are generally denied access to art of any depth and quality. Yet we have in Montgomery County some of the most highly educated, well-read, and art-knowledgeable people in the nation. To have such a major museum integrated in such a non-obtrusive way right in our own neighborhood, is a real treasure to be cherished.

As a Montgomery County parent, I know firsthand how our kids' exposure to the arts has been dramatically reduced in the school system. Yet how lucky we are, compared to most other counties, that Glenstone has already enacted a rigorous public school program and intends to do more in the future. And how lucky we are that art of the highest quality and importance is beautifully displayed right here.

What a wonderful message to our kids the Glenstone story is. Our children, some of whom look forward to moving away to the glories of the city and unique experiences, must think twice about leaving with artistic institutions like the Strathmore and Glenstone right in their backyard. And what a wonderful message it is that someone like Mitch Rales, a graduate of public schools in this area, has created a world-class destination, really unlike any other in this country. And it is just minutes off River Road.

And this is no ordinary collection. I fully appreciate the commitment Mitch and Emily have made to not just acquiring art, but to building a museum quality collection. There is a world of difference. The works that they have gathered in our County are some of most important and extraordinary works of art of our time. I can think of only a handful of other museums in the world that have such important collections and are committed to showing them in such beautiful natural settings: perhaps the Beyler in the suburbs of Basel or the Louisiana Museum of Art on the coast outside of Copenhagen. These are places that, like Glenstone, harmonize art, architecture, and nature.

I implore the council to provide the necessary permissions so Glenstone can fully realize its potential to become one of the most important and beautiful art experiences in the world.



Testimony of Charles A. Irish, Jr. PE, LS, LEED AP **Sewer Category Change Request 11A TRV-06** **Glenstone Foundation**

Good evening Council members. I am Chuck Irish, a Professional Engineer with VIKa, the local Civil Engineering Consultant to the Glenstone Foundation. I am in support of the proposed Sewer Category Change.

Connection to public sewer is the best long term way to treat waste water from this property. It provides better treatment, is sustainable over a much longer period of time, and IT is far less likely that pollutants will reach the groundwater, than through long term septic use.

My testimony will focus on the suitability of septic for the project and the engineering design, and operation of the proposed sewer. A more detailed memorandum has been provided.

Septic Suitability

The initial and reserve septic fields for the project would require approximately 6 acres. Previously, 40 two acre lots, with 40 septic fields, comprising approximately 13.5 acres, were approved on the site. However, most of these fields cannot be used for Glenstone II. Several are located in forested areas, one is in a stream valley buffer, and many are encumbered by existing and proposed improvements. This reduces the 40 approved fields to 17, which may be theoretically considered. Yet these 17 fields comprise only 4.5 acres, substantially less than the required 6-acres.

It is possible that additional septic testing, near the approved fields could yield sufficient septic area. However, as others will testify, the location of the fields would conflict, and be incompatible, with the museum operations and environmental initiatives on the property.

Public Sewer is the Best Solution

We believe that a connection to public sewer is the best long term method to treat the wastewater from this project. The Blue Plains Waste Water Treatment Plant, where this sewage would flow, provides treatment at one of the most stringent discharge permit levels in the US. This plant provides better treatment than a traditional septic system. Additional enhancements are planned for Blue Plains, as recommend by Governor O'Malley, which will further improve treatment levels.

Minimization of Stream Impact and Concerns about Pressure Sewer

A very short (30') segment of the proposed sewer crosses under a stream on the Glenstone property. We've developed several measures that would minimize the impact on the stream during the construction; and make the likelihood of potential leaks, statistically negligible.

- The small (1-1/4") flexible sewer line may be threaded through a larger casing pipe or sleeve, so that in the unlikely event of a leak, it would be contained by the casing pipe.
- Directional drilling under the stream would eliminate the impact of conventional construction techniques, and can be accomplished in about a day.
- Pressure monitoring and periodic isolation testing would catch potential system failures *before* sewage could leak into the stream or ground water.
- Back-up pumps and power would insure that the system performance would not be compromised.

Finally, concerns have been expressed about potential blockages and odors caused by sewage sitting in the lines. While this is very unlikely, given the anticipated flows, these issues will easily be addressed through system monitoring and line flushing, as necessary, with a very small volume of rain water, collected on-site in cisterns.

Thank you for your thoughtful consideration.



**GLENSTONE PRESENTATION TO THE MONTGOMERY COUNTY COUNCIL
JUNE 21, 2012**

I Introduction

Nice to be with all of you. Some personal thoughts about the Rales Family, Mitch & Emily and Glenstone, which you may find insightful.

II Family History

1. Raised by parents who had humble origins but wonderful values
2. Father grew up in an orphanage in NYC during the Depression
3. Mother was daughter of a dry cleaner
4. Both could not afford to attend college
5. Reputation is everything....only thing that can't be taken away – you have to give it away. “Under promise, over deliver.”
6. Dad gave us our MBA at the dinner table. He received PhD from school of hard knocks. He told us that in America, the sky is the limit if you are willing to work hard, and we believed him.

III Mitch – Co-Founder Danaher Corp in 1980s with brother Steven

1. Fortune 500 company headquartered here in the DC area. Brothers built company from scratch to one with \$18 billion in revenue and 60,000 employees worldwide.
2. Recent NY Times article on front page of the business section noted that Danaher ranked #3 in Wilshire 5000 over the past 30 years in returns to shareholders. (No stock options, salary or perks taken out of the company. Only way they make money is if their stock goes up.)
3. Many friends and family members have thanked brothers for helping to put their kids through college and for assuring them a secure retirement.

4. My Dad, who passed away this past March at the age of 89 used to say to us - "in the end, the thoroughbred always shows its class." This Mitch and Steve have done. Their record speaks for itself.

IV Glenstone (Art, Architecture & Landscape)

1. Opportunity for Mitch and Emily to give back while pursuing something they feel passionate about
2. Making available to the public one of the finest private collections in the world
3. Benchmarked the finest art museums in the world in search of the best ideas to create their vision for Glenstone
4. Treasure in our backyard and a huge asset for our community to enjoy

IV Emily (Co-founder of Glenstone)

1. Will spearhead initiation with MCPS
2. Develop long-term partnership with Strathmore
3. Oversee and promote the progressive organic landscape program at Glenstone

V Glenstone is something truly special that doesn't come along often

1. Looking for unanimous vote
2. We want the County Council to be united in support of this incredible asset that will permanently enrich our community

Testimony to Montgomery County Council in support of Glenstone sewer application, 21 Jun 2012

Anthony Cervený

31 Booth Street #459

Gaithersburg, MD 20878

- Good Evening, I'm Tony Cervený. I have had the privilege of being a Montgomery County resident and homeowner since 2006. I have also worked at Glenstone as the Director of Operations since that time.
- Operating and maintaining the current museum has provided invaluable experience about what to expect for the new building. The new museum structure is a series of connected gallery buildings surrounding a large planted water feature. Simply put, we will need to access this building from every direction—there is no simple one way in and one way out. Also, saying we will use heavy equipment is an understatement. The new building has panes of glass so large that they can only be manufactured by two suppliers in the world. The concrete blocks that comprise the skin of the buildings are 6ft long, and a foot high and deep. In short, they are huge and heavy. While no one knows what the future will bring, today we know we will crane in an artwork in excess of 18 tons into one of the galleries and yes, one day we will take it out.
- These tasks are unique and critical to the mission and maintenance of a museum. Performing them while trying to avoid significant septic field coverage is inefficient and in many cases, simply impossible. The impact to Glenstone would be significant and the possibilities for changes and improvements in the future severely limited or not feasible.
- Additionally, the design team is working tirelessly to make the new museum one of the most energy efficient art museums of our time. A major component to that is the use of geothermal wells. Our ability to assemble this well field given the impediments presented by septic fields may prove impossible. I certainly would hate to see such an opportunity be diminished or eliminated because of competition for critical land space.
- The main Glenstone property was approved for 40+ homes each with its own septic system. Along with the properties now owned by the Glenstone Foundation on Three Sisters Road and in the Stoney Creek neighborhood, that's about 60 houses and septic fields that will be eliminated or never realized. Given the current track record in the area, those lots would probably end up with upwards of 25% impervious coverage, conservatively. Glenstone has committed to an impervious coverage maximum of 15%. That is significantly less than the alternative residential projection and arguably a small fraction of what the average PIF facility would create. This commitment is not viewed by Glenstone as a constraint, just the opposite. It is in keeping with our core beliefs regarding green space and our vision for the property. This clearly differentiates Glenstone and will make us anything but a precedent.
- We all have the opportunity to do this the right way from the start. The right way environmentally. The right way from an artistic possibility and flexibility standpoint. And, the right way from a long term operations and maintenance standpoint. I urge your support to allow us to implement the best environmental and operational solution by approving the sewer connection. Thank you.

Testimony of Eric Adler, Co-Founder and Managing Director of The SEED Foundation
Read by Jeremy Shane, President, The SEED Foundation
IN SUPPORT OF Glenstone's application for sewer services
Before the Montgomery County Council
June 21, 2012

Good evening. My name is Jeremy Shane. I am president of The SEED Foundation, an organization that operates public college-preparatory boarding schools that provide 24-hour-a-day nurturing environments for highly at-risk students. I am here as a Montgomery County resident to support Glenstone's request to connect to the public sewer. I would also like convey the support of SEED's Co-Founder and Managing Director, Eric Adler, a Bethesda resident and long-time, and proud, Montgomery County resident. Unfortunately, Eric is out of town this evening. However, I would like to read the following statement of support from Eric, reflecting his personal experience with Glenstone.

Good evening. My organization, The SEED Foundation, operates two public schools near Montgomery County, one in SE Washington and one in Baltimore. Mitch and Emily Rales have generously invited our students to visit Glenstone to be exposed to the many world class works of modern art and the extraordinary setting. Many SEED students have had the opportunity to benefit from the art, architecture, and landscape of Glenstone, free of charge, since it opened in 2006. Mitch and Emily would like to make the museum available to more visitors, including Montgomery County students.

But Glenstone is not just for children! I recently hosted an event at Glenstone, bringing 40 local business leaders, including many Montgomery County residents, to the museum. Not only did they fall in love with the museum and its grounds, but they were delighted to discover that this world class institution existed right here in Montgomery County. As a result of that lunch, Ambassador Stewart Holliday, who runs the Meridian International Center, is now seeking to bring international diplomats to Glenstone. These international leaders, who come to the U.S. seeking to establish business and cultural ties, will see Montgomery County. Glenstone gives them a reason to visit, and they see us through Glenstone's world class lens.

The fact that this cultural treasure is available to us is a wonderful boon to the County. However, a sewer connection is necessary for Glenstone to grow, not only to reach more people, but to reach more people with more art in a sustainable way. Connecting to the sewer system is the most environmentally sound way to manage this growth. And, Glenstone will undertake this connection entirely at its own expense. Your approval will ensure a valuable cultural resource is accessible to more Montgomery County residents and visitors.

Glenstone is not only a great museum but a beautifully preserved property that is cared for lovingly and organically. Let us, as a community, support the growth and awareness of this impressive and important facility, making Montgomery County an even more wonderful place to live.

Respectfully,
Eric S. Adler
Bethesda, MD

Dear Montgomery County Council,

I can only describe the awe I felt the first time I visited Glenstone in Potomac, Maryland as similar to the feelings I had when I first saw two places; Falling Water, the extraordinary home built by Frank Lloyd Wright in Western Pennsylvania and the Musee Albert Kahn in Paris, a private home and garden given to the people of Paris by the owner and his wife. All three spaces include beautiful landscape totally integrated with an architecturally exquisite home and provide the visitor with the most intimate and educational of art experiences.

Glenstone is perfect...it is as simple as that. The museum, the private residence and the art and sculpture all combine to provide the visitor with a most extraordinary experience. I feel so lucky to live in Montgomery County and boast that we have a museum which houses one of the best collections of contemporary art in the U.S. I realize that I live in the Washington DC area where the wealth of museums is vast and we have the privilege to visit so many of them for free. Despite all of the free museums in the greater DC area, Glenstone offers an experience unlike any at the Smithsonian. On a recent visit to Glenstone I saw an amazing triptych of sculptures by the artist Katharina Fritsch that captivated me and all the people in my group. We talked about them for a long time and just this past week I was at the Museum of Modern Art in New York and saw a group of sculptures by Katharina Fritsch in the courtyard of the museum. I felt a sense of pride and honor that in my own backyard in Montgomery County, Glenstone houses the work of this amazing artist and that I have intimately viewed her work. The same holds true for a great number of artists I have seen at Glenstone: Brice Marden, Robert Gober, Joseph Beuys, Andy Goldsworthy, Gerhard Richter, Cindy Sherman, and Mel Bochner. Glenstone's goal is to expand their ability to showcase this amazing art and to allow more people to know of the fine collection.

I live in Bethesda, own a new art gallery in Kensington, and have taken several groups to visit Glenstone. The groups have included artists, people quite knowledgeable about art and real art novices. Each group has remarked at how wonderful, how provocative and sometimes how unsettling and enigmatic the art is. That is exactly what you want art to do: allow people to think, to question, and to marvel. In Glenstone's intimate

environment, you are encouraged to do exactly that. The docents we had at Glenstone were all wonderful and very different in their approach. They guide you into looking at the work and rather than "tell" you what to think, they let you begin to formulate what you see and believe. When asked for biographical or contextual information they are knowledgeable and well informed and all visitors have remarked how much the docents have enhanced our experience. We have all learned so much but in a very non-didactic way.

I also have an active intern program at my gallery and we always talk about the art at Glenstone. I know that Glenstone has many missions but one is to expand the educational goals of the museum and work with local schools to enrich the lives of students through the collection. I know it has enriched the lives of my interns and will continue to do so. It is always hard to engage people in art and in a discussion of art. Just next week I will be co-hosting an Art Salon about the Richard Prince case and the issue of Art Appropriation. While you may not be familiar with the case, it is a provocative lawsuit in the art world and the only place in DC I know where you can see Mr. Prince's work, like him or not is Glenstone. Our discussion will be enlivened and enriched by the presence of Anne Reeve from Glenstone on our panel.

I opened my remarks about Glenstone with comparisons to Falling Water and the Albert Kahn museum. At both Falling Water and Albert Kahn, visitors are free to walk around the grounds, explore the area and take in the art and architecture at their own pace. One can marvel at the work close up and at a distance. I know Glenstone hopes to allow a similar experience and I urge the Council to allow them to maintain their active environmental approach to maintaining the grounds and allow their plans for expansion.

Thank you so much.

Adah Rose Bitterbaum
Adah Rose Gallery
3766 Howard Ave
Kensington Maryland 20895

Montgomery County Council Testimony

Carol Trawick

- Good Evening. Let me start by saying Glenstone is an absolute gem....a rare jewel....a world-class institution of art and culture that happens to be in Potomac- in Montgomery County – and I hope you embrace it boldly. I know I do.
- I am Carol Trawick, President of the Jim and Carol Trawick Foundation. For those who are unfamiliar with what we do, we are all about supporting the arts and emerging artists. It is great work and we love it.
- As you may know, Glenstone and Strathmore have recently formed a partnership to share their combined cultural offerings with a wider audience. The first step in that direction is Glenstone's commitment to loan Strathmore artwork from its amazing collection for display in the lobby at Strathmore. As a board member and a past Chair at Strathmore, I am delighted about this as it brings art and culture ever closer to our residents.
- Now, Glenstone wants to expand in order to share more of its fabulous art collection with the community. With your approval of the requested connection to public sewer, it can expand its galleries and expose even more Montgomery County residents to some of the best artwork in the world, still at no charge!!
- If you have been to Glenstone, you know it is a spectacular natural setting. Monumental sculpture dots the grounds. Environmentalists are saluting Glenstone for its emphasis on its natural, organic approach to lawn care. Glenstone plans to increase access to its rolling landscapes, adding more sculpture to invite visitors who can enjoy the serene setting. It is truly a natural, magical, artistic environment.
- Your approval of Glenstone's request to connect its new museum to a public sewer line is the right thing to do for Montgomery County, and is in keeping with sound environmental policy. To approve this request may be an exception, but this is an exceptional opportunity.
- I believe- and I hope you do, too- that Glenstone should be allowed to expand. To do so in the proposed most environmentally conscious way is good for everyone in Montgomery County and for art lovers everywhere. Glenstone is a Montgomery County treasure. It deserves our admiration and support.

Good evening, my name is Kelsey Yeager and I am a recent graduate of Damascus High School. This past spring, our National Art Honor Society & Art Clubs toured the marvelous grounds at Glenstone. This was the first art trip our school has ever been able to afford and was made possible by the complimentary bus service generously provided by Glenstone to enable us to visit the museum.

Glenstone was a wonderful experience and really opened my mind. Before our trip, I had no idea what Glenstone was or what to expect. I pictured a traditional art gallery, home to many rooms full of oil paintings of still lifes and famous people. But what Glenstone really was blew me away.

As we drove up the driveway toward the museum, our whole group was fighting to see out the windows, because the property was so beautiful. We learned that every aspect of the estate was carefully designed, using the natural landscape as a guide for placement, from the trees and plants to the giant sculptures. It was eye opening to me that every little thing we saw was supposed to contribute to our experience, before we even stepped into the building. I've been fascinated by art ever since elementary school, but Glenstone was nothing like what I had ever seen before. I was already amazed before we even stepped inside the museum.

My experience at Glenstone introduced me to a whole new way of thinking. In school you are taught that there is always a right answer, but you have to find it. Next year I will be in the honors college at the University of Delaware studying chemical engineering, so clearly I like finding that one right answer. In fact, the trip to Glenstone was somewhat difficult for me at first because there was not one right answer. The Glenstone docents, who are trained art historians, influenced my thinking by encouraging me to independently think outside the box. Art can be interpreted in many ways, and at first it was hard for me to accept that art has different meanings to different people. When I would ask questions about the artwork, the docents emphasized that there was no one correct answer and as the tour went on I slowly learned that my impressions are a major part of the experience.

The docents genuinely wanted to open their own minds and learn from us to find out what each piece meant to other people. By the end of the trip, I was freely giving my opinions without any fear of being wrong. Our trip to Glenstone proved to me that more than one way of thinking could be useful and important. I hope that future students in Montgomery County will be lucky enough to experience Glenstone the way I was able to during my visit. I fully support Glenstone's expansion plans so that these experiences can be made possible. I hope you will vote to allow Glenstone to expand this special and exciting experience in the most environmentally sound way.

Thank you for listening.

Ladies and Gentlemen:

My name is Jimmy Greenwald and tonight I have the honor of supporting one of the finest museums, you will see anywhere.

I have had the privilege of witnessing the development of Glenstone since its inception and I have personally provided tours as a docent that have left hundreds of my friends and business associates in awe. Being in the construction materials industry for over 40 years, I can truly say that Mitch and Emily have built a state of the art facility and have been extremely environmentally conscious.

My wife, Jaime and I, have also had the pleasure of hosting several charity events at Glenstone and the one thing I continuously hear and people continuously talk about, is how wonderful an experience it is. They say it is something they will never forget and how they can't wait to come back again.

For over 50 years I have been a resident of Montgomery County and have watched the development of our beautiful county, but with the expansion of Glenstone, the residents of Montgomery County will soon be able to experience something truly incredible.... A iconic Museum in their own back yard.

I enthusiastically encourage the council members to approve their application for public sewer in order to help further enrich Montgomery county.

Thank you

SHRI MANGAL MANDIR RELIGIOUS AND CHARITABLE TRUST

County Council Hearing – July 21, 2012

Good evening. David Little with Gutschick, Little & Weber, engineers on behalf of the Shri Mangal Mandir Temple.

As Pat Harris explained, the request for a sewer category change would accommodate expansion of the existing Temple use in order to allow for the continuation of religious educational activities which are currently occurring. This is not, as the Staff Report erroneously stated, a new or relocating use. Because the intended use of the property does not involve a new use, a category change is permitted, provided the property does not open undeveloped land to development contrary to the intent of the Master Plan.

The proposed sewer category change would require the Temple to tie into one of the two viable sewer connections. The alternative recommended by WSSC would connect to a line on Harbor Town Drive and would require a public and private easement. The Applicant's proposal, which is much more straightforward, would simply extend the existing line further north on New Hampshire Avenue via a low pressure sewer system. It is important to note that neither of these options would open up underdeveloped land to development. The design of the system is a limited access extension such that no additional tie-ins, whether commercial or residential, would be permitted by WSSC. The

proposed line would be an exclusive line only for the Temple. The very design of the system ensures that no other use can benefit from the proposed category change and sewer line extension and thus, this requested approval will not open up any other area to development.

There are a number of other factors to emphasize in connection with the subject request:

1. Park and Planning has confirmed approval of a Forest Conservation Plan.

Upon execution of the FCP Plan, DPS will sign off on the SWM Plan for a portion of the site to allow for the construction of much needed parking;

2. The property is located outside the Patuxent watershed; and
3. The expansion of the Temple is not intended to alter the Temple's current activities.

The PIF policy is a component of the County's Water Supply and Sewage System Plan. There is nothing in the Sandy Spring Ashton Master Plan that suggests that the PIF policy should not be applicable to this site. The sewer request meets all of the requirements of the PIF policy and we urge your approval of the requested sewer change to S-3.

Thank you and I will be happy to answer any questions.

Marin, Sandra**From:** Ravinder Kapoor [ravinderkapoor@yahoo.com]**Sent:** Thursday, June 28, 2012 5:25 PM

069176

To: Montgomery County Council**Subject:** My Application for Category Change WSCCR 11A-TRV-08

Dear County Council Members,

Thank you for the recent opportunity to address some of you at the Water and Sewer Plan Amendments hearing on Thursday June 21, 2012. I hope you will be approving my application for a single sewer hook up (application # WSCCR 11A-TRV-08) for our existing home so we can abandon our current septic field for use as a safe parking area for visitors to our home. Currently we have limited parking on our lot during frequent, large gatherings at our house and the only open, accessible, flat, parking area on our lot is taken up by the septic field. Visitors are forced to park and walk along busy Boswell lane and have almost been struck by passing cars on many occasions !

It was clear at the hearing how odd it was to recommend denial of our application which is based on pedestrian safety and has no impact to the surrounding environment while a billionaires application is recommended for approval, impacting hundreds of acres and whose request could be resolved using other means. This was so odd that I was approached by a Washington Post reporter (Miranda Spivack) writing a story on the Gladstone property and the oddity of our county's process that denies my application which will improve pedestrian safety while allowing to pass a billionaires application whose basis for applying was unclear. In fact, another multi-millionaire, owner of RAM Investing LLC (application # WSCCR-00A-TRV-03) received sewer hookup in 2004 and they did not meet the requirements of the master plan! The builder dragged the sewer from over 1900 ft away for that project !!! I'm asking for ONE sewer hookup to a nearby sewer main for my existing home so I can use my open space for safe parking during gatherings. I can only hope that my trusted, elected, judicious county officials' will approve my application for sewer hookup and not just approve applications from multi-millionaires and billionaires who can hire a team of lawyers, engineers, and lobbyists.

What was also apparent at the hearing and in my discussions, is that citizen and environmental groups didn't object to my application at the slightest and realize that a strict interpretation of a "Master" plan is irrelevant in my case and should not be used as the basis of rejection. In fact, Ms. Barbara Falcigno, President of the Greater Olney Civic Association (GORCA), supported our request and encouraged me to contact all of you to plead my case. Others on our street have no pressing need for public sewer and normally I would not care but after living in this home for over 6 years and experiencing near fatalities by our guests, I have to find a solution to this problem by abandoning our current septic field for adequate and safe parking.

Once our septic field is abandoned I can and will plant numerous well placed trees in that area to beautify our wonderful county. I am a hard-working, lifetime, tax-paying citizen of the county and if my application rejected while the rich applicants get approval, I will be very upset. Please do the right thing and also approve our application for a S-6 to S-3 sewer category change.

As an active member of the county I've lived in my entire life, I would request you to please approve my application. If you will not be approving, could you please explain to me why ? Thank you.

Sincerely,
Ravinder Kapoor
10401 Boswell Ln.,
Potomac, MD
ph. 301-251-2130

RECEIVED
MONTGOMERY COUNTY
2012 JUN 29 AM 8:15

6/29/2012

PH 6/21/12 AMEND
10 YR WATER/SEWER

KL

Delgado, Annette

From: Jennifer Fajman [jennifer@fajman.org]
Sent: Thursday, June 21, 2012 5:36 PM
To: Montgomery County Council
Subject: Shri Mangal Mandir Request for Sewer Category Change #WSSCR 11A-CLO-01

069113

Attached is an updated version of the letter I sent a little bit ago updating some typos (name of the temple and number of the request). Sorry about the mistake!

Jennifer & Roger
301-570-9065
RogerAndJennifer@fajman.org

2012 JUN 22 AM 8:33
RECEIVED
MONTGOMERY COUNTY

Roger and Jennifer Fajman
17922 Pond Road
Ashton, MD 20861
301-570-9065
RogerAndJennifer@fajman.org

June 21, 2012

Roger Berliner, President
Montgomery County Council
100 Maryland Ave.
Rockville, Maryland 20850

Subject: Shri Mangal Mandir Request for Sewer Category Change #WSSCR 11A-CLO-01

Dear Mr. Berliner;

Less than a week ago we heard about the formal request by the Shri Mangal Mandir Temple for a sewer category change. We request that the Council support the Planning Board's recommendation and deny the change.

We live in Ashton about two miles from the intersection of Ednor Road and New Hampshire Avenue. The intersection is the entrance to the Ashton/Sandy Spring area. The area is rural and the Master Plan for the area goes to great lengths to keep the area rural. One of the reasons people live here is that it is rural and the future of the area is intended to remain rural. By approving the Temple's request for a sewer change, the County is encouraging the entrance to the Ashton/Sandy Spring to become less rural as the Temple continues to develop land.

The intersection is already a problem. The Master Plan states that the trees are not to be removed from the intersection and across the street from the Temple, Resurrection Baptist Church has removed all the trees. This change not only was directly against the Master Plan but also does not keep the entrance rural. People in Ashton are very concerned that the Temple will change the other side of the street by great expansion, removing trees and adding more parking spaces. The hookup to the sewer is in support of that extension of development.

The Council should consider the issues of this development also in terms of noise pollution and light pollution. There are already complaints about light pollution in the current parking lot and expanding the lot will only make this worse. This rural area is not meant for large religious congregations to be developed that bring people from all over the metropolitan area.

We are pleased that we were notified of this request. Most of the work being done by the Temple is done without knowledge of the Ashton/Sandy Spring community members. Lack of openness is not conducive to creating developments that people in the area will approve.

Please deny this request.

Sincerely,

Roger and Jennifer Fajman

PH 6/21/12 Amend
10 yr W/S

KL

2012 JUN 25 AM 10:31

Dr. David Reile
Dr. Barbara Suddarth
3100 Emory Church Road
Olney MD 20832
June 21, 2012

RECEIVED
MONTGOMERY COUNTY
SOLUTION

Transportation & Environment Committee
Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

069112



RE: Amendments to Ten Year Comprehensive Water Supply and Sewerage Systems Plan

T&E Committee Public Hearing June 21, 2012

Dear T&E Committee Members:

We are writing to support the analysis provided by the Planning Board and its staff on the application of the PIF policy, which recommends against the extension of public sewer to properties if the extension would abut properties "otherwise ineligible" for public sewer. Not only does the staff's recommendation comply with the plain language of the PIF policy, it complies with the law as applied by Maryland's Court of Special Appeals and as articulated by the County itself before the courts. We also support the conclusion that master plan considerations are not "trumped" by the PIF policy but, instead, the standards of the PIF policy must be met independently of master plan considerations.

The express language of the PIF policy allows sewer main extensions where the extension "will abut only properties which are otherwise eligible for community service under the general policies of this plan."¹ For PIF applications pending before you where the extension will abut properties ineligible for public sewer, those applications should be denied on this basis.

The Court of Special Appeals, in the case of *Bethel World Outreach Church v. Montgomery County, Maryland, et al.*, 184 Md. App. 572, 967 A.2d 232 (2009) has held that if a proposed sewer extension abuts even one property not otherwise eligible for public sewer, then that proposed extension violates the PIF policy. The Court reached this decision *based on the interpretation of the PIF policy put forward by the County in that case.*

In its argument to the Court in support of denial of the Bethel sewer category change the County advised the Court that the denial of that sewer category change request was required because the sewer main would abut an ineligible property.² The Court of Special Appeals accepted the

¹ 2003 – 2012 Comprehensive Water Supply and Sewerage Systems Plan Chapter 1 Section II.E.4.b.ii.■ (emphasis added).

² Brief of Appellees, Montgomery County, Maryland and County Council for Montgomery County, Maryland, Court of Special Appeals of Maryland, Case No. 03082 September Term 2007 p. 37.

County's legal interpretation of the PIF policy and concluded that the water/sewer category change application in the *Bethel* case was properly denied because the sewer extension would "abut one or more ineligible properties in violation of the PIF policy." *Bethel*, 184 Md. App. at 599, 967 A.2d at 248.

The use of a pressure sewer also does not justify a sewer extension that abuts properties ineligible for public sewer. The Court of Special Appeals also addressed this issue in the *Bethel* case – and again accepted the County's argument that the limited main "exception" does not "swallow" the underlying rule that an extension is impermissible if it would abut an otherwise ineligible property.³ The Court concluded that there is nothing in the PIF policy that permits an applicant to "escape" the PIF policy limitation that sewer extensions are limited to instances where mains "abut only properties otherwise eligible under the general policies of the plan." *Bethel*, 184 Md. App. at 599, 967 A.2d at 248.

We urge the Council to abide by the plain language of the PIF policy and deny those category change requests that would rely on an extension that abuts properties otherwise ineligible for public sewer.

Sincerely,


David Reile


Barbara Suddarth

Cc: Full Council

³ Brief of Appellees, Montgomery County, Maryland and County Council for Montgomery County, Maryland, Court of Special Appeals of Maryland, Case No. 03082 September Term 2007 p. 39.

Guthrie, Lynn

From: ARLENE_44 [arleneheckman@comcast.net]
Sent: Friday, June 22, 2012 11:37 AM
To: Montgomery County Council
Subject: Attention: Roger Berliner, County Council President

069111



Dear Mr. Berliner:

I want to go on record also, just as Derek Jackson, President of the Ednor Farms Civic Association has done, in requesting that the County Council deny Shri Mangal Mandir Temple permission to extend the WSSC sewer line along New Hampshire Ave. to their property. If granted, this would be just one more step in the permitting process to enable them to build the proposed expansion to their property on New Hampshire Ave.

I am a 45-year resident living on the property that adjoins the Shri Mangal Mandir property at the northwest corner of New Hampshire Ave. and Ednor Road. I have enjoyed the beauty of a mature forest that butts up to my property on the east and on the north for many years. If the Temple is enabled to built on this property with their proposed parking lot and education building, it will literally wipe out every tree there. These trees are at least 45 years old, they are quite tall, and the forested area is quite dense. If destroyed, as proposed by the Temple in their building plans, there will no longer be a buffer between me and New Hampshire Ave. to provide noise abatement; and the Temple is not inclined to be at all concerned about the noise the neighborhood will have to endure. They are not even considering providing a fence or vegetation to buffer the traffic noise. Destroying these trees will also destroy habitat for a rich variety of wildlife including deep forest birds which all of us in the Ednor community have enjoyed feeding and watching. The northeast corner of New Hampshire Ave. and Ednor Road has already been annihilated by the Resurrection Baptist Church when they literally wiped out every tree on their property in order to build their church.

I am also greatly concerned about the traffic issues that the building expansion by Shri Mangal Mandir Temple will generate on New Hampshire Ave. Traffic is already a major problem there every time the Temple has one of its special festival celebrations. Hundreds of people attend from all over Maryland and northern Virginia. They bottleneck traffic on New Hampshire Ave. for hours trying to get into and out of their parking lot. If an additional parking lot or lots are created, that will mean at least one more entrance and one more exit onto New Hampshire Ave. adding to an already greatly congested traffic corridor. People traveling New Hampshire Ave. already have to contend with major traffic flow interference by Emmanuel's Church and the Spencerville Adventist Church every Saturday and Sunday, and every day or evening when they have special events. I attend church at Ashton United Methodist Church. The last festival celebration Shri Mangal Mandir Temple held created so many traffic issues in front of the Temple and up and down New Hampshire Ave. that I was 15 minutes late getting to choir practice.

Please give the matter of the sewer extension request your very serious consideration and deny it. The proposed development of property by the Temple can serve no good to the neighborhood. It will only create a vast number of problems for us in the immediate area, and for all who must use the New Hampshire Ave. corridor. A facility of the size proposed by Shri Mangal Mandir Temple should be built in an area where traffic congestion is not a problem.

I realize that my request will probably serve no good because Shri Mangal Mandir Temple is a minority church and minority churches seem to always get what they want from the County including creating single-family homes into worship centers, but please consider what damages granting permission to the Temple to extend the sewer to their property will do to the Ednor community.

Arlene Heckman
Resident 704 Ednor Road
Silver Spring, MD 20905

RECEIVED
MONTGOMERY COUNTY

JUN 22 PM 2:27

PH 6/21/12 AMEND ID YR
Delgado, Annette WATER/SEWER CAT CHANGE

NAN
CC
KL

From: Michele Rosenfeld [rosenfeldlaw@verizon.net]

069079

Sent: Thursday, June 21, 2012 4:20 PM

To: Andrews's Office, Councilmember; Berliner's Office, Councilmember; Elrich's Office, Councilmember; Ervin's Office, Councilmember; Floreen's Office, Councilmember; Rice's Office, Councilmember; Riemer's Office, Councilmember; Leventhal's Office, Councilmember; Navarro's Office, Councilmember; Montgomery County Council

Subject: Testimony: June 21 T&E public hearing on water/sewer category changes

Attachments: 6.21.2012 reile.suddarth council testimony.pdf

Please include the attached testimony in the public record for tonight's T&E committee meeting on the pending water/sewer category changes. Thank you in advance.

Michele M. Rosenfeld, Esquire
The Law Office of Michele Rosenfeld LLC
11913 Ambleside Drive
Potomac MD 20854
301-204-0913
rosenfeldlaw@verizon.net (email)
<http://michelerosenfeldllc.com> (website)

RECEIVED
MONTGOMERY COUNTY

2012 JUN 22 AM 8:33

Dr. David Reile
Dr. Barbara Suddarth
3100 Emory Church Road
Olney MD 20832
June 21, 2012

Transportation & Environment Committee
Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

RE: Amendments to Ten Year Comprehensive Water Supply and Sewerage Systems
Plan

T&E Committee Public Hearing June 21, 2012

Dear T&E Committee Members:

We are writing to support the analysis provided by the Planning Board and its staff on the application of the PIF policy, which recommends against the extension of public sewer to properties if the extension would abut properties "otherwise ineligible" for public sewer. Not only does the staff's recommendation comply with the plain language of the PIF policy, it complies with the law as applied by Maryland's Court of Special Appeals and as articulated by the County itself before the courts. We also support the conclusion that master plan considerations are not "trumped" by the PIF policy but, instead, the standards of the PIF policy must be met independently of master plan considerations.

The express language of the PIF policy allows sewer main extensions where the extension "will abut only properties which are otherwise eligible for community service under the general policies of this plan."¹ For PIF applications pending before you where the extension will abut properties ineligible for public sewer, those applications should be denied on this basis.

The Court of Special Appeals, in the case of *Bethel World Outreach Church v. Montgomery County, Maryland, et al.*, 184 Md. App. 572, 967 A.2d 232 (2009) has held that if a proposed sewer extension abuts even one property not otherwise eligible for public sewer, then that proposed extension violates the PIF policy. The Court reached this decision *based on the interpretation of the PIF policy put forward by the County in that case.*

In its argument to the Court in support of denial of the Bethel sewer category change the County advised the Court that the denial of that sewer category change request was required because the sewer main would abut an ineligible property.² The Court of Special Appeals accepted the

¹ 2003 – 2012 Comprehensive Water Supply and Sewerage Systems Plan Chapter 1 Section II.E.4.b.ii.■ (emphasis added).

² Brief of Appellees, Montgomery County, Maryland and County Council for Montgomery County, Maryland, Court of Special Appeals of Maryland, Case No. 03082 September Term 2007 p. 37.

County's legal interpretation of the PIF policy and concluded that the water/sewer category change application in the *Bethel* case was properly denied because the sewer extension would "abut one or more ineligible properties in violation of the PIF policy." *Bethel*, 184 Md. App. at 599, 967 A.2d at 248.

The use of a pressure sewer also does not justify a sewer extension that abuts properties ineligible for public sewer. The Court of Special Appeals also addressed this issue in the *Bethel* case – and again accepted the County's argument that the limited main "exception" does not "swallow" the underlying rule that an extension is impermissible if it would abut an otherwise ineligible property.³ The Court concluded that there is nothing in the PIF policy that permits an applicant to "escape" the PIF policy limitation that sewer extensions are limited to instances where mains "abut only properties otherwise eligible under the general policies of the plan." *Bethel*, 184 Md. App. at 599, 967 A.2d at 248.

We urge the Council to abide by the plain language of the PIF policy and deny those category change requests that would rely on an extension that abuts properties otherwise ineligible for public sewer.

Sincerely,


David Reile


Barbara Suddarth

Cc: Full Council

³ Brief of Appellees, Montgomery County, Maryland and County Council for Montgomery County, Maryland, Court of Special Appeals of Maryland, Case No. 03082 September Term 2007 p. 39.

PH 6/21/12 AMEND 0 YR
WATER/SEWER CAT CHANGE

Marin, Sandra

NAN
CC
KL

From: meg PEASE FYE [peasefyem@gmail.com]
Sent: Thursday, June 21, 2012 2:20 PM
To: Andrews's Office, Councilmember; Berliner's Office, Councilmember; Elrich's Office, Councilmember; Ervin's Office, Councilmember; Floreen's Office, Councilmember; Rice's Office, Councilmember; Riemer's Office, Councilmember; Leventhal's Office, Councilmember; Navarro's Office, Councilmember; Montgomery County Council
Subject: Amendments to Ten Year Comprehensive Water Supply and Sewerage Systems Plan
Attachments: 6 21 2012 pease-fye letter.doc.docx; 6 20 2012 planning board letter (2).pdf



6 21 2012

pease-fye letter.docanning board lette



6 20 2012

I'm forwarding a letter for submission into the record in advance of tonight's 7:30 public hearing. I've also attached a copy of the Planning Board letter that I reference in my letter.

Thank you for your consideration

Meg Pease-Fye

2012 JUN 21 PM 4:43
RECEIVED
MONTGOMERY COUNTY

Margaret Pease-Fye, President
South East Rural Olney Civic Association
16740 Batchellors Forest Road
Olney, MD 20832

RE: Amendments to Ten Year Comprehensive Water Supply and Sewerage Systems Plan
T&E Committee Public Hearing June 21, 2012

Dear Members of the Transportation and Environment Committee:

I am writing to support a recommendation to deny the sewer category change requests for the Shri Mangal Mandir and Glenstone Foundation properties. As the Planning Board noted in their June 20, 2012 recommendations to you concerning these properties, both propose sewer extensions that abut properties that are **not eligible** for public sewer and should be denied. Under the County's current policies, a private institutional facility (or PIF) is not eligible for a sewer extension that would abut ineligible properties.

The Olney community has suffered through prolonged opposition to a PIF that depends on a sewer extension that abuts ineligible properties. In that case it was suggested that because the sewer extension was a pressure system, the PIF policy simply did not apply. I would like to take this opportunity to point out that there is no "exemption" in the PIF policy for pressure systems.

The PIF policy was designed to allow limited intrusion of institutional facilities into those parts of the County that are outside of the sewer envelope – not to allow intrusion any time a property has the topographical advantage of being located "uphill" from an existing sewer line (no matter how long the extension may be) and thus able to engineer a pressure system.

This serendipitous approach to the extension of public sewer is neither contemplated nor permitted under the PIF policy as it currently stands. Please recommend denial of these two plans for these reasons and as recommended by the Planning Board and its staff.

Sincerely,

Margaret Pease-Fye
pesaefyem@gmail.com



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

OFFICE OF THE CHAIR

June 20, 2012

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

The Honorable Roger Berliner
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: March 2012 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan*

Dear Mr. Leggett and Mr. Berliner:

On Thursday, May 31, 2012 the Montgomery County Planning Board considered the above cited water and sewer service area category changes. Our recommendations are as follows:

11A-PAX-01: Getachew & Wubet

The 1997 Cloverly Master Plan states on page 91 that "The extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area is not consistent with this Plan because of potential impacts on the low-density character of both areas and conflicts with the long standing recommendation not to provide sewer service in the Patuxent River watershed in order to control water quality in the reservoir." Because the Master Plan recommends no sewer service to any uses in the Patuxent River watershed, the Planning Board finds this application inconsistent with the Cloverly Master Plan.

Unanimous Sewer Category Recommendation: Deny S-3

The Honorable Isiah Leggett
The Honorable Roger Berliner
June 20, 2012
Page 2

11A-TRV-08: Kapoor Property

This property is outside the Potomac Master Plan sewer service envelope and it is within the Piney Branch Special Protection Area. The 2002 Potomac Master Plan confirms the Piney Branch restricted sewer access policy in the Montgomery County Comprehensive Water Supply and Sewerage System Plan. This property does not meet specific service condition within that policy and is therefore excluded from public sewer service.

Unanimous Sewer Category Recommendation: Deny S-3

11A-CLO-01: Shri Mangal Mandir

This 16.5 acre property is located outside the 1998 Sandy Spring/Ashton Master Plan designated sewer envelope. The Master Plan recommends on page 83 that community service be provided consistent with the Water Supply and Sewerage Systems Plan, which does not recommend extension of sewer to densities of less than ½ acre. This property is zoned RE-2, which permits a maximum density of two units per acre. The Master Plan recommends extension of sewer to only three other types of development:

- RNC zoned properties using the optional method
- Properties within the Rural Village Overlay Zone
- Properties with demonstrated health problems

This property does not fall within any of these categories.

Unanimous Sewer Category Recommendation: Deny S-3

The County's private institutional facility (PIF) policy states that "for new or relocating uses, service area category amendments may be approved for sites . . . 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." The Planning Board agreed with our staff that there is a strong argument that this request is for a *new* use rather than the expansion of an existing use, as it is a different structure on a different property. Also, we were not convinced that the proposed conceptual alignments would satisfy the standard under the PIF policy for existing uses: that the sewer connection would not open the opportunity for service to currently un-served and undeveloped properties. We ask that if sewer service is granted to

The Honorable Isiah Leggett
The Honorable Roger Berliner
June 20, 2012
Page 3

this property, the sewer main alignment be required to satisfy the PIF policy as stated in the conditions proposed by the Department of Environmental Protection.

11A-TRV-06: Glenstone Foundation (Circle 12 of the attachment)

Glenstone constitutes five contiguous properties and an area of 127 acres on the south side of Glen Road, a designated rustic road in the Potomac Subregion. All five properties are outside the approved sewer service envelope within the Potomac Subregion Master Plan. Although the properties do not have any known septic limitations, the applicant seeks approval for public sewer service under the Water and Sewer Plan's PIF policy. The applicant proposes construction of a 3,000-foot pressure sewer, 1,500 feet of which would be off-site, to serve an existing museum building on one property and a proposed new and larger museum on an adjacent property. The sewer main extension is proposed to cross the Greenbriar Branch stream valley and floodplain.

In addition to establishing a sewer service envelope, the Master Plan-adopted sewer service policy set three criteria for possible extension of mains to properties at the periphery of the sewer service envelope. These criteria stated that a main extension could be considered if:

1. Properties abutted existing or proposed sewer mains
2. Mains could be constructed within public rights-of-way, and;
3. Mains avoided disruption to streams and their undisturbed buffers.

Glenstone meets none of these criteria.

The Planning Board recommends that the category change application should be denied as inconsistent with the 2002 Potomac Subregion Master Plan for the reasons stated above. Nonetheless, the County's PIF policy allows the Council to grant a sewer category change outside the sewer service envelope under certain conditions:

- For a new PIF use, a service area category change may be approved if the required main extension will abut only properties that are otherwise eligible for community service under the general policies of the Water and Sewer Plan.

The Honorable Isiah Leggett
The Honorable Roger Berliner
June 20, 2012
Page 4

- For an existing PIF use, a service area category change may be approved 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.

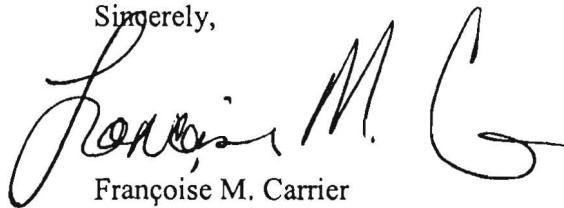
The Planning Board submits that Glenstone is arguably a *new* use because it is a new structure on a different property. As a new use, the proposed museum would not satisfy the applicable PIF test. Even if the proposed museum is considered part of an existing use, the Planning Board believes the request should be denied on master plan grounds.

In a minority opinion, Commissioner Dreyfuss stated that the Master Plan does not expressly prohibit this use, that the application is for an expansion of an existing use under the terms of the PIF policy and that it should be granted.

Sewer Category Recommendation: Deny S-3

We thank you for the opportunity to provide recommendations on these cases.

Sincerely,



Françoise M. Carrier
Chair

FC:KN/rb/kr

cc Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Katherine Nelson, M-NCPPC Environmental Planning
Clara Moise, M-NCPPC Chairman's Office

Attachment:

Planning Board Staff Report
PowerPoint presentation regarding Glenstone

PHU/21/12. AMEND OUR WATER/SEWER

Marin, Sandra

From: Michelle Layton [mulayton@gmail.com]
Sent: Thursday, June 21, 2012 10:10 AM
To: Montgomery County Council
Subject: Fwd: Shri Mangal Mandir Request for Sewer Category Change #WSSCR 11A-CLO-91
Attachments: Sewer Hookup SSARPC.doc

069075

RECEIVED
MONTGOMERY COUNTY

2012 JUN 21 PM 4:40

Please use this one instead. It is a corrected version.
Thank you!
Michelle

Hello,

Please find attached a letter from the Sandy Spring Ashton Rural Preservation Consortium (SSARPC) regarding the ***Shri Mangal Mandir Request for Sewer Category Change #WSSCR 11A-CLO-91***. Please be sure to include it in the documentation for the Council members for tonight's hearing.

Please let me know if you have any questions.
Thank you,
Michelle Layton
Co-Chair SSARPC

--
Please change my email address to mulayton@gmail.com in your address book.
Thanks!
Michelle

--
Please change my email address to mulayton@gmail.com in your address book.
Thanks!
Michelle

6/21/2012



Sandy Spring-Ashton Rural Preservation Consortium

We are pro-Master Plan, not anti-development

MCCF Community Hero Award, January 2009

www.ssarpc.org ~ SSARPC, Post Office Box 518, Ashton, MD 20861

Roger Berliner, President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

June 21, 2012

Subject: Shri Mangal Mandir Request for Sewer Category Change #WSSCR 11A-CLO-91

Dear Councilmember Berliner,

We are writing to request that the sewer category change for Shri Mangal Mandir parking lot on the Ford Property not be approved due to the non-relationship of it and the plans for the property's development to the Sandy Spring/Ashton Master Plan.

The plan for the Shri Mangal Mandir Temple involves a 250 space parking lot to be situated on the northwest corner of New Hampshire Avenue and Ednor Road, which is, according to the 1998 Sandy Spring-Ashton Master Plan, part of the entryway to Ashton.

We are concerned about this corner for several reasons. First, we have watched the northeast corner of New Hampshire Avenue and Ednor Road as it was cleared of an entire forest for the building of the Resurrection Baptist Church. This incident is an example of what happens when there is no oversight of development plans with respect to the Master Plan.

The communities of Sandy Spring and Ashton had the foresight years ago to develop a Master Plan to protect its unique historical roots that go back 250 years. They hoped to ensure that development did not destroy the sense of community and history that has continuously existed for all those years. We are fearful that there will be that same lack of oversight for the northwest corner and that without intervention now, we will soon see the forest significantly cleared, just as was done on the northeast corner.

We are also concerned that the proposed construction does not meet the Master Plan. On pages 45, the Master Plan reads:

"Provide for design within the road right-of-way and on adjoining property that is in keeping with rural character. Continue to provide for the 120-foot right-of-way south of MD 108. Maintain heavily vegetated edges as close to the road pavement as possible. Preserve woodland and hedgerows."

In addition, page 66 of the Master Plan discusses the Northwest Branch Watershed and the importance of undeveloped parcels in the watershed area. Since the property in question is within

the watershed area, the plan to clear it and construct a gravel parking lot is direct conflict with the 1998 Sandy Spring/Ashton Master Plan.

We feel strongly that this new parking lot, along with the already accomplished destruction of trees on the northeast corner of New Hampshire Avenue and Ednor Road, will destroy what the Master Plan considers the entryway to the rural town of Ashton.

On Page 43, the introduction to the New Hampshire Avenue portion of the Master Plan reads,

“The New Hampshire Avenue area contains one of the community’s most important roads...”
It serves as an important rural entry to Sandy Spring/Ashton, a main street for the Ashton village center and a route for through traffic. Recent changes have raised significant community concerns about the areas’ future ability to retain its rural character.”

A 250 space parking lot in no way helps to retain Ashton’s rural character.

Please do not approve the sewer category change that is being proposed for the site as the planned development surrounding it conflicts with the intent of the Sandy Spring/Ashton Master Plan.

Feel free to contact us with any questions. We can be reached via email at mulayton@gmail.com or by phone at 240-460-4458.

Sincerely,


Michelle Layton
Co-Chair, SSARPC

PH 6/21/12 AMEND
10 YR WATER/SEW

NAN
CC
KL

Delgado, Annette

From: Derek A. Jackson [derekaj@verizon.net]
Sent: Wednesday, June 20, 2012 9:37 PM
To: Montgomery County Council
Subject: WSSCR-11A-CLO-91 Hearing on June 21

069043

Attachments: Shri Mangal Mandir WSSCR 11A-CLO-91.rtf; Shri Mangal Mandir WSSCR 11A-CLO-91.odt;
Shri Mangal Mandir WSSCR 11A-CLO-91.doc; AfterSandySpring#2.jpg;
SandySpringForest.jpg



Shri Mangal Shri Mangal Shri Mangal AfterSandySpring SandySpringFores
mandir WSSCR 11A-mandir WSSCR 11A-mandir WSSCR 11A- #2.jpg (1 MB) t.jpg (1 MB)

Attention Roger Berliner,

My name is Derek Jackson and I am President of the Ednor Farms Civic Association.
Attached is my testimony for the SUBJECT Sewer Category Change that is being held on June
21st at 7PM. Please use the format (.ODT, .DOC,
.RTF) that best fits your needs. In addition, there are 2 JPEG images that go along with
my testimony.

Thank You,

Derek A. Jackson - CAPMR, RCDDR
Jackson Preservation Services, an APMI Company derekaj@verizon.net Cell - 301-237-8446
LinkedIn - <http://www.linkedin.com/in/derekajackson>

RECEIVED
MONTGOMERY COUNTY

2012 JUN 21 AM 8:39

Derek A. Jackson
905 Cliftonbrook Lane, Silver Spring MD 20905
301-421-1370

June 19, 2012

Roger Berliner, President
Montgomery County, Maryland, County Council
100 Maryland Ave.
Rockville, Maryland 20850

Mr. Berliner

SUBJECT: Shri Mangal Mandir request for Sewer Category Change # WSSCR 11A-CLO-91

My name is Derek Jackson and I am President of the Ednor Farms Civic Association, a community of homes north and west of the Shri Mangal Mandir's parcel. After only having received notification of the public hearing last Friday (June 15th), we would like to provide testimony as to the community's feelings about the Shri Mangal Mandir's request for a sewer category change. Our community knows of the Shri Mangal Mandir's request/desire to develop the recently purchased 16+ acre parcel of land in question and hopes the County Council DENIES them their request for a sewer category changed based on the Sandy Spring/Ashton Master Plan's recommendations and guidelines relating to Public Sewer and Water Service, Watershed Protection, and Preserving the Rural Entry into the community, in addition to the community's past history with the Shri Mangal Mandir Temple.

The Sandy Spring/Ashton Master Plan DOES NOT recommend public sewer to this RE-2 zoned area (Page 83). It is not part of a RNC Cluster, it is not part of an Overlay Zone, and it doesn't demonstrate health issues. Prior to the Shri Mangal Mandir purchasing the land, the parcel in question was perc'd to support 4 homes, 3 of which ended up requiring sand-mound septic systems. It is no secret that the soils in our area of the County don't perc well. Clearly, the planned congregation center doesn't fit the profile for a septic system, but instead requires that public sewer be extended to their site. Undoubtedly, the Shri Mangal Mandir knew this prior to purchasing the parcel. Yet they did it anyway, knowing that, as a PIF, they adhere to a different set of rules - rules that typical landowners can't follow..... (RE: – WSSCR 11A-PAX-01 Gretachew & Wubet).

The parcel in question is totally forested and contains the headwaters to the Northwest Branch Watershed, a watershed deemed worthy of protection in the Sandy Spring/Ashton Master Plan (Page 66). The Plan recommends less development and imperviousness in the headwaters area of the watershed. Allowing the Shri Mangal Mandir to have public sewer will permit them to increase the imperviousness in the headwaters area and further threaten an already threatened watershed. I am a Volunteer Watershed Monitor for the Audubon Watershed Society, monitoring the Sandy Spring Tributary (downstream from the Shri Mangal Mandir site) and have witnessed damaging biological and physical changes to this watershed since the year 2000. Giving the Shri Mangal Mandir permission (by approving the sewer category change) to clear-cut close to 8 acres of watershed-protecting forest cover to build the congregation center, parking lot, and stormwater management system will further damage both the Sandy Spring Tributary and Northwest Branch. Please look at the attached "before and after" aerial JPEG's of the site, which clearly show the amount of deforestation needed to support their expansion plans.

The Sandy Spring/Ashton Master Plan states that New Hampshire Avenue is considered the rural entry-way into the community and recommends that the "character of the community" be preserved by maintaining hedgerows and forested buffers (Pages 48 & 52). This recommendation has already been violated by the Resurrection Baptist Church, across New Hampshire Ave. from the Shri Mangal Mandir parcel. Approving the sewer category change request allows the Shri Mangal Mandir to move forward with their plans to build the congregation center and additional parking, thereby destroying the forested buffer on the west side of New Hampshire Ave.. Please help us preserve the entry-way into Ashton and Sandy Spring!

It is important to note the past history between the Shri Mangal Mandir and the community. After opening their doors in 1994, the Shri Mangal Mandir has had a contentious relationship with the neighboring community. It is not a community religious institution, but is instead a destination religious institution, drawing worshipper's from all around the Washington DC metropolitan area. After numerous noise violations, Montgomery County District Court issued a noise-abatement order against the Shri Mangal Mandir, a court order they have violated time and time again. Chaotic traffic situations often arise as thousands of worshippers congregate at the Shri Mangal Mandir during their many religious events, making it difficult for residents to go anywhere, let alone County Fire and Safety vehicles. Nevertheless, the community has worked hard to maintain a positive relationship with the Shri Mangal Mandir; however, their current plans for expansion present a serious roadblock to maintaining that relationship.

If the Shri Mangal Mandir is allowed to expand, courtesy of a sewer category change, our

community will no longer be the quiet suburban boundary that once surrounded the historic community of Ashton and Sandy Spring but will instead become just another PIF-controlled community, one that is held hostage by the surrounding PIF's.

Please DENY the Shri Mangal Mandir's request for a sewer category change.....

Sincerely,

Derek Jackson

905 Cliftonbrook Lane
Silver Spring, MD. 20905

Five Acres of Significant Sandy Spring Forest to be Cleared for Parking/Expansion



Preserve Sandy Spring's Rural Character. Oppose the Temple Expansion

My Spring Forest Threatened by Proposed Clear Cutting for Parking Lot Expansion



Earth Photo of Existing Parcel