

Honorable Council Members

First, I would like to make a clarification, our application was for a sewage connection for Outlot A, not a transfer from lot 2 to Outlot A

One of the reasons we purchased the property was the fact that the county map clearly stated that Outlot A was buildable if a sewage connection was available.

The lot is not currently fenced and is subject to vandalism, we have 4 letters from our immediate neighbors in support of our application (please refer to attachment # 1).

If we were to pursue the transfer route, our case would fall under section II.G.3.b. Single Connections for Only One Property, which states that a single water and/or sewer connection only is allowed for an individual property or for a structure that satisfies:

- *An exchange of land between a qualifying property and an adjacent property, qualifying or not, provided the overall number of qualifying lots—and therefore the allowed number of service connections—remains the same. Under this provision, at least one property must have qualified for a single hookup.*

This language is archaic and vague. It does not specify how much land should be exchanged; would a few square feet do? In addition, what purpose would that serve other than putting the owner through lengthy administrative procedures and prohibitive expenses. What would happen if years from now, the septic system on the main property fails and couldn't be repaired, would we be allowed to connect to the sewage main then? Or would we be expected to abandon our home and live somewhere else.

On March 2, 2021, this respectable council decided to defer action on our application for a sewer category change to S-1 pending consideration of the “abutting mains” policy under the 2021 update of the Water and Sewer Plan. The committee also encouraged us to prepare a concept plan for submission to and evaluation by the Development Review Committee (DRC) as recommended by the Planning Board. The concept plan was intended to address issues related to establishing Outlot A as a building lot. The findings of the DRC was to be transmitted to the Council for further consideration of the request.

Per your recommendation, we hired the engineering firm CAS to develop such a plan. However, the engineer in charge of our project was advised by the DCR coordinator that the DCR would not consider reviewing the concept plan until the council approved a sewer connection.

The preliminary conclusion reached by CAS Engineering is: “This Outlot was created based upon the future potential to either connect to public sewer or obtain an acceptable septic area. The Outlot meets current zoning in terms of area, frontage, lot width at the front BRL, etc. Even considering the FCE, there is room for a house and driveway. Assuming a sewer connection is approved. I do not see why the Outlot could not be developed with a new home”, (please refer to the map in attachments #2 and 3).

As the map clearly shows, our plan is to develop less than half of the lot, the other half will remain untouched.

Clarifications:

1. The lot is not buildable

The Montgomery County map and CAS preliminary concept plan and conclusion show that outlot A is buildable.

2. Outlot A is within the Piney Branch Water Shed

this is incorrect, Outlot A is not within the Piney Branch water shed.

3. Potential problems with WSSRC connection

In response to an inquiry from the DRC about sewer connection to Outlot A, WSSRC stated that there would be no problem connecting to the abutting sewer main on Piney Meetinghouse Rd (please refer to attachment #4)

4. Setting a precedent

We could not find a similar situation to ours within more than 10 miles radius of the property, Outlot A situation is unique. In addition, the property is in an R2 zoning area.

Our hope is to build a home for our two daughters who were born and raised in Potomac and have a very strong connection to the county.

Wande and Charles Leintu

To whom it may concern,

This letter is in support of our neighbors Sami and Siham Ainane who are seeking a sewer category change for their parcel of land named Outlot A.

We live right across the street and have voiced our concern to Mr. and Mrs. Ainane regarding the subject lot being vacant and used as a refuge by some unsavory people who access the lot very easily from Piney Meetinghouse rd. The lot became a nuisance and a garbage collection rat-infested site. In fact, Mr. and Mr. Ainane were out of town for several months and when they came back, they found a shelter and a fire pit in a corner of the lot. They also found alcohol bottles, all kind of trash and human feces. This is an unhealthy situation that is making our neighborhood very unsafe.

We are also supporting Mr. and Mr. Ainane because they were approached many times by developers who made them offers on their two lots, the 8.65 acres lot 1 on which their residence stands and the 2.51 Outlot A. These developers' intentions are obviously to combine both lots and build several homes.

If Mr. and Mrs. Ainane's request is granted our immediate neighborhood will be beautified because the problems the lot is causing will disappear and our neighborhood will end up with one extra home instead of several more homes

We do support Mr. and Mrs. Ainane and we hope you will grant their request.

Cordially yours,

A handwritten signature in black ink, appearing to read "Wande and Charles Leintu", followed by a horizontal line.

Naddim and Christine Haddad,
February 2, 2020

Dear Sir/ Madam,

Mr. and Mrs. Ainane's Oulot is immediately behind our property. The vacant lot has been a nuisance to us for a long time. It is rat infested, unclean and it makes us feel unsafe. We have no objection to Mr. and Mr. Ainane's sewer category change request and we hope it will be granted.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Christine Haddad', written in dark ink.

Naddim and Christine Haddad

Potomac, February 2, 2020

Binta and Gilbert Terrier

Reference: Mr. and Ms. Ainane Property at 12000 Piney Meetinghouse Road (Potomac)

Dear Sir/ Madam,

Our property backs part of Mr. and Mrs. Ainane's property, and we have no issue with their having a sewer category change to their lot. We do not feel comfortable with having an unclean lot next to our property, and it does make us feel a little less safe.

We trust the County will come up with an amicable solution acceptable to all parties.

Sincerely,



Binta and Gilbert Terrier

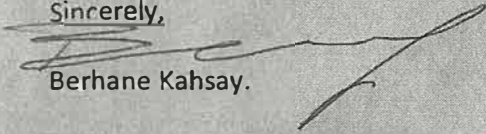
Berhane Kahsay
Martha Fisseha

1/30/20

To Whom It May Concern:

This letter is to state that we are in support of our neighbors Sami and Siham Ainane who are seeking a sewer category change for their property at 12000 Piney Meetinghouse Rd, Potomac Md.

Sincerely,


Berhane Kahsay.

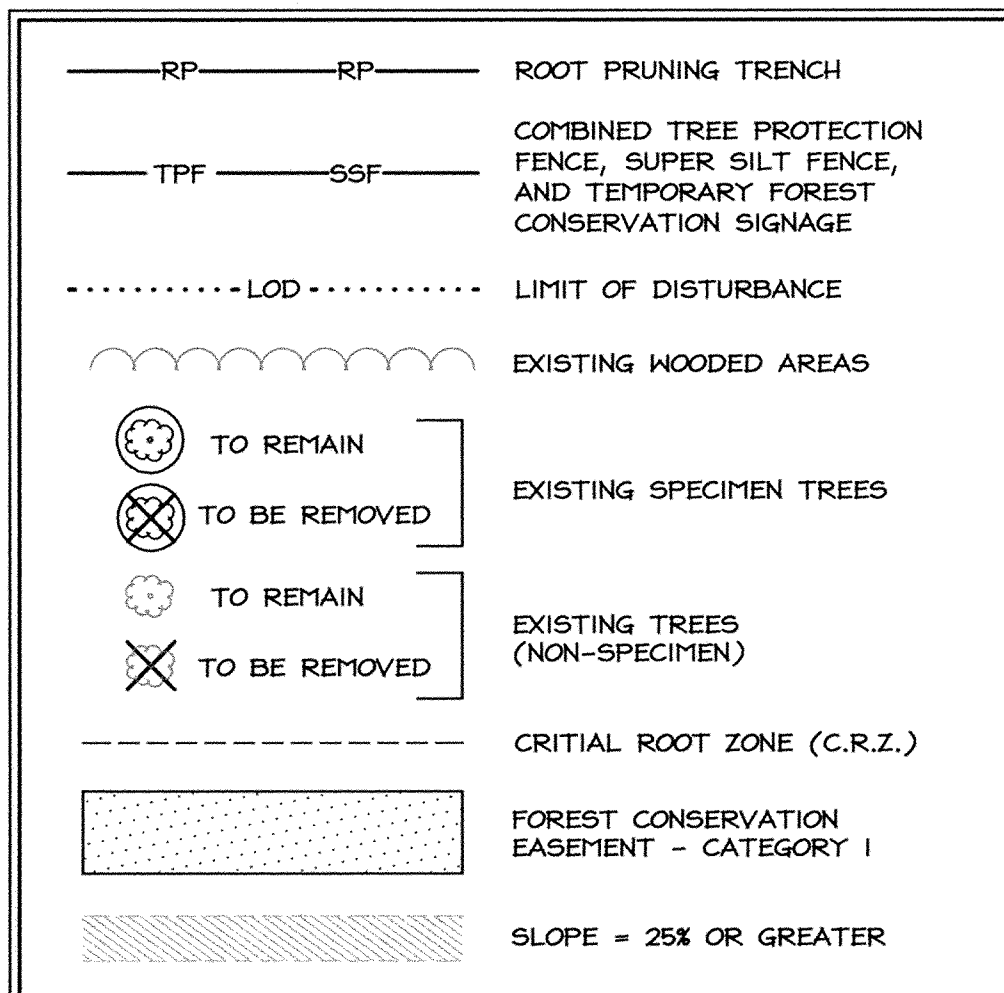
GENERAL NOTES

- 1) WATER CATEGORY - I SEWER CATEGORY - I
- 2) BOUNDARY INFORMATION BASED ON A SURVEY PERFORMED BY CAS ENGINEERING, DATED JANUARY, 2002.
- 3) TWO-FOOT CONTOUR DATA BASED ON A SURVEY PERFORMED BY CAS ENGINEERING, DATED JANUARY, 2002.
- 4) TOTAL LOT AREA:
LOT 1 = 96,411 SQ. FT. (2.2133 ACRES)
OUTLOT "A" = 110,180 SQ. FT. (2.5244 ACRES)
OUTLOT "B" = 17,989 SQ. FT. (0.4130 ACRES)
- 5) PROPERTY SHOWN ON TAX MAP FQ12.
- 6) PROPERTY SHOWN ON WSSC 200' SHEET 215 NW 11.
- 7) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP No. 23.
SOIL TYPE(S): 37B, 1B, 2B.
- 8) FLOOD ZONE "C" PER H.U.D. FIRM MAPS, COMMUNITY PANEL No. 240049 0125 C.
- 9) SITE IS LOCATED IN THE MATTS BRANCH WATERSHED.
- 10) LOCAL UTILITIES INCLUDE:
WATER & SEWER - WSSC
ELECTRIC - PERCO
TELEPHONE - VERIZON
GAS - N/A

ZONING DATA

- 1) ZONING: RE-2
MIN. LOT AREA = 87,120 SF
LOT WIDTH AT R/W = 25 FT
LOT WIDTH AT B.R.L. = 150 FT
FRONT B.R.L. = 50.0 FT
REAR B.R.L. = 35 FT
SIDE B.R.L. = 17 FT MIN. EACH SIDE,
35 FT MIN. TOTAL

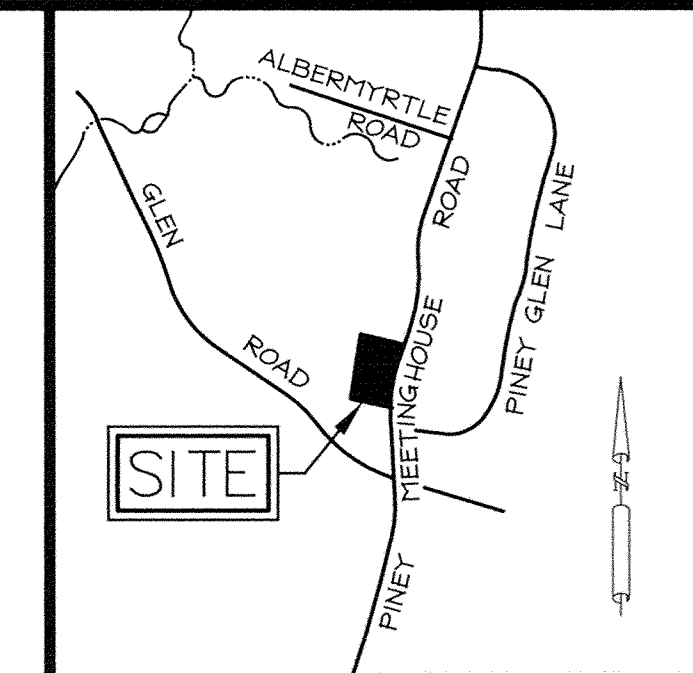
LEGEND



SUPPLEMENTAL TREE SCHEDULE *

TREE#	SPECIES AND SIZE	TREE#	SPECIES AND SIZE
533	20" OAK	562	12" OAK
534	28" OAK	563	18" OAK
535	10" OAK	564	16" OAK
536	14" TREE	565	6" OAK
537	18" OAK	566	6" OAK
538	24" OAK	567	12" OAK
539	12" TWIN OAK	568	6" OAK
540	TWIN OAK (20", 10")	569	20" OAK
541	TRIPLE OAK (23", 18", 14")	570	12" OAK
542	14" OAK	571	12" OAK
543	8" OAK	572	18" OAK
544	MAPLE (POOR COND.)	573	6" OAK
545	20" OAK	574	8" OAK
546	10" TREE	576	12" TREE
547	6" TREE	577	10" TREE
549	16" POPLAR	578	8" OAK
551	TWIN TREE (12", 13")	579	8" OAK
552	12" OAK	580	14" OAK
554	13" OAK	581	TWIN OAK (14", 10")
555	8" OAK	582	14" OAK
556	13" OAK	583	6" OAK
557	13" OAK	584	16" OAK
558	13" OAK	585	TWIN OAK (10", 6")
559	18" OAK	586	20" OAK
560	28" OAK	587	12" OAK

* NOTE: SCHEDULE INCLUDES ALL LIVING TREES 6" OR GREATER WITHIN 30-FOET OF THE LIMITS OF DISTURBANCE. REFER TO SHEET 2 FOR ADDITIONAL TREE SCHEDULE.



VICINITY MAP
ADC MAP 27, GRID K12
SCALE: 1" = 2000'

THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

FINAL FOREST CONSERVATION PLAN

APPROVAL

Plan No. 1-04001
Signature: [Signature] DATE: 7-27-04

12006 PINEY MEETINGHOUSE ROAD

LOT 1, OUTLOT "A", AND OUTLOT "B", BLOCK D
PINEY GLEN FARMS
DARNESTOWN (6TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

FINAL FOREST CONSERVATION PLAN

ENGINEERING
CIVIL • SURVEYING • LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
108 West Ridgeville Blvd., Suite 101, Mount Airy, Maryland 21771
DC Metro (301) 607-8031 FAX (301) 607-8045

1 OF 2

MISS UTILITY

FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-257-7777, OR LOG ON TO WWW.MISSUTILITY.NET/ITICS 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDER GROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

NOTE: ANY CLEARING ASSOCIATED WITH THE DEVELOPMENT OF THE OUTLOT MUST OCCUR OUTSIDE OF THE CATEGORY I FOREST CONSERVATION EASEMENT. CLEARING OR DEVELOPMENT OF THE OUTLOT WILL REQUIRE A REVISION TO THIS FINAL FOREST CONSERVATION PLAN. THE REVISION IS NECESSARY TO SHOW THE IMPROVEMENTS THAT WOULD OCCUR ON THE OUTLOT AND HOW THE ESTABLISHED FOREST CONSERVATION EASEMENT AREA WILL BE PROTECTED WITH TREE PROTECTION METHODS, FENCING, SIGNAGE, ETC.

LOT 2, BLOCK D
J.O. & J.R. EDWARDS
L 21183 F. 283
8.6480 ACRES

APPLICANT

POTOMAC HERITAGE HOMES
ATTN: MR. DANIEL A. DEMERIA
P.O. BOX 59228
POTOMAC, MARYLAND 20854
(301) 983-4319 PHONE
(301) 983-4823 FAX

12006 PINEY MEETINGHOUSE ROAD
LOT 1, OUTLOT "A", AND
OUTLOT "B", BLOCK D
PINEY GLEN FARMS
FINAL FOREST CONSERVATION PLAN
1-04001

CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS, AND M-NCPMP GUIDELINES.

7-23-04 [Signature]
DATE: [Signature]
JEFFREY A. ROBERTSON
MIDN 7 COMAR 08.19.06.01
QUALIFIED PROFESSIONAL

FOREST CONSERVATION WORKSHEET

Project: 12006 Piney Meetinghouse Road

County: MONTGOMERY

Date: 07/06/04

III. NET TRACT AREA

5.24 A. Total tract area (Lot 1, Outlot "A", and Outlot "B")

0.00 B. Area within 100 year floodplain

0.00 C. Area to remain in agricultural production, preservation parcel, or public dedication

5.24 D. Net tract area

II. LAND USE CATEGORY: *

Input the number "1" under the appropriate Land Use / Zoning category. Limited to one entry only.

		ARA	MPD	MDR	HDR	IDA	CIA
1.05	E. Afforestation Threshold	20%	20%	20%	15%	15%	15%
1.31	F. Conservation Threshold	50%	25%	25%	20%	20%	15%

III. EXISTING FOREST COVER

4.99 G. Existing forest cover (excluding floodplain)

3.94 H. Area of forest above afforestation threshold

3.68 I. Area of forest above conservation threshold

IV. BREAK EVEN POINT:

2.05 J. Forest retention above threshold with no mitigation

2.94 K. Clearing permitted without mitigation

V. PROPOSED FOREST CLEARING:

2.94 L. Total area of forest to be cleared (Cannot exceed existing forested acreage.)

2.05 M. Total area of forest to be retained

VI. PLANTING REQUIREMENTS:

0.74 N. Reforestation for clearing above conservation threshold

0.00 P. Reforestation for clearing below conservation threshold

0.74 Q. Credit for retention above conservation threshold (Not incl. specimen/landscape credits.)

0.00 R. Total reforestation required

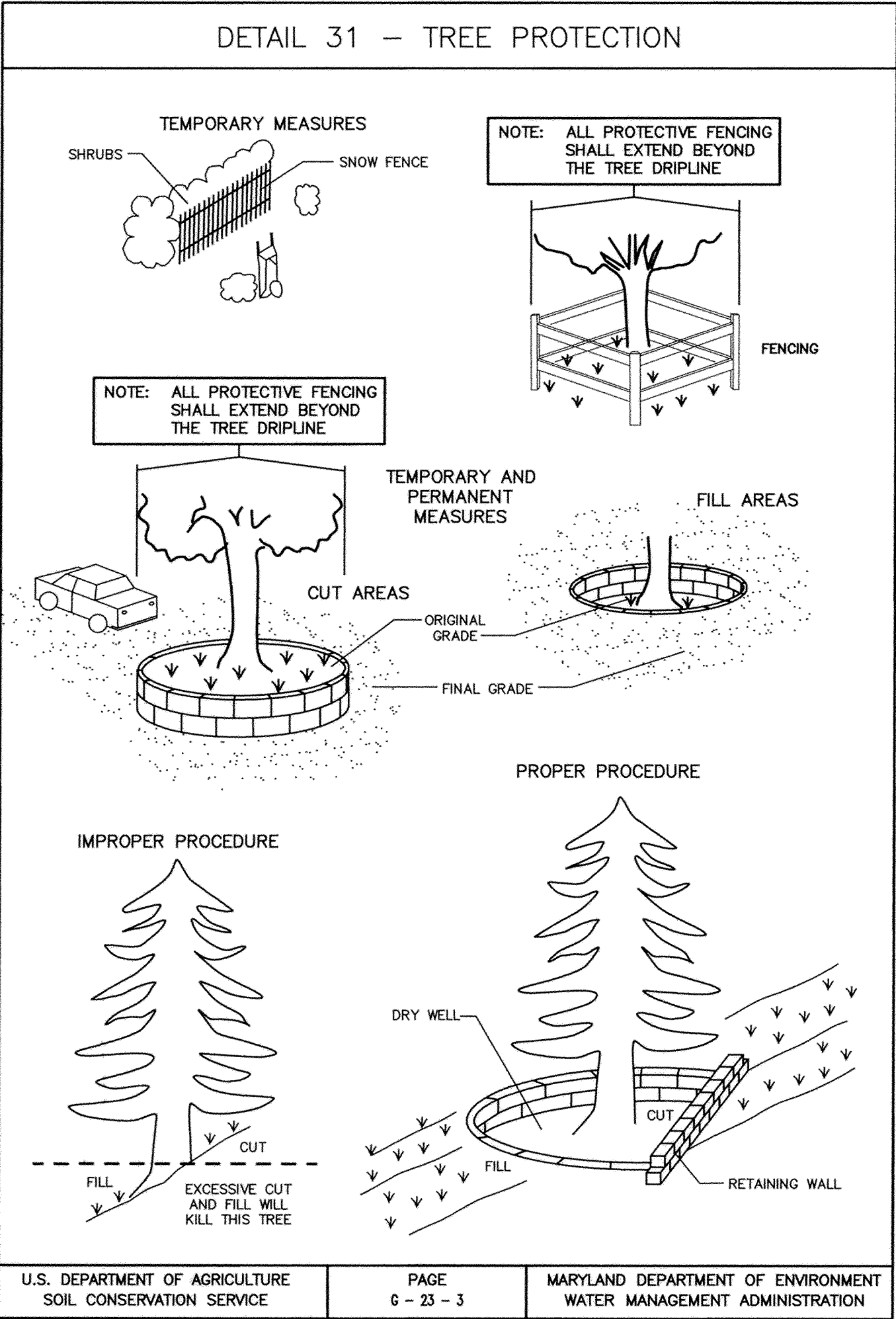
0.00 S. Afforestation to meet afforestation minimum

0.00 T. Afforestation for clearing below afforestation threshold

0.00 U. Total afforestation required

0.00 V. Total reforestation and afforestation required

* (from table 3.2.1, page 40, Forest Conservation Technical Manual)



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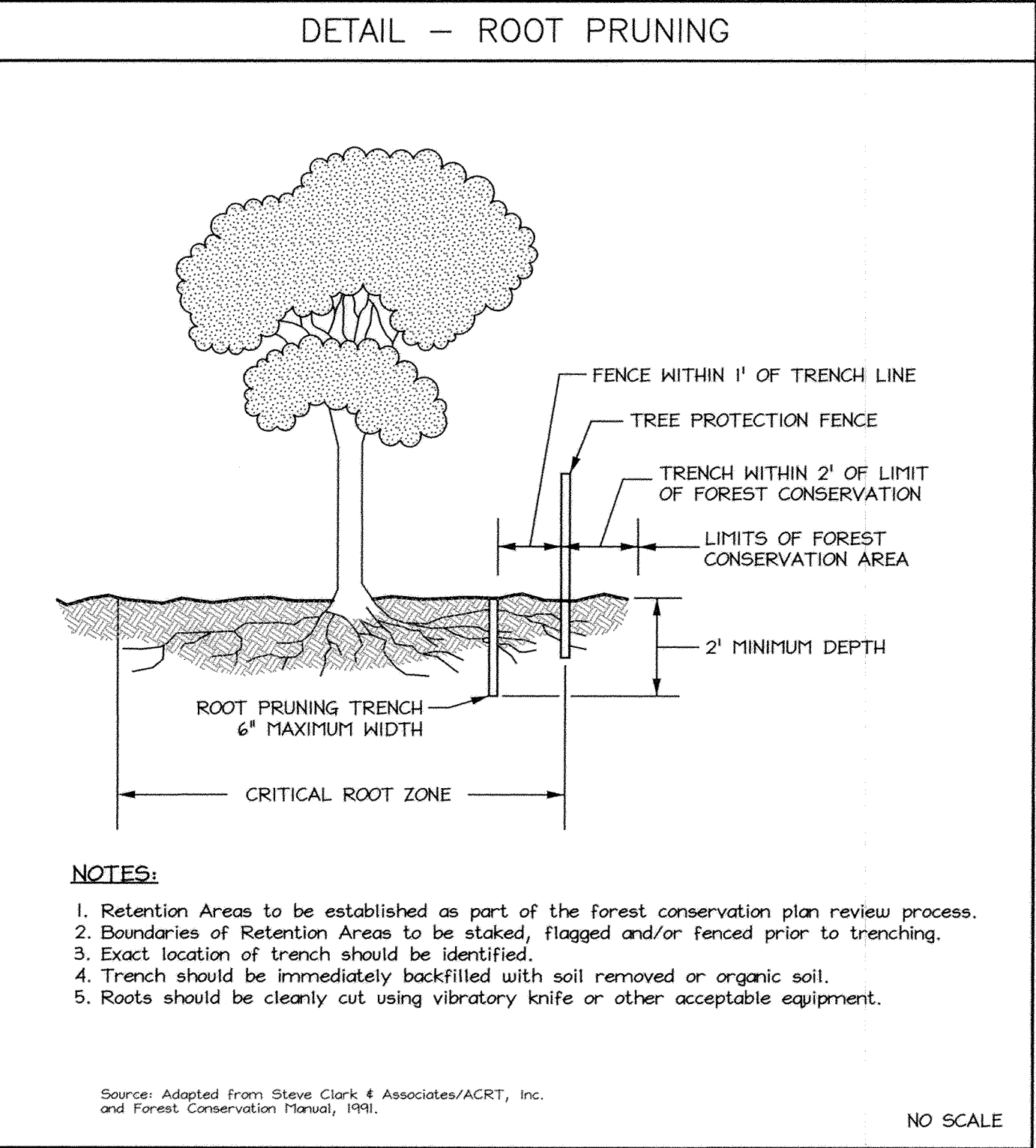
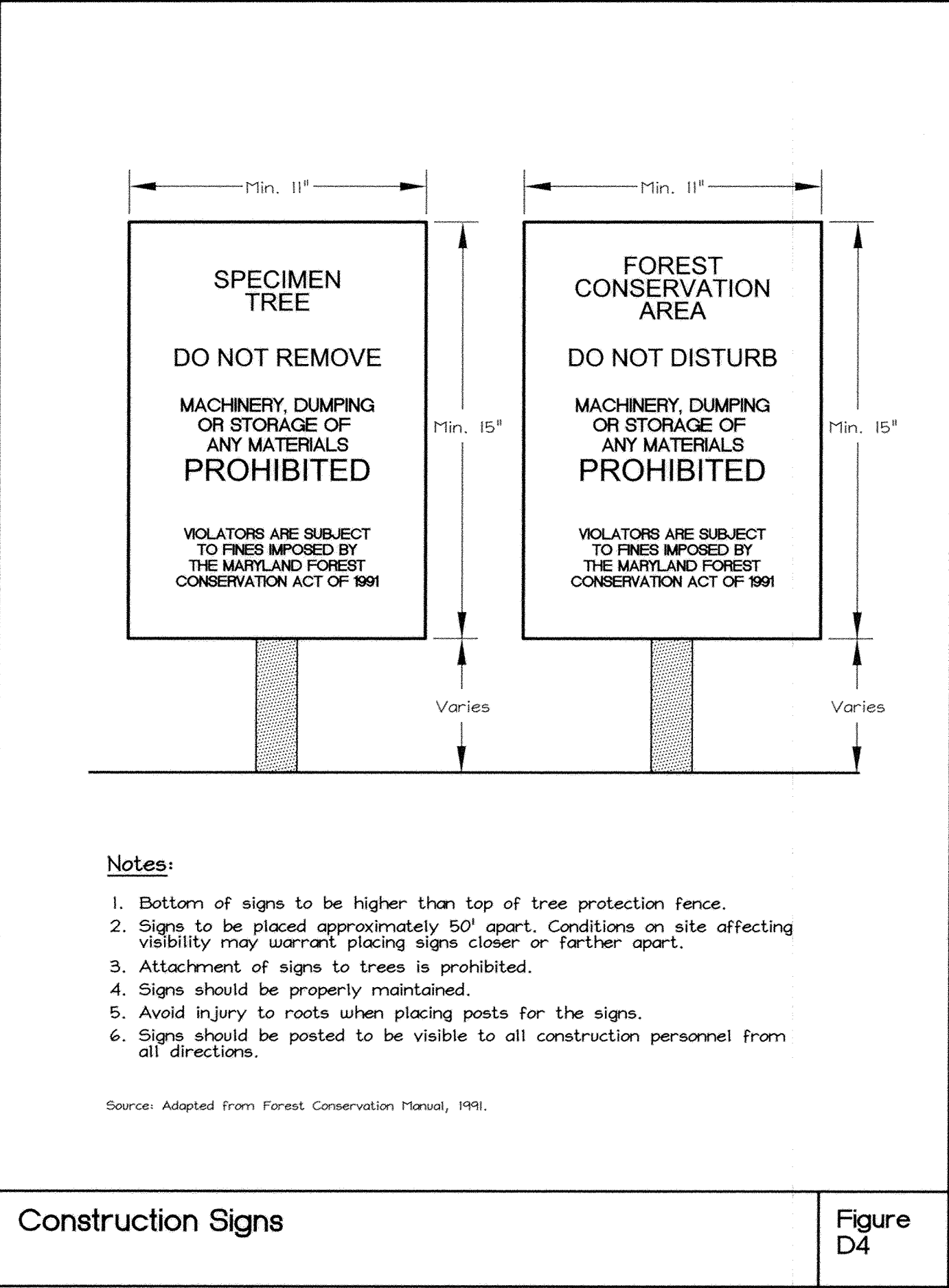
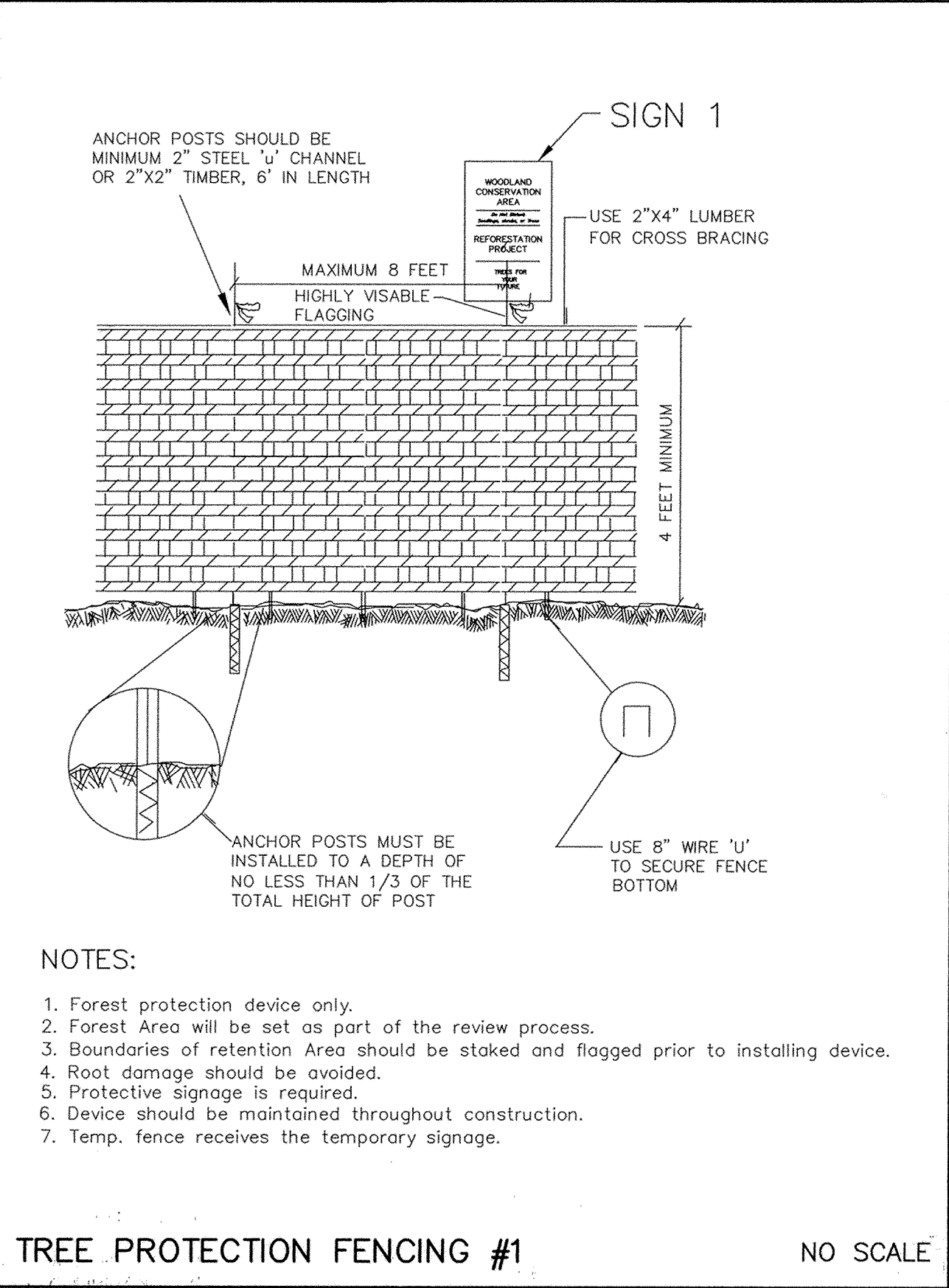
TREE SCHEDULE

TREE #	SPECIES	COMMON NAME	SIZE (DBH)	TREE CONDITION	ROOT CONDITION	COMMENTS
602	Quercus Alba	White Oak	28"	Good	Good	
603	Quercus Alba	White Oak	26"	Good	Good	
611	QUERCUS RUBRA	RED OAK	30"	GOOD	GOOD	
613	Quercus Alba	White Oak	24"	Good	Good	
618	Quercus Rubra	Red Oak	24"	Good	Good	
619	Quercus Rubra	Red Oak	28"	Poor	Good	Appears Dead
620	QUERCUS ALBA	WHITE OAK	36"	GOOD	GOOD	
622	Liriodendron Tulipifera	Tuliptree	26"	Good	Good	
625	Quercus Alba	White Oak	24"	Good	Good	
626	Liriodendron Tulipifera	Tuliptree	26"	Good	Good	
627	Quercus Alba	White Oak	24"	Good	Fair	Debris Pile
629	Quercus Alba	White Oak	26"	Good	Fair	Debris Pile
630	Quercus Alba	White Oak	24"	Good	Good	
631	QUERCUS ALBA	WHITE OAK	30"	GOOD	GOOD	
632	QUERCUS ALBA	WHITE OAK	36"	GOOD	GOOD	
633	QUERCUS ALBA	WHITE OAK	30"	GOOD	GOOD	
634	Quercus Alba	White Oak	24"	Good	Good	
635	Quercus Alba	White Oak	26"	Fair	Good	
643	Quercus Alba	White Oak	28"	Good	Good	
644	QUERCUS ALBA	WHITE OAK	35"	GOOD	GOOD	
646	QUERCUS ALBA	WHITE OAK	32"	FAIR	FAIR	SPLITS @ 6', GRADING ON CRZ
647	Quercus Alba	White Oak	24"	Good	Good	Grading on CRZ
648	Liriodendron Tulipifera	Tuliptree	1w 16", 24"	Good	Good	Grading on CRZ
649	LIRIODENDRON TULIPIFERA	TULIPTREE	32"	FAIR	FAIR	GRADING ON CRZ
650	Fagus Grandifolia	American Beech	25"	Good	Good	
651	Quercus Rubra	Red Oak	24"	Good	Good	
652	Quercus Velutina	Black Oak	23"	Good	Good	
653	QUERCUS ALBA	WHITE OAK	32"	GOOD	GOOD	
654	QUERCUS ALBA	WHITE OAK	1W 8", 30"	GOOD	GOOD	
655	Acer Rubrum	Red Maple	24"	Good	Good	
656	Quercus Rubra	Red Oak	26"	Good	Good	
657	Quercus Alba	White Oak	24"	Good	Good	
658	Quercus Alba	White Oak	26"	Good	Good	
659	Quercus Alba	White Oak	27"	Good	Good	
660	Quercus Alba	White Oak	24"	Good	Good	
661	Acer Rubrum	Red Maple	24"	Fair	Good	
662	Acer Rubrum	Red Maple	23"	Fair	Good	Twin @ 5'
665	ACER NEGUNDO	BOX ELDER	32"	GOOD	GOOD	
667	QUERCUS ALBA	WHITE OAK	30" – TW 05'	FAIR	GOOD	SUCKERING
668	Quercus Alba	White Oak	28" Tri @ 5'	Fair	Good	
669	Acer Rubrum	Red Maple	22", 24"	Poor	Fair	
670	Quercus Alba	White Oak	1w 20", 24"	Good	Good	
671	Liriodendron Tulipifera	Tuliptree	1w 22", 24"	Good	Good	
674	Quercus Rubra	Red Oak	26"	Good	Good	
675	Quercus Rubra	Red Oak	24"	Good	Good	
676	Quercus Rubra	Red Oak	24"	Good	Good	
681	Liriodendron Tulipifera	Tuliptree	1w 26", 28"	Good	Good	
683	Quercus Alba	White Oak	24"	Fair	Good	
684	QUERCUS ALBA	WHITE OAK	36"	FAIR	GOOD	
685	---	Oak	Tr 13", 13", 14"	---	---	
686	Quercus Rubra	Red Oak	24"	Poor	Fair	Heart Rot
687	Quercus Rubra	Red Oak	24"	Good	Good	
688	Quercus Alba	White Oak	25"	Good	Poor	Next to Paving
689	Quercus Alba	White Oak	24"	Fair	Poor	Next to Paving
690	Quercus Alba	White Oak	24"	Good	Poor	Next to Paving
692	Quercus Alba	White Oak	25"	Good	Poor	Next to Paving

TREES SHOWN HEREON ARE GREATER THAN OR EQUAL TO 24" DBH.
TREES DENOTED WITH " * " ARE LOCATED OFF-SITE.

SPECIMEN TREES SHADED

DETAIL – TEMPORARY BLAZE ORANGE PLASTIC MESH



12006 PINEY MEETINGHOUSE ROAD
LOT 1, OUTLOT "A", AND OUTLOT "B", BLOCK D
PINEY GLEN FARMS
FINAL FOREST CONSERVATION PLAN
1-04001

APPLICANT

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DARNESTOWN (6TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

FINAL FOREST CONSERVATION PLAN

THE MARYLAND NATIONAL CAPITAL
MARK AND PLANNING COMMISSION
FINAL FOREST CONSERVATION PLAN
APPROVAL
Plan No. 1-04001
Date 7-27-04

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A DIVISION OF CAS ENTERPRISES, INC.
108 West Ridgeville Blvd., Suite 101, Mount Airy, Maryland 21771
DC Metro (301) 607-8031 • FAX (301) 607-8045

Ainane request: WSCCR 20-TRV-09A

CAS engineering preliminary conclusion regarding the buildability of Outlot A:

This Outlot was created based upon the future potential to either connect to public sewer or obtain an acceptable septic area. The Outlot meets current zoning in terms of area, frontage, lot width at the front BRL, etc. Even considering the FCE, there is room for a house and driveway. Assuming a sewer connection is approved, I do not see why the Outlot could not be developed with a new home.

Jeffrey A. Robertson
Branch Manager

CAS ENGINEERING
Experience You Can Build On.

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