


MEMORANDUM

June 23, 2011

TO: Transportation, Infrastructure, Energy & Environment Committee

FROM:  Keith Levchenko, Senior Legislative Analyst

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

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
1	Orchard Run, CKB-01 09A	Remove "PIF Use Only" Restriction on sewer to provide for construction of a for profit senior housing development	Defer Action pending the outcome of the rezoning request for PRC	Concur with CE	©1-3	©4-6
2	Montgomery County, MD (Department of General Services) Ross Boddy Community Center, 10G-CLO-01	Requesting public water and sewer to serve a public facility	Approve W-3 and S-3, sewer service is restricted to a public facility only.	Concur with CE (with comments regarding potential sewer alignments)	©12-14	©15-17
3	Eglise De Dieu De Silver Spring 09A-PAX-01	PIF Request: Requesting Public Sewer to build a 200 seat church	Approve S-3 conditioned upon a preliminary plan that conforms substantially with the draft development plan.	Deny. Maintain S-3	©20-22	©26
4	Sunny Varkay 09A-PAX-04	Requesting public water and sewer to serve a for-profit educational facility	Correct W-1 designation for one parcel. Otherwise Deny W-3 and S-3	Approve W-3. Deny S-3	©40-41	©42-43
5	Burtonsville Crossing LLC, 09A-PAX-05	Requesting public water and sewer to serve a for-profit senior housing project	Deny W-3 and S-3	Concur with CE	©45-46	©49-51
6	Burtonsville Associates, 09A-PAX-06	Requesting public water and sewer to serve a 1700 seat sanctuary, gym, kitchen, and classrooms.	CE Recusal	Deny W-3 and S-3	©47-48	©49-51
7,8	Ted and Roxanne Smart, 09A-TRV-02 and 09A-TRV-03	Requesting public sewer to 2 adjacent properties in order build two single family homes	Deny S-3	Concur with CE	©57-58	©61
9	Christopher & Christina Marshall, 11A-TRV-01	Requesting public sewer to serve an existing home.	Deny S-1	Concur with CE	©65-66	©69

On April 20, 2011 the County Council received a package of nine Water and Sewer Category Change requests from the County Executive. The requests (with recommendations from the County Executive and the Planning Board noted) are presented in the above chart.

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

List of Attachments

Draft Resolution	©A-B
County Executive's Transmittal Letter (dated April 12, 2011)	©C-D
CE Staff Report	©E-70
Water and Sewer Plan Excerpts	
• Private Institutional Facilities (PIF) Policy	©23-25
• Piney Branch Restricted Sewer Service Area Policy	©67
• Abutting Mains Policy	©68
Potomac Subregion Master Plan Excerpt (Glen Hills Sewer Service Recommendations)	©59-60
Fairland Master Plan Excerpt	©71-78
Planning Board Letter of 6/15/2011	©79-88
Public Hearing Testimony Excerpts and Correspondence	©89-132

Category Change Process Overview

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

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

Planning Board Review

The Planning Board discussed these amendments on June 9, 2011 and concurred with the Planning Board Staff's recommendations in all cases. The Planning Board recommendations for each item are noted later in this memorandum. The Planning Board concurred with the County Executive on seven of the nine category change requests.

The two items of difference between the Planning Board and the Executive involve the Eglise de Dieu de Silver Spring (PIF) request and the Burtonsville Associates request. In both cases, the Planning Board recommends denial. The Executive recommends conditional approval of the PIF case and recused himself from the Burtonsville Associates request.

State Approval

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

Discussion

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
1	Orchard Run, CKB-01	09A Remove "PIF Use Only" Restriction on sewer to provide for construction of a for profit senior housing development	Defer Action pending the outcome of the rezoning request for PRC	Concur with CE	©1-3	©4-6

This 54.4 acre RE-2 zoned property is located on the northwest corner of the intersection of Ridge Road and Brink Road in Germantown. The property is currently vacant. The applicant is seeking unrestricted sewer service (the property currently has sewer approved for a PIF use only) to serve a for-profit retirement community for 225 units and a community center. Unrestricted public water is already approved for the site. The applicant is in the process of seeking a zoning change from RE-2 to PRC.

The Executive and Planning Board both support deferral of the category change pending the outcome of the rezoning issue. Council Staff concurs.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
2	Montgomery County, MD (Department of General Services) Ross Boddy Community Center, 10G-CLO-01	Requesting public water and sewer to serve a public facility	Approve W-3 and S-3, sewer service is restricted to a public facility only.	Concur with CE (with comments regarding potential sewer alignments)	©12-14	©15-17

The Ross Boddy Community Center is located on Brooke Road near the intersection with Chandlee Mill Road in Sandy Spring. The community center currently utilizes well and septic. A renovation and expansion of the community center is funded in the FY11-16 CIP and scheduled for completion in FY12. Public water and sewer service will be needed to serve the expanded facility. Water and sewer extension options for the property are described on ©13.

The Planning Board supports the provision of water and sewer service to the Community Center. Council Staff concurs.

Note: The Planning Board's letter of June 15 (see ©79-80) notes two possibly conflicting concerns. The Planning Board suggests that the Ross Boddy sewer extension should also be part of a solution to longstanding septic problems in the surrounding neighborhood. The Planning Board also expresses concern regarding the sewer option that would use the James Creek alignment (see ©16 for a map showing two sewer options for serving the property). While neither sewer alignment would fully address the community issues, the James Creek alignment would provide opportunities for more properties in the neighborhood to be served. The issue of how best to serve the property can be further reviewed by the Planning Board staff and DEP when WSSC develops more information regarding these and possibly other potential alignments.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
3	Eglise De Dieu De Silver Spring 09A-PAX-01	PIF Request: Requesting Public Sewer to build a 200 seat church	Approve S-3 conditioned upon a preliminary plan that conforms substantially with the draft development plan.	Deny. Maintain S-3	©20-22	©26

This amendment involves the relocation of an existing church to a 4.55-acre RC-zoned property north of Sandy Spring Road at Riding Stable Road in Burtonsville. The site has an

existing single-family house that would be utilized as church office space. Public water is already available at the site. The applicant is seeking a sewer category change to allow for the extension of sewer to the property.

This request first came to the Council in the fall of 2009 and was tabled when the applicant agreed to revise its concept plan to reduce imperviousness from the estimated 25% closer to 10%, as recommended in the Fairland Master Plan for this area (see discussion regarding Area 26 on ©71), and to work further with the community on various issues such as access and egress to the property.

The current request includes a revised concept plan (see ©33) that has lowered estimated imperviousness down to an estimated 16.5 to 18 percent (depending on site access road decisions that would occur at the time of preliminary plan review). The amount of imperviousness draining into the Patuxent watershed is estimated to be 11.8 to 14.1 percent, with the balance draining into the Paint Branch watershed.

WSSC had previously identified three possible main extensions that could serve the site. The closest option is a 305-foot-long non-CIP sized gravity extension from the existing sewer line on Huckburn Court east of the site. Another option previously discussed included extending sewer across Route 198 (which is no longer viable, since the property on the south side of Route 198 is no longer assumed to develop on sewer, as it has been purchased by M-NCPPC). The third option (a 1,300 foot extension from Holger Court in Prince George's County) is a much longer extension than from Huckburn Court. The Planning Board previously noted that, if the category change is approved, the shortest and least disruptive option should be chosen (i.e., the extension from Huckburn Court).

The Executive Staff report notes that an on-site septic system may be a feasible option to serve the proposed development. Additional testing is required and would require approximately one year to complete. It's unclear what the impacts would be of developing on septic since the additional septic testing would be required to address specific soil conditions and where best to locate a septic field and several reserve fields.

In terms of environmental conditions on the site, the property is mostly wooded, and eight specimen trees in varying conditions were identified in a forest stand delineation inventory done in March 1999.

The Council received testimony from the Patuxent Watershed Protective Association (see testimony on ©105-121) including this and two other category change requests in the Burtonsville area and noted its support for the Fairland Master Plan's recommendations. The group opposes construction of any public sewer that would flow within the watershed's limits, noting that "pumps can fail and pipelines can break", causing risk to the wells of nearby homes and reservoir. It supports properties in this area developing on well and septic. It would also like to see the imperviousness for this site at no more than 10 percent (consistent with the Master Plan recommendation for this area) and notes safety concerns of nearby residents about a potential main entrance to the church being on Riding Stable Road.

The Council also received testimony from the West Laurel Civic Association (see ©122) opposing sewer to the property, supporting the Master Plan’s recommended 10 percent imperviousness and opposing the proposed entrance off of Riding Stable Road.

The Planning Board previously recommended denial of the request, noting that the 1997 Fairland Master Plan does not recommend sewer service for this area (as noted earlier, see discussion of Area 26 on ©71). The Planning Board confirmed this recommendation on June 9th. If the Council were to approve the category change request, the Planning Board supports keeping imperviousness on the site as close to 10 percent as possible (see ©86).

The County Executive recommends approval, conditioned on Planning Board approval of a preliminary plan that conforms substantially with the latest draft development plan (see ©33) submitted by the church as part of this category change request.

Council Staff concurs with the County Executive recommendation to conditionally approve the request. The applicant’s request meets the conditions of the PIF policy, which allows for consideration of sewer service in areas not otherwise recommended for service. Further, the applicant’s latest plans for the site are responsive to the Council’s request in December 2009 that the applicant revise its plan in order to bring imperviousness closer to 10 percent (the ceiling recommended for this area in the Fairland Master Plan). The issue of whether the main Church entrance should be off of Riding Stable Road or Route 198 can be considered later during preliminary plan review.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
4	Sunny Varkay 09A-PAX-04	Requesting public water and sewer to serve a for-profit educational facility	Correct W-1 designation for one parcel. Otherwise Deny W-3 and S-3	Approve W-3. Deny S-3	©40-41	©42-43

This 28.8 acre property (with RE-1 and RC zoned pieces) is located on the east side of New Hampshire Avenue, north of Spencerville Road in Cloverly. The applicant is seeking public water and sewer to serve a for-profit educational facility. Options for serving the property are described on ©40-41. The property currently includes a residence and horse boarding facilities.

The Planning Board recommends denial of the sewer request, based on the 1997 Cloverly Master Plan not recommending sewer for RC and RE-2 zoned parcels in this area. Water service can be considered on a case-by-case basis.

DEP staff has confirmed that one of the two parcels (P600) already has public water service, and DEP will correct the category designation for that parcel. The Executive Staff report also notes that the applicant has “put plans for this project on hold...” However, no formal request to withdraw the application has been made.

The Executive recommends denial of the sewer request (maintain S-6) for both parcels and denial of the water request for Parcel P809 based on both the Master Plan recommendations and Water and Sewer Plan policies. NOTE: Because the proposed use is a “for profit” institution, the Water and Sewer Plan’s PIF Policy is not applicable in this case.

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

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
5	Burtonsville Crossing LLC, 09A-PAX-05	Requesting public water and sewer to serve a for-profit senior housing project	Deny W-3 and S-3	Concur with CE	©45-46	©49-51

This 11.1 acre RC-zoned property is located on Old Columbia Pike, north of the Burtonsville shopping center and Route 198. Route 29 is immediately to the east. The property is currently vacant. The applicant is seeking public water and sewer to build a for-profit senior housing project. Options for serving the property are described on ©46. **NOTE: Because the proposed use is a “for profit” institution, the Water and Sewer Plan’s PIF Policy is not applicable in this case.**

The Council received testimony from the Patuxent Watershed Protective Association (see testimony on ©105-121) noting its support for the Fairland Master Plan’s recommendations. The group opposes construction of any public sewer that would flow within the watershed’s limits, noting that “pumps can fail and pipelines can break,” causing risk to the wells of nearby homes and reservoir. It supports properties in this area developing on well and septic. Similar concerns were received from individuals living nearby.

The Timber Hill Civic Association (see testimony on ©130) expressed concerns regarding both this request and the Burtonsville Associates request (discussed later) with regard to Master Plan conformance, compatibility with the surrounding area, traffic, and other issues.

The Planning Board recommends denial of the water and sewer request, noting that the 1997 Fairland Master Plan does not recommend sewer service for this area (Area #26, see ©71 for Master Plan excerpt). *The Executive Staff report notes that Planning Board staff believes the request (based on the preliminary design) would meet the Master Plan’s recommended 10 percent imperviousness ceiling for properties in this area.*

The Executive recommends denial of the sewer request (maintain S-6) based on both the Master Plan recommendations and Water and Sewer Plan policies.

Council Staff concurs with both the County Executive and the Planning Board to deny the request. Council Staff notes that the Planning Board supports a comprehensive review of “the future development potential of the area of Burtonsville bounded by old and new MD 29 and by the Pepco power line to the south in a comprehensive way.” (see ©81).

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
6	Burtonsville Associates, PAX-06	09A- Requesting public water and sewer to serve a 1700 seat sanctuary, gym, kitchen, and classrooms.	CE Recusal	Deny W-3 and S-3	©47-48	©49-51

This 9.5 acre RC-zoned property is located on Old Columbia Pike north of the Burtonsville shopping center, just south of the Dustin Road intersection. Route 29 is immediately to the east. Route 198 is several blocks south. The property is currently a farm. The applicant is seeking public water and sewer to build a church with a 1700 seat sanctuary, gym, kitchen, and classrooms. Options for serving the property are described on ©48A.

At the June 16 public hearing, the applicant indicated that it had revised its proposed use, reducing the sanctuary size to 850 seats. According to the applicant, this change would reduce the imperviousness on the site from approximately 40 percent to about 25 percent. Additional information regarding the request (as well as responses to other issues raised by the community) was provided to Council Staff subsequent to the public hearing, and excerpts from this correspondence are included on ©123-126.

The applicant did not originally seek approval via the PIF Policy. If so, more detail regarding the proposed sewer main extension would be needed to confirm the extension would not open up service to properties otherwise ineligible (a PIF Policy requirement). The level of imperviousness (even at the reduced scope) would still be substantially higher than that recommended in the Fairland Master Plan for this area (a recommended 10 percent ceiling). While the PIF Policy does not include imperviousness ceilings, the Council has worked with other PIF applicants to limit imperviousness to 25 percent in low density zones and, in the case of the previously discussed Eglise de Dieu PIF request, a level closer to the 10 percent ceiling recommended in the Fairland Master Plan for these areas.

The Council received testimony from the Patuxent Watershed Protective Association (see testimony on ©105-121) noting its support for the Fairland Master Plan's recommendations. The group opposes construction of any public sewer that would flow within the watershed's limits, noting that pumps can fail and pipelines can break, causing risk to the wells of nearby homes and reservoir. It supports properties in this area developing on well and septic. Similar concerns were received from individuals living nearby.

The Timber Hill Civic Association (see testimony on ©130) expressed concerns regarding both this request and the Burtonsville Crossing LLC request (discussed earlier) with regard to Master Plan conformance, compatibility with the surrounding area, traffic, and other issues.

The Planning Board recommends denial of the water and sewer request, noting that the 1997 Fairland Master Plan only recommends public sewer service on a case-by-case basis to this specific property to support special exception uses (Area #34, see ©77 for Master Plan excerpt). The proposed use is not a special exception use (although, as mentioned earlier, the request could be considered via the Water and Sewer Plan PIF Policy).

The Planning Board previously recommended denial of a category change request for a special exception use for this same property, noting the inconsistency of the proposed use (senior housing) with the low-density, rural residential nature of the area intended under the zoning.

The County Executive has recused himself from making a recommendation on this request because he owns property in the nearby Patuxent Heights neighborhood.

Council Staff concurs with the Planning Board to deny the request. Council Staff notes that the Planning Board supports a comprehensive review of “the future development potential of the area of Burtonsville bounded by old and new MD 29 and by the Pepco power line to the south in a comprehensive way.” (see ©81).

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
7.8	Ted and Roxanne Smart, 09A-TRV-02 and 09A-TRV-03	Requesting public sewer to 2 adjacent properties in order build two single family homes	Deny S-3	Concur with CE	©57-58	©61

This request involves two adjoining RE-1 zoned properties (1.6 and 2.2 acres respectively) on Valley Drive at the intersection with Cleveland Drive in the Glen Hills area of Potomac. Both properties are currently unimproved. The applicant is seeking public water and sewer to build one home on each property.

The extension of sewer service in the Glen Hills area is restricted to addressing public health problems only (see ©59-60). Since the applicant’s properties are unimproved, there is no public health issue to consider.

The Potomac Subregion Master Plan (2002) recommends a sanitary survey of the area to determine how to best address sewer needs in the area in the long-term. This work has been stalled for some time due to fiscal issues. However, last month, as part of the FY12 DEP Operating Budget, the Council approved funding for this study.

The applicant has provided a substantial amount of information regarding the need for sewer in the area and the fact that his properties could be utilized for easements and/or a pump station if needed to address his property needs as well as other properties in the area. The applicant has also proffered \$100,000 towards a sewer solution involving his properties.

The Council received testimony from the West Montgomery County Citizens Association (see 101-104) opposing the category change, citing the Master Plan recommendations.

Both the Planning Board and the Executive recommend denial of the requests, noting that potential sewer needs in this area of Glen Hills can be revisited when the study is completed.

Council Staff recommends deferral of the requests, pending the outcome of the Glen Hills Sanitary study, since the study is now funded in FY12 and may be completed (or at least well underway) during FY12. The applicant is encouraged to provide any information he has to the County to assist with this study.

#	Applicant	Request	County Executive	Planning Board	CE Staff Report	
					Report	Maps
9	Christopher & Christina Marshall, 11A-TRV-01	Requesting public sewer to serve an existing home.	Deny S-1	Concur with CE	©65-66	©69

This request involves a 1 acre RE-1 zoned property on Spring Drive, near Circle Drive in the Glen Hills area of Potomac. The applicant has public water serving the existing home on the property and is seeking public sewer to address septic problems. A sewer main on Spring Drive abuts the property.

The extension of sewer service (or even connecting to abutting mains) in the Glen Hills area is restricted to addressing public health problems only (see ©24-25). According to the Executive Staff report (see ©66), the Department of Permitting Services identifies the system as a “certain public health issue in the future” and recommends the property be connected to public sewer. However, this falls short of the requirement that a “documented” public health problem exists now.

At the public hearing, the applicant noted a number of symptoms of a failing septic system (see ©94-100). DEP staff asked DPS staff to revisit this issue to confirm whether the system could in fact be considering as failing now.

The Council received testimony from the West Montgomery County Citizens Association (see ©101-104) opposing the category change unless the septic system has been failed per the Master Plan recommendations noted earlier.

Both the Planning Board and the County Executive recommend denial of the request, citing the need for DPS to note the system as being a documented public health problem.

Council Staff recommends deferral of the request for two reasons: 1) Deferral will provide time for DPS to further assess the septic system. 2) The now-funded sanitary study of the Glen Hills area could recommend sewer service in this area (or to properties such as this with abutting mains). In either case, Council Staff believes deferral is appropriate.

NOTE: If the Council is supportive of approving this category change request now, Council Staff would recommend that the approval resolution be narrowly tailored to avoid setting a broad precedent. In this case, the property is recommended for public sewer by DPS to serve an existing home, and no sewer extension is required since an abutting main is available to serve the property. According to DEP staff, in Glen Hills there are approximately 17 other properties with existing homes on septic but which have abutting sewer mains. DEP does not have information on the condition of these septic systems. This information is likely to be collected as part of the sanitary study.

Attachments

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Resolution No.: _____
Introduced: May 3, 2011
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

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

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On April 20, 2011, the County Council received recommendations from the County Executive regarding 9 Water and Sewer Plan amendments.

6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
7. A public hearing was held on June 16, 2011.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments and made recommendations to the Council.
9. The Council held a worksession.

Action

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

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

(B)



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive


MEMORANDUM

April 12, 2011

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2011 APR 20 AM 11:19

TO: Valerie Ervin, President
Montgomery County Council

FROM: Isiah Leggett
Montgomery County Executive 

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

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

The recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with local area master plan service recommendations. Nevertheless, I expect that the following case will likely generate significant public testimony and worksession discussions.

Ross Boddy Community Center

In this case, WSCCR 10G-CLO-01 (Montgomery Co. DGS), the applicant has requested category changes to allow the extension of public water and sewer service to an existing County community center in Sandy Spring. The County's approved FY 2010 capital budget includes a project for the proposed expansion and renovation of this facility. DPS has determined that the project cannot proceed using the facility's existing septic system; neither can the site support a suitable replacement septic system. The provision of at least public sewer service is needed to implement the approved expansion and renovation of this facility. The extension of public water and sewer service is consistent with the Water and Sewer Plan's public facilities policy; therefore the request for categories W-3 and S-3 is recommended for approval.

The neighborhood around the Ross Boddy Center has long been identified in the Water and Sewer Plan as one having a history of septic system problems. The 1998 Sandy Spring -Ashton Master Plan recommends a study of the neighborhood to determine the appropriate measures needed to address this public health problem. In this matter we will need to solve the usual technical and financial issues in confronting a health problem area such as this. However, the County must also consider the potential long-term effects of providing public utility service to this neighborhood, a historic African-American community in Sandy Spring. The extension of water and sewer service may ultimately be

Valerie Ervin
April 12, 2011
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necessary to protect public and environmental health. However, the availability of public service could increase property values, promoting a makeover of the community and the eventual loss of its historic character and population.

North Burtonsville Projects: Burtonsville Crossing Senior Housing and New Hope Korean Church

WSCCRs 09A-PAX-05 (Burtonsville Crossing) and 09A-PAX-06 (Burtonsville Associates) both request categories W-3 and S-3 to allow the extension of public water and sewer service to properties east of Old Columbia Pike and north of the Burtonsville Crossing Shopping Center. The area, which we refer to as "North Burtonsville," is sandwiched between the relocated U.S. 29 and the old U.S. 29 alignment (now Old Columbia Pike) in the Patuxent River watershed. The area is zoned Rural Cluster (RC), where public water service can be considered on a case-by-case basis. However, the provision of public sewer service is generally inconsistent with this zoning.

The Burtonsville Crossing senior housing project site (09A-PAX-05) is located just north of the shopping center. M-NCPPC staff has determined that the 1997 Fairland Master Plan specifically recommends low-density uses for this property, without providing public sewer service. The size of the proposed project makes it unlikely that it could move forward using public water service and a septic system. Given the specific guidance of the master plan for this site, I have recommended denial of the request for categories W-3 and S-3.

The New Hope Korean Church site (09A-PAX-06) is located on the single property in North Burtonsville for which the master plan does provide an option for the use of public sewer service. The master plan suggests the provision of water and sewer service in support of an appropriate special exception use. A house of worship is an allowed use in the RC Zone, although the size and nature of such a facility is generally more in keeping with a special exception use, especially given the size of the proposed facility, which is proposed to accommodate 1,700 seats. As a result, a significant concern in this case is the amount of impervious surface proposed by the applicant's current concept plan, approximately 40 percent of the site, which is located in the Patuxent River watershed

I find it necessary to recuse myself from providing the Council with a recommendation for this proposed amendment. I own property in the nearby Patuxent Heights neighborhood.

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

IL:as

Attachment

cc: Jay Sakai, Director, Water Management Administration, Maryland Department of the Environment
Richard Eberhart Hall, Secretary, Maryland Department of Planning
Françoise Carrier, Chair, Montgomery County Planning Board
Jerry Johnson, General Manager, Washington Suburban Sanitary Commission
Robert G. Hoyt, Director, Department of Environmental Protection
Jennifer Hughes, Acting Director, Department of Permitting Services

(D)

**Montgomery County
Comprehensive Water Supply and
Sewerage Systems Plan
Proposed Category Map Amendments
County Executive's March 2011 Amendment
Transmittal to the County Council**

- 7 Current Category Change Requests
- 2 Previously Deferred Category Change Requests

Prepared by
The Department of Environmental Protection

Robert G. Hoyt, Director

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

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

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

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S MARCH 2011 TRANSMITTAL PACKET**

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Change	Executive Recommendation & Policy Summary	Packet Page No.
CLARKSBURG PLANNING AREA			
WSCCR 09A-CKB-01 Orchard Run 21901 Ridge Rd., Clarksburg RE-2 Zone; 54.35 ac. Use: Senior housing/retirement village; RE-2 to PRC zoning change requested (G-881).	W-1 (no change) Remove "PIF use only" restriction from the existing S-3	Defer action pending the outcome of the rezoning request for PRC. Consideration of a category change should not precede the pending zoning change request. Ideally, the sewer extension issue should be addressed in concert with the zoning.	Report: Pgs. 1-3 Maps: Pgs. 4-6
CLOVERLY – NORWOOD PLANNING AREA			
WSCCR 10G-CLO-01 Montgomery Co. MD (Dept. of General Services) 18529 Brooke Rd., Sandy Spring RMH-200 Zone; 8.39 ac. Use: Expansion & renovation of the Ross Boddy Community Center <i>10G-CLO-01 deferred: AD 2010-4 (11/22/10)</i>	W-6 to W-3 S-6 to S-3	Approve W-3 and S-3; sewer service is restricted to a public facility only. Water and sewer service is consistent with the Water & Sewer Plan's public facilities policy. A health issue also involved with the existing septic system.	Report: Pg. 12-14 Maps: Pgs. 15-17
PATUXENT WATERSHED CONSERVATION PLANNING AREA			
WSCCR 09A-PAX-01 Eglise De Dieu De Silver Spring, Joseph Berluche, Pastor 4800 Sandy Spring Rd., Burtonsville RC Zone; 4.55 ac. Use: proposed house of worship for Eglise De Dieu de Silver Spring (existing single-family house will remain) <i>09A-PAX-01 consideration tabled (12/8/09)</i>	W-1 (no change) S-6 to S-3	Conditionally approve S-3; final action will require Planning Board plan approval. Approval limited to this PIF use only. <i>Application is consistent with PIF policy requirements. The applicant has returned with a revised concept plan that reduces</i>	Report: Pgs. 20-22 Maps: Pg. 26
WSCCR 09A-PAX-04 Sunny Varkey 16301 New Hampshire Ave., Cloverly RE-1 & RC Zones; 28.84 acres Use: private school	W-6 to W-3 S-6 to S-3	Correct Parcel P600 to W-1. Otherwise deny W-3 and S-3; maintain W-6 and S-6. Sewer service is neither consistent with master plan recommendations nor Water and Sewer Plan policies. The proposed use is for-profit and not eligible for consideration under the PIF policy.	Report: Pgs. 40-41 Maps: Pgs. 42-43
WSCCR 09A-PAX-05 Burtonsville Crossing LLC 15800 Block, Old Columbia Pike, Burtonsville RC Zone; 11.14 acres Use: senior housing project	W-6 to W-3 S-6 to S-3	Deny W-3 and S-3; maintain W-6 and S-6. Sewer service is not consistent with master plan recommendations or Water & Sewer Plan general service policies. The applicant has not indicated that water service alone would allow the project to proceed.	Report: Pgs. 45-46 Maps: Pgs. 49-51
WSCCR 09A-PAX-06 Burtonsville Associates 16100 Block, Old Columbia Pike, Burtonsville RC Zone; 9.52 acres Use: house of worship – New Hope Korean Church to relocate	W-6 to W-3 S-6 to S-3	<i>The County Executive has recused himself from making a recommendation for this request; he owns property in the nearby Patuxent Heights subdivision.</i>	Report: Pgs. 47-48 Maps: Pgs. 49-51
TRAVILAH PLANNING AREA			
WSCCR 09A-TRV-02 & -03 Ted & Roxanne Smart 13000 Block, Valley Dr., Rockville RE-1 Zone; 3.81 acres total Use: two single-family houses (one on each of two existing parcels)	(W-3 & W-1: no change) S-6 to S-3	Deny S-3; maintain S-6. Sewer service is not consistent with master plan recommendations for Glen Hills or with Water & Sewer Plan general service policies.	Report: Pgs. 57-58 Map: Pg. 61

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
 COUNTY EXECUTIVE'S MARCH 2011 TRANSMITTAL PACKET**

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

Plan Amendment No. & Applicant	Location - Zoning - Acreage - Proposed Use	Requested Change	Executive Recommendation & Policy Summary	Packet Page No.
TRAVILAH PLANNING AREA (CONTINUED)				
WSCCR 11A-TRV-01 Christopher & Christina Marshall 12805 Spring Dr., Rockville RE-1 Zone; 1.03 ac. Use: sewer service for the existing house.	W-1 (no change) S-6 to S-1	Deny S-1; maintain S-6. Sewer service is not currently consistent with master plan recommendations for Glen Hills and the Piney Branch Watershed or with Water & Sewer Plan general service policies.	Report: Pgs. 65-66 Map: Pg. 69	

Additional Packet Items:

Water/Sewer Service Area Category Information	Pg. iii
Map Amendment Locator	Pg. iv
Status Update: Category Change Requests Recently Deferred by the County Council	Pg. v
Deferred Map Amendment Locator	Pg. vi
Water & Sewer Plan Excerpt (2003): Private Institutional Facilities Policy	Pgs. 23-25
Master Plan Excerpt - Potomac Subregion (2002): Glen Hills Sewer Service Recommendations	Pgs. 59-60
Water & Sewer Plan Excerpt (2003): Piney Branch Restricted Sewer Service Area Policy.....	Pgs. 67-68

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S MARCH 2011 TRANSMITTAL PACKET**

WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

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

Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. <ul style="list-style-type: none"> This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service. 	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-2 and S-2	Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan. (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. <ul style="list-style-type: none"> This includes areas generally requiring the approval of CIP projects before service can be provided. 	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. <ul style="list-style-type: none"> This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period. 	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. <ul style="list-style-type: none"> Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans. 	

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

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

Status of Category Change Requests Previously Deferred by the County Council

The Water and Sewer Plan generally intends that a deferred category change request or other Plan amendment should return to the Council for a decision within approximately one year of the deferral action.

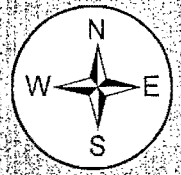
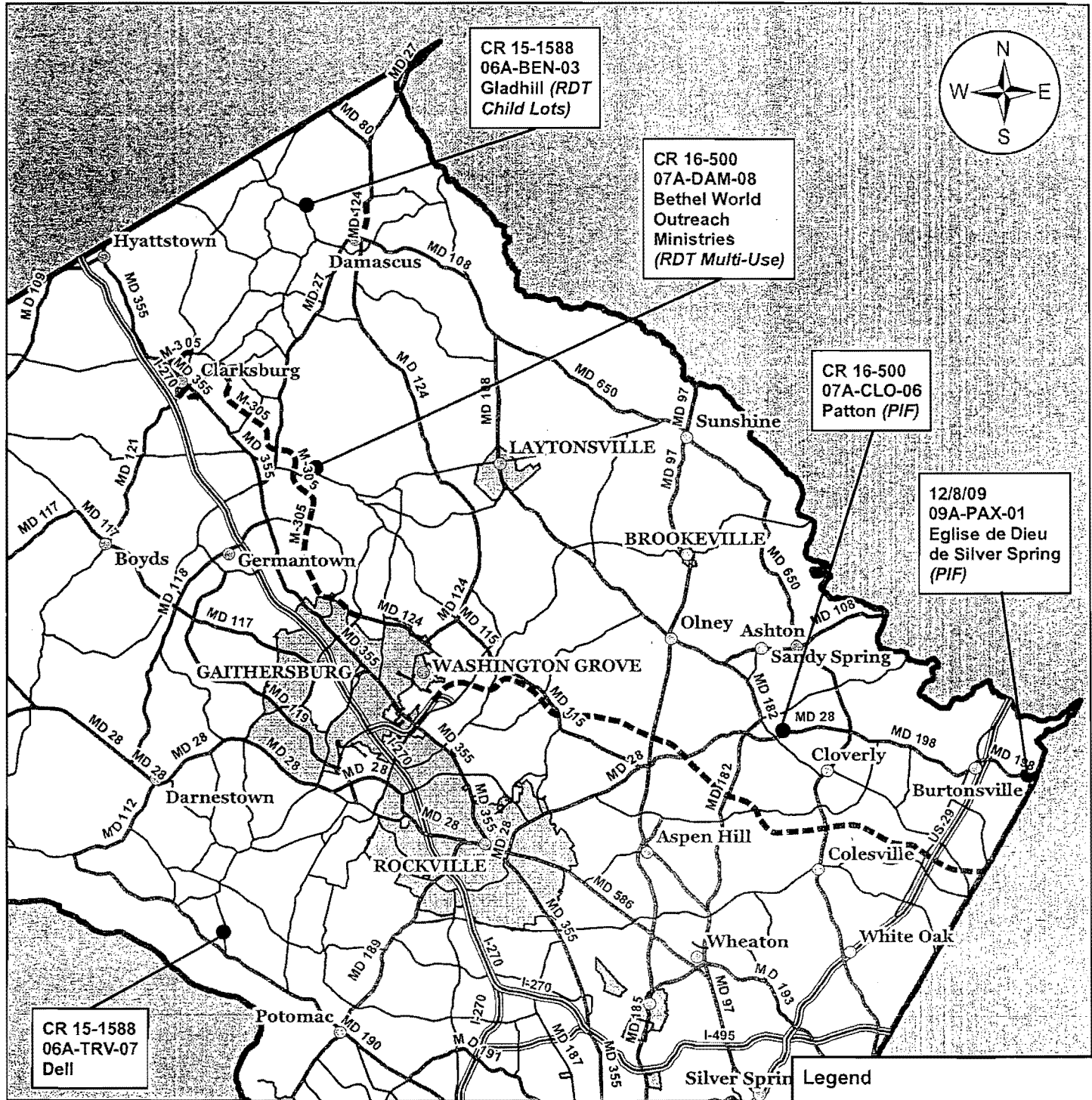
Plan Amendment No. & Owner Location – Zoning – Acreage - Proposed Use	Category Change Request	Resolution & Reason for Deferral Status of Deferred Plan Amendment
WSSCR 06A-BEN-03 Maurice Gladhill Bethesda Church Rd., Damascus RDT Zone: 41.44 ac. Use: water service for approved child lots	W-6 to W-1 (Keep S-6)	<u>CR 15-1588 (8/1/06)</u> : Deferred pending recommendations on child lots from the Ad Hoc Agriculture Working Group. Status: Awaiting Council consideration and decision on child-lot policy issues, including a proposed amendment on water service policy to the Water and Sewer Plan.
WSSCR 06A-TRV-07 Carole & Donald Dell Stoney Creek Rd. opposite Wetherfield La. RE-2 Zone: 17.29 ac. Use: proposed 8-lot single-family subdivision	W-3 (no change) S-6 to S-3	<u>CR 15-1588 (8/1/06)</u> : Deferred pending the Council's review of the Potomac peripheral sewer service policy in the next update of the Water and Sewer Plan. Status: Water & Sewer Plan update is underway; staff draft for interagency review expected this summer.
WSSCR 07A-CLO-05 Julian Patton Norwood Rd. at Norbeck Rd. (MD 28) RE-2 Zone: 27 ac. Use: proposed place of worship for the Sts. Constantine and Helen Greek Orthodox Church (on an unimproved site)	(Keep W-3) S-6 to S-1	<u>CR 16-500 (4/8/08)</u> : Deferred for submittal and review of the church's site development plan. Status: The church has proposed to locate on the RE-2C portion of the property, which is already approved for public water and sewer service. If the Planning Board approves the church's draft preliminary plan (120100240), the applicant should withdraw this request for the area zoned RE-2.
WSSCR 07A-DAM-08^C Bethel World Outreach Ministries Brink Rd., Germantown RDT Zone: 119.4 ac. Use: proposed house of worship for the owner (existing farm house may remain). ^C <i>Goshen – Woodfield – Cedar Grove Planning Area</i>	W-6 to W-6^D S-6 to S-6^D ^D multi-use system	<u>CR 16-500 (4/8/08)</u> : Deferred for a development proposal that conforms with RDT Zone requirements for properties with agricultural preservation easements. Status: Awaiting the applicant's submittal of a revised development plan. (Note: Litigation^E in federal court between the applicant and the County continues over zoning and multi-use sewer system issues. ^E <i>The church's prior suit over denial of public water and sewer service is resolved in favor of the County.</i>
WSSCR 09A-PAX-01 Eglise de Dieu de Silver Spring Sandy Spring Rd. (MD 198) & Riding Stable Rd., Burtonsville RC Zone: ac. Use: place of worship.	(Keep W-1) S-6 to S-3	<u>12/8/09</u> : Council endorsed the T&E Committee's recommendation to defer consideration pending the applicant's work to: <ul style="list-style-type: none"> • Reduce imperviousness on the proposed development plan, and • Conduct additional outreach and coordination with local civic organizations. Status: Included in this packet of Plan amendments (see pg. 20).

Deferrals resolved since the last update (January 2010 Packet)

- WSSCR 07A-CLO-09** – Neil & Laura Pullen..... Unrestricted S-1 denied under CR 16-1519 (10/19/10); restricted S-1, for one hookup only, maintained.
- WSSCR 07A-TRV-10** – Travilah Oak LLC, Han & J. Jan..... W-3 and S-3 denied under CR 16-1519 (10/19/10).

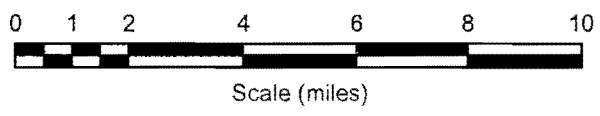
Water and Sewer Plan Map

March 2011 Transmittal: Deferred Amendment Locator



Legend

- Previously Deferred Requests
- Localities
- Major Roads & Highways**
- County Roads
- State Roads & Highways
- US Highways & Interstates
- Proposed Roads
- ▭ Municipalities



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Montgomery County, Maryland
 2003 Comprehensive Water Supply
 and Sewerage Systems Plan

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
 County Executive's March 2011 Transmittal Packet

CLARKSBURG PLANNING AREA MAP AMENDMENTS

WSSCC 09A-CKB-01: Pg. 1

WSSCC 09A-CKB-01: Windridge Farm, LLC (for Orchard Run)

County Executive's Recommendation: Defer action on the request for S-3 (without restriction) pending a decision on the PRC zoning request.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 21901 Ridge Road, Germantown • Parcel P429, Brooke Grove • Property ID: 02-0030041 • Map tile: WSSC – 230NW11; MD – FV122 • Northwest quadrant, intersection of Ridge Rd (Rte. 27) and Brink Rd. • RE-2 Zone (PRC Zone proposed; case #G-881); 54.37 acres • Clarksburg MP (1994) • Little Seneca Creek Watershed (MDE use IV, Mont. Co. SPA) • Existing use: Vacant Proposed use: Retirement Community for 225 units and a community center (under the proposed PRC Zone)^A 	<p>Applicant's Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (No change) S-3 (PIF only) S-3 without PIF restriction</p> <p><u>Applicant's Explanation</u></p> <p>"Request that the PIF Restriction be removed, so that a Planned 225 unit Retirement Community and a Community Center may be built." (Also see the project engineer's letter, pg. <u>8</u>)</p> <p>^A <i>DEP Notes:</i></p> <ul style="list-style-type: none"> • The applicant's proposed senior housing project will not qualify as non-profit institution and therefore cannot use the existing, PIF-restricted S-3 approval. • The applicant is preparing a revised development plan (for the rezoning request) that reduces density on the site and responds to other concerns raised by M-NCPPC. The zoning change process is suspended pending the filing of this revised plan.
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Executive Staff Report: The applicant has proposed the construction of a 225-unit retirement community which will require rezoning of the property from RE-2 to PRC. The project as proposed will need public water and sewer service. The site is currently designated as categories W-1 and S-3; however, the S-3 has a restriction for a private institutional facility (PIF) use only, which this for-profit project cannot use. The applicant is seeking the removal of the PIF-use only restriction for category S-3. The unrestricted provision of public sewer service to this site under the existing RE-2 zoning is not consistent with either the master plan's recommendations or the Water and Sewer Plan's general service policies. The Water and Sewer Plan does call for the deferral of category change requests where a zoning change request is pending. A deferral of the category change request at this time will prevent the appearance of prejudice in the zoning case the Council will consider later.

The applicant has proposed using a wastewater pumping station (WWPS) and force main to direct sewage flows from the site north into gravity sewer mains proposed for the Clarksburg Village project. (Upon completion, these facilities would be dedicated to WSSC for operation and maintenance.) WSSC has proposed three alternative gravity sewer extensions from the site, one of which would depend on the construction of the proposed Tapestry WWPS and force main. The M-NCPPC Parks Department opposes WSSC's option no. 1 which would require an easement and construction across Ridge Road Recreational Park. WSSC has confirmed that adequate system capacity exists for these alternatives. Because the requested zoning change to PRC proposes development density that will require public sewer service, the sewer extension issue should be considered as part of the zoning decision.

Agency Review Comments

M-NCPPC – Area 3 Planning Team: The subject site and immediate vicinity is in the designated Clarksburg Special Protection Area (MP, pg. 207) and is not included in the four Master Plan implementation areas shown for the Staging of Development (MP, pg. 215).

The site is also not included within the plan categories for Recommended Sewer and Water Staging for Clarksburg (MP, pg. 202). The site and the immediate vicinity is included among the areas with no future service



COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's March 2011 Transmittal Packet

CLARKSBURG PLANNING AREA MAP AMENDMENTS

WSSCC 09A-CKB-01: Pg. 2

areas anticipated. Land not included in the sewer and water service areas is designated S-6 and W-6 (MP, pg. 201). The master plan states –

- subsequent water and sewer plan amendments (should) be of a comprehensive area wide nature only and consistent with master plan staging principles and recommendations
- subsequent amendments should not take place until all of the triggers for each stage of development have been met (MP, pgs. 192-199)
- County Council determines that category changes are consistent with policies of the Comprehensive Water Supply and Sewerage Systems Plan, and
- The Recommended Sewer and Water Staging for Clarksburg should be used as guidance for future amendments to the existing water and sewer plans

In the description of Service Area A (MP, pgs.202-203) the Little Seneca Trunk sewer is referenced for serving the nearby Newcut Road subarea and a portion of the Brink Road Transition subarea, however the subject site is outside of service Area A.

A water/sewer category change for the pending amendment and use application, as currently proposed, is not in conformance with the Approved and Adopted 1994 Clarksburg Master Plan. The category change request is premature if the zone has not been changed.

M-NCPPC – Parks Planning: The subject property for the proposed category change 09A-CKB-01 is located across Brink Rd. from the Ridge Road Recreational Park. Alternative proposal #1 cites a possible sewer extension crossing the park to an existing main at Frederick Rd. Alternative #1 would also require disruption of Parks operations and require a Park Permit for construction. Alternative #2 would connect to an existing line to the east at Brink Road and Seneca Crossing Drive and have no park impacts. Given the potential impact to the park site for Alternative #1, the Department strongly supports Alternative #2 which would totally avoid impacts to the park and rejects Alternative #1.

WSSC - Sewer: Three potential alignments can serve this property:

1. An approximately 1500-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to (contract no. 99-2434A) and would abut approximately four properties in addition to the applicant's. *Supplemental comments (2/24/11):* Requires grading on some areas of the northeast side for the outfall sewer to carry the flow to southeast side for Alignment #1. This alignment connects to existing sewers not a proposed one.
2. An approximately 774-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to (contract no. 01-2975A) and would abut approximately three properties in addition to the applicant's. This extension drains to Wexford WWPS. Currently, there are no capacity constraints at the station. Rights-of-way would be required. Construction of this extension may involve the removal of trees. *Supplemental comments (2/24/11):* In addition to grading on the northeast side, this requires extensive grading on the southwest side of the property to reach alignment # 2. This alignment connects to existing sewers not a proposed one.
3. *Supplemental comments (2/24/11):* An approximately 3500-foot-long non-CIP-sized gravity sewer extension is required to serve the property. All flows from the property can drain to the northwest side of the property; then the flow is conveyed through a gravity sewer to either the proposed sewer (contract no. DA 3993Z04) or another proposed sewer (contract no. AW/AS4748Z08) whichever comes first. A WWPS is already planned for the area (contract no. DA3993Z04), the Tapestry Property, and can serve the applicant's property. Some grading is needed. Rights-of-way would be required. Construction of this extension may involve the removal of trees. *DEP Note: This extension would traverse as many as ten properties in addition to the applicant's, most zoned RE-2. The alignment would follow a tributary of Little Seneca Creek. Construction would likely affect the stream and stream buffers. WSSC proposed this alignment in response to the applicant's proposal for a WWPS and force main that would direct flows north along (proposed) Snowden Farm Parkway into the sewerage system to be built for the Clarksburg Village project.*

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

CLARKSBURG PLANNING AREA MAP AMENDMENTS

WSSCR 09A-CKB-01: Pg. 3

Supplemental comments (2/24/11): WSSC is opposed to the Rodgers Consulting [applicant's] option. The option proposes a pumping station that is in an area where a WWPS is already planned. The applicant shows flow pumping to an area where there is a dry sewer under contract 96-9302 not connected to anything and also a **proposed sewer** under DA4321Z09. This means that WSSC would have to maintain a second WWPS just for this property in addition to the one for Tapestry located in same and nearby service area.

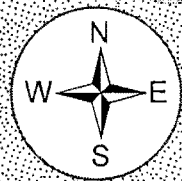
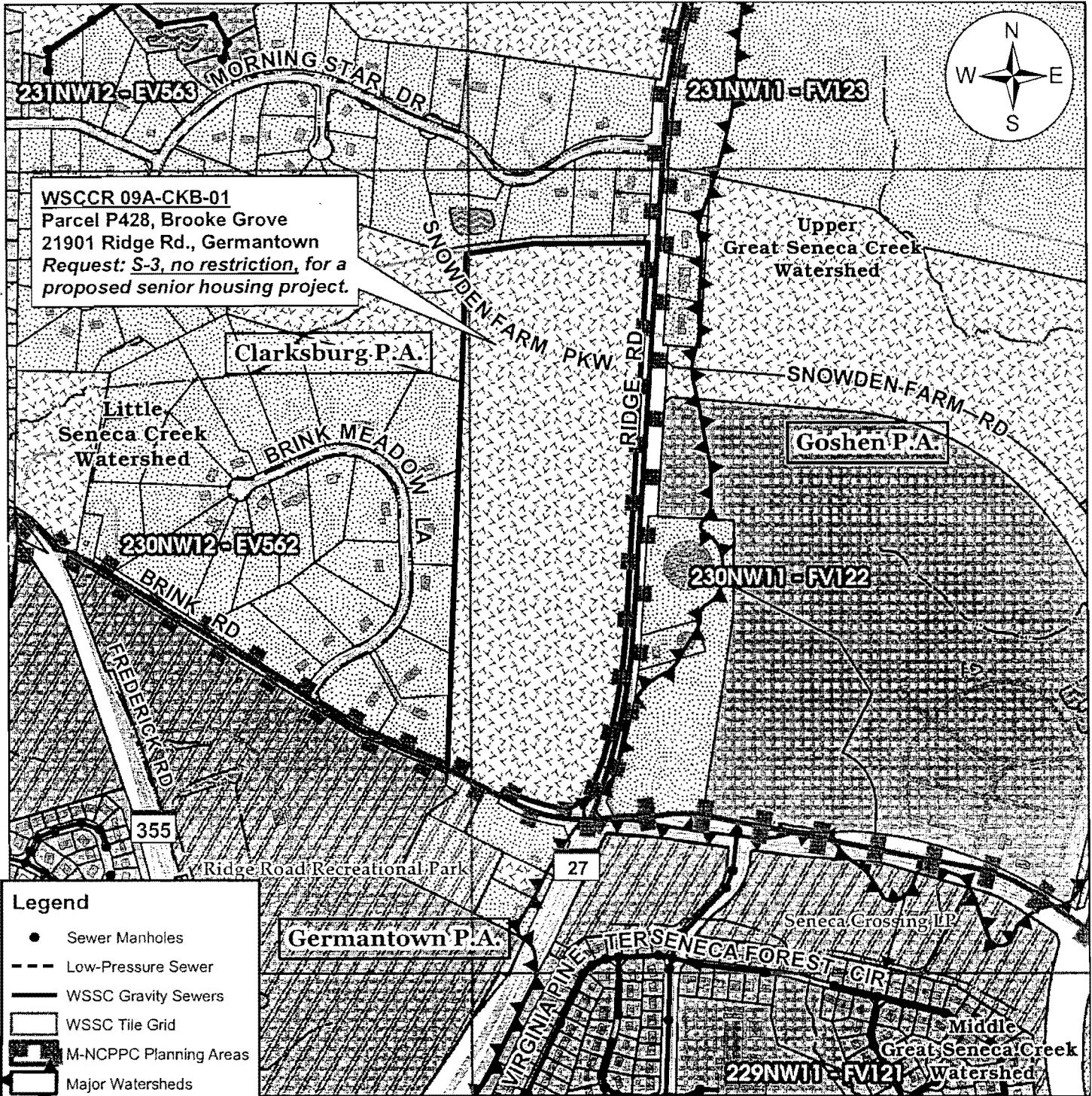
Average Wastewater Flow from the proposed development: 96,293 GPD. Interceptor and treatment capacity are adequate.

DPS – Well & Septic: No comment.

ADS:ads/

R:\Programs\Water_and_Sewer\Projects\actions-COUNCIL\packets\2011jan\ce-pckt\draft-review\draft-staff-rpt=09a-ckb-01=final-draft.doc

Sewer Service Area Categories Map: WSSCR 09A-CKB-01 (Windridge Farms - for Orchard Run)



WSSCR 09A-CKB-01
Parcel P428, Brooke Grove
21901 Ridge Rd., Germantown
Request: S-3, no restriction, for a
proposed senior housing project.

Legend

- Sewer Manholes
- Low-Pressure Sewer
- WSSC Gravity Sewers
- ▭ WSSC Tile Grid
- ▭ M-NCPPC Planning Areas
- ▭ Major Watersheds
- ▨ Existing Parkland

Sewer Categories

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



SCALE (Feet)

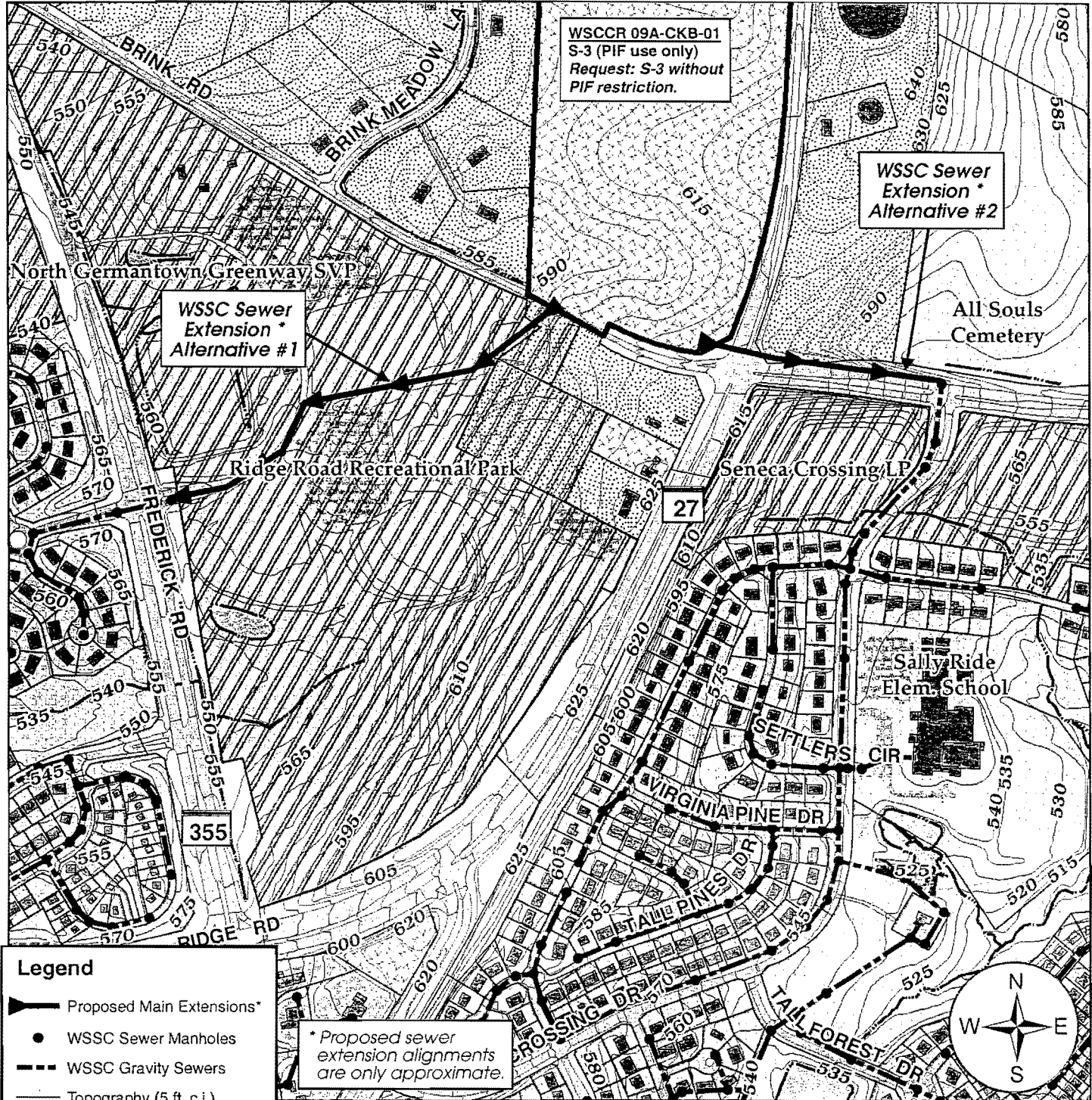
Montgomery County, Maryland
Draft 2010 Comprehensive Water Supply
and Sewerage Systems Plan



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Water and Sewer Plan Category Change Request Map

WSSCCR 09A-CKB-01: Sewer Extension Alternatives - South



Legend

- Proposed Main Extensions*
- WSSC Sewer Manholes
- WSSC Gravity Sewers
- Topography (5 ft. c.i.)
- WSSCCR Subject Site
- Parking Areas
- Existing Parkland
- Sewer Categories**
- S-1
- S-3
- S-6

* Proposed sewer extension alignments are only approximate.



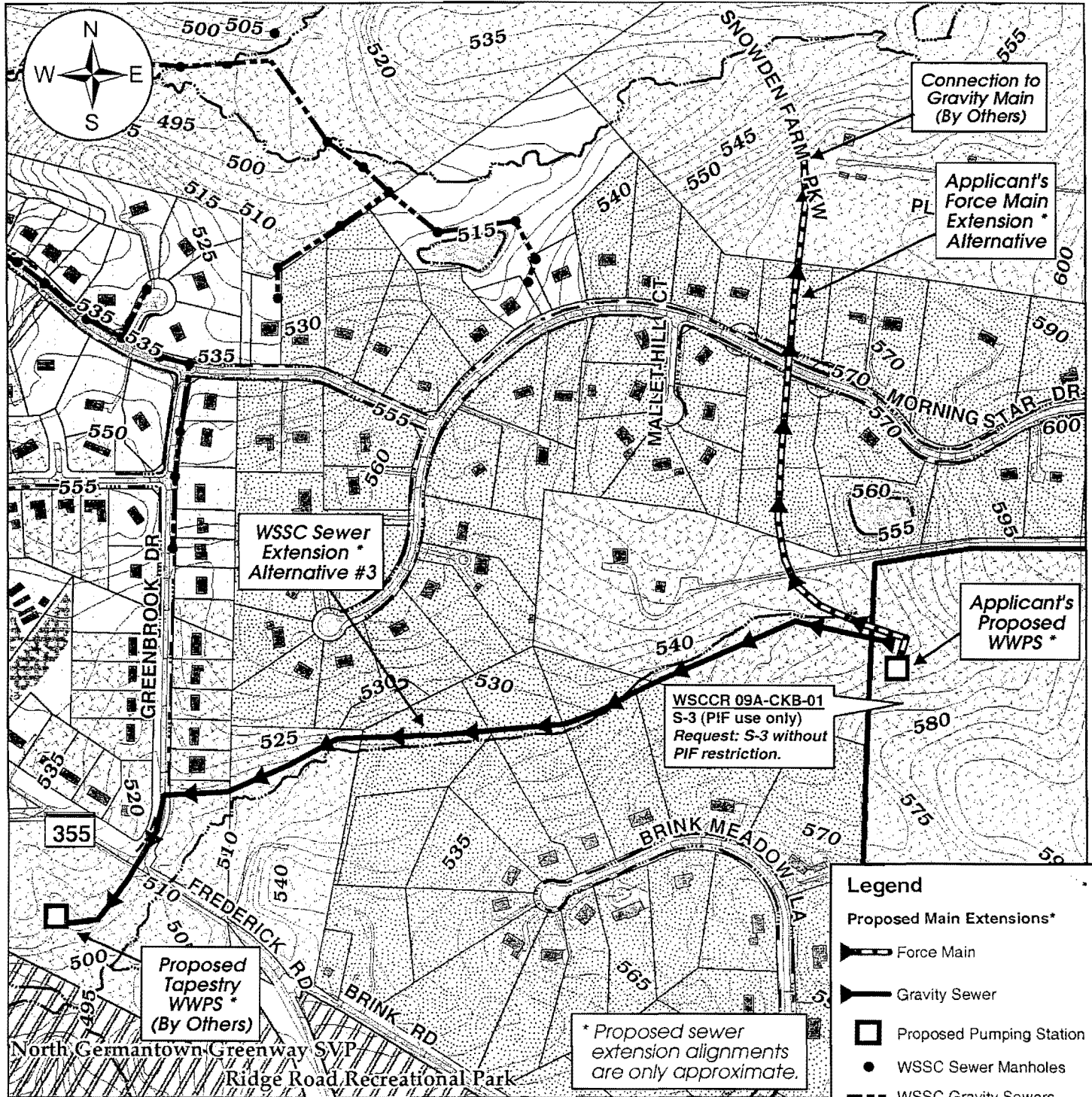
Scale (Feet)

Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan



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Water and Sewer Plan Category Change Request Map
WSSCR 09A-CKB-01: Sewer Extension Alternatives - North



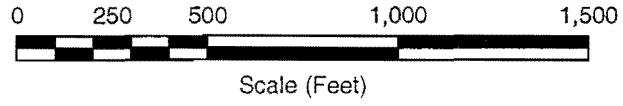
* Proposed sewer extension alignments are only approximate.

Legend

- Proposed Main Extensions*
 - Force Main
 - Gravity Sewer
- Proposed Pumping Station
- WSSC Sewer Manholes
- WSSC Gravity Sewers
- Topography (5 ft. c.i.)
- WSSCR Subject Site
- Existing Parkland
- Sewer Categories**
 - S-1
 - S-3
 - S-6



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Montgomery County, Maryland
 2003 Comprehensive Water Supply
 and Sewerage Systems Plan

2) Property/Site Description and Development:

Address 21901 Ridge Road, Germantown, MD 20876
Property's TAX ID # (please provide, if known) 02-00030041
Property/Site Size 54.35 Acres Identification (ie, Parcel #) P429
Location/Closest cross-street Brink Road and Ridge Road; MD Rte 27
Current Use RE-2 Proposed Use PRC
Subdivision Plan No. & Status Rezoning Case G881 : Pending

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W-1 Requested Water Category: W- OR No Change Multi-Use Shared
Current Sewer Category: S-3 Requested Sewer Category: S-3 OR No Change Multi-Use Shared
(PIF)

4) Reason for request; state current use of site and intended change in usage, if any:

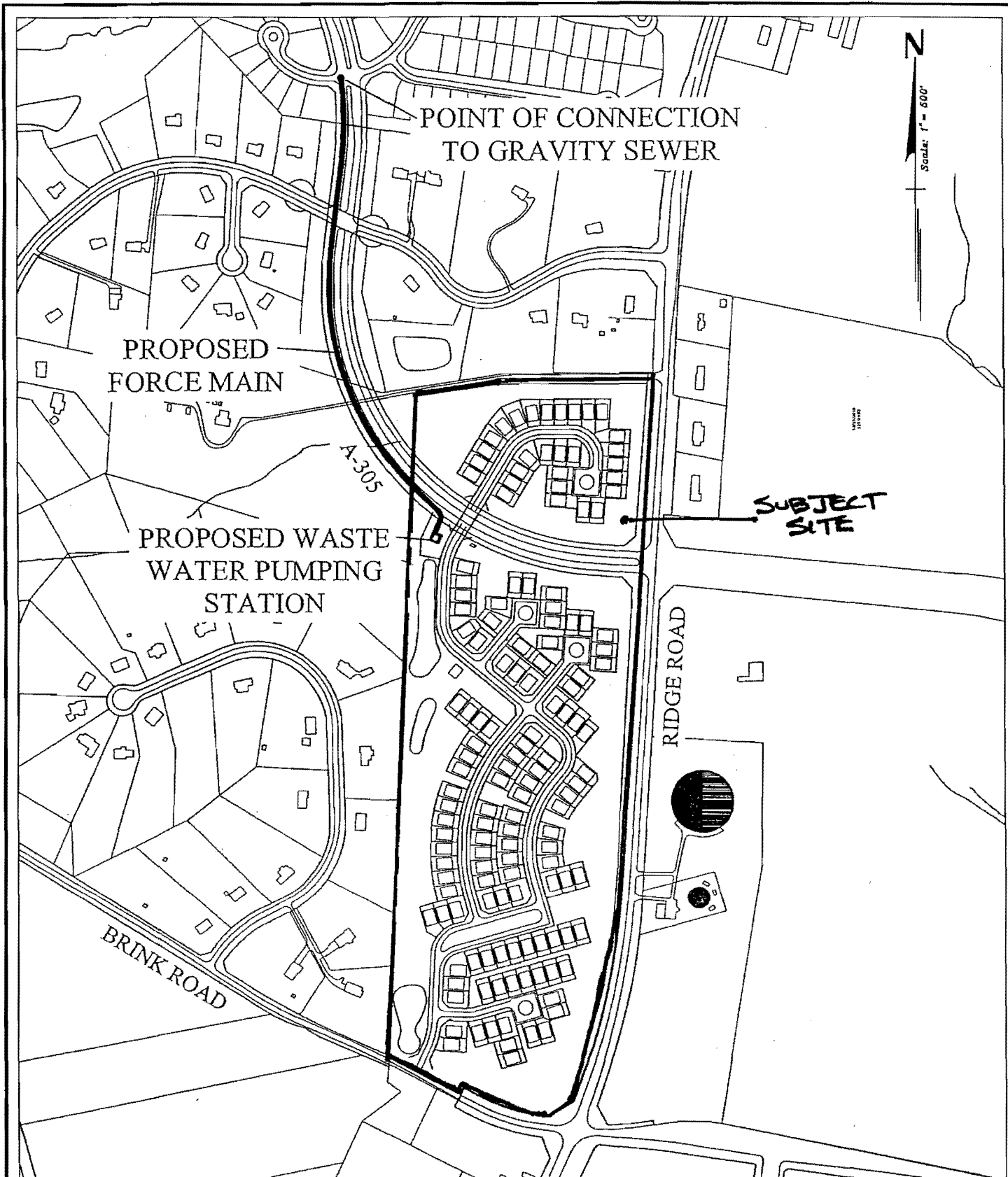
Request that the Sewer Category S-3, Private Institutional Facility restriction be removed to serve the 225-unit Planned Retirement Community and one (1) Community Center

(ALSO SEE ATTACHED LETTER)

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail
Water | Sewer 3 w/ PIF attached (was d'd under CR 14-819 CR# 00A-CKB-0
WSSC Tile 230NW11
Tax Map FV122
Plan No.
Process
Master Plan Clarksburg
Planning Area Clarksburg
Zoning RE-2
Zoning Activity currently rezoning from RE-2 to PRC (planned retirement community)
Watershed Little Seneca Creek
CSPS Subwatershed
State Watershed Use Class
GIS File
CCRFomJuly05.doc



THE COURTS AT
 CLARKSBURG
 FORCE MAIN EXHIBIT



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	BY	DATE	SCALE: 1" = 500'
BASE DATA			JOB No.
DESIGNED			DATE: FEB., 2011
DRAWN			SHEET No. 1 OF 1
REVIEWED			
RELEASE FOR			
BY		DATE	



August 4, 2009

Ms. Alicia Youmans
Environmental Planner
Montgomery County Department of Environmental Protection
Water and Wastewater Policy Group
255 Rockville Pike, Suite 120
Rockville, Maryland 20850

Re: Orchard Run
Rezoning Case Number G-881
Sewer Restriction Release Request
RCI Project No.: 825-B2

Dear Ms. Youmans:

On behalf of our client, Orchard Run c/o Windridge Farm, LLC, we are submitting the Sewer Category Change Request Application to remove the S-3 Private Institutional Facility (PIF) restriction. The property is located at the northeast corner of Brink Road and Ridge Road/ Maryland Route 27. The property is known as Parcel P429 (54.35 Acres) within the Maryland State Tax Assessment records. The current Water and Sewer Categories for this project are W-1 and S-3 with the sewer restriction of a PIF. Our client is currently in the process of rezoning the property from Residential 2 Acre (RE-2) to a Planned Retirement Community (PRC). We are requesting that the PIF restriction be removed from the S-3 Sewer Category.

The Montgomery County Council adopted the Water and Sewer Category on March 27, 2001 (Resolution #14-819) from W-6, S-6 to W-1, and S-3 with the PIF sewer restriction. Several advisory notes were included in reference to sewer access and capacity: 1) The sewer extension alternative crossing the M-NCP&PC park site south of Brink Road will require coordination with and approval from the M-NCP&PC. 2) Only the proposed sewer extensions to Milestone and Seneca Crossing appear to be viable extension options at this time. The MCDEP will require that the sewer extension chosen satisfies the provisions of the Water and Sewer Plan PIF Policy. 3) The site would be served by the Seneca Creek Wastewater Treatment Plant sewerage system, where WSSC projects that transmission and treatment capacity will be inadequate. Service may become dependent on one or more of the following projects being in service: the Crystal Rock Wastewater Pumping Station (S-84.50), the Crystal Rock Wastewater Pumping Station Force Main (S-84.51/.52), and the Seneca Creek Wastewater Treatment Plant Expansion (S-53.18).

Since 2001, all of the Capital Improvement Projects (CIP) have been completed and the advisory notes no longer apply. The proposed development will serve a maximum of 225 (Age

Orchard Run, Rezoning Case Number G-881
Sewer Restriction Release Request
RCI Project No.: 825-B2
August 4, 2009

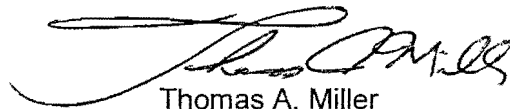
Page 2

50+ Restricted) Units and Community Facilities. The entire site will be served by a Gravity Sewer system to a Proposed Wastewater Pumping Station and a Proposed Force Main. The Proposed Force Main will transition back to a Gravity Sewer system near the intersection of Brink Road and Ridge Road/Maryland Route 27 prior to connecting to an off-site Existing Sewer Main near the intersection of Seneca Crossing Drive and Brink Road.

To facilitate the review of the Sewer Category Change Request Application, we have provided one copy of the Rezoning Report, one copy of Resolution #14-819, one copy of the Water and Sewer Concept Plan, one copy of the State Tax Assessment Office Tax Identification Map (showing the location of the site), one copy of the Montgomery County Tax Map, and the original Water and Sewer Category Change Request Application Form. Per our meeting with Alan Soukup on July 30, 2009, there is no fee since this will be a Senior Adult Community. This application will be tracked with the PRC Zoning Application and subject to approval once the Montgomery County Council acts on the zoning.

Should you have any questions or need additional information, please feel free to call me at (240) 912-2173.

Sincerely,
Rodgers Consulting, Inc.



Thomas A. Miller
Project Manager/Associate

Enclosures

cc: Renee Miller – M-NCP&PC
Alan Soukup - MCDEP
Tom Butz – Windridge Farm, LLC
Jody Kline – Miller, Miller and Canby
Gary Unterberg – RCI



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MILLER, MILLER & CANBY

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** All attorneys admitted in Maryland and where indicated*

JSKLINE@MMCANBY.COM

November 1, 2010

RECEIVED

NOV 04 2010

Environmental
 Protection

Mr. Alan Soukup
 Montgomery County Department of
 Environmental Protection
 255 Rockville Pike, Suite 120
 Rockville, MD 20850

RE: Category Change Request 09A-CKB-01,
 Application of "Orchard Run" c/o Windridge Farm, LLC;
 (Zoning Application No. G-881)

Dear Mr. Soukup:

I am pleased to provide you with the following status report on Zoning Application No. G-881 and its relationship with Sewer Category Change Request 09A-CKB-01.

Zoning Application No. G-881, filed with Montgomery County in early March, 2009, sought Planned Retirement Community (PRC) zoning for 54.34 acres of land currently zoned RE-2. The application sought zoning approval to develop a community of active seniors for up to 225 dwelling units.

As I mentioned during our brief telephone conversation last week, after filing the application, numerous and substantial discussions occurred between the Applicant, its representatives and Staff of M-NCPPC. As a result of a meeting conducted with Staff on October 22nd, the Applicant is revisiting its original proposal and intends to revise the application, and reduce the number of proposed dwelling units, with the goal of securing Staff support for the rezoning application.

The Applicant has already embarked on revision of its plans. I expect that such revision would take four to six weeks.

Upon submission of revised plans to the Office of Zoning and Administrative Hearings and to Maryland-National Capital Park & Planning Commission, a public hearing will be scheduled approximately four and a half months after the date of the submission. As I believe you know, the public hearing conducted by the Hearing Examiner results in publication of a Hearing Examiner's Report and Recommendation within forty-five days after the public hearing. The County Council then will consider and act on the application within sixty days (although this action normally occurs within a month of the publication of the Hearing Examiner's Report). Accordingly, today, we are approximately eight months away from Zoning Application No. G-881 being reviewed and acted on by the County Council.

Notwithstanding this lengthy zoning review about to occur, we ask that Sewer Category Change Request 09A-CKB-01 remain open and under consideration by your office. One of the critical issues in the review of Zoning Application No. G-881 is its conformance with the staging and implementation mechanisms of the Comprehensive Water Supply and Sewer Systems Plan as they relate to the 1994 Clarksburg Master Plan. Unfortunately, at the present time, the master plan does not identify the subject property for future sewer service. Indeed, your office, in a transmittal dated September 23, 2009, noted that the application to change sewer from S-3 with a PIF limitation to an unrestricted sewer service classification is not consistent with either water and sewer plan policies or recommendations.

After last Friday's meeting with Staff, we are optimistic that revisions to the zoning application will address Staff's reservations with the original proposal for the "Orchard Run" development. However, if Category Change Request 09-CKB-01 does not remain pending, we are concerned that there will be a "chicken and egg" situation in the review of the zoning application. That is, without some indication that the sewer category change request is pending and could be acted on by the County Council reasonably contemporaneously with the approval of amended Zoning Application No. G-881, Staff at M-NCPPC may find it difficult to advance the rezoning application with a positive recommendation.

For the reasons set forth above, we ask that your office retain Sewer Category Change Request 09A-CKB-01 as an open application in light of the Applicant's desire to reactivate, revise and re-submit its zoning application. Of course, we would be pleased to provide you with regular reports or updates on the amended rezoning application so that you can verify that the rezoning application is moving forward in the manner described above.

Please contact me if there is any further information which you need in order to accommodate this request by the Applicant.

Sincerely yours,

MILLER, MILLER & CANBY

JODY KLINE

Jody S. Kline

JSK/dlt

**WSSCR 10G-CLO-01: Montgomery County MD (Dept. of General Services)
 Ross Boddy Community Center**

County Executive's Recommendation: Approve W-3 and S-3, with sewer service restricted to a public facility only.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> ▪ 18529 Brooke Rd., Sandy Spring ▪ Property ID: Parcel P571, Lot Near Sandy Spring; district 08, acct. no. 00702047 ▪ Map tile: WSSC – 213NW10; MD – JT23 ▪ South side of Brooke Rd., west of and opposite Chandlee Mill Rd. ▪ RMH-200 Zone; 8.39 acres ▪ Cloverly – Norwood Planning Area Sandy Spring – Ashton Master Plan (1998) ▪ Hawlings River Watershed (MDE Use IV) ▪ <u>Existing use:</u> Ross Boddy Community Center. <u>Proposed use:</u> renovation and expansion of the existing community center. <p><i>Deferred from AD 2010-4 at the direction of the Planning Board. (11/22/10)</i></p>	<p>Applicant's Request: Service Area Categories & Justification</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="border-bottom: 1px solid black;">Existing –</th> <th style="border-bottom: 1px solid black;">Requested –</th> <th style="border-bottom: 1px solid black;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">W-6</td> <td style="text-align: center;">W-3</td> <td></td> </tr> <tr> <td style="text-align: center;">S-6</td> <td style="text-align: center;">S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>"The site is currently owned by Montgomery County, Maryland and used as a neighborhood recreation center. This facility has been designated by the County Council to be renovated under Capital Improvements Program No. 720919. As part of the proposed renovation, a new gymnasium will be added to the existing facility along with associated toilet facilities and showers. The existing well and septic systems will not have the capacity for these added facilities."</p>	Existing –	Requested –	Service Area Categories	W-6	W-3		S-6	S-3	
Existing –	Requested –	Service Area Categories								
W-6	W-3									
S-6	S-3									

Executive Staff Report: DGS has requested service area category changes from W-6 and S-6 to W-3 and S-3 in order to provide public water and sewer service for renovation and expansion of the Ross Boddy Community Center in Sandy Spring. This project was first approved in the County's FY2009-2014 capital budget. The project was programmed into the CIP in response to the community's requested need for an improved facility. The extension of public sewer service is needed as the site is not suited for a replacement septic system. Public water service should be provided in tandem with public sewer, depending on the project's budget. Approval of this request is consistent with the Water and Sewer Plan's public facilities policy.

The neighborhood around the community center is part of a public health problem area identified as far back as the 1986 Water and Sewer Plan. The 1986 Plan includes within the health problem area (see pg. 17):

- Portions of Brooke Rd. and Chandlee Mill Rd. around the community center;
- The eastern end of Brooke Rd. and nearby portions of New Hampshire Ave.; and
- Most of Chandlee Mill Rd., going north towards Gold Mine Rd.

The 1998 Sandy Spring – Ashton Master Plan calls for a study of the health problem area to address the provision of public water and sewer service to mitigate these problems (see M-NCPPC's comments below). This master plan recommendation was made with the underlying assumption that, absent an unidentified outside funding source, neighborhood residents would have to pay for the needed main extensions. This scenario has become increasingly unlikely over the past 12 years as the cost of new water and sewer mains has risen dramatically.

The DGS proposal to provide public water and sewer service to the community center addresses the main extension issues the master plan's recommended study would have examined for the neighborhood immediately around the community center. It is not necessary to defer this category change request for a study of water and sewer extension options, at least for the part of the health problem area in the immediate vicinity of the community center. Health problem areas along the northern half of Chandlee Mill Rd. and the easternmost part of Brooke Rd. will still require further study, as recommended in the master plan. Note that the alternate sewer extension under consideration by DGS, to the proposed Orchards of Sandy Spring development, would

likely not provide a practical means of providing sewer service to other properties in the neighborhood around the community center.

The 1998 master plan does caution that the extension of water and sewer service into the neighborhoods identified as health problem areas could inadvertently change the character of those communities. In the absence of well and septic system restrictions, public service could allow the redevelopment of these long-established communities for larger homes, as is more typical in the surrounding Rural and Rural Cluster Zones. Other than special access restrictions, such as those designated for the Piney Branch subwatershed in Potomac, the Water and Sewer Plan does not contain service policies that would deter the possible property-by-property redevelopment of properties within the Brooke Rd./Chandlee Mill Rd. health problem areas once public water and sewer service are provided.

However, under this proposed action, the County-owned community center site is the *only* property proposed for a service area category change at this time. The neighborhood around the community center is still designated as sewer category S-6. It is not within the recommended sewer envelope in the 1998 master plan and therefore is not recommended for unlimited public sewer access. Although the proposed water and sewer main extensions will have the potential to provide public service to many of the abutting health area properties along the western end of Brooke Road, service connections—if sought by property owners—would be limited to one per existing property, as applied under either the health problem or abutting mains policies. Beyond the proposed main extensions, water main extensions and gravity and low-pressure sewer extensions further east and south along Brooke Road and north up Chandlee Mill Road could expand the public service area, if needed and approved through the Water and Sewer Plan.

Agency Review Comments

M-NCPPC – Environmental Planning (now Area 3 Planning Team): The 1998 Sandy Spring Ashton Master Plan states that a study should be done to assess the potential for provision of water and sewer service to the Chandlee Mill Road/Brooke Road Area. Sewerage disposal and water supply problems were identified in the 1980 Plan and a renewed effort should be made to find funding and strategies to address them. The Planning Department, WSSC, DEP, DPS and HOC need to address this issue an amendment to the Ten Year Water and Sewer Plan.

Even though this is a public use that should be granted sewer service, this category change request should not be considered in isolation from seeking a comprehensive solution to the problems in this area. We recommend that this decision be deferred until the study is completed.

M-NCPPC – Parks Planning: No existing Park impact. Extension along roads.

WSSC - Water: An approximately 3,400-foot-long, non-CIP-sized water extension is required to serve the property. This extension would connect to the existing 10-inch water mains in Meadowsweet Drive and Brook Road (contract #s 03-3725A and 00-2778A, respectively) and would abut approximately 33 properties in addition to the applicant's property. Rights-of-way may be required. Construction of the extension may involve the removal of trees. For this property, a System Planning Forecast was conducted by WSSC on April 6, 2010, (job no. DA5115Z01), providing similar information. Local service is adequate.

WSSC - Sewer: An approximately 2,700-foot long, non-CIP-sized sewer extension is required to serve the property. This extension would connect to the existing 18-inch sewer [northwest] of Brook Road [along James Creek] (contract #81-1031B) and would abut approximately 24 properties in addition to the applicant's property. Rights-of-way may be required. Construction of the extension may involve the removal of trees. For this property, a System Planning Forecast was conducted by WSSC on April 6, 2010, (job no. DA5115Z01), providing similar information. Interceptor and treatment capacity are adequate.

DEP note: DGS is also exploring the possibility of a shorter, 1,100-foot sewer extension south from the community center site to the sewerage system to be constructed for the Danshes property project. This extension may require some low-pressure sewer main and therefore an on-site grinder pump. Rights-of-way from at least one intervening property will be required. Sewer service would depend on development of the Danshes residential subdivision project, the Orchards of Sandy Spring.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

CLOVERLY – NORWOOD PLANNING AREA MAP AMENDMENTS

WSSCR 10G-CLO-01: Pg. 3

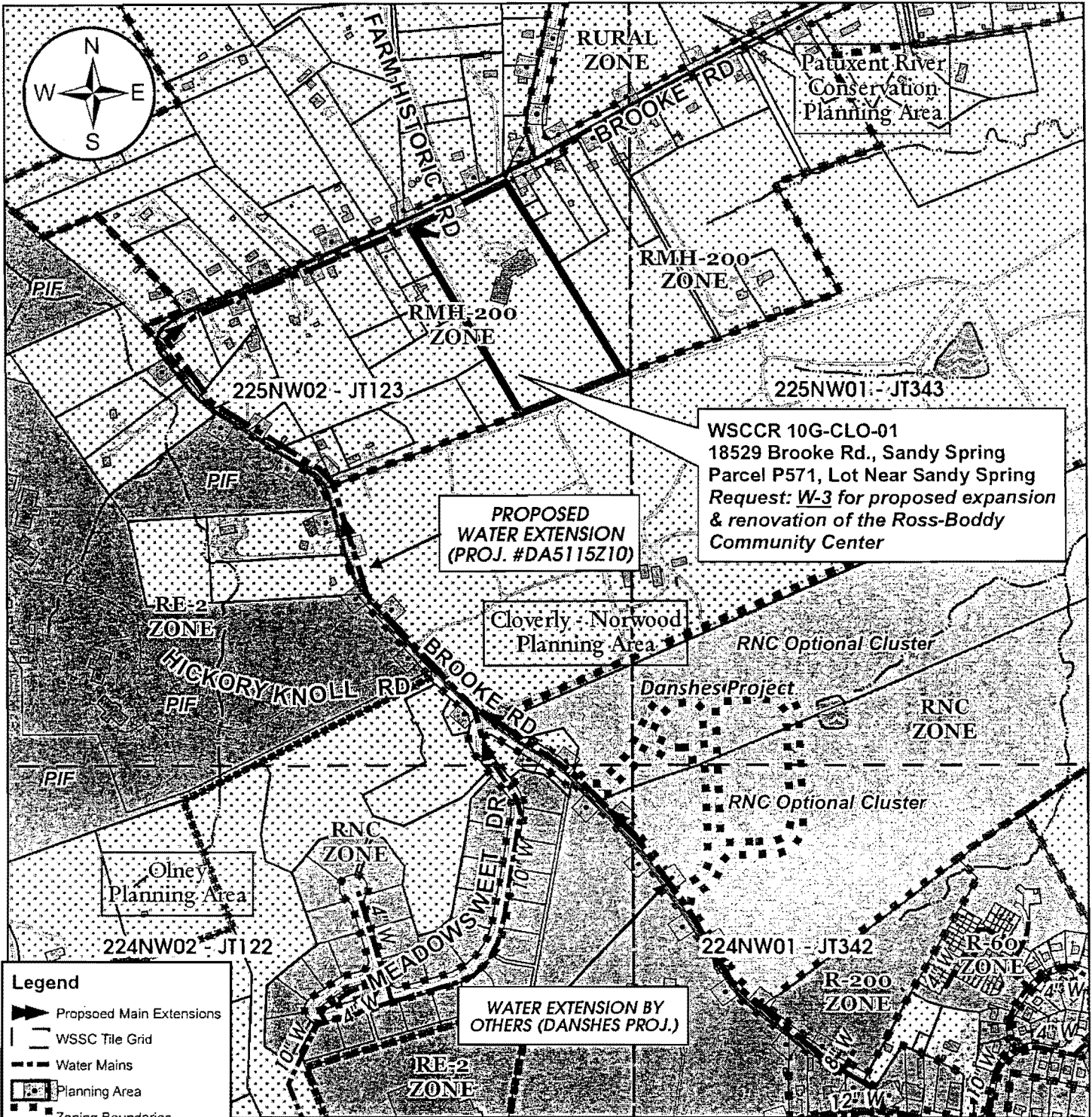
DPS: The soil tests conducted this year indicate the property has a shallow "perched" water table; and is therefore unsuitable for an expanded on-site sewage disposal system. Extension of public sewer will eliminate an inevitable problem with sewage disposal for this facility.

ADS:ads/

R:\Programs\Water_and_Sewer\Projects\actions-COUNCIL\packets\2011mar\ce-pckt\final\draft-staff-rpt=10g-clo-01=final.doc

Water Service Area Categories Map

WSSCR 10G-CL0-01 (Montgomery Co. MD - Ross-Boddy Community Center)

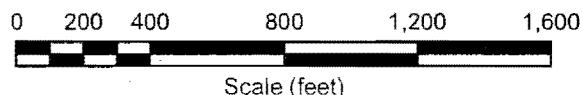


Legend

- Proposed Main Extensions
- WSSC Tile Grid
- Water Mains
- Planning Area
- Zoning Boundaries
- Parks

2010 Water Categories

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



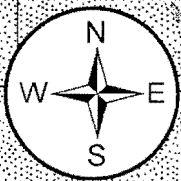
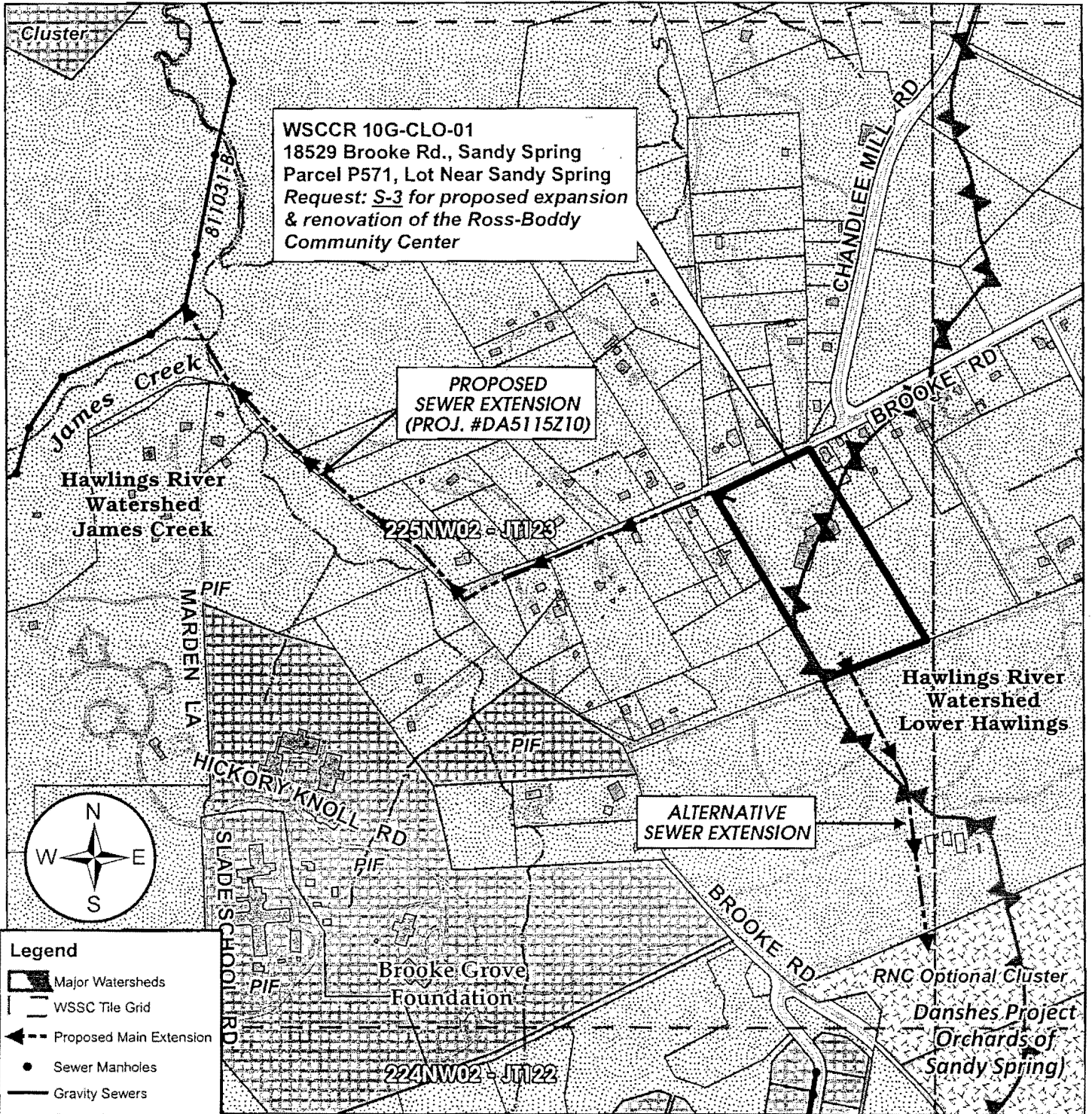
Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan



DEP
Water and Wastewater
Policy Group

Sewer Service Area Categories Map

WSSCR 10G-CL0-01 (Montgomery Co. MD - Ross-Boddy Community Center)



Legend

- Major Watersheds
- WSSC Tile Grid
- Proposed Main Extension
- Sewer Manholes
- Gravity Sewers
- Sewer Force Mains
- Parks

2010 Sewer Categories

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

0 200 400 800 1,200 1,600



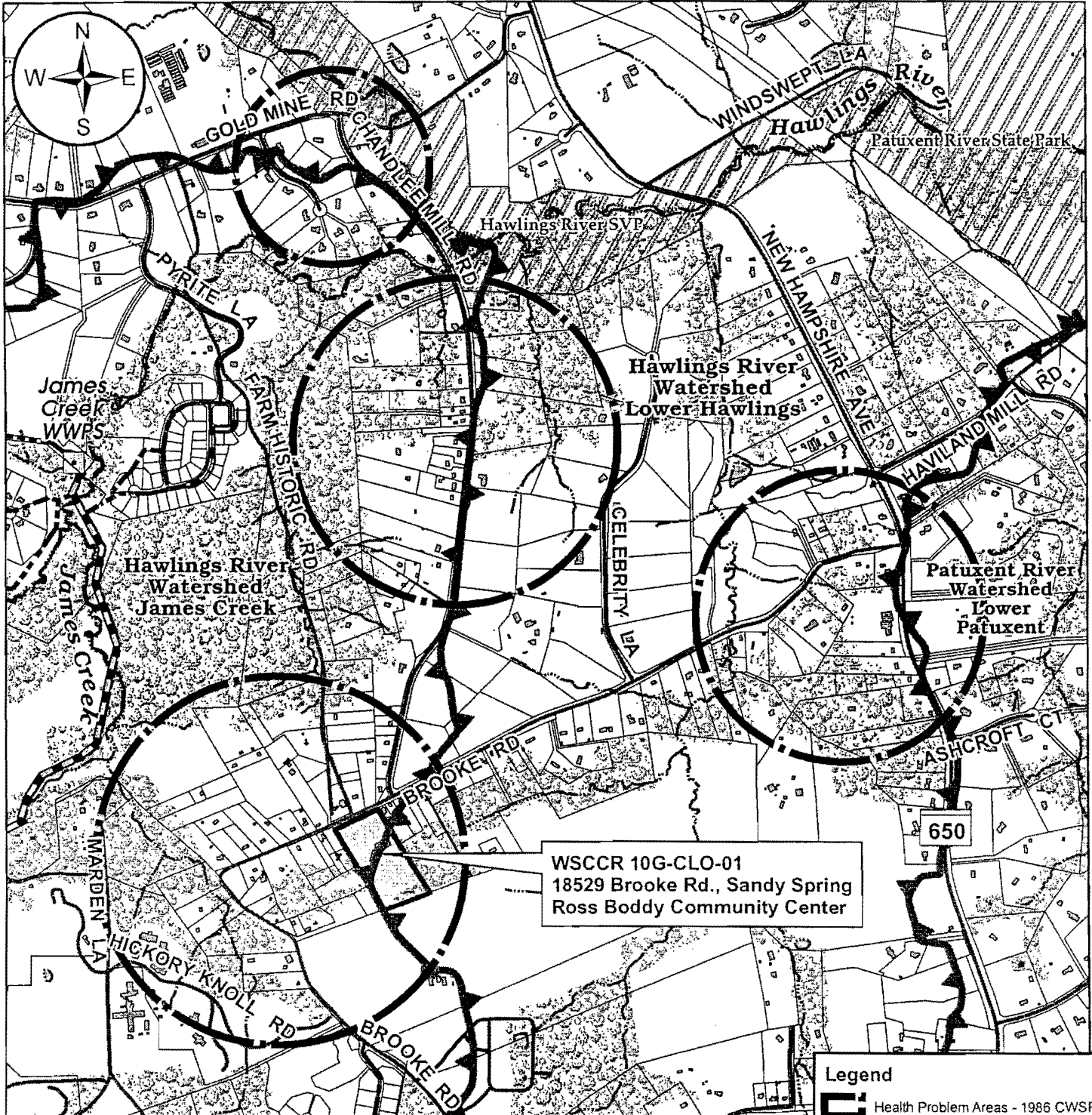
Scale (feet)

Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan



DEP
Water and Wastewater
Policy Group

Water/Sewer Category Change Request Map: WSCCR 10G-CL0-01
Brooke Rd./Chandlee Mill Rd. Health Problem Areas: Sandy Spring - Ashton Vicinity



WSCCR 10G-CLO-01
 18529 Brooke Rd., Sandy Spring
 Ross Boddy Community Center

Legend

- Health Problem Areas - 1986 CWSP
- Watersheds
- Wastewater Pumping Station
- Low-Pressure Sewer
- Force Main
- Gravity Sewers
- Forests
- Parks

0 500 1,000 2,000 3,000 4,000



Scale (feet)



DEP

Water and Wastewater
 Policy Group



Montgomery County, Maryland
 2003 Comprehensive Water Supply
 and Sewerage Systems Plan

106-CLO-01
MONT. CO.
ROSS BODDY COMM. CTR

2) Property/Site Description and Development:

Address 18529 Brooke Road, Sandy Spring, MD 20860
Property's TAX ID # (please provide, if known) 08-00702047
Property/Site Size 8.39 Ac. Identification (ie, Parcel #) Tax Map JT23, P571
Location/Closest cross-street Closest cross-street Chandlee Mill Road
Current Use Community Center Proposed Use Community Center
Subdivision Plan No. & Status _____

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W- 6 Requested Water Category: W - 3 OR No Change Multi-Use Shared
Current Sewer Category: S- 6 Requested Sewer Category: S - 3 OR No Change Multi-Use Shared

4) Reason for request; state current use of site and intended change in usage, if any:

The site is currently owned by Montgomery County, Maryland and is used as a Neighborhood Recreation Center. This facility has been designated by the County Council to be renovated under the Capital Improvements Program, No. 720919. As part of the proposed renovation, a new gymnasium will be added to the existing facility along with associated toilet facilities and showers. The existing well and septic systems will not have the capacity for these added facilities.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water W-6 Sewer S-6

WSSC Tile 225 NW 02

Tax Map JT123

Plan No. —

Process AD

Master Plan Sandy Spring/Ashton

Planning Area ~~RMH-200~~ Cloverly

Zoning RMH-200

Zoning Activity _____

Watershed Hawlings

CSPS Subwatershed _____

State Watershed Use Class IV

GIS File _____

CCRF Form July 05.doc

Ross Boddy Neighborhood Recreation Center -- No. 720919

Category
Subcategory
Administering Agency
Planning Area

Culture and Recreation
Recreation
General Services
Olney

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

January 09, 2010
No
None.
Planning Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY09	Est. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	1,157	0	116	1,041	861	180	0	0	0	0	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	0	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	1,157	0	116	1,041	861	180	0	0	0	0	0

FUNDING SCHEDULE (\$000)

G.O. Bonds	1,157	0	116	1,041	861	180	0	0	0	0	0
Total	1,157	0	116	1,041	861	180	0	0	0	0	0

DESCRIPTION

This project will encompass renovation, basic repairs, reconfiguration, and a modest expansion, to include the construction of a gymnasium and storage space (13,250 gross square feet), and site improvements including water and septic service and additional parking. A key component of the site and building infrastructure renovation is to upgrade the facility to conform to the Montgomery County Manual for Planning, Design, and Construction of Sustainable Buildings, including meeting green building/sustainability goals, Montgomery County Energy Design Guidelines, and the Americans with Disabilities Act (ADA). The project will be designed to comply with Leadership in Energy and Environmental Design (LEED) guidelines for eventual certification.

ESTIMATED SCHEDULE

The design phase commenced during the Fall of 2009.

JUSTIFICATION

In 2005, the Montgomery County Department of Recreation (MCRD), working with the then Department of Public Works and Transportation (DPWT), received approval in the Facility Planning: MCG project to proceed with master planning of five Neighborhood Recreation Centers, two Community Recreation Centers, and one Senior Center. A Program of Requirements was completed in September 2006.

OTHER

The project provides for only the design phase. Final construction costs will be determined during the design development stage.

FISCAL NOTE

Designated funding set-aside for preliminary construction estimates are found in the Neighborhood Recreation Center Construction No. 720921 project description form.

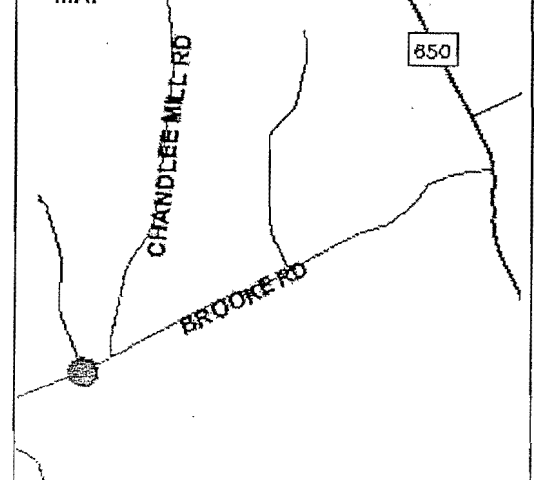
APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY09	(\$000)
First Cost Estimate	FY09	1,157
Current Scope		1,157
Last FY's Cost Estimate		1,157
Appropriation Request	FY11	0
Appropriation Request Est.	FY12	0
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		1,157
Expenditures / Encumbrances		3
Unencumbered Balance		1,154
Partial Closeout Thru	FY08	0
New Partial Closeout	FY09	0
Total Partial Closeout		0

COORDINATION

Department of General Services
Department of Technology Services
Department of Recreation
WSSC
PEPCO
Department of Permitting Services

MAP



COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
 County Executive's March 2011 Transmittal Packet

PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS

WSSCR 09A-PAX-01: Pg. 1

Private Institutional Facility (PIF) Policy Case

The following map amendment involves a development proposal from a non-profit group for what the Water and Sewer Plan defines as private institutional facilities (PIFs). The PIF policy (pgs. 23-26) creates the *limited opportunity* for exceptions to the Plan's general public service policies. It allows for the provision of water and/or sewer for PIF uses outside the public service envelopes where other residential or commercial development could not normally qualify for such service. The Council's recent practice on PIF cases has been to require that the property owner specify a PIF user for the site, and that the user provide a site-specific development plan for the project in sufficient detail to allow consideration of potential site impacts and impervious surfaces. The Council has restricted approval actions to a specific PIF user, an approval that is not transferable to another PIF user.

WSSCR 09A-PAX-01: Eglise De Dieu De Silver Spring, Inc.; Joseph Berluce, Pastor (PIF)

County Executive's Recommendation: Maintain S-6, with advancement to S-3 conditioned on Planning Board approval of a preliminary plan that conforms substantially with the draft development plan submitted by the church and reviewed by the County Council. The major conformance issue is impervious area which the draft plan places at between 16.5 and 18 percent of the site area. (Patuxent watershed imperviousness is between 11.8 and 14.1 percent.) S-3 approval will be restricted to use only by the Eglise De Dieu De Silver Spring. The proposed sewer main extension from Huckburn Ct. complies with the requirements of the PIF policy.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> ▪ 4800 Sandy Spring Rd., Burtonsville ▪ Parcel P277, Snowdens New Birmingham Manor; dist & acct no.: 05-00267512 ▪ Map tile – MD: LS12; WSSC: 220NE05 ▪ Northwest quadrant, corner of Sandy Spring Rd. (MD 198) & Riding Stable Rd. ▪ Fairland Master Plan (1997) ▪ Lower Patuxent River Watershed (MDE Use I) ▪ RC Zone; 4.55 acres ▪ <u>Existing use:</u> single-family house (built: 1948), used as church office, will remain ▪ <u>Proposed use:</u> 200-seat place of worship 	<p><u>Existing – Requested Service Area Categories</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">W-1</td> <td style="width: 50%;">W-1 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p><u>Applicants' Explanation</u></p> <p>"Would like to apply to connect to the WSSC sewer and build a worship facility for 200 people."</p> <p><i>The Council previously tabled action on this request to allow the applicant time to:</i></p> <ul style="list-style-type: none"> • <i>Revise the concept plan to move closer to the 10 percent maximum impervious area recommended by the master plan.</i> • <i>Better coordinate its site development plans with local civic, homeowner, and environmental groups (including but not necessarily limited to the West Laurel Civic Assoc. and the Patuxent Watershed Protective Assoc.).</i> 	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

Executive Staff Report: The applicants have requested a category change from S-6 to S-3 in order to allow the extension of public sewer service for a proposed 200-seat church. The site is outside the acknowledged public sewer service envelope, as noted by M-NCPPC staff. However, the request can be considered under the provisions of the Water and Sewer Plan's Private Institutional Facilities (PIF) policy for non-profit uses. The proposed project satisfies the PIF policy requirements for the provision of public sewer service. The draft development plan exhibits impervious limits (approx. 25 percent) that are compatible with other recent PIF cases that have received the Council's support. Approval of category S-3 will:

- Require the Planning Board's approval of subdivision plan in keeping with the draft development plan, especially in terms of impervious area^A, and
- Become void unless used by this applicant only; no other PIF user may qualify for public sewer service for this site without itself having first applied and then received approval for a sewer category change.

The sewer main extension proposed by the applicant and WSSC will satisfy the policy requirements for main extensions for new PIF uses. With the exception of the subject property, the extension will abut only properties

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS

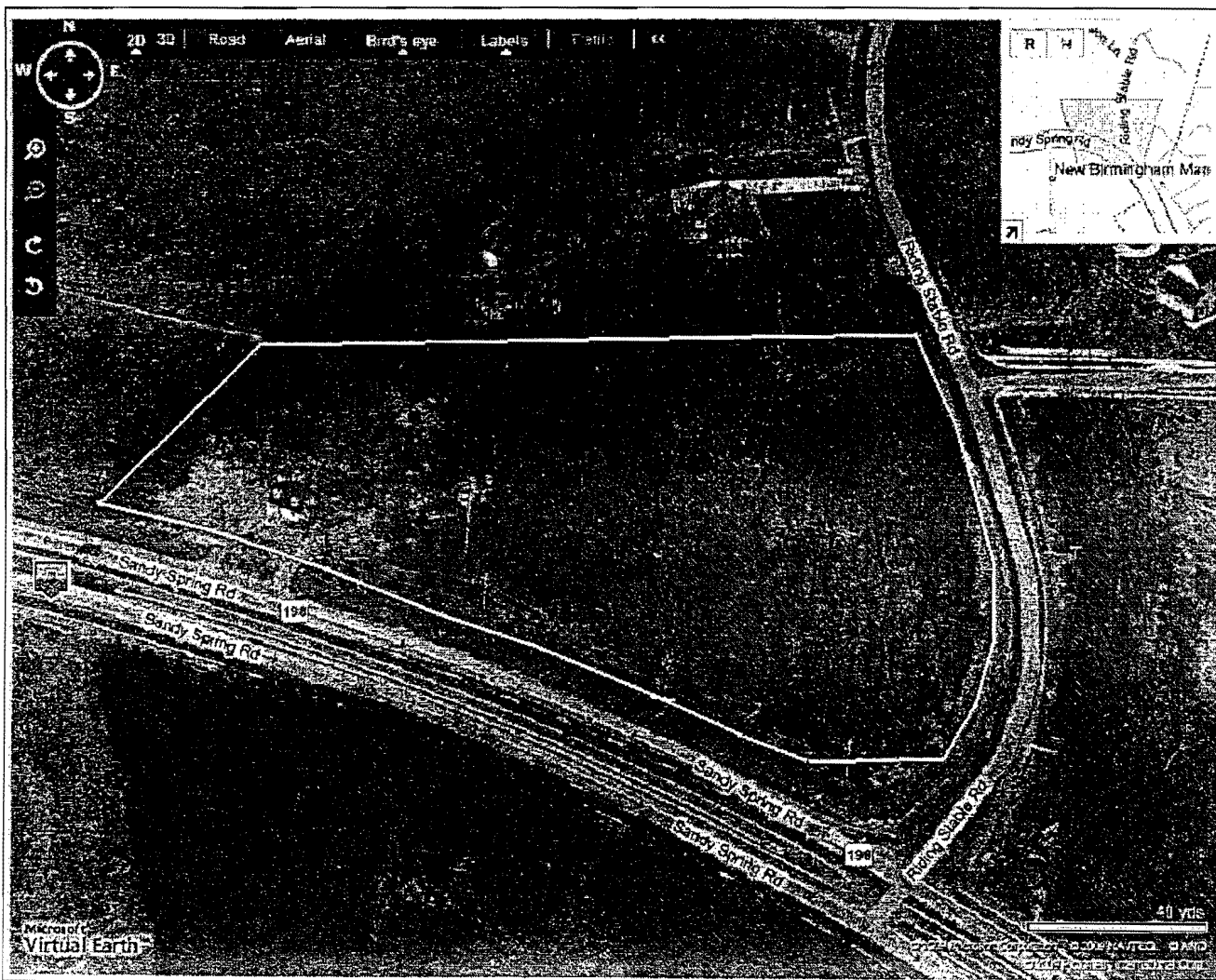
WSSCR 09A-PAX-01: Pg. 2

already approved for public service. PIF service restrictions adopted for RDT-zoned properties do not apply in this case. The site is zoned RC.

Conformance with the 10 percent impervious limit recommended by M-NCPPC's environmental guidelines for the Patuxent River watershed is always desirable. However, the Council has been willing to accept somewhat higher imperviousness percentages, usually limited to 25 percent, in support of cases involving non-profit uses. The 25-percent imperviousness limit is a guideline only, not a policy requirement of the Water and Sewer Plan. Under the Council's previous review of this case, the applicant indicated a desire to rework their concept plan to try to reduce impervious area closer to 10 percent. A revised plan is included with this packet.

The property is grandfathered under 2-acre zoning that predates the current RC Zone. At 4.55 acres in size, the parcel is slightly smaller than the minimum size of 5 acres for a lot zoned RC. Provided all of the other usual subdivision issues (setbacks, environmental requirements, water/sewer, access, etc.) are resolved, the property could be recorded as a building lot for a place of worship.

DPS has noted that the site has sufficient room for a septic system that could support the church's proposed development. Confirmation for the use of an on-site sewerage system, possible a multi-use septic system, would require testing which would require approximately one year to complete. The site partially is wooded; septic system construction would likely require clearing some wooded areas that might otherwise be conserved.



An aerial view of the subject property from the south; the existing single-family house/church office is at the left.
(Property lines, shown in white, are approximated.)

Executive Staff Report Addendum (Feb. 2011): In October 2009, the Council tabled discussion of this request in part at the request of the applicant. The applicant understood the Council's concern regarding the amount of impervious area on the proposed site concept plan and offered to work on revising the plan to reduce impervious area in the Patuxent drainage area closer to 10 percent. The applicant also offered to conduct outreach meetings with local civic groups, some of which had raised concerns about the project at the Council's public hearing.

The applicant has provided a revised the site concept plan (see pgs. 30-33). The new plan reduces overall impervious area on the site to between 16.5 to 18 percent from the original plan's 25 percent. Within the Patuxent River Watershed, the revised plan calls for between 11.8 and 14.1 percent impervious area. (Impervious area ranges on the revised plan result from two options for the entrance/exit driveway.) Although it is not clear from the revised concept plan, the discussion with the West Laurel Civic Association indicates that the applicant will remove the existing house on the site. A copy of the original concept plan is provided for comparison (see pg. 24).

The applicant has also provided summaries of outreach meetings held in March and April 2010 with the West Laurel Civic Association and the Patuxent Watershed Protective Association (see pgs.37-39).

Agency Review Comments

M-NCPPC – Environmental Planning (now Area 3 Planning Team): The proposed site is located within the 1997 Fairland Master Plan and is zoned RC north of MD 198. The Fairland Master Plan recommends "community water service only for areas north of MD 198 zoned Rural Cluster (RC) consistent with the Water and Sewer Plan policies regarding water service without sewer. No planned sewer service for areas zoned RC north of MD, except to support special exception uses recommended in this Plan." (p-151)

Under Patuxent Watershed, on page 61, it recommends: "Do not allow uses that result in more than ten percent imperviousness...Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case by case basis."

The proposed application is not consistent with the goals and recommendation of the Fairland Master Plan. Deny S-3.

DEP note: Additional comments dated July 2010 from the M-NCPPC Planning Dept. to the project engineer are included at pgs. 35-36. These comments primarily refer to M-NCPPC's evaluation of the applicant's revised site concept plan.

WSSC - Sewer: Basin: Parkway. An approximately 300-foot-long non-CIP-sized gravity sewer extension is required to serve this property. Based on the proposed alignment, some grading is required to avoid deep sewers. This extension would connect to an existing 8" sewer (contract no.97-1859A along Huckburn Ct) and would abut approximately two properties in addition to the applicant's property. Rights-of-way may be required. Average Wastewater Flow from the proposed development: 1152 GPD. Program-sized sewer mains are not required to serve the property. Interceptors and treatment capacities are adequate. (Updated 8/20/10)

DPS – Well & Septic: DPS has no records for the existing structure, built in 1948 as per tax records; and there are no records of any percolation tests. The size of the property would be adequate for an on-site sewage disposal system providing percolation tests would be passing.

^A Two recent examples of PIF cases receiving a category change approval conditioned on preliminary plan approval include:

- Parker Memorial Baptist Church on Norbeck Rd. (CR 15-1410, 4/25/06) – see pg. 27.
- First Baptist Church of Wheaton on Emory Church Rd. (CR 16-500, 4/8/08) – see pg. 28.

In both of the preceding PIF cases, the proposed users provided conceptual development plans to the County Council that showed planned impervious area from building roofs, parking spaces, and driveways.

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

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Water and Sewer Plan Recommendation

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

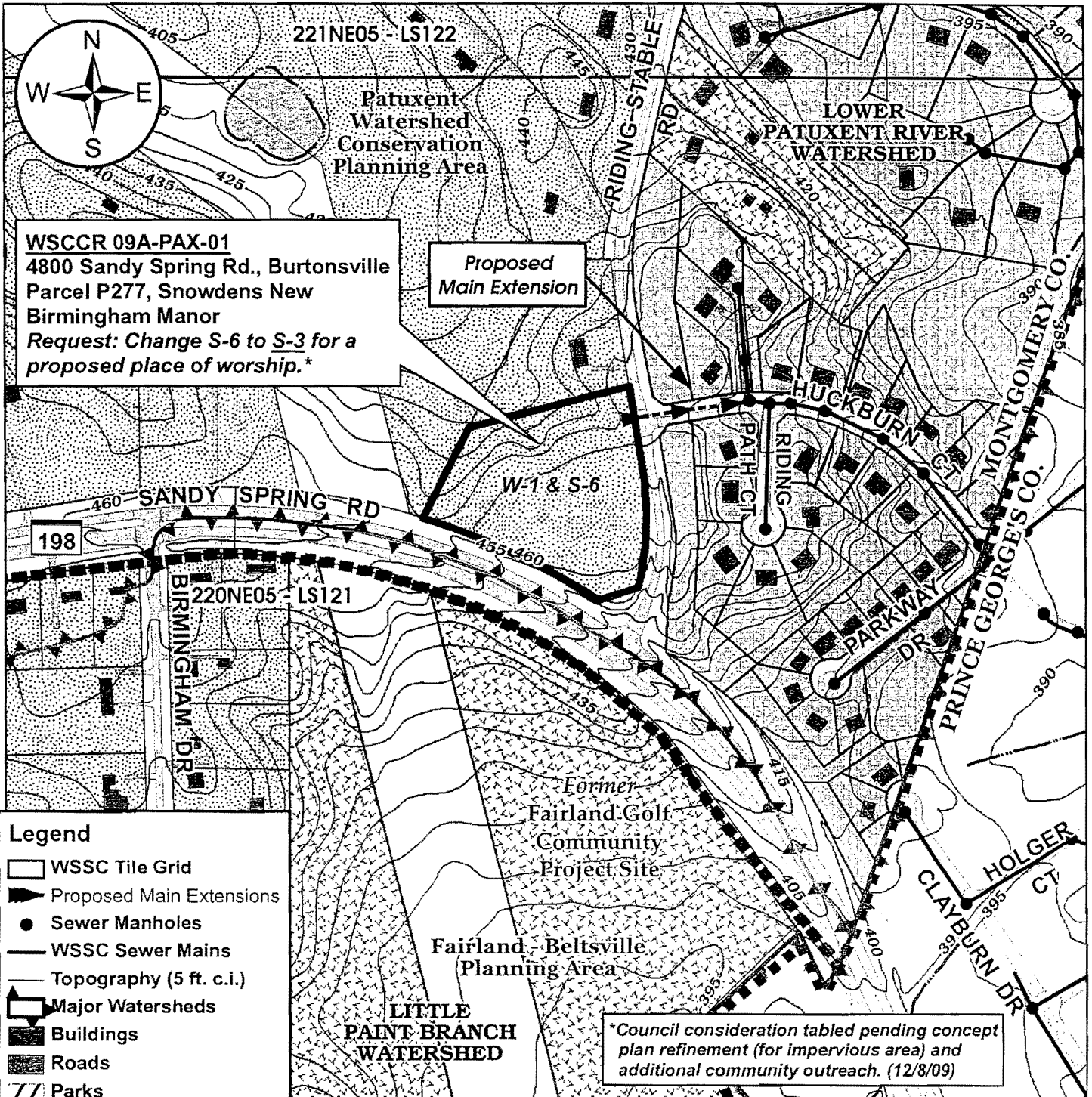
V. PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN

D. Filing Individual Service Area Category Change Requests

2. Application Requirements for PIF Category Change Requests -- In cases involving service area category amendments for private institutional facilities (PIFs – see Section II.C.4.), the institution seeking to use the property must act as the category change applicant. If a site is proposed for two or more PIF uses, then at least one of the proposed institutions must act as the applicant. PIF applicants need to include a confirmation of their tax-exempt status as part of their category change request.

Sewer Category Change Request Map

WSSCCR 09A-PAX-01 (Eglise De Dieu De Silver Spring/Joseph Berluche)

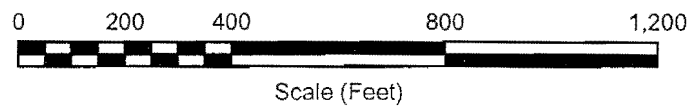


Legend

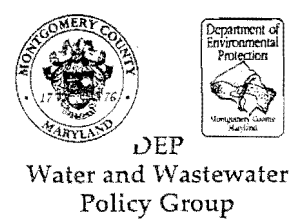
- WSSC Tile Grid
- Proposed Main Extensions
- Sewer Manholes
- WSSC Sewer Mains
- Topography (5 ft. c.i.)
- Major Watersheds
- Buildings
- Roads
- Parks
- Planning Areas

Sewer Categories

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



Montgomery County, Maryland
 2003 Comprehensive Water Supply
 and Sewerage Systems Plan



*Council consideration tabled pending concept plan refinement (for impervious area) and additional community outreach. (12/8/09)

January 2006 Amendment Transmittal

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use on-site systems, usually wells and/or septic systems. Categories 1 and 3 identify properties approved for public service. Categories 4 and 5 identify properties that currently should use on-site systems, but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years. Property owners file category change map amendment requests in seeking to move their property from one category to another, usually based on anticipated development plans. The following chart presents the County Council's actions on water/sewer category map amendment requests filed with DEP.

Comprehensive Water Supply and Sewerage Systems Plan: Water/Sewer Category Map Amendments

Map Amendment No. Applicant (Owner) Description & Location	Master Plan & Watershed Zoning & Acreage Site Development	Map Amendment Request Service Area Categories Existing Requested	County Council Action (See Attachment B for mapping of all except the denied map amendments.)
Lower Seneca Basin Watershed Planning Area			
<p>WSSCCR 04A-LSN-01 Toll Brothers, Inc. (for Stephen Barmakian) • Parcel P592, Friend in Need • Tax maps EW121/122; WSSC grids 232/233NW14 • Southwest corner, intersection of Schaeffer Rd. and Burdette Rd., opposite South Germantown Recreational Park/ Soccerplex</p>	<ul style="list-style-type: none"> • Preservation of Agriculture and Rural Open Space Master Plan (1980) • Lower Great Seneca Creek Watershed (MDE Use I) • R-200 Zone: 20.91 acres • Existing use: agricultural • Proposed use: 41-lot single-family subdivision <p>*Note: Natelli Communities had replaced Toll Brothers, Inc. as the applicant.</p>	<p>W-6 W-3 S-6 S-3</p> <p><i>The Council previously deferred action on this amendment under CR 15-851 (12/14/04).</i></p>	<p>No action required; the property owner has withdrawn the request.</p> <p><i>Note: Consistent with Water and Sewer Plan policies, DEP will not accept a new category change application for this site for one year, or until Mar. 10, 2007. (See the amendment withdrawal/denial note on page 2.)</i></p>
Olney Planning Area			
<p>WSSCCR 05A-OLN-02 Parker Memorial Baptist Church (for R. Jones Estate) • 1601 Norbeck Rd. – Parcels P905, P907, & P909, Batchellors Forest Etc • Map tile: 222NW02; JS123 • North side of Norbeck Rd. (MD 28) west of Layhill Rd. (MD 182)</p>	<ul style="list-style-type: none"> • Olney Master Plan (2004) • Northwest Branch Watershed (MDE Use IV) • RC Zone; 8.8 ac. • Existing use: existing single-family house and two vacant parcels • Proposed use: house of worship; Plan 7-20060410 "Parker Memorial Baptist Church" 	<p>W-6 W-3 S-6 S-3</p> <p>approval of a preliminary plan that is in conformance with the applicant's pre-application submission (M-NCPPC file no. 7-20060410). Public water and sewer service is restricted to a private institutional use only, specifically, the Parker Memorial Baptist Church.</p> <p><i>Note: This action is restricted to the named applicant, Parker Memorial Baptist Church. Should this applicant not proceed to development of the site, any subsequent user, including another private institutional facility, would need to file a new request with the Department of Environmental Protection, Water and Wastewater Policy Group, for service area category changes.</i></p>	<p>Maintain W-6 and S-6, with approval of W-3 and S-3 conditioned upon Planning Board</p>
Patuxent Watershed Conservation Planning Area			
<p>WSSCCR 05A-PAX-04 Steve Saffron (for Howard Wootten, Jr.) • Outlot B (N909), Wootten Subdivision • Map tile: LS122; 221NE05 • North side of Sandy Spring Rd. (MD 198) east of Dino Dr.</p>	<ul style="list-style-type: none"> • Fairland Master Plan (1997) • Lower Patuxent River Watershed (MDE Use I) • RC Zone; 8.61 ac. • Existing use: farmland (not improved) • Proposed use: one 5-acre lot for a single-family house and a residual outlot 	<p>W-6 W-1 S-6 No Change</p>	<p>No action required; the applicant has withdrawn the request.</p> <p><i>Note: Consistent with Water and Sewer Plan policies, DEP will not accept a new category change application for this site for one year, or until Feb. 8, 2007. (See the amendment withdrawal/denial note on page 2.)</i></p>

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN
January 2008 Amendment Transmittal: Water/Sewer Category Map Amendments

Goshen – Woodfield – Cedar Grove Planning Area

Property Information and Location Property Development	Applicant's Request County Council Action						
WSSCR 07A-DAM-08: Bethel World Outreach Ministries							
<ul style="list-style-type: none"> • 10725 Brink Rd., Clarksburg • Parcel P999, Thomas Hog Pasture Case (dist.-acct. #02-00028903) • Map tile – MD: FV122; WSSC: 230NW11 • North side of Brink Rd., opposite Glendevon Ct. • Preservation of Agriculture and Rural Open Space Master Plan (1980) • Middle & Upper Great Seneca Creek Watersheds (MDE Uses I & III³) • RDT Zone; 119.37 ac. • <u>Existing use:</u> farm. <u>Proposed use:</u> 800-seat place of worship; Bethel World Outreach Church, relocating from downtown Silver Spring; plan no. 7-20070240 "Bethel World Outreach Center". <p>³ A 10.3-acre portion of the northwest corner of the site lies within the Wildcat Branch subwatershed (MDE Use III) of Upper Great Seneca Creek.</p>	<table border="1"> <thead> <tr> <th>Existing</th> <th>Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-6 w/multi-use water system approval</td> </tr> <tr> <td>S-6</td> <td>S-6 w/multi-use sewerage system approval</td> </tr> </tbody> </table> <p>County Council Action</p> <p>Defer action on the request for multi-use water and sewer system approval, pending the applicant's submittal of a proposed use that is consistent with ZTA 07-07.</p> <p><i>Note: The Council intends that deferred amendments reach a resolution of the cited issues and return for further Council consideration within approximately one year.</i></p>	Existing	Requested – Service Area Categories	W-6	W-6 w/multi-use water system approval	S-6	S-6 w/multi-use sewerage system approval
Existing	Requested – Service Area Categories						
W-6	W-6 w/multi-use water system approval						
S-6	S-6 w/multi-use sewerage system approval						
WSSCR 08A-GWC-01: Kirk Canaday							
<ul style="list-style-type: none"> • 8300 Block ⁴, Warfield Rd., Gaithersburg • Parcel P554, Williams Range Near Goshen (dist.-acct. #01-00010841) • Map tile – MD: GU123; WSSC: 228NW08 • North side of Warfield Rd., west of Doubleland Rd. • Preservation of Agriculture and Rural Open Space Master Plan (1980) • Middle Great Seneca Creek Watersheds (MDE Use I) • RE-2 Zone; 2.71 ac. • <u>Existing use:</u> vacant <u>Proposed use:</u> one new single-family house <p>⁴ The applicant's reported street address, 8333 Warfield Rd., does not yet appear in the State's property tax account records.</p>	<table border="1"> <thead> <tr> <th>Existing</th> <th>Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-3</td> <td>W-3 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </tbody> </table> <p>County Council Action</p> <p>Deny the request for category S-3; maintain S-6. DEP and DPS need to consider a sewer sanitary survey for this area to determine the extent of septic problems.</p> <p><i>Note: The applicant may not file a new request for this property before April 8, 2009, without prior approval from DEP.</i></p>	Existing	Requested – Service Area Categories	W-3	W-3 (no change)	S-6	S-3
Existing	Requested – Service Area Categories						
W-3	W-3 (no change)						
S-6	S-3						

Olney Planning Area

Property Information and Location Property Development	Applicant's Request County Council Action						
WSSCR 07A-OLN-02: The First Baptist Church of Wheaton*							
<ul style="list-style-type: none"> • 3110 Emory Church Rd., Olney • Parcel P077, Chas & William (dist./acct. #08-00705848) • Map tile: WSSC - 223NW03; MD - HS563 • North side of Emory Church Rd., west of Norbrook Dr. • Olney Master Plan (2005) • Northwest Branch Watershed (MDE Use IV) • RNC Zone; 15.0 ac. • <u>Existing use:</u> single-family residence. <u>Proposed use:</u> place of worship (500-seat sanctuary, fellowship hall, classrooms, offices); First Baptist Church of Wheaton, relocating from its existing site on Georgia Ave. in Wheaton <p>* Original owner/applicant: Frances Doherty Estate. The church acquired the property on 7/1/07.</p>	<table border="1"> <thead> <tr> <th>Existing –</th> <th>Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-1</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> <p>County Council Action</p> <p>Maintain W-6 and S-6, with advancement to W-3 and S-3 conditioned on the Planning Board's approval of a preliminary plan that conforms to the intent of the Olney Master Plan.</p> <p><i>Note: In its review of the applicant's preliminary plan, the Planning Board is asked to ensure that potential road improvements (such as to Emory Road) are minimized as are any deleterious environmental impacts (such as reductions in ground water quality).</i></p>	Existing –	Requested – Service Area Categories	W-6	W-1	S-6	S-1
Existing –	Requested – Service Area Categories						
W-6	W-1						
S-6	S-1						

Eglise de Dieu de Silver Spring (Joseph Berluch, pastor)

2) Property/Site Description and Development:

Address 4800 Sandy Spring Rd, Spencerville, MD 20868

Property's TAX ID # (please provide, if known) 05-00267512

Property/Site Size 4.55 Acre Identification (ie, Parcel #) P-P277 MAP L521

Location/Closest cross-street Route 198 + Riding Stable

Current Use Church Office Proposed Use New worship Assemble

Subdivision Plan No. & Status _____

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W-__ Requested Water Category: W-__ OR No Change Multi-Use Shared

Current Sewer Category: S-__ Requested Sewer Category: S-__ OR No Change Multi-Use Shared

4) Reason for request; state current use of site and intended change in usage, if any:

Would like to apply to connect to the WSSC Sewer and then build a worship facility for 200 people.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water 1 Sewer 6

WSSC Tile 220 NEOS 6

Tax Map

Plan No.

Process

Master Plan

Planning Area Damascus & Vicinity

Zoning RC

Zoning Activity

Watershed Lower Potomac River

CSPS Subwatershed

State Watershed Use Class

GIS File

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July 16, 2010

Montgomery County Council Staff
100 Maryland Avenue, 5th floor
Rockville, Maryland 20850

Attn: Keith Levchenko

Re: WSCCR – 09A-PAX-01 – Eglise de Dieu de Silver Spring

Dear Mr. Levchenko:

On the advice of Mr. Alan Soukup we are hereby transmitting the revised Concept Plan for your review and recommendation to the County Council for a new hearing date. You may recall that the Council deferred action pending the following:

- The applicant's submittal and interagency review of a revised concept development plan that reduces impervious surface area closer to the 10 percent recommended by the 1997 Fairland Master Plan.
- The applicant's coordination of its proposed site development and use plans with local civic, homeowner, and environmental groups

Meetings with the West Laurel Civic Association and the Patuxent Watershed Protective Association were held on March 11 and April 12, 2010, respectively. Meeting minutes from each are attached hereto. Additionally, on May 20, 2010 a meeting with MNCPPC staff (including Katherine Nelson) was held. Written response from Ms. Nelson is also included hereto.

As a result of all three meetings, the Concept Plan, attached hereto, has been revised and updated to reflect and address many of those expressed concerns. Site investigations have been performed to delineate a more accurate drainage divide between the Lower Patuxent River and Little Paint Branch Watershed. The subject property effectively lies in both watersheds. Approximately 143,060 square feet of the site drains to the Lower Patuxent River Watershed.

The previous Concept Plan provided for two entrances to serve the proposed church. It has been determined that only one of these entrances will be necessary. However, whether that entrance is located along Sandy Spring Road or Riding Stable Road has yet to be determined. A more detailed

review of entrance locations by MNCPPC staff, MDSHA staff and MCDPW&T staff will be performed during Preliminary Plan review. Current impervious area computations have been provided based on each entrance scenario. Should the entrance be located along Sandy Spring Road the impervious area draining to the Lower Patuxent has been determined to be 20,124 square feet or 14% of the site's drainage area. An entrance located along Riding Stable Road would further reduce the impervious area within the Lower Patuxent to 16,820 square feet or 11.8%. An 8.5" x 11" sketch depicting this information is included herein.

In conclusion, the following information is included:

- Revised Concept Plan
- Meeting Minutes; March 11 and April 12 meetings
- July 1, 2010 Letter from Katherine Nelson
- 8.5" x 11" sketch depicting impervious areas

Please let us know if you have any questions, comments or concerns and when we might expect our next County Council hearing. We will look forward to hearing from you.

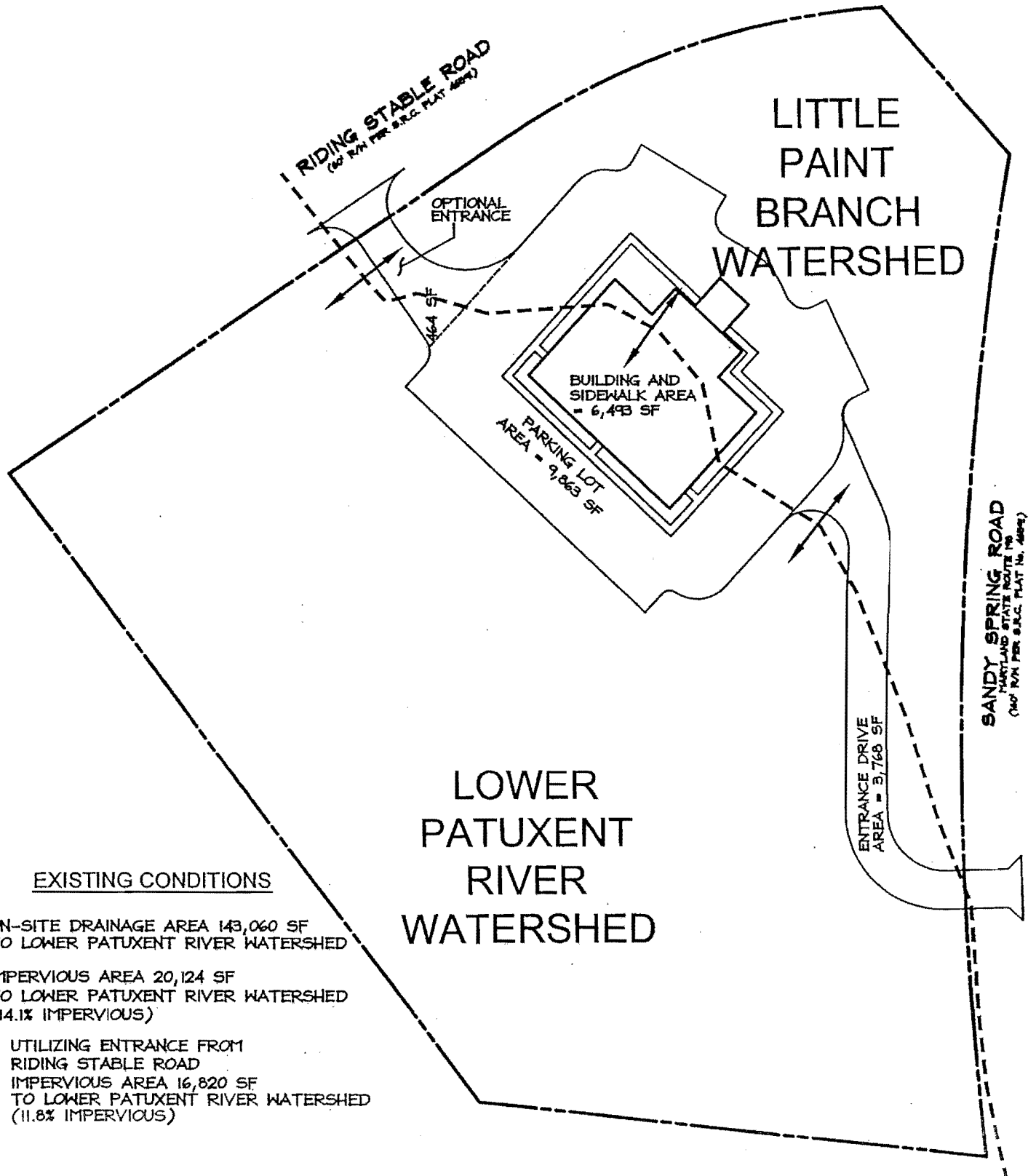
Sincerely,



Jeffrey A. Robertson
Senior Project Manager

cc: Alan Soukup (MCDEP)
Katherine Nelson (MNCPPC)
David Shen (WSSC)
Shari Djourshari (WSSC)
Himinna Jackson-Lucas
Joseph Berluche

IMPERVIOUS AREA SKETCH



EXISTING CONDITIONS

ON-SITE DRAINAGE AREA 143,060 SF
TO LOWER PATUXENT RIVER WATERSHED

IMPERVIOUS AREA 20,124 SF
TO LOWER PATUXENT RIVER WATERSHED
(14.1% IMPERVIOUS)

UTILIZING ENTRANCE FROM
RIDING STABLE ROAD
IMPERVIOUS AREA 16,820 SF
TO LOWER PATUXENT RIVER WATERSHED
(11.8% IMPERVIOUS)

GENERAL NOTES

- 1) WATER CATEGORY - 1 SEWER CATEGORY - 4
- 2) BOUNDARY INFORMATION BASED ON A SURVEY BY ORDER & ASSOCIATES, DATED AUGUST, 2007.
- 3) TYPICAL ELEVATION DATA BASED ON A SURVEY BY SITE DEVELOPMENT CONSULTANTS, LLC.
- 4) TOTAL LOT AREA - 4.64 ACRES
- 5) PROPERTY SHOWN ON TAX MAP LS 121, PARCEL 277, SNOWDEN'S NEW BIRMINGHAM MANOR.
- 6) PROPERTY SHOWN ON TAX MAP LS 121 SHEET 220 NE 08.
- 7) PROPERTY SHOWN ON HERRINGTON COUNTY SOILS SURVEY MAP No. 21, 2001 TYPE(S) 810, 842, 914.
- 8) FLOOD ZONE "X" PER F.E.C.M.A. FLOOD MAPS, COFFINITY PANEL NUMBER 2400-0000.
- 9) ZONE "X" - AREAS OUTSIDE OF THE 100 YEAR CHANCE OF FLOODPLAIN
- 10) SITE IS LOCATED IN THE LOWER PATENT RIVER AND THE LITTLE POINT DRAINAGE WATERSHEDS.
- 11) LOCAL UTILITIES INCLUDING:
 - WATER - HERRINGTON SUBURBAN SANITARY CONNECTION (HSSC)
 - SEWER - HSSC ON SOUTH
 - ELECTRIC - FORD
 - TELEPHONE - VERIZON
 - GAZ - N/A

PRELIMINARY

NOT FOR DESIGN PURPOSES

NOTE: ALL DIMENSIONS SHOWN ON THIS PLAN ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY. NO FIELD WORK HAS BEEN PERFORMED.

ZONING DATA

- 1) ZONING: RC
- 2) MIN. LOT AREA = 8.5 AC. FRONT YARD = 50 FT
- 3) MIN. LOT WIDTH AT 0.5' = 25 FT REAR S.R.L. = 35 FT
- 4) MIN. LOT WIDTH AT 0.5' = 30 FT SIDE S.R.L. = TOTAL 40 FT, 20 FT EACH SIDE

LEGEND

EXISTING FEATURES

- EX. WATER LINE
- EX. OVERHEAD UTILITY WITH POLE
- EX. TYP. AND TERRACE CONTOURS
- EX. SPOT ELEVATION
- EX. FENCE
- EX. FOUNDATION
- EX. SOILS DEMONSTRATION
- EX. SLOPES (2% AND GREATER)
- EX. DRAINAGE SWALE

PROPOSED FEATURES

- PROP. 1/2" H.C. PROP. WATER-HEAVE CONNECTION
- PROP. 1/2" H.C. PROP. SEWER-HEAVE CONNECTION
- LIMITS OF DISTURBANCE
- PROP. STORMWATER MANAGEMENT DEVICE

PARKING TABULATION

REQUIREMENT FOR STRUCTURE 148-15-17. ONE PARKING SPACE FOR EACH PERSON FOR SEATING IS PROVIDED IN THE MAIN ASSEMBLY.

PROPOSED STRUCTURE WILL SEAT 200 PERSONS
200 / 4 = 50 PARKING SPACES REQUIRED

56 SPACES ARE PROVIDED, INCLUDING 2 HANDICAP SPACES

IMPERVIOUS AREA TABULATION

TOTAL ON-SITE AREA WITHIN PATENT RIVER WATERSHED: 140,000 SF ±

PROPOSED IMPERVIOUS AREA: 24,024 SF ±

20,024 SF / 140,000 SF = **14% IMPERVIOUS COVERAGE**

BASED ON ACCESS FROM SANDY SPRING ROAD

TOTAL ON-SITE AREA WITHIN PATENT RIVER WATERSHED: 140,000 SF ±

PROPOSED IMPERVIOUS AREA: 14,000 SF ±

10,000 SF / 140,000 SF = **7% IMPERVIOUS COVERAGE**

BASED ON ACCESS FROM RIDING STABLE ROAD

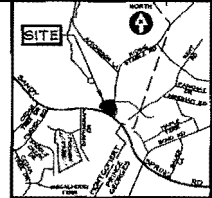
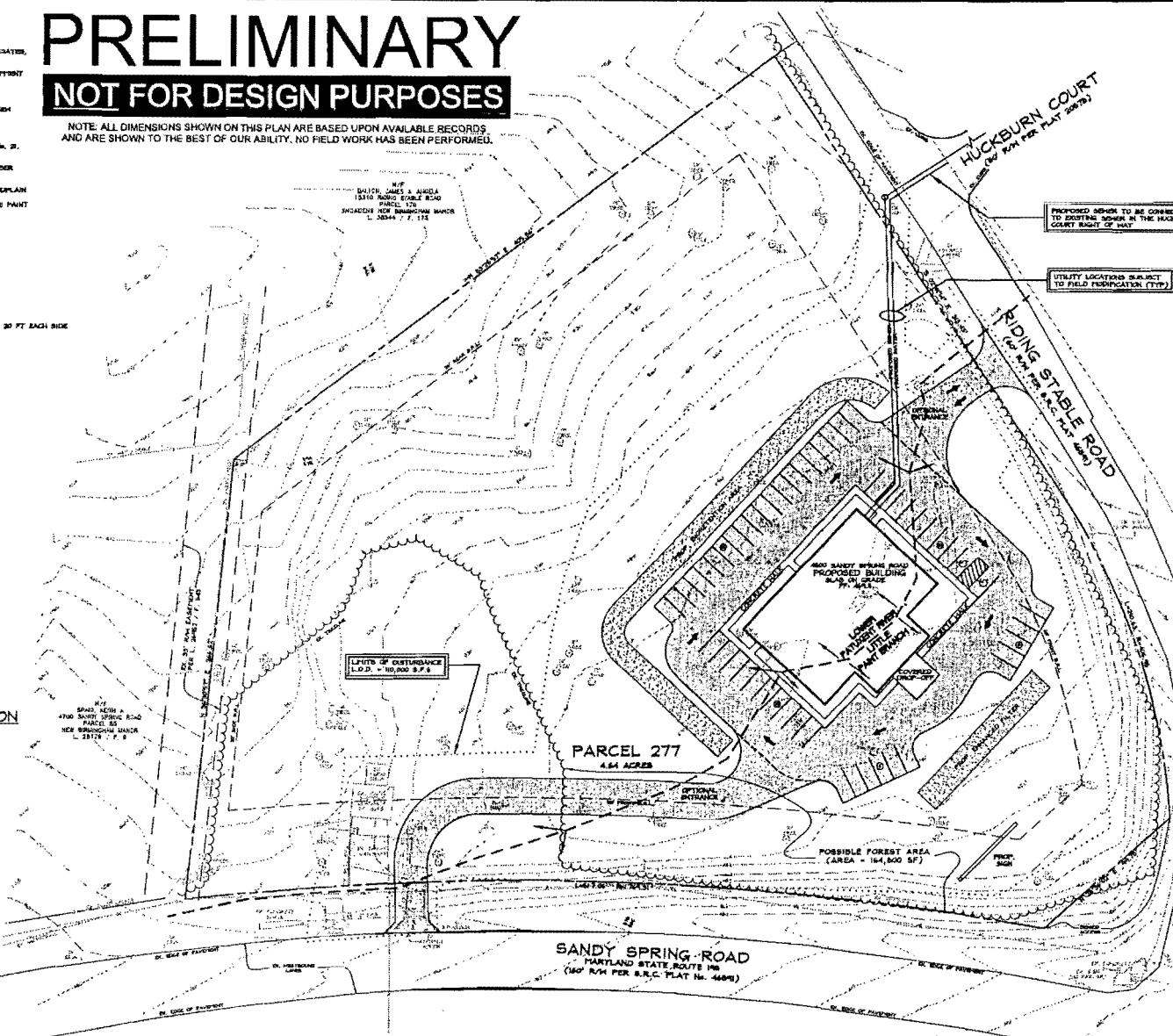
NOTES:
ONLY ONE ACCESS ROAD IS INTENDED TO BE CONSTRUCTED. IT HAS YET TO BE DETERMINED WHICH ACCESS ROAD WILL BE DEEMED ACCEPTABLE BY OTHER THE STATE OR BY HERRINGTON COUNTY.

SOILS

810 CHALKY SILT LOAM, NOT HYDRAIC
THIS MODERATELY FINE-TEXTURED SOIL IS VERY DEEP, WELL DRAINED AND MODERATELY HIGHLY PERMEABLE. AVAILABLE WATER CAPACITY IS MODERATE. PRODUCTIVITY IS MODERATE. BROWN HAZARD IS SLIGHT. CAPABILITY 5B/CCLAS IS 1B.

816 SANDY SILT LOAM, NOT HYDRAIC
THIS MODERATELY FINE-TEXTURED SOIL IS VERY DEEP, WELL DRAINED AND MODERATELY PERMEABLE. AVAILABLE WATER CAPACITY IS MODERATE. PRODUCTIVITY IS MODERATE. BROWN HAZARD IS MODERATE. CAPABILITY 5B/CCLAS IS 1B.

818A BELLEVILLE SILT LOAM, NOT HYDRAIC
THIS MODERATELY FINE-TEXTURED SOIL IS VERY DEEP, MODERATELY WELL DRAINED AND MODERATELY PERMEABLE. AVAILABLE WATER CAPACITY IS MODERATE. PRODUCTIVITY IS MODERATE. BROWN HAZARD IS SLIGHT. CAPABILITY 5B/CCLAS IS 1B.



VICINITY MAP
AOC MAP 846, GRID E-5
SCALE: 1" = 200'

DATE	BY	REVISION
01/2010	09-191	CONCEPT PLAN TO CLIENT
	JAN	UPDATED PLAN TO REFLECT DRAINAGE DIVISION AND IMPERVIOUS AREA TABULATION
		DATE: 04/17/15L
		SCALE: 1" = 50'
		APP: CAS

4800 SANDY SPRING ROAD
PARCEL 277, TAX MAP LS 121

LIBER 34623, FOLIO 1
SNOWDEN'S NEW BIRMINGHAM MANOR
COLESVILLE (STVA) ELECTION DISTRICT
HERRINGTON COUNTY, MARYLAND
CONCEPT PLAN

CAS ENGINEERING
CIVIL-SURVEYING-LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
105 West Riverchase Boulevard, Suite 101, Moon, Ar. 04484-2771
DC: 410 (301) 807-8031 FAX: (301) 807-8045

CLIENT
BRUCE DE DUBO DE OLIVER SPRING, INC.
148 QUINCY STREET
LANLEY PARK, MD 20886
ATTN: PASTOR JOSHUA BULLOCKE

4800 SANDY SPRING ROAD
PARCEL 277, TAX MAP LS 121
SNOWDEN'S NEW BIRMINGHAM MANOR
CONCEPT PLAN

09A-PAX-01
APPLICANT'S REVISED PLAN

1/22/2010 8:24:42 AM 2/1



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

July 1, 2010

Jeffrey A. Robertson
Project Manager
CAS Engineering
108 W. Ridgeville Boulevard
Suite 101
Mt. Airy, MD 21771

Dear Mr. Robertson,

On Thursday, November 05, 2009 the Montgomery County Planning Board considered the water and sewer service area category change application for Eglise De Dieu Silver Spring (WSSCCR 09A-PAX-01).

The proposed site is located within the 1997 Fairland Master Plan and is zoned RC north of MD 198. The Fairland Master Plan recommends "community water service only for areas north of MD 198 zoned Rural Cluster (RC) consistent with the Water and Sewer Plan policies regarding water service without sewer. No planned sewer service for areas zoned RC north of MD 198, except to support special exception uses recommended in this Plan."

The Plan further recommends within the Patuxent River watershed: "Do not allow uses that result in more than ten percent imperviousness...Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case by case basis." Therefore the Planning Board recommended denial of sewer service to this property based on inconsistency with the Fairland Master Plan.

However, before the County Council this case was deferred. The Council asked the applicant to explore with the community and with Planning Department staff options that would make this development plan more acceptable to existing policies and to the surrounding community.

Our staff met with you and representatives of the church on May 20 to discuss the proposed site design. You subsequently sent us a revised site design. In response to this most recent iteration, staff has the following comments:

1. If this was considered as a preliminary plan, it seems likely to staff that two entrances to the church would be required. This would be consistent with other similar developments. Making arrangements for off-site parking for parishioners might make a case for a single entrance – preferably Riding Stable Road.
2. Staff suggests that the church set up a meeting with the surrounding community to re-open the discussion of a possible access driveway on Riding Stable Road, directly across from Huckburn Court. Impervious surface considerations within the Patuxent River watershed should also be discussed at the meeting.
3. The issue of road improvement is a concern. We do not know what kind of road improvements for driveway access will be required for either MD 198 (a state road) or Riding Stable (a County road).

35

However other examples throughout the County indicate that a significant acceleration/deceleration lane will be needed. These do not yet appear on the site design. You should explore this issue with State SHA and County DOT.

- 4. Right-of-way dedication will be required along Riding Stable Road. The full extent of 70 feet or a minimum of 35 feet from the roadway right-of-way centerline applicant will be dedicated. The property across from the site is already subdivided and dedicated right-of-way for Riding Stable Rd. Previous dedication for MD 198 appears to be adequate.
- 5. The watershed line between the Patuxent River and Little Paint Branch should be established through the Natural Resource Inventory. This line will be used for impervious calculations throughout the development process. The impervious level for development within the Patuxent River watershed remains 10%. Although percentage points between your proposed development and the policy threshold might seem minimal, studies have proven that the significant changes in water quality occur at this level. Moving more of the parking to the southwest part of the site could make this possible.
- 6. If this was considered as a preliminary plan, it is likely that more extensive stormwater management efforts than shown on the drawing will be required. This should be explored with Montgomery County's Department of Permitting Services.

Please contact any of our staff if you would like to discuss any of these comments in further detail. These comments do not constitute staff approval of any specific proposal but our best summary of issues that would be a part of any future consideration of this proposal.

Sincerely,



Katherine Nelson
Planner Coordinator
Montgomery County Planning Department



ENGINEERING

A Division of CAS Enterprises, Inc.

MINUTES
WEST LAUREL CIVIC ASSOCIATION (WLCA)

Meeting Date: March 11, 2010
 Time: 7:30pm
 Attendees: Pastor Joseph Berluche, Pastor of Eglise De Dieu De Silver Spring, Inc Jeffrey A. Robertson, Project Manager from CAS Engineering, Himinna Lucas, Consultant for Church, 10 members of the West Laurel Civic Association (at the request of the President of WLCA only the President is to be listed) and Melissa G. Daston, President of West Laurel Civic Association.

The Pastor was introduced to the board by Melissa Daston, President at which time the Pastor introduced Jeff A Robertson and Himinna Lucas.

Questions were as follows:

Driveway issue- Would like drive to exist from 198 only
 Answer - That will be fine with the Church

How many days will the church be used?
 Answer - Three days

Answer - If parking lot is full, where would the overflow go?
 Around the building

What is the seating capacity of the church?
 Answer - 200 seats is the current proposal

Time of service on Sunday?
 Answer - 11am – 1 pm is the standard time unless special events

When would construction start?
 Answer - Per Jeff after permit could be one to two years away.

Will the exit be a right turn only out of the Church?
 Answer - Per Jeff yes

Melissa had concerns about the traffic. She advised that there was a person killed either crossing the street or in a traffic accident. This statement was not confirmed. Also Melissa wanted to know if there would be any rezoning.
 Answer - Per Jeff there will be a traffic study performed as part of the preliminary plan process. The property will not be rezoned.

Judy asked about the setting up of high of the church and wanted to know about the lighting? Melissa requested a copy of the lighting plans when they are completed.

Answer - Per Jeff and Pastor when the Church gets to this point someone will contact Melissa.

Snyder asked what the watershed limits are if any

Answer – Jeff discussed general SWM requirements but indicated that new State Regulations go into effect on May 4, 2010. A SWM Concept Plan will be required at the Preliminary Plan Stage and a Final SWM Plan will be required at permit stage. State and County requirements will be addressed.

Melissa – this property backs into the drinking water for Prince George's County? Have you considered alternative paving systems? Most of the current houses in the community have septic, will the change to the water sewer category effect others?

Answers – per Jeff, we will consider alternate paving materials during SWM concept stage. Pervious paving (i.e. concrete or pavers) is acceptable to Montgomery County. Changing the Sewer category for this particular property will not likely set a precedent for additional connections. The proposed mainline extension will be designed to serve the subject property only. Other properties would need to file for similar category changes should they wish to connect.

Several members would like for the traffic at Bond Mill vs. Riding Stable they would like a no left turn sign. They advised that they have tried to get Maryland State Highway to make this change.

Answer - Jeff state that this would not be in the Churches authority to make this change. Let's see what the traffic study reveals.

Melissa gave an over view of (WLCA) issues – Traffic safety, Quality of water, signage of the Church and Storm Water Control (NO PONDS). Melissa will inform church by email of the out come of the meeting once she speaks private with the committee.

One other question came up as the Pastor, Jeff and Himinna was leaving.

Will the current house be removed?

Answer - Jeff yes

What will happen to the ditch?

Answer – Jeff - It will depend on the design.

Jeff please make a list of any additional concerns and he will answer them through Melissa.

Minutes by Himinna Jackson-Lucas



MINUTES
PATUXENT WATERSHED PROTECTIVE ASSOCIATION, INC. (PWPA)

Meeting Date: April 12, 2010
 Time: 10:30am
 Attendees: Dr. A. C. Brown, President of Patuxent Watershed Protective Association, Inc., James Hughes, Vice President, (PWPA), James Putman, Treasurer, Director (PWPA), Pastor Joseph Berluche, Pastor of Eglise De Dieu De Silver Spring, Inc Jeffrey A. Robertson, Project Manager from CAS Engineering, Himinna Lucas, Consultant for

The Pastor and Jeff were introduced to the board by Himinna Lucas.

Questions were as follows:

Mr. Hughes what is the current impervious coverage. Dr. Brown is it in compliance to the Master Plan
 Answer – Jeff 19.2 is the current impervious area proposed.

Hughes- Concerns about Sewage and Impervious area which contributes to runoff into the reservoir. The watershed is defined as an entire area in which water flows down toward the reservoir. It includes that area north of 198. Additionally, in this area below the surface there is a fractured crystal and rocks below the surface. Water runs down hill and through the fractured rock. This is a concern because it's the primary source to 90 houses on 29 that have wells. This is a direct pass into some ones well. We have a policy to oppose to any public sewer that flows within the watershed limits. The reservoir is the back-up water source for the pumping station for Montgomery County, MD. We can't defer the source of sewage. Pumps fail and pipelines break, and we don't want to take that health risk. Mr. Hughes will fight any recommendation for public sewer connections. They have (and will) taken legal action to support this position.

Dr. Brown The reservoir is the sole source for over 80 peoples. There are two reservoirs, we are opposed to a public sewer system but not opposed to a private septic system with gravity, if it breaks it will not flow back into the watershed. We have a concern in dealing with the reservoir system; reservoir has to last for centuries.

Final – Supporting a public sewer extension will not happen due to the potential for failure in the system and drainage impacting the reservoir.

Minutes by Himinna Lucas

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's March 2011 Transmittal Packet

PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS

WSSCR 09A-PAX-04: Pg. 1

WSSCR 09A-PAX-04: Sunny Varkey

County Executive's Recommendation: Correct Parcel P600 from W-6 to W-1. Deny the request for W-3 for Parcel P809; maintain W-6. Deny the request for S-3 for both properties,; maintain S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> ▪ 16301 New Hampshire Avenue ▪ Parcels P600 & P809, Snowdens Manor Enl ▪ Property ID: 05-02216547 & 05-00261548 ▪ Map tile: WSSC – 222NE02; MD KS123 ▪ Located on the east side of New Hampshire Ave. (MD 650) north of Spencerville Rd. (MD 198) ▪ Patuxent Watershed Conservation Planning Area Cloverly Master Plan (1997) ▪ Patuxent River Watershed (MDE Use I) & Northwest Branch Watershed (MDE Use IV) ▪ RE-1 & RC Zones; 28.84 acres ▪ <u>Existing use:</u> Residential with boarding of horses ▪ <u>Proposed use:</u> Private Educational Facility 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing –</th> <th style="text-align: left;">Requested Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-3</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u> "Change usage from a residential (with boarding for horses) to a private educational facility for profit."</p> <p><u>DEP Notes:</u></p> <ul style="list-style-type: none"> • <i>This request is <u>not</u> being considered under the PIF policy, as the school is for profit.</i> • <i>The applicant has apparently put plans for this project on hold for the time being, although he has not chosen to withdraw this category change request.</i> 	Existing –	Requested Service Area Categories	W-6	W-3	S-6	S-3
Existing –	Requested Service Area Categories						
W-6	W-3						
S-6	S-3						

Executive Staff Report: The applicant is seeking to construct a private school for which he will need both public water and sewer service. WSSC has confirmed that the larger of the two parcels, at 16301 New Hampshire Ave., has existing water service; the account dates back to at least 1966. The water category for Parcel P600 needs to be corrected to W-1. The smaller parcel, P809, is unimproved and should remain as W-6 for now. Public sewer service is not consistent with master plan recommendations for this split-zoned site or with Water and Sewer Plan general sewer service policies. This specific institutional project will not qualify as a private institutional facility (PIF) under the policies of the Water and Sewer Plan. The applicant has advised DEP that the proposed school will be a for-profit venture. The request for S-3 should be denied; the entire project site should remain as category S-6.

The alignment of the proposed sewer extension as shown on the accompanying sewer category map is approximate only. Likewise, the exact extent of gravity sewer versus low-pressure sewer is also approximate. This project has the potential to open public sewer service to properties along the east side of New Hampshire Ave. that are not intended to use that service. Only a detailed engineering study will provide sufficient detail to allow for a more certain understanding of the impact of the needed sewer extension.

Agency Review Comments

M-NCPPC – Area 3 Planning Team: The 1997 Cloverly Master Plan states "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 watershed in order to control water quality in the reservoir.

The master plan states that community water service within the Patuxent watershed may be considered on a case-by-case basis consistent with current policies in the *Comprehensive Water Supply and Sewerage Systems Plan*.

WSSC - Water: There is a 12-inch water line in New Hampshire Ave and a 3-inch water on Timber Ridge Drive abuts the property (contract nos. 60-4227 and 76-2790A respectively).

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS

WSSCCR 09A-PAX-04: Pg. 2

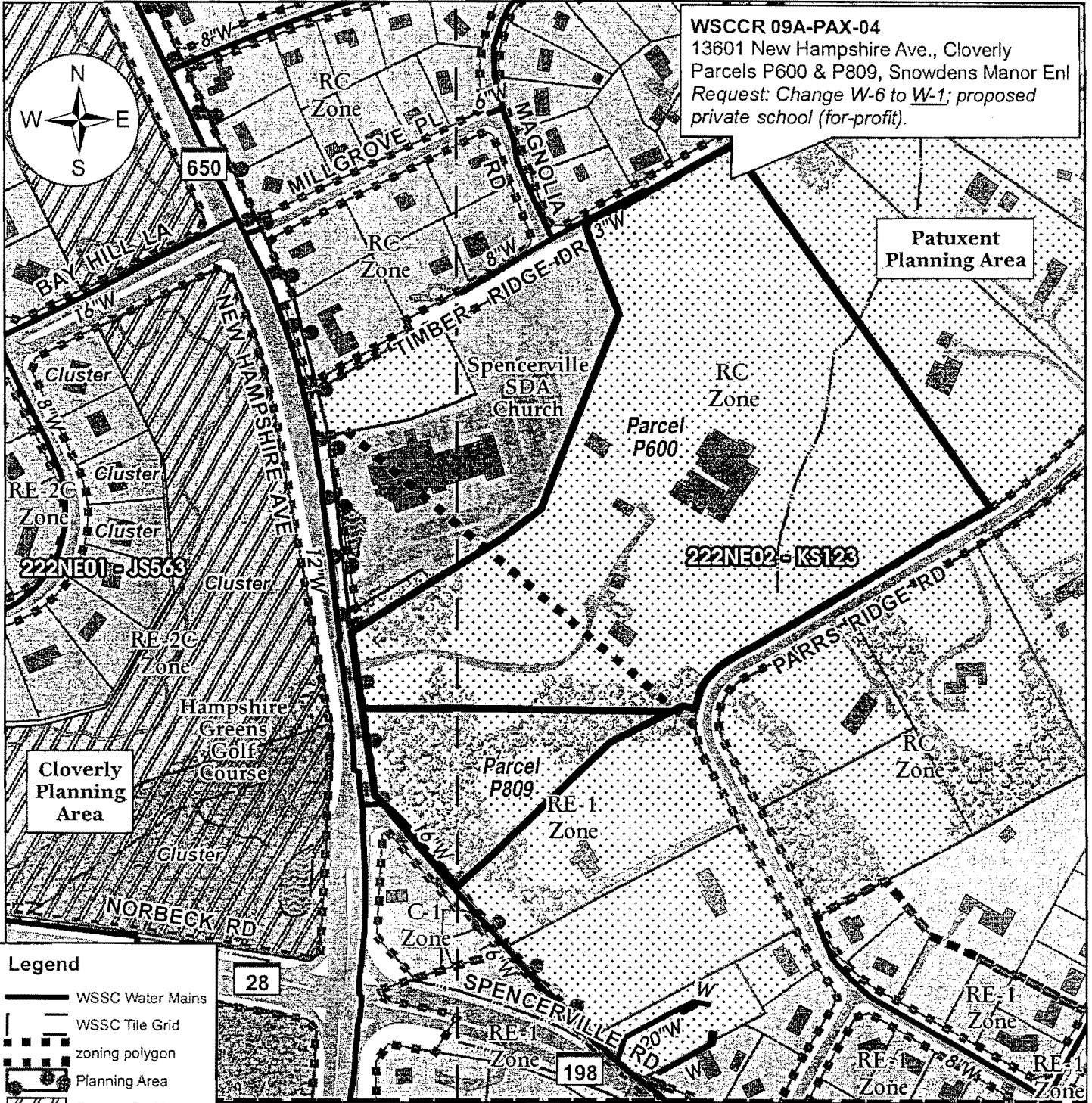
WSSC - Sewer: A 1,700 -foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to existing 8-inch sewer on Harbour Town Drive (contract no. 95-1347B) and would abut approximately 3 properties in addition to the applicant's. Some form of pumping may be needed depending on the alignment of the sewer extension. Flow from the proposed development: 12,500 GPD Interceptor and treatment capacity are adequate.

DPS – Well & Septic: Our files indicate the property is currently connected to public water. There is a septic system, but due to its apparent age-we have no records. We make routine inspections for a permitted youth camp; and have noted no septic failure.

ADS:ads/

R:\Programs\Water_and_Sewer\Projects\actions-COUNCIL\packets\2011jan\ce-pckt\staff-rpt=09a-pax-04.doc

Water Service Area Catagories Map: WSCCR 09A-PAX-04 (Sunny Varkey)



WSCCR 09A-PAX-04
 13601 New Hampshire Ave., Cloverly
 Parcels P600 & P809, Snowdens Manor Enl
 Request: Change W-6 to W-1; proposed
 private school (for-profit).

**Patuxent
 Planning Area**

**Cloverly
 Planning Area**

Legend

- WSSC Water Mains
- WSSC Tile Grid
- zoning polygon
- Planning Area
- Existing Parkland
- woodlands

Water Categories

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



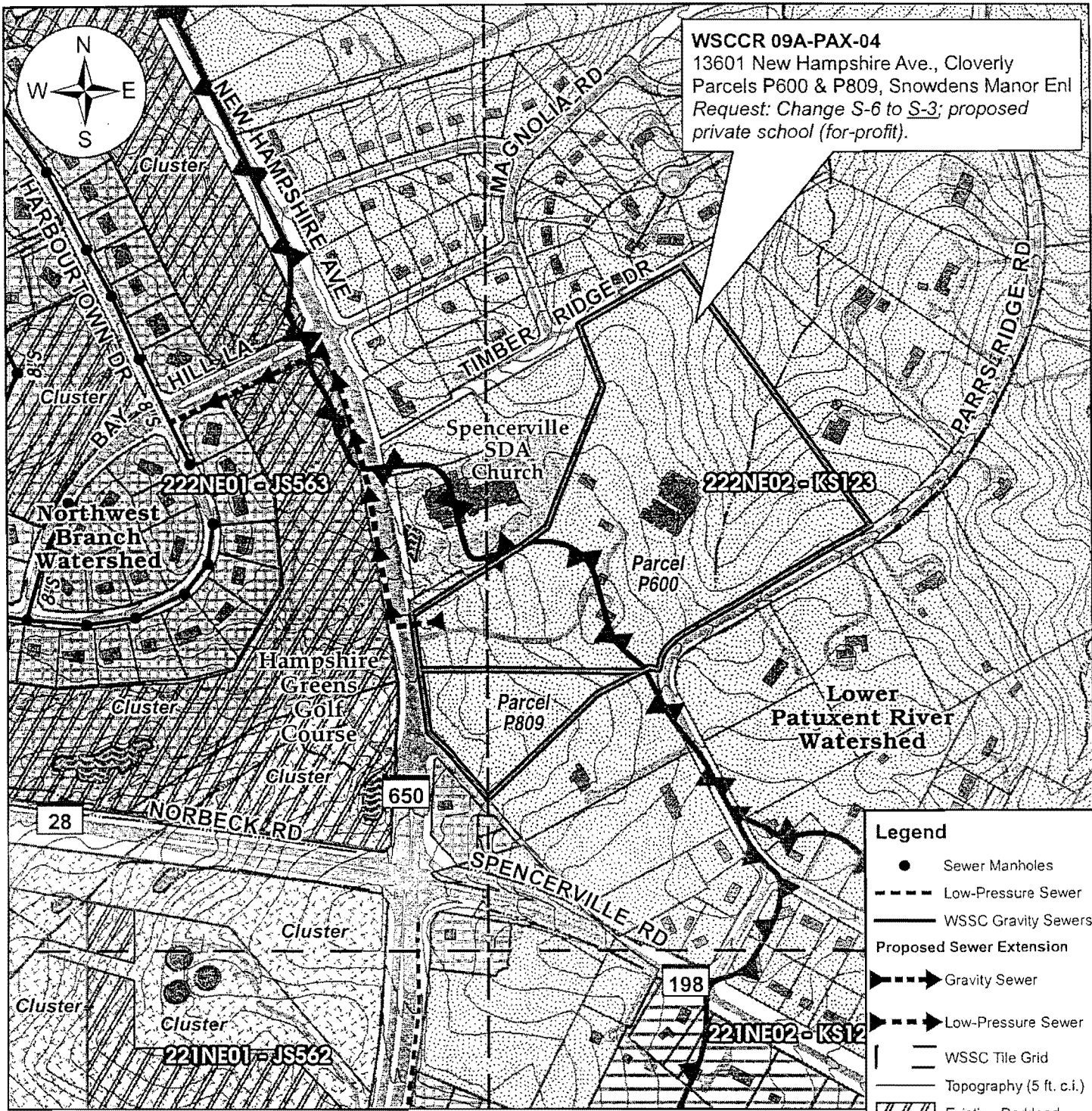
SCALE (Feet)

Montgomery County, Maryland
 Draft 2010 Comprehensive Water Supply
 and Sewerage Systems Plan



DEP
 Water and Wastewater
 Policy Group

Sewer Service Area Categories Map: WSCCR 09A-PAX-04 (Sunny Varkey)



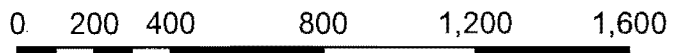
WSCCR 09A-PAX-04
 13601 New Hampshire Ave., Cloverly
 Parcels P600 & P809, Snowdens Manor Enl
 Request: Change S-6 to S-3; proposed
 private school (for-profit).

Legend

- Sewer Manholes
- - - Low-Pressure Sewer
- WSSC Gravity Sewers
- Proposed Sewer Extension
- ➔ Gravity Sewer
- ➔ Low-Pressure Sewer
- WSSC Tile Grid
- Topography (5 ft. c.i.)
- Existing Parkland
- Major Watersheds

Sewer Categories

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



SCALE (Feet)

Montgomery County, Maryland
 Draft 2010 Comprehensive Water Supply
 and Sewerage Systems Plan



DEP
 Water and Wastewater
 Policy Group

2) Property/Site Description and Development:

Address 16301 New Hampshire Avenue, Silver Spring, MD 20905; Parris Ridge Road
Property's TAX ID # (please provide, if known) 05-02216547; 05-00261548
Property/Site Size +/- 28.84 Acres Identification (ie, Parcel #) Parcels Nos. 600 & 809
Location/Closest cross-street New Hampshire Ave (Rt. 650) At Spencerville Rd. Tax Map KS13
Current Use Residential/Boarding of Horses Proposed Use Private Educational Institution (for profit)
Subdivision Plan No. & Status N/A

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W-6 Requested Water Category: W-1 OR No Change Multi-Use Shared
Current Sewer Category: S-6 Requested Sewer Category: S-1 OR No Change Multi-Use Shared

4) Reason for request; state current use of site and intended change in usage, if any:

Change in usage from residential (with boarding for horses) to private educational institution.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water 6 Sewer 6

WSSC Tile 222NE02

Tax Map KS123

Plan No.

Process

Master Plan

Planning Area

Zoning

Zoning Activity

Watershed

CSPS Subwatershed

State Watershed Use Class

GIS File

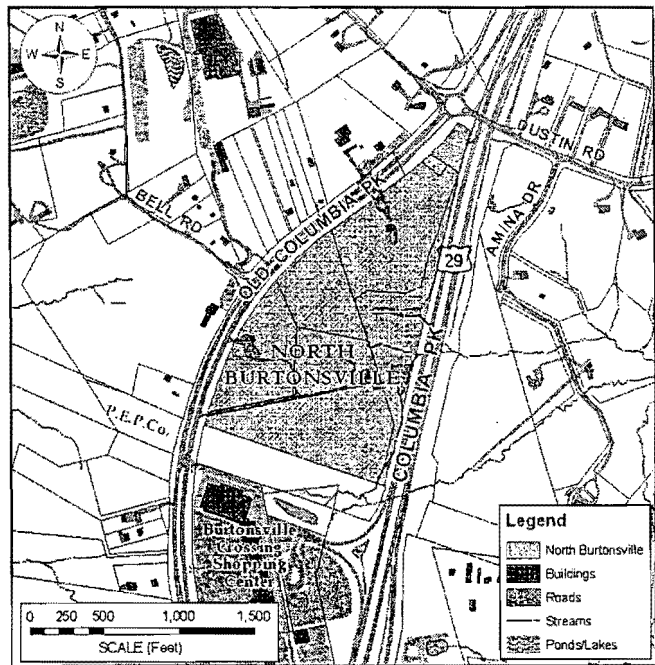
CCRFormJuly05.doc

cloverly mp
Patuxent
RE-1 (piece taken New Hampshire) ERC btwn Parish Rd + Timber Ridge
Patuxent
NW + Lower Patuxent

NORTH BURTONSVILLE

In this context, North Burtonsville refers to the wedge of land located between Old Columbia Pk. and relocated Columbia Pk. (U.S. 29) north of the Burtonsville Crossing Shopping Center (see illustration at right). The land is zoned for low-density development under the RC Zone. Although the provision of public water service can be considered in this area on a case-by-case basis, it is an area generally unsuited for public sewer service from a policy standpoint. The Fairland Master Plan (1997) does recommend public water and sewer service for the furthest north parcel in North Burtonsville, the Burtonsville Assoc. property. Public service can be considered there for a special exception use.

Water & Sewer Plan Map: "North Burtonsville" Area



WSCCR 09A-PAX-05: Burtonsville Crossing, LLC

County Executive's Recommendation: Deny the request for W-3 and S-3; maintain W-6 and S-6.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> ▪ 15800 Block, Old Columbia Pike, Burtonsville ▪ Parcel 365, New Birmingham Manor ▪ Property ID: 05-272438 ▪ Map tile: WSSC – 221NE04; MD – KS562 ▪ RC Zone; 11.14 acres ▪ East side of Old Columbia Pk., north of Burtonsville Crossing Shopping Center ▪ Fairland MP (1997) ▪ Lower Patuxent Watershed (MDE Use I) ▪ Existing use: vacant ▪ Proposed use: senior housing project 	<p>Applicant's Request: Service Area Categories & Justification</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing –</th> <th style="text-align: left;">Requested –</th> <th style="text-align: left;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-3</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p>Applicant's Explanation</p> <p>The site is currently vacant. The County has requested that our Senior Housing Project that was previously submitted to the North of this location; be closer to the shopping center.</p> <p><i>DEP Note: The applicant's proposal may require approval of a special exception under the RC Zone.</i></p>	Existing –	Requested –	Service Area Categories	W-6	W-3		S-6	S-3	
Existing –	Requested –	Service Area Categories								
W-6	W-3									
S-6	S-3									

Executive Staff Report: The applicant has proposed use of public water and sewer service for the construction of a senior housing building on this site. This will require changing the existing W-6 and S-6 categories to W-3 and S-3. Both the Fairland Master Plan and the Water & Sewer Plan allow for consideration of public water service on a case-by-case basis, but generally recommend against the provision of public sewer service in the RC Zone. It appears that the provision of public water service alone will not allow the project to proceed as proposed. The request is recommended for denial of W-3 and S-3, maintaining the existing W-6 and S-6.

Another nearby property in North Burtonsville (see WSSC 09A-PAX-06, following) is referenced in the master plan as a possible site for a special exception use that may require public water and sewer service. This may have led to an expectation that public water and sewer would be considered for all of the parcels in the North Burtonsville area. M-NCPPC's most recent comments make it clear that—at least for this specific property—that the master plan does not call for public sewer service here.

The proposed senior housing project is planned to be owned or operated by a for-profit organization. The provision of public water and sewer service cannot therefore be considered under the Water & Sewer Plan's private institutional facilities (PIF) policy.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

PATUXENT RIVER CONSERVATION PLANNING AREA MAP AMENDMENTS

WSSCCRS 09A-PAX-05 & -06: Pg. 2

Sewer Information Provided as Background Information Only: Under the applicant's proposal, the feasibility of providing public service to this project depends largely on WSSC's take over of existing private water and sewer mains on the site of the Burtonsville Crossing Shopping Center. The applicant's water and sewer service extension proposal calls for connection into existing, private mains on the site of the Burtonsville Crossing Shopping Center. This would shorten the length of water and sewer main needed to serve the project. However, the applicant has indicated that they are prepared to extend new mains to the existing WSSC mains at Sandy Spring Rd. (MD 198), if a takeover of the shopping center's mains is not feasible (see WSSC's comments, following).

Agency Review Comments

M-NCPPC – Area 3 Team:

Initial Comments - The Master Plan recommends community water service only for areas north of MD 198 zoned RC consistent with Water and Sewer plan policies. There is planned sewer services for areas zoned RC north of MD 198 except in this area *to support special exception uses as recommended in the [Master] Plan*. Water and sewer service to *approved special exception uses* will be considered on a case-by-case basis. (10/16/09)

M-NCPPC Follow Up Comments Based on Concept Plan Review - Page 61 and 62 of the Fairland Master Plan reference this property specifically as part of Area #26. The recommendations are as follows:

RECOMMENDATIONS: Area 26: 704 acres, RC, 37 parcels

- Retain RC Zoning.
- Locate stormwater facilities outside regulatory buffers.
- Do not allow uses that result in more than ten percent imperviousness.
- Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case-by-case basis.
- Community water and sewer service for R-200 zone.
- Cluster residential uses away from MD 198 for noise protection.

For this reason, we can't support sewer service to this property although water service may be possible. It does appear that the preliminary design does limit imperviousness to 10% (12/17/10)

M-NCPPC – Parks Planning: There are no park impacts.

WSSC - Water: A 2000-foot-long water extension along Old Columbia Pike is required to serve the property. A portion of this length may have to be CIP-sized depending on the site's layout. This extension would connect to an existing 20" water main in Sandy Spring Road (contract no.57BL0269) and would abut approximately 7 properties in addition to the applicant's. Rights-of-way may be required. Construction of this extension may involve the removal of trees. Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) may be required to serve the property.

WSSC - Sewer: A preliminary plan, or similar information showing the proposed development, are required before comments can be provided on serving the property. The location of the development and an estimate of the sewage flow are required before low pressure sewer system or Waste Water Pumping Station scenarios can be evaluated. *DEP note: WSSC is reviewing new information from the applicant.*

WSSC Addendum for the applicant's proposal (2/15/11): The sewer onsite system for the "Burtonsville Crossing", onsite # 86OS0105, has sufficient capacity to handle the additional flow from the proposed 80 Senior Housing units and 1726 seats Korean Church. Please note that if WSSC has to take over this onsite system before connection can be made, it will take years for this process. Some 8" sewers are @ 0.5% slope & do not meet our design criteria and this is the reason that WSSC may need to take over the on-site.

DPS – Well & Septic: We have no information on the property; site conditions may limit on-site sewage flow capacity.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
 County Executive's March 2011 Transmittal Packet

PATUXENT RIVER CONSERVATION PLANNING AREA MAP AMENDMENTS

WSCCRS 09A-PAX-05 & -06: Pg. 3

WSCCR 09A-PAX-06: Burtonsville Associates (for New Hope Korean Church)

County Executive's Recommendation: *The County Executive has recused himself from making a recommendation on this requested map amendment, as explained in the following executive staff report.*

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> ▪ 16100 Block, Old Columbia Pike, Burtonsville ▪ Parcel P293, Waters Gift ▪ Property ID: 05-00251083 ▪ Map tile: WSSC – 221NE04; MD – KS562 ▪ East side of Old Columbia Pk., south of Dustin Rd, i ▪ RC Zone; 9.52 acres ▪ Fairland MP (1997) ▪ Lower Patuxent Watershed (MDE Use I) ▪ <u>Existing use:</u> farm ▪ <u>Proposed use:</u> Place of Worship – New Hope Korean Church; 1,700+-seat sanctuary, gym, kitchen, classrooms 	<p>Applicant's Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6 W-3 S-6 S-3</p> <p><u>Applicant's Explanation</u></p> <p>The site is currently being farmed. Now would like it to be developed for use as a place of worship for New Hope Korean Church (c/o Annie Kim.)</p> <p><i><u>DEP Note:</u> Given the master plan's recommendations for public sewer service for this area, the applicant is not filing for approval under the CWSP's PIF policy. However, the extension of public service to this site has raised significant controversy in the past and will likely do so again. The Council's consideration is warranted.</i></p>
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Executive Staff Report: The applicant has proposed use of public water and sewer service for the relocation of the New Hope Korean Church to this site. This will require changing the existing W-6 and S-6 categories to W-3 and S-3. The County Executive has found it necessary to recuse himself from making a recommendation for this request as he owns property in the nearby Patuxent Heights neighborhood. The following report examines the policies and issues affecting this request for a category map amendment without recommending a specific action to the Council.

Generally, public sewer service would not be considered for a property zoned Rural Cluster (RC); however, the Fairland Master Plan does allow for consideration of public water and sewer service for this specific property for approved special exception uses. Approval or conditional approval of this request would have to rely on that exceptional service recommendation in the master plan. As presented with a proposed capacity of a 1700-plus-seat sanctuary and the accompanying need for 430 parking spaces, the project appears unlikely to proceed without the provision of public water and sewer service.

M-NCPPC staff object to approval of this request on the grounds that the master plan specifically addresses special exception uses and that a house of worship is not a special exception use in the RC Zone. Note that while a house of worship is not strictly speaking a special exception use under the County's zoning ordinance, it is an allowed use under the RC Zone and comparable in terms size, use, and site impact to some special exception uses that could be considered here such as senior housing or a private school. Interpretation of the master plan's recommendations in this regard will need to be addressed first by the Planning Board and ultimately by the County Council.

In the fall of 2008, the Planning Board recommended against a category change request for a senior housing facility on this site (WSCCR 08A-PAX-01). The Board argued that a facility requiring public water and sewer service would be incompatible with the low-density, rural residential nature of the area intended under the zoning. In October 2008, the Council acted to deny this request, but primarily on the grounds that the application was premature. A special exception needed for the proposed use had not yet been filed and the Council lacked a concept plan show how the site would be developed.

In this case, a special exception is not required and the applicant has provided a concept plan for the project. The concept plan does raise an important concern for requests involving non-residential development in low-density zones: imperviousness, hard surfaces that prevent rain water from soaking into the soil. Institutional uses tend to result in levels of impervious surface that substantially exceed levels usually occurring for residential development in the same zone. In this specific case, the applicant has proposed to build no more than the 10 percent

PATUXENT RIVER CONSERVATION PLANNING AREA MAP AMENDMENTS

WSSCRS 09A-PAX-05 & -06: Pg. 4

maximum recommended impervious surface within the Patuxent River primary management area (PMA) on the site. However, this project still proposes approximately 40 percent impervious area (building, parking, driveways) within a low-density portion of the Patuxent Watershed.

Impervious surface limitations are not a part of the Water and Sewer Plan's policy formal criteria for evaluating non-residential category change requests, either through the private institutional facilities (PIF) policy or under general service policies. However, the amount of impervious surface that the provision of public water and sewer service can allow in a low-density area such as the RC Zone is an issue that the Council has found important in considering these requests. The Council has not formally established a maximum allowable impervious area for non-residential uses. In prior actions for private institutional uses in lower-density zones, the Council has pursued a maximum imperviousness of approximately 25 percent, and in the Patuxent River watershed less than 25 percent. Deferral of the request would allow the applicant time to significantly reduce the impervious surface shown on the concept plan, if possible.

The feasibility of the applicant's plan for providing public service to this project depends on two external factors:

- The approval and construction of the Burtonsville Crossing senior housing project to the south.
- WSSC's take over of existing private water and sewer mains on the site of the Burtonsville Crossing Shopping Center.

The applicant has proposed using water main and low-pressure sewer extensions along Old Columbia Pk. to the Burtonsville Crossing project site (WSSCR 09A-PAX-05). From there, water and gravity sewer mains serving both projects would extend to and connect with the private mains at the shopping center. WSSC is reviewing this proposal, a critical piece of which is the design, capacity, and condition of the private mains now owned by the shopping center. In the worst case, the senior housing project fails to receive approval and WSSC cannot take over the shopping center's mains. This would require the church to extend new mains further south past the shopping center, to mains closer to Sandy Spring Rd. (MD 198). However, the applicants have indicated that they are prepared to extend new mains to the existing WSSC mains at Sandy Spring Rd, if a takeover of the shopping center's mains is not feasible (see WSSC's comments, following).

The applicant has pursued this request with the concept that public water and sewer service is consistent with the master plan recommendations. Using a different approach, as a non-profit institution the request could be considered under the private institutional facilities (PIF) policy in the Water and Sewer Plan (see pgs. 23-26). The primary concern with the application of the PIF policy to this case would be with regard to the sewer main extension. The current proposal involves both a low-pressure sewer and a gravity sewer extension. The gravity main part of the extension would not be allowed to abut and therefore offer sewer service to properties not already acknowledged as part of the sewer service envelope. A more detailed design of the sewer main extension would be needed for that determination.

Agency Review Comments

M-NCPPC – Area 3 Team: Initial Comments - The Master Plan recommends community water service only for areas north of MD 198 zoned RC consistent with Water and Sewer plan policies. There is planned sewer services for areas zoned RC north of MD 198 except in this area *to support special exception uses as recommended in the [Master] Plan*. Water and sewer service to *approved special exception uses* will be considered on a case-by-case basis. (10/16/09)

M-NCPPC Follow Up Comments Based on Concept Plan Review - Our comments for the proposed Church located within the north remnant of Fairland's "Area #34" (page 68-71) have not changed significantly.

The Master Plan recommends community water service only for areas north of MD 198 zoned RC consistent with the Water and Sewer Plan policies.. No planned sewer services for areas zoned RC north of MD 198, except to support special exception uses as recommended in the Plan. This property is numbered area 34 in the Master Plan and is recommended for special exception uses such as day care or elderly housing in the portion between old US 29 and the new US 29. Water and sewer service to approved special exceptions considered on a case-by-case basis.

The church is not a special exception use and could only receive approval for sewer and water service through the PIF policy. Even that is a stretch with such a lengthy extension.

M-NCPPC – Parks Planning: There are no park impacts.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

PATUXENT RIVER CONSERVATION PLANNING AREA MAP AMENDMENTS

WSCCRS 09A-PAX-05 & -06: Pg. 5

WSSC - Water: A 3,800-foot-long water extension along Old Columbia Pike is required to serve the property. This extension would connect to the existing 20-inch water main on Sandy Spring Road, MD. Rt. 198 (contract no.57BL0269) and would abut approximately 16 properties in addition to the applicant's. PEPCO rights-of-way would be required. Construction of this extension may involve removal of trees. Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) may be required to serve the property. *DEP note: 2,000 feet of this water main extension would also be needed to serve the nearby senior housing project (WSCCR 09A-PAX-05).*

WSSC - Sewer: A preliminary plan showing the proposed sewer alignment is required. Site topography indicates gravity sewer is not feasible. The proposed building first floor elevation and an estimated sewage flow and or fixture unit counts are required, prior to low pressure sewer system or wastewater pumping station scenarios can be evaluated.

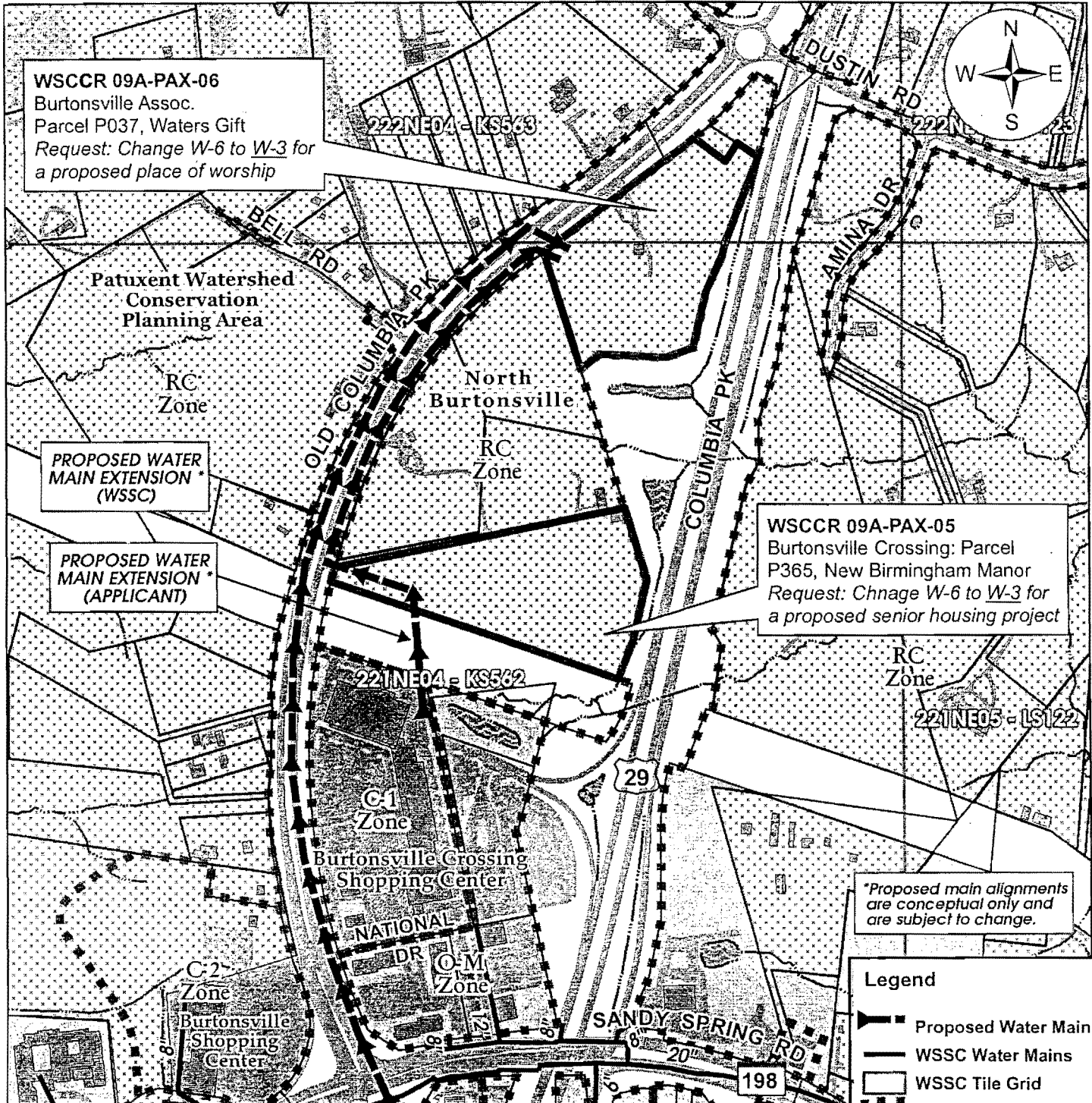
WSSC Addendum for the applicant's proposal (2/15/11): The sewer onsite system for the "Burtonsville Crossing", onsite # 86OS0105, has sufficient capacity to handle the additional flow from the proposed 80 Senior Housing units and 1726 seats Korean Church. Please note that if WSSC has to take over this onsite system before connection can be made, it will take years for this process. Some 8" sewers are @ 0.5% slope & do not meet our design criteria and this is the reason that WSSC may need to take over the on-site.

DPS – Well & Septic: Given the nature of the proposal, an on-site sewage disposal system may not be possible.

ADS:ads/

R:\Programs\Water_and_Sewer\Projects\actions-COUNCIL\packets\2011mar\ce-pckt\final\draft-staff-rpt=09a-pax-05-06=final.doc

Water Service Area Categories Map: WSSCRs 09A-PAX-05 & -06 (Burtonsville Crossing & Burtonsville Assoc.)



WSSCR 09A-PAX-06
Burtonsville Assoc.
Parcel P037, Waters Gift
Request: Change W-6 to W-3 for
a proposed place of worship

WSSCR 09A-PAX-05
Burtonsville Crossing: Parcel
P365, New Birmingham Manor
Request: Chngae W-6 to W-3 for
a proposed senior housing project

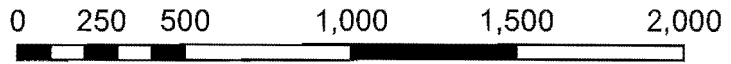
*Proposed main alignments
are conceptual only and
are subject to change.

Legend


- Proposed Water Main
- WSSC Water Mains
- WSSC Tile Grid
- Zoning Boundaries
- Existing Parkland

Water Categories


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



SCALE (Feet)

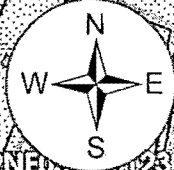
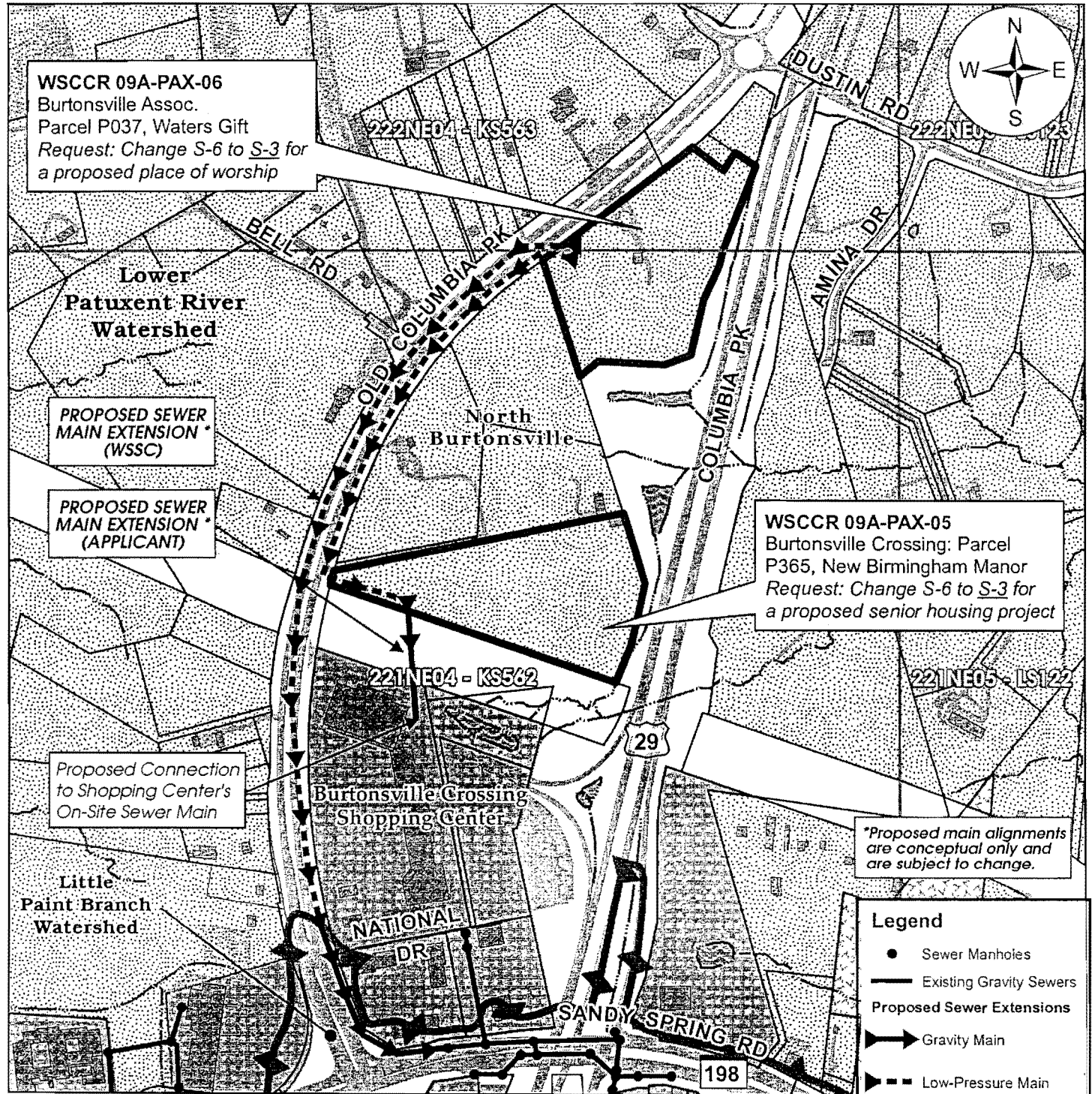


DEP
Water and Wastewater
Policy Group



Montgomery County, Maryland
Draft 2010 Comprehensive Water Supply
and Sewerage Systems Plan

Sewer Service Area Categories Map: WSSCRs 09A-PAX-05 & -06 (Burtonsville Crossing & Burtonsville Assoc.)



WSSCR 09A-PAX-06
Burtonsville Assoc.
Parcel P037, Waters Gift
Request: Change S-6 to S-3 for
a proposed place of worship

WSSCR 09A-PAX-05
Burtonsville Crossing: Parcel
P365, New Birmingham Manor
Request: Change S-6 to S-3 for
a proposed senior housing project

**Proposed main alignments
are conceptual only and
are subject to change.*

Legend

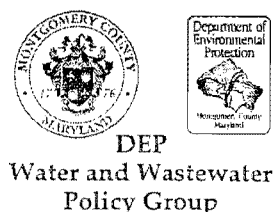
- Sewer Manholes
- Existing Gravity Sewers
- Proposed Sewer Extensions
 - Gravity Main
 - Low-Pressure Main
- WSSC Tile Grid
- ▭ Major Watersheds
- ▨ Existing Parkland

Sewer Categories

- S-1
- ▨ S-3
- ▨ S-6

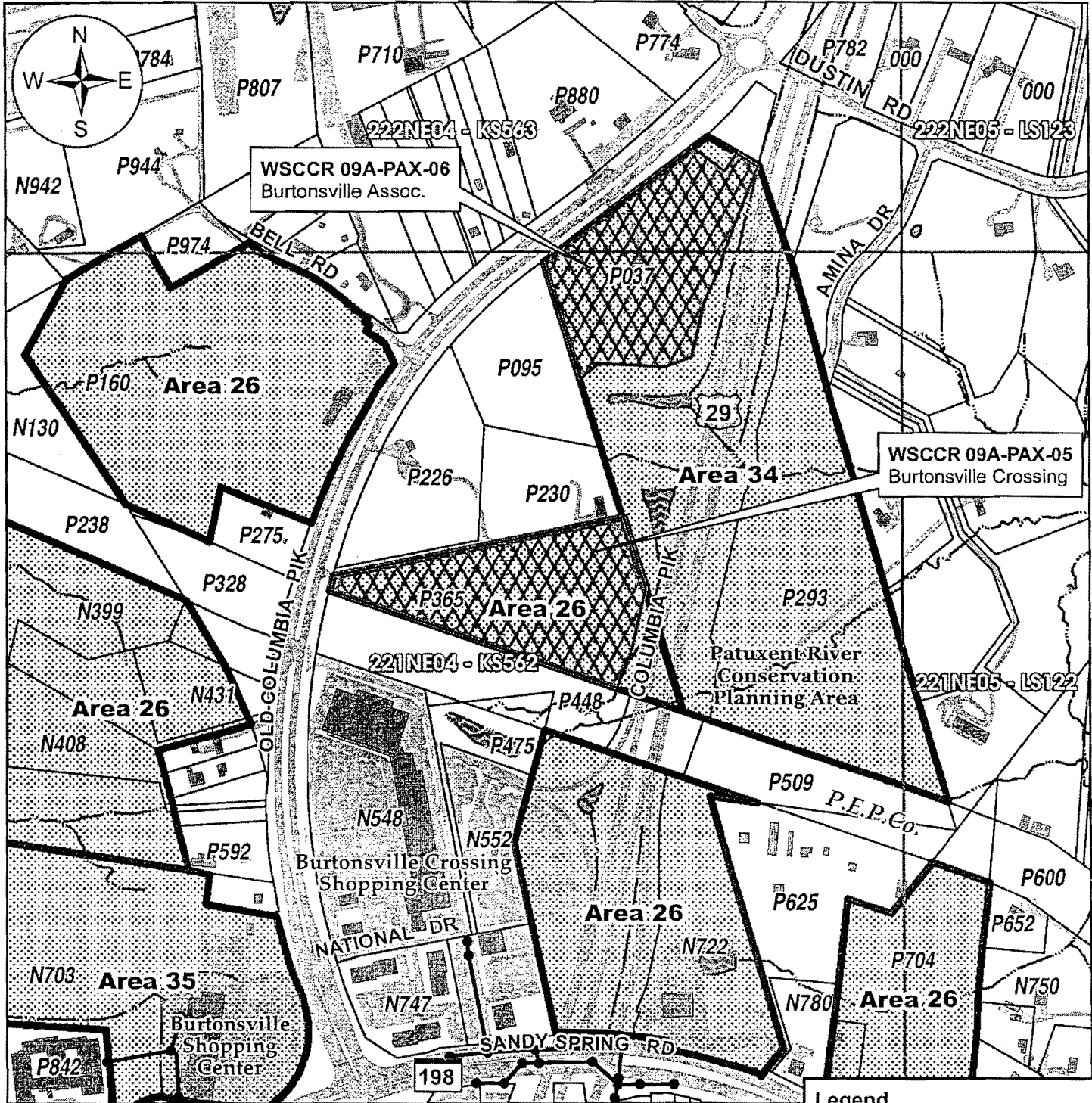


SCALE (Feet)



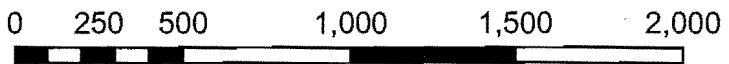
Montgomery County, Maryland
Draft 2010 Comprehensive Water Supply
and Sewerage Systems Plan

Water/Sewer Service Area Category Change Map: WSSCRs 09A-PAX-05 & -06 -- Fairland Master Plan Recommendations



Legend

- Sewer Manholes
- Low-Pressure Sewer
- WSSC Gravity Sewers
- WSSC Tile Grid
- Streams
- ⊗ Subject Sites
- ▨ Master Plan Recommendation Area



SCALE (Feet)

Montgomery County, Maryland
Draft 2010 Comprehensive Water Supply
and Sewerage Systems Plan



DEP
Water and Wastewater
Policy Group

* If signing as owner's representative, you must state on the Title line the legal capacity in which you are acting, e.g., as attorney-in-fact or trustee, or as president or partner of a corporation, partnership, or LLC. Please note, a contract purchaser may not file a category change application.

2) Property/Site Description and Development:

Address: Columbia Pike, New Birmingham Manor, Map K562
Property's TAX ID # (please provide, if known) 05-272438
Property/Site Size: 11.14 acres Identification: (ie, Parcel #) R365
Location/Closest cross-street: Old Columbia Pike & Route 198
Current Use: vacant Proposed Use: Senior Housing
Subdivision Plan No. & Status _____

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W- 6 Requested Water Category: W - 3 OR No Change_s Multi-Use_s Shared_s
Current Sewer Category: S 6 Requested Sewer Category: S 3 OR No Change_s Multi-Use_s Shared_s

4) Reason for request; state current use of site and intended change in usage, if any:

The site is currently vacant. The County has requested that our Senior Housing Project, that was previously submitted to the North, be located closer to the shopping Center.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water 6 Sewer 6

WSSC Tile 221NE04

Tax Map K5562

Plan No.

Process

Master Plan Fairland

Planning Area Patuxent

Zoning RC

Zoning Activity

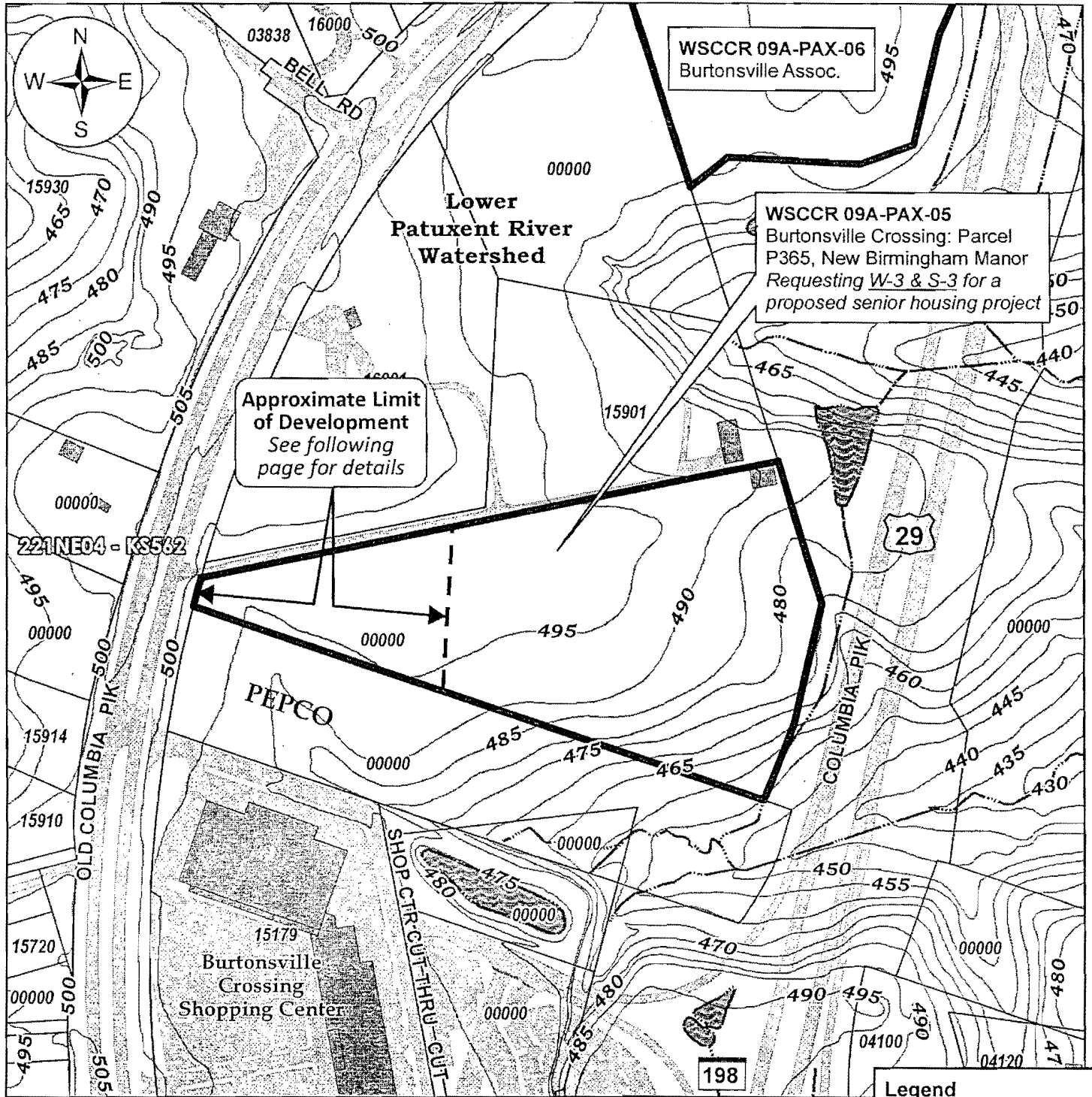
Watershed Patuxent

CSPS Subwatershed

State Watershed Use Class

GIS File

Water/Sewer Service Area Category Change WSSCRs 09A-PAX-05 (Burtonsville Crossing): Proposed Development Area



Approximate Limit of Development
See following page for details

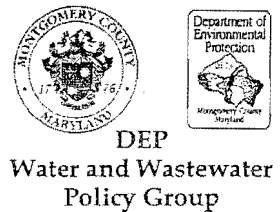
WSSCR 09A-PAX-06
Burtonsville Assoc.

WSSCR 09A-PAX-05
Burtonsville Crossing: Parcel P365, New Birmingham Manor
Requesting W-3 & S-3 for a proposed senior housing project

Legend	
●	Sewer Manholes
- - -	Low-Pressure Sewer
—	WSSC Gravity Sewers
□	WSSC Tile Grid
—	Topography (5 ft. c.i.)
—	Streams
▨	Existing Parkland



SCALE (Feet)



Montgomery County, Maryland
Draft 2010 Comprehensive Water Supply
and Sewerage Systems Plan

VICINITY MAP
 SCALE: 1" = 2000'
 SANDY SPRINGS RD

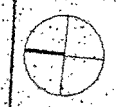
500.9

171.9

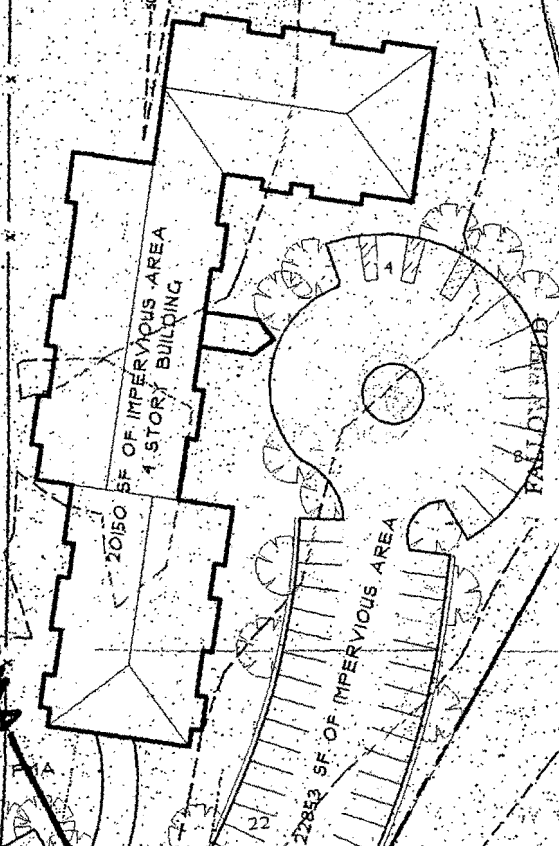
500

OLD ROUTE 29
 150' WIDE R.O.W. 10087 & 10088
 NORTH BOUND LINES

N 79°45'08" E



PARCEL P365
 TAX MAP KS6
 L 26201 F 36
 11.14 AC



510
510

N 70°55'08" W

488.1

492.6

P.E.P.

WSCR 09A-PAY-05
 PROPOSED SR. HOUSING PROJECT

16

corporation, partnership, or LLC. Please note, a contract purchaser may not file a category change application.

2) Property/Site Description and Development:

Address: Columbia Pike, Waters Gift, Map KS62
Property's TAX ID # (please provide, if known) 05-00251083
Property/Site Size: 9.52 acres Identification: (ie, Parcel #) P293
Location/Closest cross-street: Old Columbia Pike & Dustin Road
Current Use: vacant Proposed Use: Church
Subdivision Plan No. & Status _____

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W- 6 Requested Water Category: W - 3 OR No Change< Multi-Use< Shared<
Current Sewer Category: S 6 Requested Sewer Category: S 3 OR No Change< Multi-Use< Shared<

4) Reason for request; state current use of site and intended change in usage, if any:

The site is currently being farmed. It is now being developed for use as a place of worship:

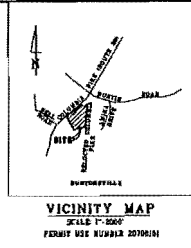
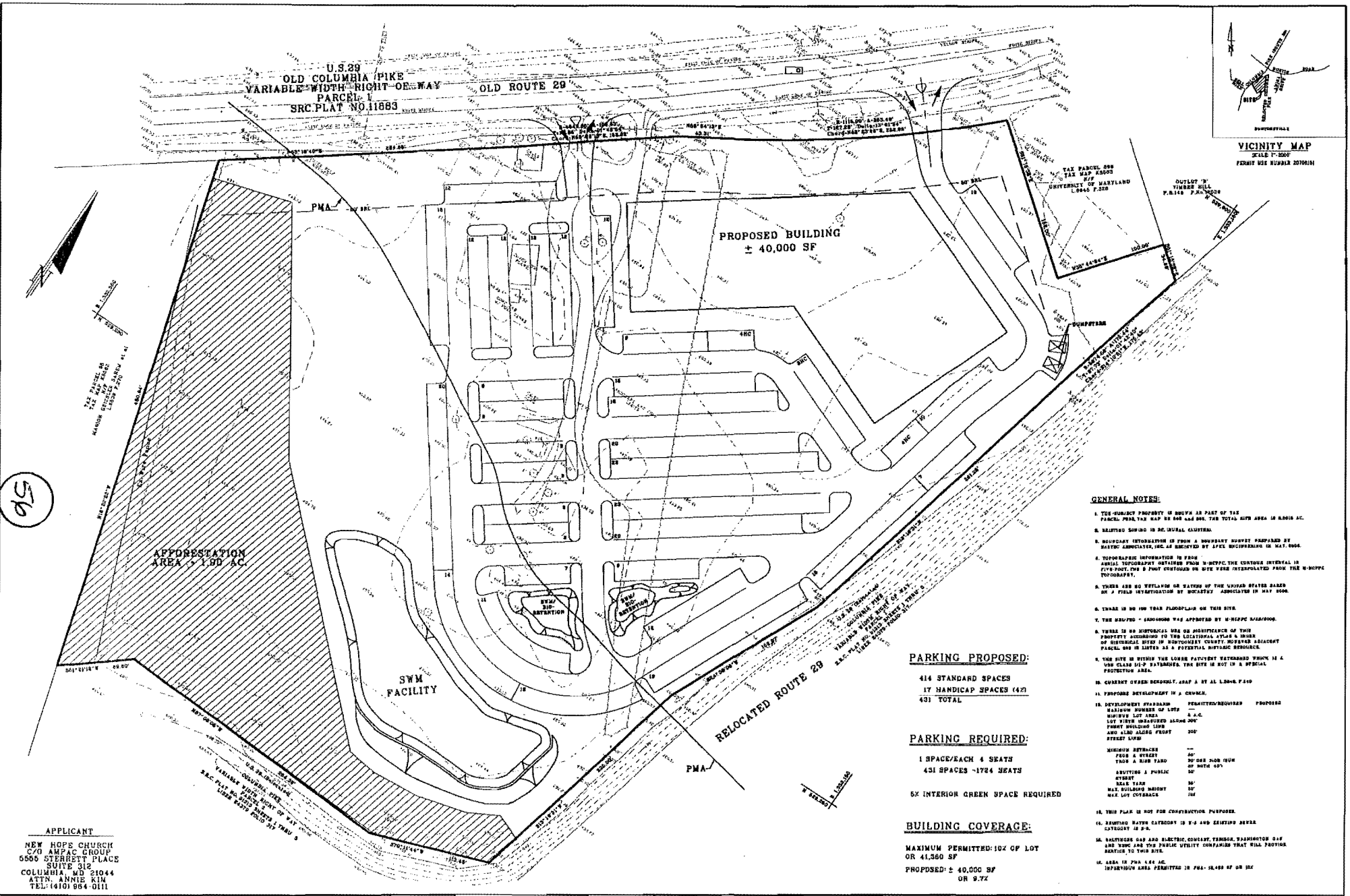
New Hope Korean Church, c/o Annie Kim (410-964-0111)
Reaching Hearts International, c/o Pastor Michael Oxentenکو (866-794-3278)
Jain Society of Metropolitan Washington (301-236-4466)

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water 6 Sewer 6
WSSC Tile 221 NE04
Tax Map KS 562
Plan No.
Process
Master Plan Fairland
Planning Area Patuxent
Zoning RC
Zoning Activity
Watershed Patuxent
CSPS Subwatershed
State Watershed Use Class
GIS File



- GENERAL NOTES:**
1. THE SUBJECT PROPERTY IS SHOWN AS PART OF THE PARCEL PER THE MAP BE 848 AND BEG. THE TOTAL SITE AREA IS 8.8318 AC.
 2. EXISTING BUILDING IS BE USUAL CLUSTER.
 3. BOUNDARY INFORMATION IS FROM A BOUNDARY SURVEY PREPARED BY BENTLEY ASSOCIATES, INC. AS SHOWN BY LINES ACCORDING TO MAP 848.
 4. TOPOGRAPHIC INFORMATION IS FROM AERIAL PHOTOGRAPHY OBTAINED FROM N-8272C. THE CONTOUR INTERVAL IS FIVE FEET. THE 5 FOOT CONTOUR ON SITE WERE INTERPOLATED FROM THE N-8272C PHOTOGRAPHY.
 5. THERE ARE NO WETLANDS OR WATERS OF THE UNITED STATES BASED ON A FIELD INVESTIGATION BY SOCIETAS ASSOCIATES IN MAY 2000.
 6. THERE IS NO 100 YEAR FLOODPLAIN ON THIS SITE.
 7. THE RESULT - 100040000 WAS APPROVED BY N-8272C 04/26/00.
 8. THERE IS NO HISTORICAL USE OR MONUMENTATION OF THIS PROPERTY ACCORDING TO THE LOCAL HISTORICAL AND ARCHAEOLOGICAL DIVISION OF MONTGOMERY COUNTY. HOWEVER ADJACENT PARCEL 89 IS LISTED AS A POTENTIAL HISTORIC RESOURCE.
 9. THE SITE IS WITHIN THE LOWER PATENT VETERANS TRACT IS A USE CLASSIFIED "A" ZONING. THE SITE IS NOT IN A SPECIAL PROTECTION AREA.
 10. CURRENT OWNER: BENTLEY, JASAP & BY AT 1.2046 P.140
 11. PROPOSED DEVELOPMENT IS A CHURCH.
 12. DEVELOPMENT STANDARDS:

MAXIMUM NUMBER OF LOTS	PERMITTED/REQUIRED	PROPOSED
MINIMUM LOT AREA	—	—
LOT VETERAN UNBUILT 1000 SQ FT	—	—
STREET BUILDING LINE	—	—
STREET WIDE	30'	30'
 13. MINIMUM SETBACKS:

FRONT & STREET	—
FRONT & SIDE YARD	30' OR 20% FROM
ADJUTING A PUBLIC STREET	30' OF BOTH 40'
REAR YARD	30'
MAX. BUILDING HEIGHT	35'
MAX. LOT COVERAGE	30%
 14. THIS PLAN IS NOT FOR CONSTRUCTION PURPOSES.
 15. EXISTING WATER CATCHMENT IS 9.3 AND EXISTING SEWER CAPACITY IS 2.8.
 16. ELECTRIC SERVICE AND ELECTRIC CONDUIT, TRANSFORMER, DISTRIBUTION BOX AND WINDING ARE THE PUBLIC UTILITY COMPANIES THAT WILL PROVIDE SERVICE TO THIS SITE.
 17. AREA IS 794.44 AC.
 18. IMPROVEMENT AREA PERMITTED IS 794.18-0000 OF 87.0

PARKING PROPOSED:

414 STANDARD SPACES
 17 HANDICAP SPACES (4%)
 431 TOTAL

PARKING REQUIRED:

1 SPACE/EACH 4 SEATS
 431 SPACES - 1724 SEATS
 5X INTERIOR GREEN SPACE REQUIRED

BUILDING COVERAGE:

MAXIMUM PERMITTED: 10% OF LOT
 OR 41,360 SF
 PROPOSED: ± 40,000 SF
 OR 9.7%

Petra Engineering LLC
 5840 BANNEKER ROAD, SUITE 100
 COLUMBIA, MARYLAND 21044
 OFFICE (443) 278-0310
 FAX (443) 278-0319

NO.	REVISION	BY	DATE	CHECKED	DATE
			FEB 2009		
			DESIGNED	KVC	
			TRACED	NEC	
			CHECKED	KVC	

SCALE
 1"=30'

JOB NO.
 1009

CONCEPTUAL LAYOUT

CONCEPTUAL LAYOUT
 NEW HOPE CHURCH

578 ICHESTERVILLE ELECTION DISTRICT
 MONTGOMERY COUNTY, MD

J. or
 1

TOTAL SHEETS IS 2/1

WISCR 09A-PAX-06

TRAVILAH PLANNING AREA MAP AMENDMENTS

Background – Glen Hills

The following category change requests are for properties located in the Glen Hills area, southwest of Rockville. The 2002 Potomac Subregion Master Plan specifically addresses sewer service recommendations in the Glen Hills area (see pgs. 59-60). It calls for the provision of public sewer service *only* to relieve documented public health problems, pending a study of the area's septic systems. The proposed study would determine the potential extent of septic problems and how to continue to support the neighborhood with either on-site systems or limited sewer service extensions. Pending the completion of the septic system study, the master plan does not support any other provision of public sewer service in the Glen Hills area, except only to relieve documented public health problems. Properties otherwise qualifying for sewer service under the Water and Sewer Plan's abutting mains policy are also restricted from sewer approval pending completion of the study.

At present, DEP has placed the Glen Hills septic study on hold, pending work on the following:

- A county-wide evaluation and prioritization of potential health problem areas.
- A re-examination of water and sewer main extension costs, which currently prohibit most individual public service extensions, including those needed to relieve health problems.
- A concept plan for actively promoting adequate long-term operation and maintenance of on-site systems.

DEP will continue to address individual health problems in the Glen Hills area on a case-by-case basis as they are identified by DPS.

WSSCRs 09A-TRV-02 & -03: Ted and Roxanne Smart

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

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> ▪ 13000 Block, Valley Dr., Rockville ▪ -02: Parcel P592, Discover & Younger Brothers; dist & acct no.: 04-00047883 ▪ -03: Parcel P651, Wickham & Pottinger; dist & acct no.: 04-00047894 ▪ Map tile – MD: FR51; WSSC: 217NW09 ▪ Southeast quadrant, intersection of valley Dr. and Cleveland Dr. ▪ Travilah Planning Area Potomac Subregion Master Plan (2002) ▪ Watts Branch Watershed (MDE Use I) ▪ RE-1 Zone; 1.61 & 2.20 acres ▪ Existing use: unimproved ▪ Proposed use: one single-family house on each of two parcels. 	<p><u>Existing – Requested – Service Area Categories</u></p> <p><u>09A-TRV-02</u> W-1 W-1 (no change) S-6 S-3</p> <p><u>09A-TRV-03</u> W-3 W-3 (no change) S-6 S-3</p> <p><u>Applicants Explanation</u></p> <p>"The parcels are exempt from subdivision and public sewer (pressure) is located in Cleveland Dr. Conventional percolation test results have not been successful."</p>

Executive Staff Report: The applicants have requested approval of sewer category S-3 in order to allow the provision of public sewer service to two existing, unimproved parcels in the Glen Hills neighborhoods. The properties are zoned RE-1 and as such are generally ineligible for public sewer service. The 2002 master plan recommendations acknowledge the use of public sewer service to address specific documented health problems in this neighborhood. Although DPS has noted that the parcels are not suited for conventional septic systems, these parcels cannot, as unimproved properties, qualify for service under a health problem policy. The broader issue of an area-wide health problem will need to await a comprehensive septic system study, as recommended in the master plan. (See the preceding background information.) DEP staff cannot find a justification on which to base an approval for category S-3; deny the requests and maintain category S-6.

In rejecting the applicants' proposal to serve these properties from a nearby low-pressure sewer, WSSC's report acknowledges the option of extending a gravity sewer main to serve these and potentially other properties in the

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's March 2011 Transmittal Packet

TRAVILAH PLANNING AREA MAP AMENDMENTS

WSSCRs 09A-TRV-02 & -03: Pg. 2

immediate area. That this gravity sewer extension would need to run through a largely wooded tributary valley of Watts Branch raises an increasingly common question addressing the use of gravity versus pressure sewer systems. The results of a comprehensive septic system study will be needed before evaluating the benefits and problems resulting from the proposed use of either a gravity or pressure public sewerage system.

Agency Review Comments

M-NCPPC – Environmental Planning (now Area 3 Planning Team): The 2002 Potomac Subregion Master Plan approved and adopted master plan specifically recommends an interagency study to comprehensively address and recommend sewer solutions for the Glen Hills area. Pending completion of this study, staff recommends denial of these category change requests. Deny S-3.

WSSC - Sewer: An 1,800-foot-long, non-CIP-sized, sewer extension is required to serve the properties. This extension would connect to the 8-inch sewer in Overlea Dr. (contract no. 83-5793A) and would abut approximately 9 properties in addition to the applicant's. Rights-of-way would be required. Construction of this extension may involve the removal of trees. Expected flow: 600 gpd; interceptor and treatment capacity are adequate.

DEP Note: The applicants have proposed an alternate sewer extension which would require an 800-foot low-pressure main extension to an existing 1-1/4-inch pressure sewer along Cleveland Dr. The extension would abut 6 properties in addition to the applicants'. However, WSSC reports that, "An extension to the pressure sewer in Cleveland Dr. would not be approved because there is a feasible gravity alternative."

DPS – Well & Septic: These properties have failed percolation testing and are unsuitable for an onsite waste disposal system.

ADS:ads/

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

Sewer Service Recommendations

- **Provide community sewer service in the Subregion generally in conformance with *Water and Sewer Plan* service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service 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 proposed sewer service envelope. (See Foldout Map D.) Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extensions, if needed, along roads rather than through stream valleys.**
- **Help to protect water quality in the Stoney Creek subwatershed of Watts Branch by requiring that sewer main extensions to serve the few properties approved for community service be located along River and Stoney Creek Roads, rather than along the stream valley.**
- **Deny the provision of community sewer service to the areas zoned R-200 near the intersection of River and Seneca Roads.**

Glen Hills Area

The Glen Hills area consists of several established subdivisions with lots generally at least one acre in size. Most of the lots were established in the 1950's and 60's using septic systems. At that time, septic standards did not include septic buffers, water table testing, multiple depth testing, and the consideration of fractured rock. The Department of Permitting Services (MCDPS) has raised concerns about the periodic septic failures which occur in the neighborhood because subsurface conditions often do not allow for replacement systems which satisfy current septic regulations. This Plan supports a study of the septic failures in Glen Hills to develop the measures necessary to ensure

the long-term sustainability of septic service for new home construction and existing home renovations, and to address the need for limited sewer extensions if needed. This study, conducted in conjunction with the citizens of this area and the appropriate public agencies, shall include the following elements:

- Delineation and possible reasons for known septic failures.
- Groundwater testing if needed.
- Preparation of a logical and systematic plan for providing community sewer service if needed.
- Emphasis on extension of sewer mains within public right-of-way rather than within stream valleys.
- An evaluation and recommendation of the abutting mains policy for this area.
- Exclusion of properties that are environmentally sensitive and cannot be developed in conformance with established environmental guidelines.

This Plan recommends restricting further sewer extensions in Glen Hills to those needed to relieve documented public health problems resulting from failed septic systems. New sewer main extensions needed to relieve public health problems will be evaluated on a case-by-case basis for logical, economical, and environmentally sensitive extensions of service, with an emphasis on locating main extensions along public right-of-way, rather than stream valleys. Because of the concern that the sewer envelope will expand inappropriately, the abutting mains policy should be deferred subject to the results of the Glen Hills study.

Glen Hills Recommendation

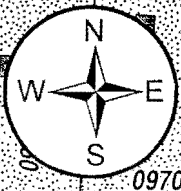
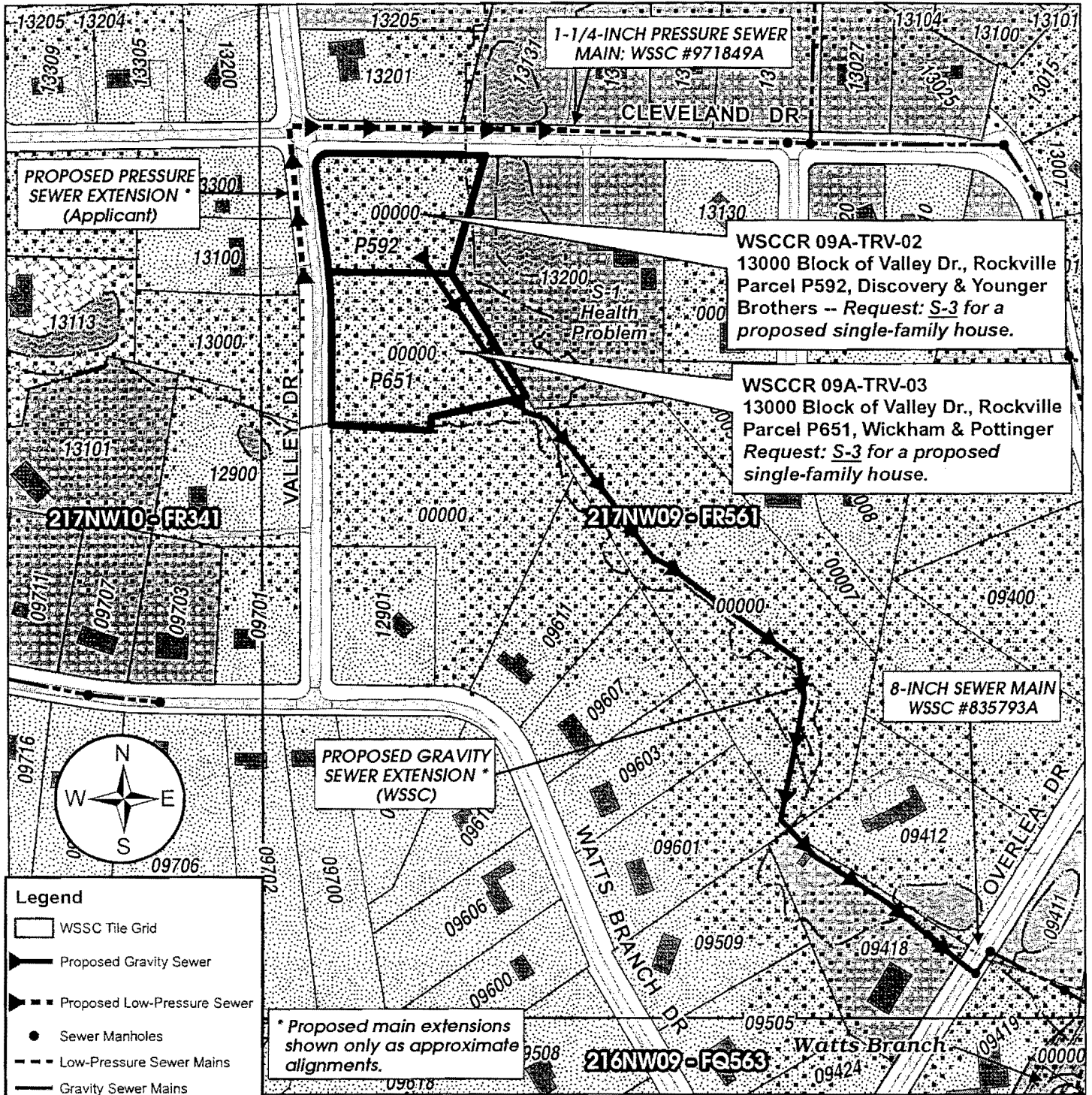
- **Conduct a study described above of the Glen Hills area. Based on the results of that study develop a policy outlining the measures needed to ensure the long-term sustainability of septic service for new home construction and existing home renovations, minimizing the need for future sewer service extensions. Under this policy the sole basis for providing new sewer service would be well-documented septic failures where extension could be provided consistent with results of the study and in a logical, economical, and environmentally acceptable manner. Until a policy is developed, restrict further sewer service extensions in Glen Hills to properties with documented public health problems resulting from septic system failures.**

Piney Branch Subwatershed

The Piney Branch subwatershed presents a specific sewer service issue. Shallow bedrock and poor percolation rates severely limit development potential in the Piney Branch, Sandy Branch, and Greenbriar Branch basins unless sewer service is provided. However, these areas tend to have fragile or rare plant and animal communities as well as good water quality. The Piney Branch Trunk Sewer was constructed to serve development generated by TDRs in the upper subwatershed in North Potomac. Concerned over the potential environmental damage that could result from increased development density due to the availability of community sewer service along the rest of Piney Branch, the Council adopted a restricted sewer access policy for the subwatershed. This restricted



Sewer Service Area Categories Map WSSCR 09A-TRV-02 & -03 (Ted & Roxanne Smart)



Legend

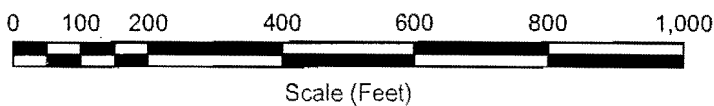
- WSSC Tile Grid
- Proposed Gravity Sewer
- Proposed Low-Pressure Sewer
- Sewer Manholes
- Low-Pressure Sewer Mains
- Gravity Sewer Mains
- Existing Parkland
- Woodlands

Sewer Categories

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

* Proposed main extensions shown only as approximate alignments.

Travilah Planning Area Watts Br. Watershed



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

DEP
Water and Wastewater
Policy Group

2) Property/Site Description and Development:

Address Valley Drive, Rockville, MD 20850 – Cleveland Drive is nearest cross street

Property's TAX ID # *(please provide, if known)* _____

Property/Site Size 1.61 acres Identification (ie, Parcel #) P592

Location/Closest cross-street Valley Drive at intersection of Cleveland Drive

Current Use Vacant Proposed Use Residence

Subdivision Plan No. & Status N/A

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W-1 Requested Water Category: W-1 OR No Change Multi-Use Shared

Current Sewer Category: S-6 Requested Sewer Category: S-3 OR No Change Multi-Use Shared

4) Reason for request; state current use of site and intended change in usage, if any:

The parcels are exempt from subdivision and public sewer (pressure) is located in Cleveland Drive. Conventional percolation test results have not been successful.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water	Sewer
WSSC Tile	217NW09
Tax Map	FR561
Plan No.	-
Process	COUNCIL
Master Plan	POTOMAC (2002)
Planning Area	TRAVILAH
Zoning	RE-1
Zoning Activity	-
Watershed	WATB BR
CSPS Subwatershed	
State Watershed Use Class	I
GIS File	

2) Property/Site Description and Development:

Address Valley Drive, Rockville, MD 20850 – Cleveland Drive is nearest cross street

Property's TAX ID # (please provide, if known) _____

Property/Site Size 2.2 acres Identification (ie, Parcel #) P651

Location/Closest cross-street Valley Drive at intersection of Cleveland Drive

Current Use Vacant Proposed Use Residence

Subdivision Plan No. & Status N/A

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W-1 Requested Water Category: W-1 OR No Change Multi-Use Shared

Current Sewer Category: S-6 Requested Sewer Category: S-3 OR No Change Multi-Use Shared

4) Reason for request; state current use of site and intended change in usage, if any:

The parcels are exempt from subdivision and public sewer (pressure) is located in Cleveland Drive. Conventional percolation test results have not been successful.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water	Sewer <input checked="" type="checkbox"/>
WSSC Tile	217NW09
Tax Map	FR561
Plan No.	-
Process	COUNCIL
Master Plan	PCORDMAZ (2002)
Planning Area	TRAVILAN
Zoning	RE-1
Zoning Activity	-
Watershed	WATS BCR
CSPS Subwatershed	
State Watershed Use Class	I
GIS File	

WSSCRs 09A-TRV-02
-03



RECEIVED

OCT 07 2009

Environmental
Protection

October 7, 2009

Montgomery County
Department of Environmental Protection
255 Rockville Pike
Suite 120
Rockville, MD 20850-4166

Attn: Mr. Alan Soukup

Re: WSSCR 09A-TRV-02 & 09A-TRV-03

Dear Alan,

Pursuant to our telephone conversation, I am writing you to request that the referenced sewer category change applications be further deferred until the Spring 2010 first package to the County Council for their review and later public hearing. This last deferral request represents an approximate one year deferral and I do not see any reason why this would be a problem or some kind of burden on the county.

Although the Glen Hills septic study is way later than county residents were told, it was to be accomplished and now may never happen and the county 3 year sewer plan hasn't been updated in 6 years, neither are reasons for my request for deferral. As I explained on our call, the last two years have been extremely tough on our business. All our companies have filed for chapter 11 protection and we have struggled just to survive. It is likely I have developed and built on our last lots ever in Montgomery County and our family business of over 40 years will be completely wiped out. I've been focused solely on surviving and watching out for my family's interest with little time to pursue the sewer category changes as I intended

The main reason for the deferral request is to continue collecting data, understanding the issues and to meet with not only county agency personnel, local residents and interested parties, but county council members as well. I have yet to obtain all of the information we would like from the county health department and WSSC. I need time to put together some exhibits and then I may be fully informed and prepared to meet with the power that be. I should not be denied my rights to pursue the issue in this manner, even if it takes a little longer than is customary.

If you still find reason to deny my request for a deferral, as an alternative or compromise, I would agree to withdrawal my applications conditioned upon waiver of the application fees we have paid at upon a re-application within 18 months or an immediate refund of those fees upon withdrawal.

I thank you in advance for your fair consideration.

Sincerely,

Ted N. Smart
President

CA

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
 County Executive's March 2011 Transmittal Packet

TRAVILAH PLANNING AREA MAP AMENDMENTS

WSCCR 11A-TRV-01: Pg. 1

Background – Glen Hills & Piney Branch Watershed

The following category change request is for a property located in the Glen Hills area, southwest of Rockville. The 2002 Potomac Subregion Master Plan specifically addresses sewer service recommendations in the Glen Hills area (see pgs. 59-60). It calls for the provision of public sewer service *only* to relieve documented public health problems, pending a study of the area's septic systems. The proposed study would determine the potential extent of septic problems and how to continue to support the neighborhood with either on-site systems or limited sewer service extensions. Pending the completion of the septic system study, the master plan does not support any other provision of public sewer service in the Glen Hills area, except only to relieve documented public health problems. Properties otherwise qualifying for sewer service under the Water and Sewer Plan's abutting mains policy are also restricted from sewer approval pending completion of the study.

At present, DEP has placed the Glen Hills septic study on hold, pending work on the following:

- A county-wide evaluation and prioritization of potential health problem areas.
- A re-examination of water and sewer main extension costs, which currently prohibit most individual public service extensions, including those needed to relieve health problems.
- A concept plan for actively promoting adequate long-term operation and maintenance of on-site systems.

DEP will continue to address individual health problems in the Glen Hills area on a case-by-case basis as they are identified by DPS.

The request is also located within the Piney Branch Subwatershed of Watts Branch, where the Water and Sewer Plan also restricts the provision of public sewer service to properties that qualify under one of six conditions (see pgs. 67-68).

WSCCRs 11A-TRV-01: Christopher & Christina Marshall

County Executive's Recommendation: Deny the request for S-1; maintain S-6.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 12805 Spring Dr., Rockville • Property ID: Lot 22, Block 2, Sect. 3, Glen Hills; district 04, acct. no.00078632 • Map tile: WSSC – 217NW10; MD – FR41 • East side of Spring Dr., north of Circle Dr. • RE-1 Zone; 44,802 sq.ft. (1.03 ac.) • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I), Piney Branch subwatershed (Mont. Co. SPA) • <u>Existing use</u>: 1 single-family house (built 1964) • <u>Proposed use</u>: same 	<p>Applicant's Request: Service Area Categories & Justification</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-bottom: 1px solid black; width: 50%;"><u>Existing –</u></td> <td style="border-bottom: 1px solid black; width: 50%;"><u>Requested –</u></td> <td style="border-bottom: 1px solid black;"><u>Service Area Categories</u></td> </tr> <tr> <td>W-1</td> <td>W-1 (no change)</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-1</td> <td></td> </tr> </table> <p><u>Applicant's Explanation</u></p> <p>"Our house (12805 Spring Dr.) was purchased on March 29, 2010. As part of the purchase, the septic system was pumped, inspected and approved. Within a few weeks we began to smell odors in several places on the property. Using the information left behind by the previous owner we called the two former septic companies that have done work on the property. This led us to contact the county for the property's background and history. <i>(continues below)</i></p> <p>"We have learned that the previous owner has an extensive history of trying to make septic work on a property that is not well suited for septic. In short, our water table is high, and consequently, our septic field has to be dug shallow and cast wide so that they must cover much of our property. We have been informed that our septic system is minimally adequate and when it fails we will need to hook up to public sewer.</p> <p>"As a family with two young children (5 and 7 years old), it would be a mistake for us to wait for this kind of emergent situation to act. We understand that septic systems are most likely to fail in weather that is not conducive to the extensive plumbing work that would be required for us to connect. Additionally, we do not want to worry about these odors as our children run freely about in their new yard.</p> <p>"We respectfully request that the council consider acting proactively for our case and approve our request to connect to public sewer. Our neighbors on either side are connected to public sewer and we have been informed that the sewer line is available in front of our house."</p>	<u>Existing –</u>	<u>Requested –</u>	<u>Service Area Categories</u>	W-1	W-1 (no change)		S-6	S-1	
<u>Existing –</u>	<u>Requested –</u>	<u>Service Area Categories</u>								
W-1	W-1 (no change)									
S-6	S-1									

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's March 2011 Transmittal Packet

TRAVILAH PLANNING AREA MAP AMENDMENTS

WSSCC 11A-TRV-01: Pg. 2

Executive Staff Report: The applicants have requested approval of sewer category S-1 in order to allow the provision of public sewer service to the existing single-family house at this location. The property is zoned RE-1 and as such is generally ineligible for public sewer service. The 2002 master plan recommendations acknowledge the use of public sewer service to address documented health problems in this neighborhood. DPS has noted general problems for septic system suitability in this area, and believe that providing a connection to public sewer service now will prevent a future public health problem. However, they have not confirmed an existing public health problem. The Glen Hills sewer service restrictions supersede the application of the abutting mains policy for this property, which would ordinarily allow for a single sewer hookup from the abutting main along Spring Dr. (This would also have applied under the Piney Branch restricted sewer access policy.) Between the service restrictions imposed by both the Glen Hills and Piney Branch sewer policies (see the preceding background information), DEP staff cannot justify an approval for category S-1; deny the request and maintain category S-6.

Agency Review Comments

M-NCPPC – Environmental Planning (now Area 3 Planning Team): The 2002 Potomac Subregion Master Plan specifically recommends an inter-agency study to comprehensively address and recommend sewer solutions within the Glen Hills neighborhood. The only exception within the Piney Branch watershed is for failing systems that are considered public health problems. There is no documented health problem with this property. Pending completion of the Glen Hills study, staff recommends denial of this category change request. Recommendation: Deny S-3

M-NCPPC – Parks Planning: No existing Park impact.

WSSC - Sewer: An 8-inch sewer line in Spring Dr. abuts the property (contract no. 04-3976X). Average wastewater flow from the existing unit: 302 GPD. Program-sized sewer mains are not required to serve the property. Interceptor and treatment capacity are adequate.

DPS – Well & Septic: The area is well known as a “shallow groundwater” area; and the present septic system was “pumped” to the highest portion of the lot - allowing no area for future replacement. Properties to either side already have sewer service[*] and the connection of this house will only serve to eliminate a certain public health issue in the future. We support the connection.

**DEP Note – Clarification of DPS Comments:* According to WSSC permit records, the adjacent property at 12801 Spring Dr. is not served by public sewer.

ADS:ads/

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Adopted by the County Council November 18, 2003 (CR 15-396)

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

12. Special and Restricted Community Service Areas -- In addition to the preceding policies, the County may also designate specific areas for or restrict specific areas from community water and/or sewer service in order to achieve specific development goals, to promote environmental protection, or to address other special concerns. These areas are shown in Figure 1-F3 and are listed below:

b. Piney Branch Restricted Sewer Service Area -- In 1991, the County Council established a policy to restrict the availability of community sewer service in the Piney Branch Watershed, which is designated as one of the county's Special Protection Area watersheds. Through the Piney Branch Sewer Restricted Access Policy, the Council sought to limit the growth of public sewer-dependent development within and near this environmentally-sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development. The Council subsequently amended the policy in March 1997 under CR 13-830 and again in October 2002 under CR 14-1481. By these actions, the Council has specifically designated the Piney Branch Trunk Sewer and its tributary mains as **Limited Access** mains (see Section III.A.2.).

This restricted access policy was recently reexamined in the context of interrelated land use, zoning, and sewer service recommendations in the 2002 Potomac Subregion Master Plan; the following conditions reflect the policy changes recommended by the new master plan. In order to be eligible for community sewer service, properties within the Piney Branch watershed must satisfy at least one of the following conditions, i. through vi.:

- i. Properties designated as Sewer Stages I or II in the 1980 Potomac Subregion Master Plan;
- ii. Properties which the Piney Branch Trunk Sewer Right-of-Way either traverses or abuts, including properties adjacent to, and commonly owned with, these abutted or traversed properties as of December 3, 1991;
- iii. Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991;
- iv. Properties with documented public health problems resulting from failed septic systems where the provision of public sewer service is logical, economical, and environmentally acceptable; or
- v. Properties which abut sewer mains and which satisfy the policy requirements for Section II.E.3.a.: Community Service for Properties Abutting Existing Mains -- Single Hookups Only. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying condition ii., preceding.)
- vi. The properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method.

All other properties within the Piney Branch watershed are restricted from community sewer service, whether from the Piney Branch sewerage system or from other adjacent sewerage systems.

(Referenced abutting mains policy follows on the next page)

Referenced Abutting Mains Policy (Chapter 1, Section II.E.3.a.)

3. Community Service for Properties Abutting Existing Mains -- Under specific and limited circumstances, community water and or sewer service may be provided to properties which abut an existing or approved water and/or sewer main. The provision of community service requires that the property, or a structure on the property must have been established prior to the extension of the abutting main. A residence, business, or institution (church, school, etc.) qualifies as an existing structure; a barn, garage, or other type of outbuilding does not qualify. The provisions of this policy do not include community service for private institutional facilities (PIFs), which must be addressed through the PIF policy (see Section II.E.4.).

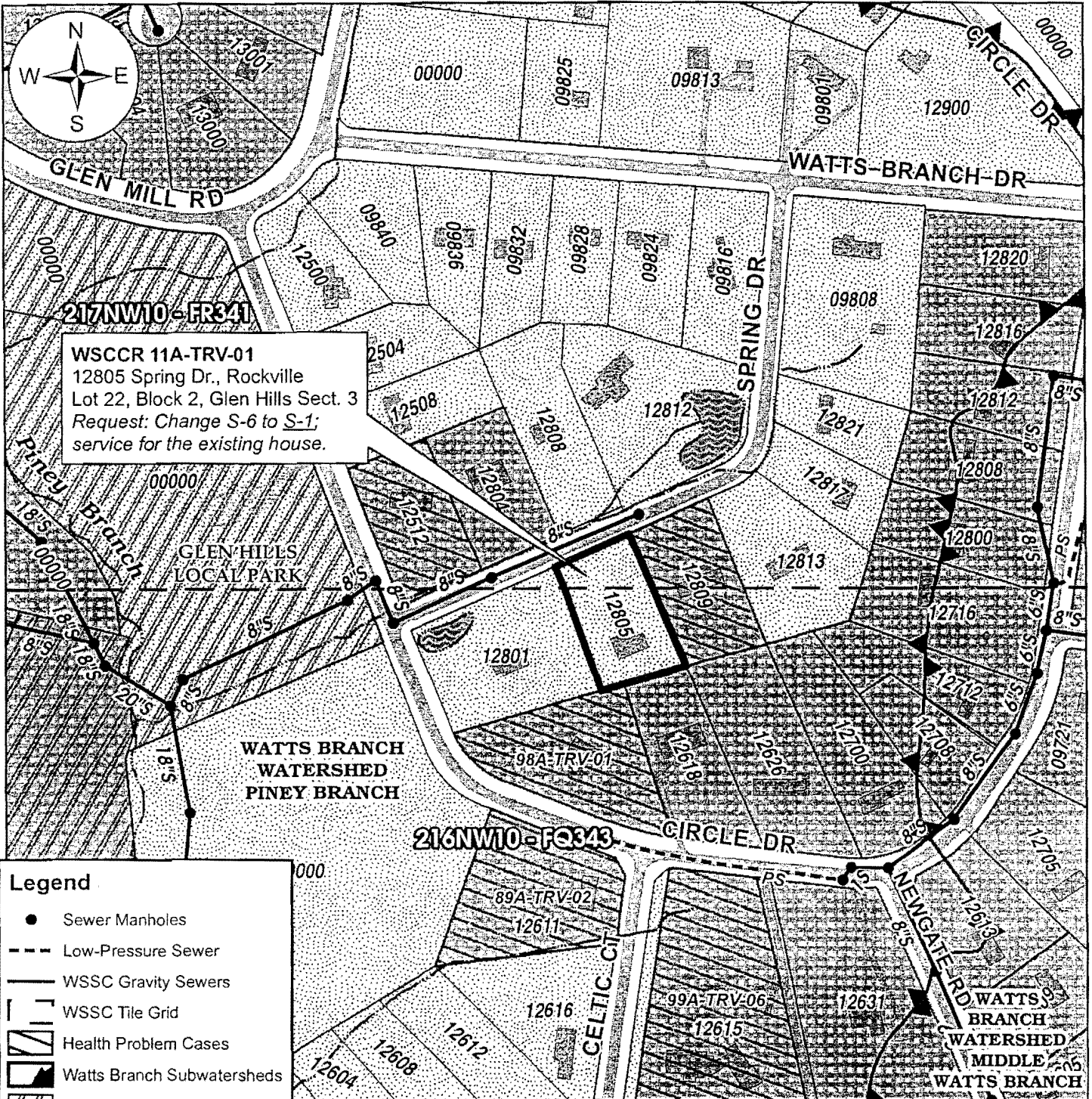
Community service must be technically feasible from the abutting main. Major water and sewer transmission mains and sewer force mains cannot support individual service connections and hookups, and therefore do not qualify abutting properties for community service under this policy.

This policy may be used in cases where a property is not otherwise eligible for such service under the general policies of this Plan. Under this policy, the provision of community service is allowed under the following circumstances:

a. Single Hookups Only -- A single water and/or sewer hookup only is allowed for an individual property or for a structure which abuts an existing or approved water and/or sewer main. The subject property or structure must predate the abutting main. A change in the property configuration due to the dedication of land for a public use such as a road right-of-way or park land shall not invalidate this allowed single hookup. Neither shall an exchange of land between adjacent, qualifying properties invalidate this allowed hookup, provided the overall number of qualifying lots and therefore allowed hookups remains the same. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

DEP may direct WSSC to provide an allowed single, residential water and/or sewer hookup upon 1) staff confirmation that the property qualifies for service under this policy, and 2) DEP's receipt a category change request for the property. Only in such cases may DEP approve service from an abutting main in advance of granting the actual service area category approval. Commercial and institutional uses must first receive the required service area change.

Sewer Service Area Categories Map WSSCR 11A-TRV-01 (Christopher & Christina Marshall)



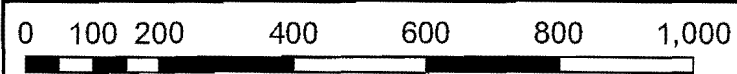
Legend

- Sewer Manholes
- - - Low-Pressure Sewer
- WSSC Gravity Sewers
- ▭ WSSC Tile Grid
- ▨ Health Problem Cases
- ▩ Watts Branch Subwatersheds
- ▧ Existing Parkland

Sewer Categories

- ▨ S-1
- ▩ S-3
- ▧ S-4
- ▦ S-5
- ▥ S-6

Travilah Planning Area



SCALE (Feet)

Montgomery County, Maryland
Draft 2010 Comprehensive Water Supply
and Sewerage Systems Plan



DEP
Water and Wastewater
Policy Group

Property's TAX ID # (please provide, if known) 00078532
 Property/Site Size 44802 ft² Identification (ie, Parcel #) Sec 3 Glen Hills, subdivision 6, Block 2, Lot 22
 Location/Closest cross-street Circle Drive
 Current Use Single Family House Proposed Use No change
 Subdivision Plan No. & Status _____

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W- Requested Water Category: W- OR No Change Multi-Use Shared
 Current Sewer Category: S-6 Requested Sewer Category: S-1 OR No Change Multi-Use Shared

4) Reason for request; state current use of site and intended change in usage, if any:

Our house (12805 Spring Drive) was purchased on March 29, 2010. As a part of the purchase, the septic system was pumped, inspected and approved. Within a few weeks we began to smell odors in several places on the property. Using the information left behind from the previous owner we called the two former septic companies that have done work on the property. This led us to contact the county for the property's background and history.

We have learned that the previous owner has an extensive history of trying to make septic work on a property that is not well suited for septic. In short, our water table is high, and consequently, our septic field had to be dug shallow and cast wide so that they cover much of our property. We have been informed that our septic system is minimally adequate and when it fails we will need to hook up to public sewer.

As a family with two young children (5 and 7 years old), it would be a mistake for us to wait for this kind of emergent situation to act. We understand that septic systems are most likely to fail in weather that is not conducive to the extensive plumbing work that would be required for us to connect. Additionally, we do not want to worry about these odors as our children run freely about in their new yard.

We respectfully request that the council consider acting proactively for our case and approve our request to connect to public sewer. Our neighbors on either side are connected to public sewer and we have been informed that the sewer line is available in front of our house.

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water	Sewer <input checked="" type="checkbox"/>
WSSC Tile	217NW10
Tax Map	FR41
Plan No.	-
Process	COUNCIL
Master Plan	POTOMAC (2002)
Planning Area	TRAVILAH
Zoning	RE-1
Zoning Activity	-
Watershed	WATTS BR - PINNEY BR
CSPS Subwatershed	
State Watershed Use Class	I (SPA)
GIS File	

PATUXENT WATERSHED (Figure 26)

The Patuxent watershed comprises the Residential Wedge in Fairland. The land area is approximately 2,400 acres and drains, for the most part, to the Patuxent River and into the T. Howard Duckett Reservoir. To protect the watershed, the area was rezoned in 1981 from Rural Residential to Rural Cluster and no public water or sewer was provided. The Burtonsville commercial area is located at the southern boundary of the watershed. The watershed is bounded by MD 198 on the south and the Howard County line on the north. There are no through roads and few of the internal roads are publicly maintained for the entire length. Most of the area is zoned Rural Cluster and has developed on large lots with private wells and septic facilities. Almost all the roads have a rural character, as do the settings around many of the homes. There are about 285 houses and an average density of .26 units per acre. Parcels designated as Area 26 are zoned Rural Cluster and are large enough to subdivide. Area 18 functions as a transition area between 9,000-square-foot-lot development in Prince George's County and the larger lots (1 acre or more) in Montgomery County. The existing R-150/TDR zoning will result in an abrupt change in development pattern and is counter to the intent to maintain low densities in the Patuxent watershed.

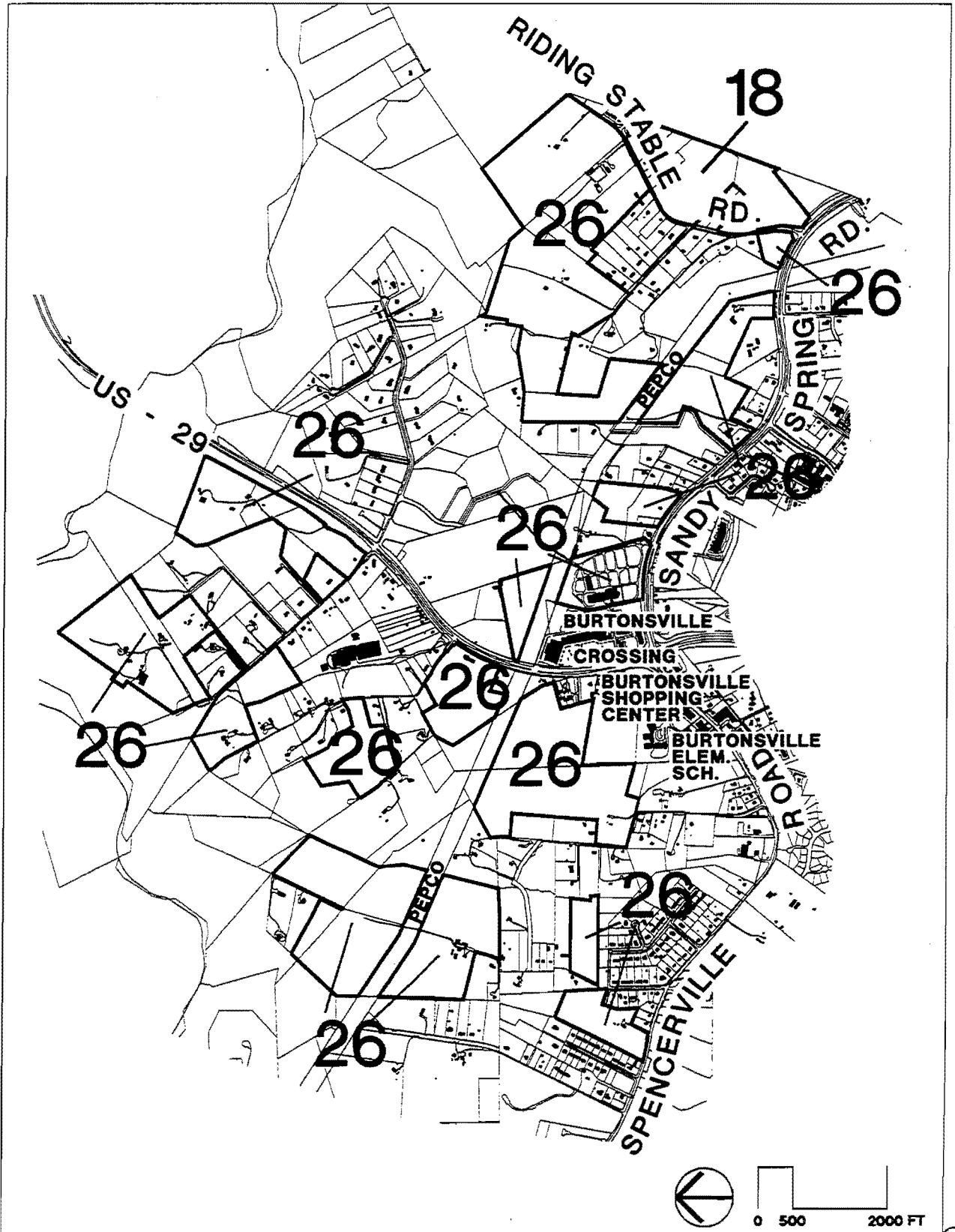
RECOMMENDATIONS:

Area 26: 704 acres, RC, 37 parcels

- Retain RC zoning.
- Locate stormwater facilities outside regulatory stream buffers.
- Do not allow uses that result in more than ten percent imperviousness.
- Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case by case basis.
- Community water and sewer service for R-200 zone.
- Cluster residential lots away from MD 198 for noise protection.

Area 18: 55 acres, R-150/TDR, 9 parcels

- Rezone from R-150/TDR to RE-1 to create a transition between the approved 9,000-square-foot-lot subdivision at the County line and the large lots on the west side of Riding Stable Road.
- Extend community water and sewer service.



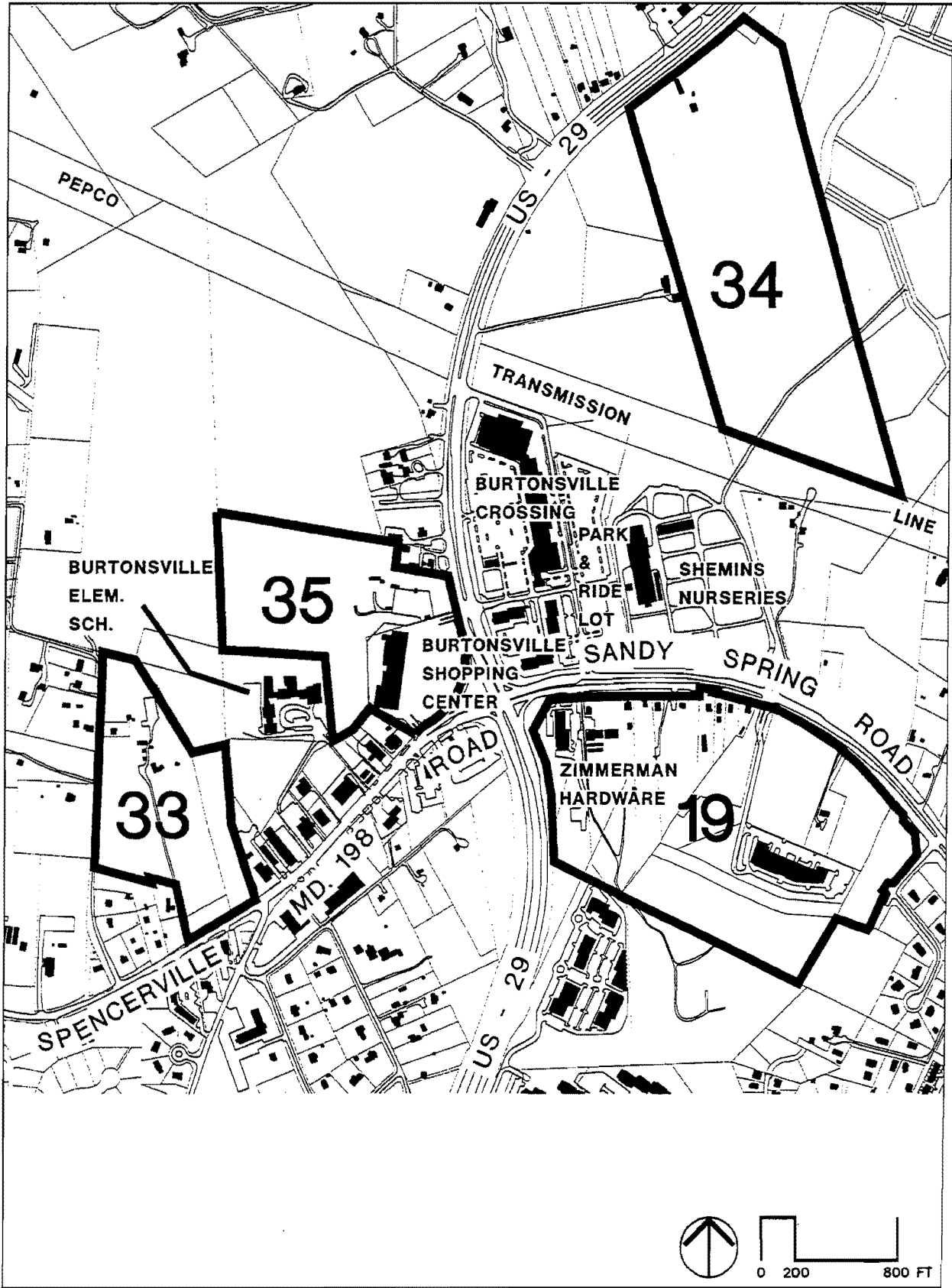
- Develop a public/private partnership including property owners, State Highway Administration (SHA), and Montgomery County Department of Public Works and Transportation (MCDPW&T) to accomplish these improvements, including streetscaping, within the public rights-of-way for US 29, Old Columbia Pike, and Briggs Chaney Road.
- Encourage the Auto Sales Park property owners to participate in efforts to make the south side of Briggs Chaney Road more attractive and compatible with opposite residential and retail uses including eliminating parking on green space along Briggs Chaney Road, US 29, and Automobile Boulevard. Consolidation or sharing of parking, possibly structured parking (with a building height greater than 42 feet, if necessary) should be considered to meet parking needs.

Burtonsville

The intersection of MD 198 and US 29, known as Burtonsville, (Figure 29) contains approximately 232,000 square feet of commercial space. This location has historically served as one of Fairland's commercial and business centers. The 1981 Plan recommended additional commercial zoning in the area. Today, there are two shopping centers, a number of individual stores, small strip centers, and some public uses. Access to the stores and businesses in Burtonsville by car or on foot is hampered by traffic congestion and the lack of sidewalks.

Existing businesses along MD 198 west of US 29 include two mini-malls, ten restaurants, four printing businesses, an animal hospital, car repair and service businesses, home appliance services, small business and medical offices, and a bank. On the east side of US 29 are a plant nursery, a hardware store, and a medical office building. The Burtonsville Post Office, the Burtonsville Elementary School, and the vacant fire station are located west of US 29. A County park-and-ride lot is located on the east side of US 29. The school does not have adequate access to MD 198. The property owners of Area 33 have proposed a solution to the access problem. The Burtonsville Post Office will relocate in the Burtonsville Shopping Center. The Burtonsville Volunteer Fire Department moved to the new fire station on Briggs Chaney Road in March 1995, but retains ownership of the old fire station property, which is split zoned C-1 (commercial) and Rural Cluster (RC).

The *Eastern Montgomery County Neighborhood Retail Study* concluded that expansion of the Burtonsville area is probably not supportable because of future competition within and outside the County. On the other hand, the Study found this to be a strong market area with few vacancies. The two shopping centers supply most of the usual services found in neighborhood centers. The Burtonsville market area has the best potential in Eastern Montgomery County for new housing with sizable disposable income—there are about 300 acres of developable residentially zoned land within a mile of the US 29/MD 198 intersection. However, the realignment of US 29 will remove the convenient right-in/right-out access for northbound travelers. The old alignment will become a local road and not as convenient for northbound evening rush-hour shoppers. A portion of Area 34 lies between the existing and proposed realignment of US 29. Area 34 is zoned Rural Cluster. Special exceptions may be preferable to single-family detached lots on the portion of the Area that will be located between the two roadways.



Also important in developing strategies for defining future development are the following existing conditions.

- Existing topography, stream valleys, US 29 right-of-way, and the PEPCO right-of-way currently define the edges of the business area.
- An existing public presence—school, post office, park-and-ride lot—helps make Burtonsville a desirable destination.
- Existing development is disparate and needs to be shaped into a coherent center.
- Residential land uses and development character dominate MD 198 on either side of the Burtonsville commercial and industrial areas.
- The Patuxent watershed directly to the north, east, and south is an important environmental and recreation resource. The 1993 *Functional Master Plan for the Patuxent River Watershed*, continues a policy of low-density development in the watershed.
- The northwest quadrant of the Burtonsville commercial area drains to two unnamed tributaries of the Patuxent River which in turn flow into the T. Howard Duckett Reservoir. Most development in Burtonsville pre-dates stormwater management requirements and stormwater runoff is largely uncontrolled.

GOAL: Improve circulation, define boundaries, and, where applicable, encourage redevelopment.

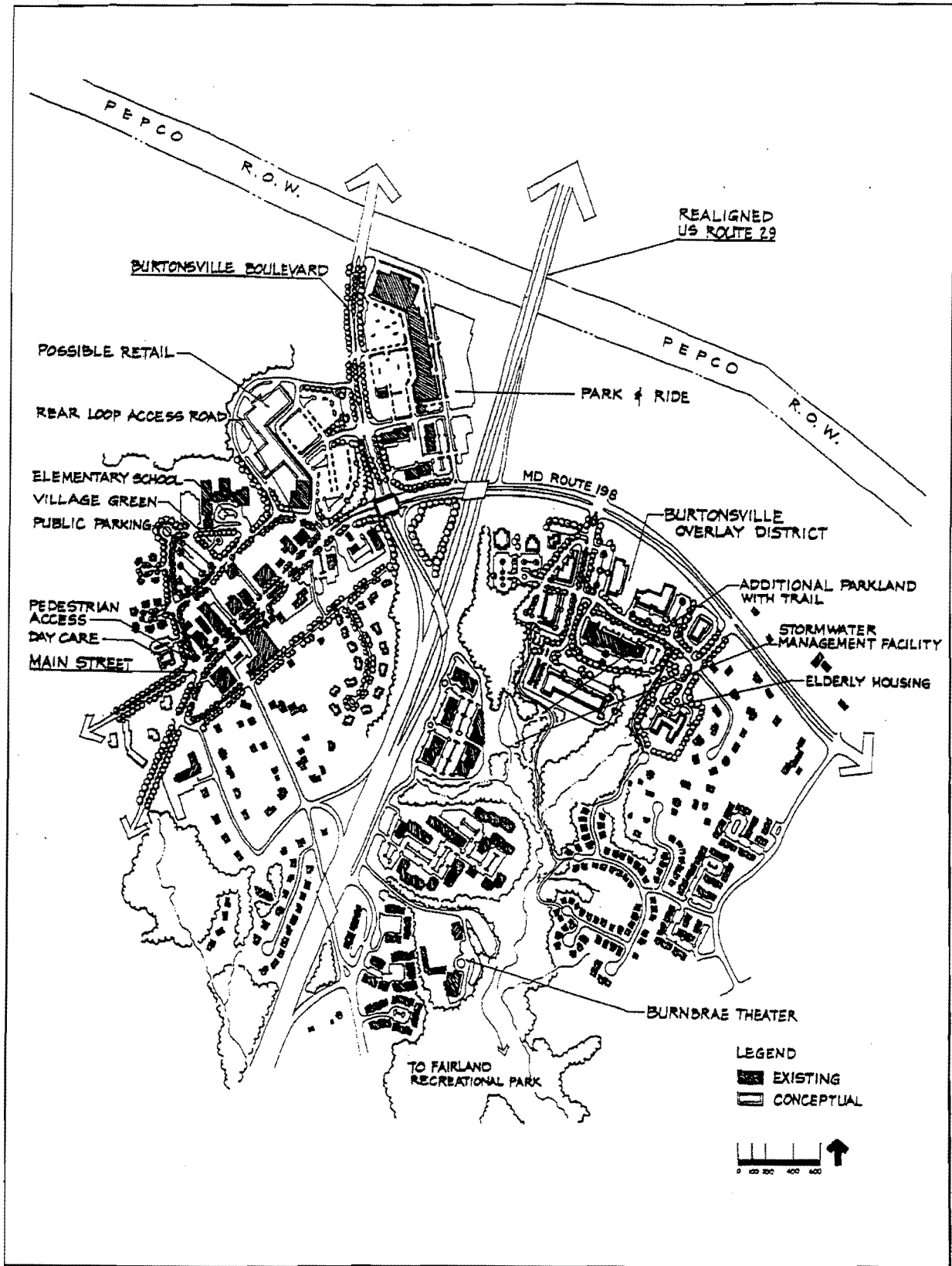
OBJECTIVE: Encourage cohesive development and redevelopment in the Burtonsville commercial area including improved vehicular circulation, streetscaping, and sidewalks.

RECOMMENDATIONS:

- Limit future development to the already existing commercial area and zoning envelope with the exception of the Burtonsville Shopping Center.
- Strengthen Burtonsville's character as a local center through reconstruction of existing roads and redevelopment of commercial properties.
- Special exception uses should retain residential character along MD 198 to the east and west of Burtonsville Center and between existing and future US 29.
- Develop a public/private partnership, including property owners, SHA, MCDPW&T, and Montgomery County Department of Housing and Community Affairs (MCDHCA), and Montgomery County Department of Environmental Protection (MCDEP), to implement the following projects:
 - Reconfiguring and streetscaping MD 198 and US 29 to have a “main street” and boulevard character respectively. A plan for landscaping, sidewalks, curb cuts, and signs should improve access and visibility. (See Figure 30.)

BURTONSVILLE CENTER CONCEPT

FIGURE 30



- Construct a local access road north of and parallel to MD 198, between Old Columbia Pike and the entrance to Burtonsville Shopping Center. This new road will provide an important alternative access route for existing businesses on the north side of MD 198 and to the Burtonsville Elementary School. Since this new road would access MD 198 opposite to Old Columbia Pike, the need for a new traffic signal should be evaluated for this location.
- Investigate the feasibility of regional or joint-use stormwater management facilities as part of the redevelopment and development projects associated with the Burtonsville Shopping Center and adjacent retail and public uses. These facilities would correct existing stormwater runoff problems and reduce runoff problems from new development.

Area 33: 15.5 acres, RC, 2 parcels

The owners of these properties have proposed a solution to provide access to the school. The following recommendations reflect the proposal.

- Rezone both parcels from RC to RE-1 to provide a transition from the industrial and commercial uses to the east and the rural cluster development to the west. The RE-1 development to be separated from existing industrial and commercial development by a public right-of-way for a secondary street that will provide access to the Burtonsville Elementary School and will connect to the recommended rear access road that will provide access to north side of the commercial area. Public water and sewer is recommended for these two parcels in order to encourage a subdivision design incorporating the recommended transition and public access.
- Establish a public right-of-way, at the time of platting, on the east side of Parcel P 21 for a secondary road to provide access for new development and the elementary school.
- Consider southwest corner for special exception uses (including day-care or pre-school) with access to the new street.
- Cluster option to incorporate large farmstead lot and common open space with single-family detached lots.

Area 34: 48 acres, RC, 1 parcel

This parcel will be divided by the proposed US 29 realignment; access for southern and western portions will be from Amina Drive and for the northern and eastern portions access will be from old US 29.

- Retain RC zoning for entire parcel.
- Special exception uses, such as day-care or elderly housing, should be encouraged for the portion between existing and proposed US 29 relocated.
- Water and sewer service to approved special exception uses to be considered on a case by case basis.

Area 35: 26 acres; C-2, 12 acres, RC, 14 acres; 2 parcels

The owners propose to modernize the Burtonsville Shopping Center with a pedestrian friendly design including outdoor seating, streetscaping along the store facades and along the eastern terminus of the loop road.

- Rezone an amount not to exceed three acres of the eastern portion of the RC parcel to C-2 to enable the center to redevelop.
- Add a loop road adjacent to the outer perimeter of the new C-2 zoned land in the rear of the center, generally running from the southwestern corner of the site and exiting at US 29.
- Site loop road to take into consideration safety and noise mitigation measures with respect to the Burtonsville Elementary School. The layout should also provide sufficient green space and buffer between the loop road and the school.
- Place a perpetual conservation easement on all remaining RC zoned land. Such land will contain a regional stormwater management facility and a forest conservation area.

EMPLOYMENT

Fairland contains two employment areas: a major concentration of over 400 acres at the southern end of the planning area, east of US 29 between Cherry Hill Road and Industrial Parkway (*Figure 32*); and a 68-acre area in Burtonsville (*Figure 34*). There are also three corporate sites, the Seventh Day Adventist Headquarters and two Bell Atlantic office complexes located along US 29.

US 29/Cherry Hill Road Employment Area

The US 29/Cherry Hill Road employment area contains four distinct sections (each zoned differently): the Montgomery Industrial Park, the West*Farm Technology Park, WSSC's Site 2, and the Percontee sand and gravel facility.

There are four industrial zones (I-1, I-2, I-3, I-4) and a residential zone (RE-2) within the boundaries of the area. The I-1 Zone is the least restrictive as to building setbacks and FAR, allows the most diversity of uses, and does not require site plan. The I-2 Zone permits heavy industrial and manufacturing uses. The I-3 Zone is very restrictive in terms of uses, FAR, and setbacks, and requires site plan review including trip mitigation. The I-4 Zone is the most restrictive and also requires site plan review. The I-4 Zone was added through a local map amendment to create a buffer between the heavy industrial uses of the I-2 zoning and the adjoining RE-2 zoning to the south.

As a result of the zoning and the uses permitted in the different zones, retail, such as Home Depot, can exist in the I-1 Zone, but not in the adjacent I-3 Zone. Uses, such as Site 2 or the Percontee sand and gravel operation, can exist alongside office development. In addition to the differing parking and building setbacks, the age of some of the buildings lends an overall impression that the area is unplanned, rather than a high-tech or office employment center.

The Montgomery Industrial Park developed in the 1950s and today covers 75 acres of industrially zoned land (I-1). Most of the properties in the Industrial Park have been subdivided and developed. The park is a mixture of old and new; some of the structures date to the 1960s, others were built in the 1980s. There is a mix of uses including light industrial, such as film processing and dry cleaning, high-technology firms and a hotel. Companies in the park include, Link Pacific Systems (a defense contractor), C&P, Erie Insurance Group, Presstar (a photographic processor), Fabricare Institute, Marriott Courtyards Hotel, and DarCars auto sales and repair. Also located in the Industrial Park is the new State of Maryland vehicle inspection and emissions testing facility. There is very little vacant I-1 zoned land, except a ten acre piece (Area 30) owned by the Washington Post Company.



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

OFFICE OF THE CHAIRMAN

June 15, 2011

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

The Honorable Valerie Ervin
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: March 2011 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan*

Dear Mr. Leggett and Ms. Ervin:

On Thursday, June 9, 2011, the Montgomery County Planning Board considered the above cited water and sewer service area category changes. Our recommendations were as follows:

09A-CKB-01: Orchard Run

The applicant has requested deferral of this case pending outcome of rezoning case G-881, RE-2 to PRC.

Recommendation: Defer action pending re-zoning application

10G-CLO-01: Ross Boddy Community Center

The 1998 Sandy Spring Ashton Master Plan states that a study should be done to assess the potential for provision of water and sewer service to Chandlee Mill Road/Brooke Road Area. Sewerage disposal and water supply problems were identified as far back as the 1980 Plan and a renewed effort should be made to find funding and strategies to address them.

The Honorable Isiah Leggett
The Honorable Valerie Ervin
June 15, 2011
Page 2 of 4

Even though this is a public use that should be granted sewer service, this category change request should not be considered in isolation from seeking a comprehensive solution to the problems of the immediate surrounding area. This project should contribute to solutions for long-standing community water and sewer issues.

The Planning Board would also caution that the extension of sewer using the James Creek sewer alignment would pass through proposed parkland and fragment a valuable forest resource on Legacy Open Space property, making it a less desirable option.

Recommendation: Approve W-3 and S-3

09A-PAX-01: Eglise De Dieu De Silver Spring

On November 5, 2009, the Planning Board recommended denial of this category change request with comments (see attachment). The Board voted to retain this recommendation, although a minority on the Board felt that the extension of sewer service to this property seemed reasonable.

Recommendation: Deny S-3

09A-PAX-04: Sunny Varkey

The 1997 Cloverly Master Plan states "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 watershed in order to control water quality in the reservoir."

The master plan states that community water service within the Patuxent watershed may be considered on a case-by-case basis consistent with current policies in the *Comprehensive Water Supply and Sewerage Systems Plan*.

Recommendation: Approve W-3, Deny S-3

09A-PAX-05: Burtonsville Crossing

An application similar to this one in this general area was discussed at length by the Planning Board on September 8, 2008, with a recommendation of denial. They felt that a category change request was premature since the proposed special exception had neither been granted nor was there one in the final stages of review. They also felt that in retaining the RC zone, the Fairland master plan had intended that land uses would be compatible with the rural nature of the area, possibly not needing public sewer service. See attachment #4.

The Honorable Isiah Leggett
The Honorable Valerie Ervin
June 15, 2011
Page 3 of 4

On June 9, 2011, the Planning Board confirmed that the Fairland master plan recommends against sewer service to this property. The Board also discussed the need to address the future development potential of the area of Burtonsville bounded by old and new MD 29 and by the Pepco power line to the south in a comprehensive way.

Recommendation: Deny W-3, Deny S-3

09A-PAX-06: Burtonsville Associates

The Fairland Master Plan recommends water and sewer service on a case-by-case basis for this part of Area #34 for approved special exceptions only, such as elderly housing or day care. A church may be developed as a by-right use in the RC zone, however, environmental constraints and compatibility issues will need to be addressed. The Board also discussed the need to address the future development potential of the area of Burtonsville bounded by old and new MD 29 and by the Pepco power line to the south in a comprehensive way.

Recommendation: Deny W-3, Deny S-3

09A-TRV-02&03: Ted and Roxanne Smart

On January 26, 2006, the Planning Board unanimously recommended denial of sewer service for these two vacant lots in the Glen Hills area of Potomac. Two other lots were part of that application and only one of the four was recommended for approval (Parcel 600) for public health reasons due to a failing septic system. The County Council subsequently confirmed this recommendation. On June 9, 2011, the Planning Board confirmed the previous recommendation.

Recommendation: Deny S-3

11A-TRV-01: Christopher and Christina Marshall

The 2002 Potomac Subregion Master Plan specifically recommends an inter-agency study to comprehensively address and recommend sewer solutions within the Glen Hills neighborhood. The only exception within the Piney Branch watershed is for failing systems that are considered public health problems. There is no documented health problem with this property. Pending completion of the Glen Hills study, the Planning Board recommends denial of this category change request.

Recommendation: Deny S-3

The Honorable Isiah Leggett
The Honorable Valerie Ervin
June 15, 2011
Page 4 of 4

We thank you for the opportunity to provide recommendations in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Françoise M. Carrier". The signature is written in black ink and includes a long horizontal flourish at the end.

Françoise M. Carrier
Chair

FC:KN:rb

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



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

OFFICE OF THE CHAIRMAN

September 12, 2008

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

The Honorable Mike Knapp
 President
 Montgomery County Council
 100 Maryland Avenue
 Rockville, Maryland 20850

RE: July 2008 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan*

Dear Mr. Leggett and Mr. Knapp:

On Monday, September 8, 2008 the Montgomery County Planning Board considered the water and sewer service area category change applications listed above as part of the **July 2008 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan***. The Board concurred with three of the County Executive recommendation for category changes.

Agreement with the Executive's Recommendation

Case Number	Applicant/Owner
WSSCR 08A-TRV-06	Bawa & Verma – 13517 Glen Mill Road
WSSCR 08A-URC-01	Kline - 6720 Olney Laytonsville Road
WSSCR 08A-FAI-02	4011-4101 Sandy Spring Road, LLC

They also supported the proposed public health problem area designation in historic Clarksburg and the proposed administrative general map amendment for water service in the area near the Town of Laytonsville.

Disagreement with Executive's Recommendations

The following is a brief summary of the Planning Board's actions on each of the three cases that did not agree with the Executive recommendation:

WSSCR 08A-DAM-01 - McGrady

Deny service to this property due to inconsistency with the master plan. This property is located outside the accepted water and sewer envelope and within the Preservation of Agriculture and Rural Open Space Master Plan area. This master plan states the following with respect to water and sewer guidelines, "Deny public water and sewer to areas designated for the agricultural preservation that utilize the Rural Density Transfer Zone."

WSSCR 08A-CLO-02 - 219 Ednor Road

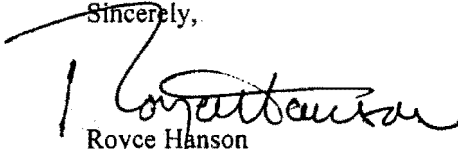
Deny service to this property due to inconsistency with the master plan. The Cloverly master plan states that the extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area is not consistent with the Plan because of potential impacts on the low-density character of both areas. It further states that the area bordered by Norwood Road, Northwest Branch, Hampshire Greens, and New Hampshire Avenue is not recommended for sewer service. This recommendation is designed to maintain the rural character than results from low density residential development.

WSSCR 08A-PAX-01 - Burtonsville Associates

Deny service to this property. This item was discussed at length by the Planning Board. They felt that this particular category change request was premature since a special exception had neither been granted nor was there one in the final stages of review. They also felt that in retaining the RC zone for this property, the master plan had intended that a special exception use would be compatible with the rural nature of the area, possibly not needing public sewer service at all.

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

Sincerely,


Royce Hanson
Chairman

RH:KN:ss

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



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

OFFICE OF THE CHAIRMAN

November 6, 2009

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

The Honorable Phil Andrews
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

**RE: July 2009 County Council Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan*
WSSCR 09A-PAX-01: Eglise De Dieu Silver Spring**

Dear Mr. Leggett and Mr. Andrews:

On Thursday, November 5, 2009, the Montgomery County Planning Board considered the water and sewer service area category change application cited above.

The proposed site is located within the 1997 Fairland Master Plan and is zoned RC north of MD 198. The Fairland Master Plan recommends "community water service only for areas north of MD 198 zoned Rural Cluster (RC) consistent with the Water and Sewer Plan policies regarding water service without sewer. No planned sewer service for areas zoned RC north of MD 198, except to support special exception uses recommended in this Plan."

The Plan further recommends within the Patuxent River watershed: "Do not allow uses that result in more than ten percent imperviousness...Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case by case basis."


The Planning Board recommends denial of sewer service to this property based on inconsistency with the Fairland Master Plan. It should retain the S-6 category.

Honorable Isiah Leggett
Honorable Phil Andrews
November 6, 2009
Page | 2

However, if the County Council decides to grant the S-3 category to this property under the Private Institutional Facility policy, any development should adhere as closely as possible to the 10% impervious level that the Council approved in the Fairland Master Plan. Further, the connection to existing sewer infrastructure should be the least disruptive over the shortest distance possible.

We thank you for the opportunity to provide recommendations on this case.

Sincerely,



Royce Hanson
Chairman

RH:KN:ss

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



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

OFFICE OF THE CHAIRMAN

June 15, 2011

Mr. Robert G. Hoyt, Director
Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, Maryland 20850

Dear Mr. Hoyt:

On June 9, 2011, the Montgomery County Planning Board considered the 2011-1 Administrative Delegation Package of water and sewer category change requests. The Planning Board made the following recommendations:

11A-CLO-02: Odd Fellows Lodge (Attachment #2 Pages 3-6)

The 1998 Sandy Spring-Ashton Master Plan recommends water and sewer service for this property, which is included in the Sandy Spring/Ashton Rural Village Overlay Zone.

Recommendation: Approve W-1

WSSCR 11A-OLN-01: Sonia Danshes (Attachment #2 Pages 7-12)

This property is recommended for the RNC Zone in the 2005 Olney Master Plan. The Plan assumed that this property could not be served by gravity and therefore recommended it for standard method development at 0.2 units to the acre. The applicant proposes to concentrate development close to Georgia Avenue and will preserve stream valleys in the headwaters of Northwest Branch. The use—assisted living and Alzheimer's care—is allowed by special exception in the zone.

Recommendation: Approve W-1 and S-3 conditioned on Planning Board approval of a preliminary plan that uses the optional cluster development method.

WSSCR 11G-TRV-02 Lakewood Estates (Attachment #2 Pages 13-16)

The 2002 Potomac Subregion Master Plan supports sewer service to these properties.

Recommendation: Approve S-1

WSSCR 11A-POT-04: Weissman (Attachment #2 Pages 16-22)

The 2002 Potomac Subregion Master Plan supports sewer service to this property

Recommendation: Approve S-1.

Mr. Robert G. Hoyt
June 15, 2011
Page Two

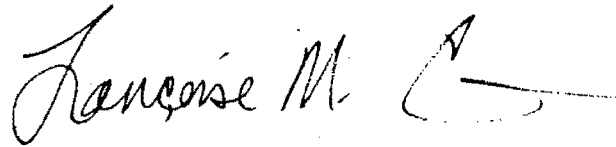
WSSCR 11A-TRV-03: Rickman Travilah LLC (Attachment #2 Pages 23-27)

The Great Seneca Science Corridor rezoned this property as CR. It is therefore eligible for sewer service. This site is within the Piney Branch Special Protection Area and subject to further development requirements.

Recommendation: Approve S-1 conditioned on the applicant providing DEP a recorded covenant that applies the Piney Branch Sewer Agreement Recommendations.

Thank you for the opportunity to make recommendations to the Administrative Hearing record.

Sincerely,



Françoise M. Carrier
Chair

FC:KN:rb

cc: Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Clara Moise, Montgomery County Planning Department
Katherine Nelson, Montgomery County Planning Department



June 16, 2011

Ted N. Smart
Montgomery County Council T&E Committee Testimony
In Support of WSCCR 09A-TRV-02 & 09A-TRV-03

Good evening Councilmembers, My name is Ted Smart, I live at 13200 Cleveland Drive, Rockville MD 20850. As one of the applicants I am here in support of this category change application.

I'm also here in support of the environment, good planning and sound county business judgment which I believe approval of this application represents. We hope you don't find our category change request just another run of the mill application from Glen Hills that should be denied "pending the Glen Hills study". But we hope you will see from our previous meetings, detailed exhibit packages provided and testimony today, that our application deserves a bit more consideration and now is the time to approve it.

Opponents of this application will first look to the Master Plan, a guideline, not the law, that "recommends" no further sewer service to Glen Hills. "Recommends" does not mean a defacto moratorium. Nor should it when basic engineering shows, that if gravity sewer is ever needed to relieve failing septic in an area, it would be impossible without easements through an applicant's property that is offering to give to give the county, for a short period of time only only, those easements over 14 acres today at absolutely no cost, plus \$100,000 towards the county's own planning & development efforts. Which efforts by the way are include in the exact same Master Plan.

Opponents, and maybe this committee, will then look to the Study outlined in the Master Plan and say deny this application pending the study which has been done tens if not hundreds of times before. We are aware and pleased that study is now funded and hope it will be fully completed in a comprehensive and expeditious manner in FY 2012. But imagine a 1 or 2 year study which results indicate a serious health problem. Should we wait Councilmember Floreen for another 5, 10 or 30 years to condemn and purchase easements, while we deny sewer applications pending the Glen Hills' sewer easement purchases and sewer design, while septic continue to fail and pollute and vacant and occupied homeowners suffer more economic hardship? Time should be of the essence here.

Everyone from the Federal Government, EPA and Maryland State on down recognizes the environmental importance of getting septics, not to mention failing ones, hooked up to sewer. Our own State Governor has recently proposed all but banning septics. The State of Maryland's Watershed Implementation Plan or (WIP), mandated by the EPA to save the Chesapeake Bay at a cost of Billions, funded the recent Blue Plains WWTP upgrade to ENR technology. Part of this County's own WIP implementation plan is to hook up existing septic systems to these ENR plants, reducing nitrogen delivered to the bay by over 40,000 pounds per year by 2017. At 50 pounds per average septic system, that's 800 septics to hook up to sewer in Montgomery County in 6 years. This is mandated by the State and EPA and our proposal can be added to the County WIP, offsetting costs which in some form or fashion will be passed on to County residents. Please look into your WIP in more detail as you consider our application.

We're talking about two lots here. It's a step in the right direction, good planning, good for the environment, and it would show good fiscal responsibility for this application to be approved.

Thanks you. I'd be happy to answer any questions you may have.

June 16, 2011

Roxanne A. Smart
Montgomery County Council T&E Committee Testimony
In Support of WSCCR 09A-TRV-02 & 09A-TRV-03

Good evening. My name is Roxanne Smart. I live at 13200 Cleveland Drive, Rockville MD 20850. As one of the applicants I am here in support of this category change application.

As part of the work we have done to show how are application benefits the County, Glen Hills and it's residents, we had an independent engineer review some of our work. I read in part a letter from Macris, Hendricks and Glascock to be entered into the record.

- We have confirmed that Mr. Smart has correctly identified those portions of the Glen Hills neighborhood that could be served with public sanitary sewer through the Smart's property.
- The Smart property represents a central and most logical location for a pump station to serve the Glen Hills neighborhood with a public sanitary sewer system.
- Mr. Smart's proposal represents an environmentally sensitive solution from the perspective of the initial construction, in that any future new sanitary sewer mains could avoid the stream valleys.
- Mr. Smart's proposal minimizes those portions of the gravity mains that would need to be greater than 20 feet below the existing surface elevation.
- There may be other sanitary sewer main alignments, which would be longer, more expensive to construct and involve right-of-way acquisition.
- From the perspective of right-of-way acquisition, Mr. Smart's proposal represents a low cost solution for Montgomery County and its residents to bring public sanitary sewer to the Glen Hills neighborhood. Further, I understand that Mr. Smart is proffering \$100,000 toward the engineering and construction of a sanitary system serving the Glen Hills neighborhood.

• Mr. Smart's proposal represents the framework for a comprehensive solution to the septic failures in the Glen Hills neighborhood, rather than leaving each individual property owner to seek his own way. It should be stressed that this should be a comprehensive solution and not further piece meal system extensions that have been the case to date.

* In summary, the Smart's proposal is technically sound, is environmentally sensitive and represents a unique opportunity to comprehensively bring sanitary sewer to this portion of the Glen Hills neighborhood, should Montgomery County elect this to occur.

Our proposal, which may not be on the table for too long, supports the elements of the Glen Hills Study in the Master Plan that includes, *quote* "Preparation of a logical and systematic plan for providing community sewer service if needed" as well as "emphasis on extension of sewer mains within public right-of-way rather than within stream valleys", *end quote*.

If you can't find a way to approve our application now, which logically we think you should, please at least defer it so we can work with our neighbors during the Glen Hills Study over the next 12 months on a solution.

Thanks you. I'd be happy to try to answer any questions you may have.

June 16th
Ted Smart Sewer Extensions in Glen Hills

My name is Alison Mrohs and I live at 12900 Valley Dr., across the street from the Smart property. I have lived in Glen Hills for almost 15 years and have a wonderful lot which uses a septic system, and, we enjoy delicious well water. I have raised 3 kids here, hosted lots of friends and maintain a pool using this septic system and this well.

I have two comments:

1. I don't object to sewer service and public water being brought in to Glen Hills as much as I strongly object to being forced to switch to either system when I don't need to. I think it is wise to have some sort of plan in place in case there are future failures yet I won't pay for this hook up until the time when, or if, my systems fail. Should the services be brought in, I don't want to be forced to hook up just because it is now on my street.
2. Mr. Smart's map of failures is very misleading. I know for a fact that my system did not fail, it had a new field installed in the course of routine maintenance, not unlike the routine maintenance that many public systems require after decades of use. I also happen to know of at least one other failure on his map which was NOT a failure. I question Mr. Smart's summaries and his motives.

In summary, we need to wait for the Master Plan study before making any changes to Glen Hills' sewer and water systems.

Thanks.

Ervin's Office

KL

Guthrie, Lynn

From: Ervin's Office, Councilmember
Sent: Tuesday, June 21, 2011 2:34 PM
To: Montgomery County Council
Subject: FW: Glen Hills sewer

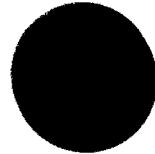
063638

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2011 JUN 21 PM 2:45

-----Original Message-----

From: kate renner [mailto:k8ren@comcast.net]
Sent: Tuesday, June 21, 2011 2:04 PM
To: Ervin's Office, Councilmember
Subject: Glen Hills sewer



Dear Council Chairwoman Ervin,

I am writing to state that my husband and I oppose the application by Ted and Roxanne Smart (WSCCR 09A-TRV-02 and -03) requesting sewer extensions in Glen Hills because this request violates the Master Plan which states that only failed septic systems are eligible for extensions.

We have lived in Glen Hills since 1992 on 1.25 acres of land that backs up to the stream bed through which Mr. Smart recommends the installation of a new sewer line. Our septic system was installed in 1954 and is still working fine, even after raising 3 daughters in this house. We enjoy the wildlife habitat that is supported by the woods and the stream behind our property. The character of this neighborhood (less developed and more rural) is what attracted us to buy our home. As I understand Mr. Smart's proposal (included in his testimony to the MNCPPC on June 9) he plans to personally fund \$100,000 to develop a waste water pumping facility on land he owns and plans to develop on the corner of Cleveland Drive near Valley Drive, then add 250 feet of pressure sewer line and increase the diameter of 450 feet of existing 1.5 inch pressure sewer line to reach a gravity sewer line. That is a great deal of construction and disruption to enable a developer to realize a gain on the additional parcels of land that he purchased, with full knowledge that they did not perk. I urge you to deny the request and require developers to await the results of the Glen Hills study that has now been funded.

Yours truly,
Kate and Mike Renner
12901 Valley Drive
Rockville MD 20850
301-762-5090

93A

Testimony of Christopher Marshall before the T & E subcommittee at the Public Hearing on Proposed Water/Sewer Category Map Amendments submitted June 16, 2011

Members of the Council – Hello.

My name is Christopher Marshall of 12805 Spring Drive Rockville, Maryland. Thank you for the opportunity to speak with you today and for your consideration of our request for a change to S-1 status.

We appreciate the complexities of some of the requests that you are considering at this hearing. In comparison, ours is very simple.

This is a health issue for our family. My wife and I have two young children. Emily is 8 years old. Dylan is 6 and just finished Kindergarten. He and my wife have a history of severe asthma, allergies, and breathing problems. When we moved into our house just last year, we were not aware that 70 percent of our yard is covered by septic fields and that the property has a very high water table.

What this means for us is that we open our front door and smell waste. We go out the back door onto our deck and we smell waste. The kids run out to play in the side yard and come back in holding their nose. On wet days, we smell waste inside the house in the children's playroom.

These fumes are impacting my family's health and quickly creating additional health concerns. With more moisture on the property there is more mold and bacteria. These are the things that my wife and son are most allergic to.

Our request is not due to a desire to build, expand or develop our lot or house. We like our house the way it is! Although we would prefer to spend our money on furniture, with your approval we are financially ready to make the change from septic to sewer.

We understand that the Department of Environmental Protection submitted the recommendation to deny this request because approval is not within the current *Sewer and Water Plan*. Please understand that it was actually DEP that encouraged us to submit this request based on the history of the property.

The previous owner filed a similar request 5 years ago and is on record stating that he smelled waste on the property. This was three years after an alternative septic system replaced the first failed septic field. Private septic alternatives are no longer possible on our property.

So it's up to you. You have the authority to amend the plan in cases such as ours where such an amendment is strongly called for. Here's why our case is a simple one for you to vote YES :

- DPS- Well & Septic supports the connection.
- Parks Planning says there is no park impact.
- There is no environmental impact.
- Our neighbors are in support of the request – and they kindly signed a petition to support us.
- WSSC says the sewer line is adequate.
- Our property abuts to the sewer line.
- The sewer line has not reached capacity.
- Our property has no further private septic alternatives.
- The smell of waste that surrounds our house is making our family sick.

Is it Montgomery County's policy – your policy -- to keep children living in sewage and waste? Is it your policy to wait until septic systems completely fail so that children are kicked out of their homes for months to years at a time when all we have to do is dig a trench and connect to a sewer line that is in front of our house? It is time to stand up for families in Montgomery County.

Your approval will have a direct impact on our family's health and quality of life. Thank you for your consideration.

12805 Spring Drive
Rockville, MD20850
Property Tax ID#00078532



April 2, 2011

Dear Honorable Councilmember:

Last March, we moved into our beautiful home in the Glen Hills section of Montgomery County. The house has a wonderful yard for our children Dylan (6) and Emily (8) to play. What we didn't know was that 70% of the yard is covered by septic fields that minimally adequately perk due to a high water table. This means that while our septic was inspected and approved as functioning, we are living on a property where we can smell our own waste.

Here's why it's a WIN-WIN to vote YES to our status change request:

- We bear the cost of the hook up to public sewer
- Our property abuts to the sewer line
- Neighbors on either side of us are connected
- The sewer line has not reached capacity
- Our property has no further private septic alternatives. This is a simply waiting game.

Our request is not due to a desire to build, expand or develop our lot or house. We like our house the way it is! This is a QUALITY OF LIFE issue for our young family of four. Please don't make us sit in the stink waiting for a full septic failure! Say YES now and let us hook up!

Sincerely,

Chris and Tina Marshall



WE SUPPORT THE MARSHALL'S STATUS CATEGORY CHANGE!

As a resident of Glen Hills, we believe that 12805 Spring Drive should be approved to hook up to the public sewage system.

NAME

ADDRESS

SIGNATURE

Lowell Sherman 12809 SPRING DR

Mary Lynn Porter 12809 Spring Dr

RITA DODSON 12804 Spring Dr. Rita Dodson

Russell E Dodson 12804 Spring Dr. Russell E Dodson

Kamza Halici 12512 Canal Dr Rockville MD 20850

Dwayne Chen 12808 Spring Dr 20850

Susan Park 12808 Spring Dr.

PATRICK L MARTINARO 12812 SPRING DR, ROCKVILLE, MD 20850

Ed Rosprung 12813 SPRING DRIVE ROCKVILLE 20850

Sharon Kalokerinos 12817 Spring Drive, Rockville, 20850

John E. Kalokerinos 12817 Spring Dr., Rockville, MD 20850

Elizabeth A. Dresing 12801 Spring Drive Rockville, MD. ELIZABETH A. DRESING

Margaret Saddath 12821 Spring Dr Rock, Md 20850

From: Marshall, Chris (SAMHSA/CMHS) [mailto:Chris.Marshall@samhsa.hhs.gov]
Sent: Saturday, June 11, 2011 10:06 AM
To: councilmember.andrews@montgomerycountymd.gov;
councilmember.berliner@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.riemer@montgomerycountymd.gov; Susan.Buffone@montgomerycountymd.gov
Cc: alan.soukup@montgomerycountymd.gov; mc2painter@gmail.com; Tina Marshall; Marshall,
Chris (SAMHSA/CMHS)
Subject: Status Change Request - 12805 Spring Dr., Rockville

Dear Honorable Councilmember:

We look forward to meeting you in person next week on June 16th and providing testimony to support our request for a change to S-1 status. We hope that our emails have helped you to understand the specific circumstances that surround our request. Our request is not due to a desire to build, expand or develop our lot or house. We like our house the way it is! This is a QUALITY OF LIFE issue for our young family of four. My wife and son have a history of severe asthma, allergies, and breathing problems. With 70% of our yard covered by septic fields that minimally adequately perk due to a high water table, the septic fumes are impacting the family's health and quickly becoming a health concern.

Your approval will

- Have a direct impact on our family health and quality of life
- Prevent a future public health problem

Over the past few weeks, we have spoken with ALL of our Spring Drive and other Glen Hills neighbors. There is a groundswell of interest in the Council's activities! There is a sense that the reasonable interests of families in the Spring Drive area of Glen Hills have been overlooked by the local government with regard to power outages and other neighborhood concerns. They express a strong interest in seeing that the Council exercises their authority to approve individual requests such as ours that promote the health and well being that good citizens and responsible families should expect in Montgomery County, fair access to county services and do not negatively impact the neighborhood, county, or environment. All of our neighbors signed a petition supporting our request - please see attached.

Here's why you should vote YES to our status change request:

- DPS- Well & Septic supports the connection.
- WSSC – Sewer says the sewer line is adequate.

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- M-NCPPC - Parks Planning says there is no park impact.
- DEP acknowledges that your approval of this case exception will prevent a future public health problem due to evidence about the shallow ground water on our property and signs of septic failure.
- We bear the cost of the hook up to public sewer
- Our property abuts to the sewer line
- Neighbors on either side of us are connected (12804 and 12809 Spring Drive)
- The sewer line has not reached capacity
- Our property has no further private septic alternatives.
- The smell of waste that surrounds our house is making our family sick.

Thank you for your consideration,

Sincerely,

Chris and Tina Marshall

-----Original Message-----

From: Marshall, Chris (SAMHSA/CMHS) [mailto:Chris.Marshall@samhsa.hhs.gov]

Sent: Saturday, May 07, 2011 10:22 AM

To: Soukup, Alan; Andrew's Office, Councilmember; Berliner's Office, Councilmember; Floreen's Office, Councilmember; Riemer's Office, Councilmember

Cc: Marshall, Chris (SAMHSA/CMHS); Tina Marshall

Subject: RE: Status Change Request - 12805 Spring Drive, Rockville

Dear Councilmember:

We are pleased to see that the County Executive forwarded our request on April 12 for a change to S-1 status.

It is clear from the packet of proposed amendments, that many of the *other* cases have a long list of factors to be considered. Fortunately, our case does not.

99

- DPS- Well & Septic supports the connection.
- WSSC – Sewer says the sewer line is adequate.
- M-NCPPC - Parks Planning says there is no park impact.
- DEP acknowledges that your approval of this case exception will prevent a future public health problem due to evidence about the shallow ground water on our property and signs of septic failure.

We have learned that some Glen Hills residents have been against sewer hook ups in the past. Knowing this, we contacted our neighbors to see if they would support our request. All neighbors that we have spoken with have signed the attached petition without hesitation and have offered their continued support.

We have reattached our flyer to help you to get to know us a bit better. We appreciate the opportunity to speak to you about this clearly needed exception.

Sincerely,

Chris and Tina Marshall

240-505-5758

From: Marshall, Chris (SAMHSA/CMHS)
Sent: Friday, April 01, 2011 9:42 PM
To: councilmember.andrews@montgomerycountymd.gov;
councilmember.berliner@montgomerycountymd.gov;
councilmember.floreen@montgomerycountymd.gov;
councilmember.riemer@montgomerycountymd.gov
Subject: Status Change Request - 12805 Spring Drive, Rockville

Dear Councilmember,

The following attachment is respectfully submitted for your consideration. We would appreciate the opportunity to speak with you further about our status change request.

Sincerely,

Chris and Tina Marshall

240-505-5758 cell

240-899-7967 cell

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BEFORE THE MONTGOMERY COUNTY COUNCIL**JUNE 16, 2011****TESTIMONY OF THE WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION****Submitted by:****Susanne Lee****Vice President/Incoming President****West Montgomery County Citizens Association****12900 Circle Drive, Rockville, MD 20850****301-956-4535**

Good evening. My name is Susanne Lee. I am the Vice President and Incoming President of the West Montgomery County Citizens Association. I am testifying today on behalf of West Montgomery. I am also a resident of the Glen Hills neighborhood.

West Montgomery supports the Montgomery County Planning Board's vote to deny and the County Executive's recommendation to deny the three Glen Hills requests for category changes and urges the County Council to deny the requests.

1. WSCCR 09A-TRV-02 & 03 (Ted and Roxanne Smart)- Request for public sewer extension to 2 vacant lots.

As determined by the Planning Board and discussed in detail in the County Executive's recommendations, this request must be denied because it violates the requirements of the Potomac Subregion Master Plan. Until the Glen Hills Study required by the Master Plan is completed, the Master Plan bars any further public sewer extensions in Glen Hills except in the case of a documented public health problem caused by the failure of a septic system. The requests are for the provision of sewer service to two vacant lots that do not have septic systems and thus no failures or public health problems.

2. WSCCR 11A-TRV-01 (Christopher & Christina Marshall) Request for public sewer extension to an existing house.

As determined by the Planning Board and discussed in detail in the County Executive's recommendations, this request must be denied because it violates the requirements of the Potomac Subregion Master Plan. Until the Glen Hills Study required by the Master Plan is completed, the Master Plan bars any further public sewer extensions in Glen Hills except in the case of a documented public health problem caused by the failure of a septic system. This property is located in the Piney Branch Watershed, an environmentally sensitive Special Protection Area. As a result, it is also governed by the Piney Branch Sewer Restricted Access Policy. Under both the Master Plan and the Restricted Access Policy, further extensions of public sewer are barred except in the case of a documented public health problem caused by a failed septic system. The septic system at this location has not failed.

The other compelling reason for denial of these three requests is the recent appropriation by the County Council of \$ 350,000 for the Department of Environmental Protection to conduct the Glen Hills Study mandated in the Potomac Subregion Master Plan. It is precisely these types of issues presented in these requests that the study will address. Thus, not only would the approval of these requests violate the Master Plan and the Piney Branch Restricted Access Policy, to do so would be premature, inconsistent with past actions, and illogical.

We look forward to the Study. It was clear at the time of the enactment of the Master Plan that it is not to be just another sanitary survey of failed septic systems. The Master Plan emphasized that the results of the Glen Hills Study were to be used to:

"develop a policy outlining the measures needed to ensure the long-term sustainability of septic service for new home construction and existing home renovations, minimizing the need for future sewer service extensions. Under this policy the sole basis for providing new sewer service would be well-documented septic failures where extension could be provided consistent with the results of the study and in a logical, economical, and environmentally acceptable manner." See Potomac Subregion Master Plan (2002) at 24.

The Study must be "conducted in conjunction with the citizens of this area and the appropriate public agencies" and include the following elements:

- Delineation and possible reasons for known septic failures.
- Groundwater testing if needed.

- Preparation of a logical and systematic plan for providing community sewer service if needed.
- Emphasis on extension of sewer mains within public right-of-way rather than within stream valleys.
- An evaluation of and recommendation of the abutting mains policy for this area.
- Exclusion of properties that are environmentally sensitive and cannot be developed in conformance with established environmental guidelines.

See Potomac Subregion Master Plan (2002) at 24.

If done properly, the Glen Hills Study can provide information and serve as a model for low density development on septic systems, including innovative systems, in environmentally sensitive areas. The Study can draw upon and ensure consistency with the septic system recommendations used by USEPA to develop the TMDLs for the Chesapeake Bay. Contrary to Mr. Smart's assertions, the Watershed Implementation Plan for the Bay does not require wholesale extension of sewer to all areas served by septic. In fact, much of the TMDL effort involves focusing future development where there already is sewer infrastructure, discouraging large new subdivisions on septic, and implementation of nitrogen removal systems in existing and new septic systems.

We appreciate the effort Mr. Smart has made in collecting information regarding Glen Hills and it can be used and included as part of the Study. However, not only would approval of his proposal be premature and illogical given the upcoming Study, there are serious flaws in his data and proposal.

1. He grossly overstates the documented number of failures. At the Planning Board he admitted that the red lots on Table 6 are not documented septic failures and health problems. They are instead at most lots where individuals received permits at some time in the past to build new or renovate old systems. There is no evidence of how many of these were actual failures, or if they were, that they could not be repaired successfully. There is no documentation of even one current unresolved septic failure.
2. He states that in exchange for the sewer category change he will develop his sewer extension through a proposed public-private partnership with the County. He says he will provide easements for sewer on the parcels he owns, but the bulk of land is environmentally sensitive stream valley buffer that should never be used for sewer construction. Future extensions could be made in the road public rights-of-ways that don't require his easements. That is in fact what he proposes for the extension to his lots. Furthermore, questions have been raised regarding whether he actually

still owns the properties or whether, because of his financial problems, they have been transferred to other third parties who are not at the table and not on this application.

3. He says he will contribute \$ 100,000 to construct a small waste water pump station to serve his lots that could then be used on a piecemeal basis in the future to add additional lots. Given his current economic condition – he states his construction business is “out of business” and that he may be forced to move out of his house and sell the properties - there can be no reasonable assurance that he will in fact have and spend the money on a pump station instead of selling the lots if he hasn’t already done so. Furthermore, his plan states that once he hooks up, in order to serve the rest of the public in his area of Glen Hills, “[i]t will take many years and most likely short extensions picking up a few vacant lots or failing septic lots at a time.” It is just such a piecemeal approach to extensions that the Glen Hills Study will seek to address and avoid.

We urge the Council to deny all three Glen Hills requests.

PATUXENT WATERSHED PROTECTIVE ASSOCIATION, INC.
Testimony for the Montgomery County Council T&E Committee
in re Water and Sewer Exception Cases
WSCCR 09A-PAX-01, WSCCR 09A-PAX-05 and WSCCR 09A-PAX-06
16 June 2011

Good Evening.

I am Donald Chamberlin and I am authorized by the Patuxent Watershed Protective Association (PWPA) to speak to you on their behalf in regard to Cases WSCCR 09A-PAX-01, -05, and -06. I reside at 4624 Dustin Road, Burtonsville, so I am also a resident of the affected area. You will also hear testimony from other area residents, including those in Timber Hill and Patuxent Heights, regarding these matters. The PWPA was established in September 1997. Its mission, as the name implies, is to protect the unique resource known as the Patuxent Watershed. In the instant cases, the PWPA's focus is on the immediately affected Rocky Gorge Reservoir, its aquifer, and the wells of the residents within the watershed.

Please look at the satellite maps of the Burtonsville area along Rt 29 and north of Rt 198. This area is part of the Patuxent Watershed. Readily evident is the low density, lightly agricultural, and heavily wooded, watershed-protecting nature of this land. Most of the land north of Rt 198 slopes – sometimes steeply so – to Rocky Gorge Reservoir. In regard to cases -05 and -06, collectively known as the North Burtonsville properties, the fall line ridge runs between old Giant grocery store and the PEPCO Right of Way close to old Rt. 29. This is also the line of transition from the commercial zoning of the old Burtonsville shopping center to the RC-zoned watershed protection area. From the northern edge of property #34, it is arguably a shorter distance to the reservoir than to Rt 198.

- VG 1 shows the PWPA area of concern, which encompasses cases WSCCR-09APAX-01, -05, and -06. Note in particular how the Rocky Gorge reservoir wraps around Rt. 29 and comes close to the properties involved in WCSSR-09A-PAX-05 and -06 (collectively known as North Burtonsville). The property for WSCCR-09A-PAX-01 is located at the northwest corner of the intersection of Rt 198 and Riding Stable Road, on the eastern edge of Montgomery County. The Prince Georges County line is approximately where you see the "B" (for Brooklyn Bridge Road) at the right center of this VG. The distance from the Dustin Road Circle to the reservoir along Rt 29 is $\frac{3}{4}$ of a mile. The distance from the northern edge of the WSCCR-09A-PAX-06 property (just south of the Dustin Road circle) to the southernmost edge of the PEPCO Right of Way just north of the old Burtonsville shopping center is 0.5 miles. Most of the open space north of 198 and west of Riding Stable road is either horse farms (which grow nutritious grass

for their horses and don't put harmful chemicals on the grass) or seemingly unfertilized lawns, or fields which have lain fallow for years.

- VG 2 shows a closeup of the properties for WSCCR-09A-PAX-05 and -06. Note the heavily woods characteristic of much of the area. The only active farming in the area is being done on the WSCCR-09A-PAX-06 property, and that currently involves only a small portion of that land. The area under the Burtonsville Crossing label is a large Park and Ride Facility put in by the state highway administration when they put in the new Rt. 29. It drains steeply to the north, whereas the old Burtonsville shopping plaza drains to the south. The area north of 198 and east of new 29 is the Shemin Nurseries property.
- VG 3 shows a 1000-foot radius circle from the nominal church location (WSCCR-09A-PAX-06). Note that the distance from the nominal church location (and therefore the pumped sewer line terminus) to the nearest house on the southwest corner of the Dustin Road Circle is approximately 400 feet. There are additional houses within this circle. At the bottom edge of the circle there is a very large drainage area which collects runoff from both the WSCCR-09A-PAX-05 and -06 properties, as well as indirectly from the Park and Ride facility just below this picture to the west of new Rt. 29. From thence the runoff – which by now starts a stream which eventually feeds into the Rocky Gorge Reservoir – goes under new Rt 29 in a 5'-diameter pipe into a blown-out catch basin to the east of new Rt 29, and from there flows under Amina Drive and through the woods south of Dustin Road and enters the Rocky Gorge Reservoir to the east of the end of Dustin Road. Thus we clearly establish that both properties #34 (WSCCR-09A-PAX-06) and #26 (WSCCR-09A-PAX-05) are within 1500 feet of a stream which feeds the Rocky Gorge Reservoir and thus require the 10% impervious limit for properties within the Patuxent Watershed. I personally verified on 6/13/2011 that the aforesaid stream was active and flowing in the above-named drainage area.
- VG 4 shows a half-mile radius circle from the nominal church location to the approximate point of closest possible gravity sewer connection. Note that all of the houses on Amina Drive, and many more of the houses along Dustin and Bell roads are encompassed within this area.
- VG 5 shows a 0.72 mile (3800') radius circle from the nominal church location to the approximate point of gravity sewer connection for the alternative pressurized sewer line. Note that almost all of the houses on east and west Dustin Road, and Dustin Court, and Bell Road are encompassed. Both east and west Dustin Road slope downward from Rt 29, and Amina Drive is downhill from the properties for both the proposed church (WSCCR-09A-PAX-06) and the proposed senior housing (WSCCR-09A-PAX-05). Note also that Rocky Gorge Reservoir comes within this circle at about the 2 o'clock position. Therefore the main body of the reservoir is approximately 0.7 miles from the nominal church location (sewer terminus), which is much closer to the feeder streams that lace the woods around the reservoir. The WSSC water intakes for the Patuxent Water Treatment Facility are more or less in line with an extension of east Dustin Road

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- VG 6 shows a Dustin Road oriented closeup of the 3800' circle for a better view of the individual properties. The Washington Kali Temple, a house of worship located approximately 400-500 feet directly across Old Columbia Pike (old Rt. 29) from the proposed church property, is the white dots to the left of the blue balloon.

Much of the land between Amina Drive and new Rt 29 (see VG2) was recently purchased by the WSSC to protect the Rocky Gorge reservoir, as a result of the Consent Decree entered pursuant to the 2004 federal environmental lawsuit filed by the EPA and joined by the Maryland Department of the Environment and several others. More on the basis and watershed-protecting mandates of that EPA lawsuit later. Said land was originally part of the #34 property before new Rt 29 was constructed. Per WSSC's 2010 Water Quality Report released just last week, "We have bought additional acreage along the Patuxent River in order to provide greater control in those locations, and we have begun developing tougher regulations to reduce erosion on WSSC property along the Patuxent."

The PWPA feels that the North Burtonsville properties qualify as prime candidates for similar purchase or environmental covenants in accordance with the terms of Appendix F1 of the 2004 EPA lawsuit Consent Decree. In that way, the intent of the existing RC zoning, the Fairland Master Plan, State and County Smart Growth planning, and all environmental concerns – and just coincidentally the safety of everybody's drinking water – are preserved.

The PWPA makes two principal points relative to the proposed churches (cases -01, -06) and senior housing (case -05):

1. **The PWPA has absolutely no objection to houses of worship, or to elder housing** (as referred to in FMP p30 – not to be confused with amorphously defined "senior housing"), **provided their implementation is in accordance with the Fairland Master Plan (FMP) and the recognized environmental considerations for the cited properties.**
2. **No risk, in excess of those currently allowed for the current RC zoning of the properties in question, is acceptable to the PWPA or local area residents.** The developers and users of the proposed facilities might not have to live with the potentially devastating consequences of a sewage spill or excessive runoff, but we will.

Specifically regarding a house of worship, we note that:

- The Washington Kali Temple has operates on land directly across Old Columbia Pike from the proposed Korean Church location, and runs on well and septic. The Temple has been a welcome neighbor in the community for many years.
- In 2001 there were plans to build a mosque on the property #26 now proposed for the senior housing. Again, the community had no objection. The mosque was to be on well and septic.
- The RLUIPA case (*Reaching Hearts*, in Prince Georges County) cited by the developer's representative in Planning Board testimony contains almost zero in common with the present proposal (WSSCC-09A-PAX-06), other than the fact that they both involved churches wanting to

build in the Patuxent Watershed. Specifically of note is the Joint Statement of Senators Hatch and Kennedy – the architects of the Religious Land Use and Institutionalized Persons Act – in 146 Cong. Rec S7776 (2000):

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

As far as the PWPA is concerned, who the applicant is doesn't matter. As we have demonstrated over many years, our only concern is the environmental impact on the Patuxent Watershed, its reservoirs, and the aquifer which feeds it and the surrounding wells.

The Reservoir is a unique and fragile resource

The Rocky Gorge Reservoir (and the upstream Tridelphia Reservoir which feeds it) is the primary drinking water supply for 500,000 WSSC customers in Prince Georges and Montgomery Counties, and the backup for the entire WSSC system for 1.8M customers. The Patuxent Watershed is officially categorized by the state as being in need of both restoration and special protection. Various studies have established that it takes decades, if not centuries, for a polluted reservoir – or the aquifer feeding it – to cleanse itself, assuming that all polluting inputs stop. The cost and time to create alternate large-scale water sources is unacceptable. To paraphrase various WSSC studies:

(a) contrary to prior thought, adding more chlorination and filtration could produce safe drinking water, it is now clear that “just add more treatment” is not going to work. There is a need for a multi-barrier approach against contamination;

(b) water quality standards are becoming more stringent in response to increasing needs of sensitive populations of children, persons with compromised immune systems, and pregnant women;

(c) our reservoir is already under stress and reservoirs – unlike flowing rivers – clear toxins very slowly.

Our concern here lies with the impacts on this critical water supply of pollutants, impervious surfaces creating runoff, erosion, and in particular sewage systems which require uphill pressurized pumping. The watershed sits atop an unmapped fractured shale soil structure. The area is laced with streams going to the reservoir. Because of these geologic conditions, increased run-off and sewage pose an additional threat to all area drinking water wells and the reservoir and its aquifer. It doesn't matter whose run-off or sewage is involved, or how noble their cause may be – the essential nature of the effluent is still the same. All exceptions pose cumulative health threats.

Proposals -01, -05, and -06 affect a large number of residences – all of which run on well and septic between the proposed exception sites and the reservoir. The watershed area of concern encompasses ~1000 acres, with 93 homes. **The land on which the proposed Korean church and senior housing are to sit is a geologic spear pointed downhill at the heart of the reservoir.** Whatever happens on or below this land flows directly and swiftly to the reservoir – and if it's underground, it goes through our wells on the way.

The history of WSSC's Montgomery County water and sewer leaks is well established.

The WSSC publication *2010 Water Quality Report* cites 4000 leaks over the last two years. Last December was a record at 647. Obviously we don't have spill-proof lines yet – and we are unlikely to ever have them.

A *Washington Post* article dated 19 November 2004 noted the following:

- A review of WSSC records noted 130 million gallons of sewage released in 2002-2004
- Maryland Department of the Environment and National Resources Defense Council records show that WSSC had 445 [sewage]overflows between January 2001 and 2004.
- **IT IS ILLEGAL UNDER THE CLEAN WATER ACT TO DISCHARGE ANY AMOUNT OF RAW SEWAGE.**
- The sewage polluted the Anacostia and Patuxent rivers with human waste, putting nearby residents at increased risk of diseases such as cholera and hepatitis.

The 2004 EPA lawsuit against WSSC – Major Environmental Focus and Action Mandate

The above examples and other continued sewage leaks in Montgomery County over a period of years – Cabin John Branch in Potomac being a malodorous example – prompted the EPA, joined by the Maryland Department of the Environment and several other environmental parties to sue the WSSC for violations of the Clean Water Act on 18 November 2004.

In December 2005, the U.S. District Court for the District of Maryland issued a 150-page Consent Decree, which was signed in June 2006 by all parties – notably including the WSSC, M-NCPPC, Montgomery County DEP, Howard County, Prince Georges County, and the Maryland Department of Natural Resources. **Area-wide action to clean up this mess was mandated.**

Appendix F1 to the Consent Decree (pursuant to Paragraph 35 thereof) specifically addressed the Patuxent River Watershed (Tridelphia and Rocky Gorge Reservoirs) and adjacent privately owned buffer properties.

Appendix F1 specifically noted that:

- The reservoirs are the source of water for the WSSC Patuxent Water Filtration Plant (PWF).
- The reservoir functions are negatively impacted by land use changes in the watershed.
- Impacts are more serious when forested and sensitive lands close to the reservoirs are disturbed. Sediment associated with land disturbance reduces the storage volume of the reservoirs and limits the WSSC's ability to provide sufficient water. These negative impacts are well recognized
- The reservoirs are already under considerable stress. ...the bottom portion of both reservoirs has no/very low levels of dissolved oxygen during the warm months.

The purpose of the Separate Environmental Project (SEP) described in F1 is to allow WSSC to purchase property and/or conservation easements to protect and preserve properties adjacent to the Patuxent Reservoirs in order to preserve and/or enhance water quality... Protection of forested/sensitive land in

proximity to the reservoirs can be achieved in several ways. F1 then describes various potential mechanisms, including the Montgomery County Legacy Open Space Program (LOSP). The aim of LOSP is to conserve farmland and rural open space, protect environmentally sensitive resources and protect water supplies, *inter alia*.

The goal of the F1 SEP is defined as “protect from development pressure the forested/sensitive areas in proximity to the WSSC reservoirs.” Objectives are:

- Preserving forests that filter nutrients and other pollutants and trap sediment
- Limiting development in the reservoirs’ watershed, particularly in environmentally sensitive areas such as areas with steep slopes and erodible soils
- Limiting impervious surfaces in the reservoir’s watershed
- Providing restoration potential such as riparian buffer planting and providing a continuous forested corridor
- ... ensure that the Patuxent Reservoirs and watershed remain as precious ecological resources and water supply sources for current and future generations.

F1 goes on to describe 14 specific environmentally deleterious activities to be proscribed by placement in deeds or conservation easements for acquired property. The goal of all of these restrictions is to prevent or minimize damage to water quality, air quality, land/soil stability and productivity, wildlife, scenic and cultural values, and the natural topographic and open-space character of the property.

The Proposed Scope of F1 is stated as: “WSSC will pursue the options described above and coordinate its work with agencies such as MNCP&PC, Montgomery County, Howard County, and MDNR-MET to identify potential properties for purchase or obtaining easements. WSSC will focus on properties that are:

- Immediately adjacent to existing WSSC Property;
- Border Rocky Gorge Reservoir where the intake is located;
- Adjacent to existing narrow reservoir buffer areas.

The North Burtonsville properties qualify in all respects.

History of proposed uses for the North Burtonsville land – when is enough enough?

The PWPA and affected citizens’ associations have to keep showing up every so often to rebattle essentially the same sewer change proposal given a new coat of paint and moved around a bit. Most of the time it’s a developer (sometimes the same one) trying to convert the RC-zoned land to commercial use in one guise or another, while ignoring environmental and FMP considerations. How many more times do we have to keep wasting both the County’s and our time and money on these matters? The PWPA recommends denying sewer change requests for these RC-zoned properties in areas #26 and #34 on the merits (or lack thereof). The PWPA also notes that in the case of the senior housing, the sewer change request seems to be out of process order – again, but we would prefer that this time it be

denied on the merits and not as a matter of administrative convenience. Before all of these sewer change proposals started, there was even consideration of putting a sludge composting facility on this North Burtonsville land. Think about the implications of that! An argument can be made that sewage is nothing more than pre-sludge in a pipe.

Some history:

- 1998-1999 zoning exception for senior housing. PWPA and citizens' associations strongly objected and were forced to incur significant legal expense in the process. Special Exception was denied unanimously by the Board of Appeals. Developer (Sovereign Investments) appealed to the Circuit Court, which remanded the case to the Board of Appeals. Board of Appeals reheard the case, and again denied unanimously, in a manner fully satisfying the Circuit Court.
- 2001 - A mosque is planned for the #26 property. The mosque will run on well and septic. They subsequently decide not to build it there. Some of the septic area fell within what is now a PMA environmental preserve area. Local residents did not object to the plan.
- 2008 zoning exception for senior housing. The late Dr. Stuart Rochester's testimony Sept 8/9 2008 to MCPB/MCC – cites the above 1998-99 example, and another recent attempt where applicant withdrew after being advised by Park and Planning that his proposal was too intensive and incompatible in scale and character with the surrounding area. The 2008 senior housing application was denied by the Council on the administrative basis that the developer had filed for a water and sewer change before securing the needed special exception zoning change [CP 47 Leggett package 12 April]. The PWPA and many watershed residents showed up for various hearings to object strongly to the 2008 proposal, for reasons similar to their 1998 objections. **In his 2008 testimony, James Putman presented an analysis of the Fairland Master Plan (FMP) showing the clear intent of the FMP not to change the RC well-and-septic requirement for the North Burtonsville parcels [#s 26, 34], even for allowed non-residential uses. That testimony remains equally valid for the 2011 senior housing case.**
- 2011 – the same developer as in 2008 slides the previously denied Senior Housing proposal (with slight modification) to the other end of essentially the same piece of N. Burtonsville dirt, and replaces the denied Senior Housing proposal on the northern end with a very large church proposal.
 - Senior Housing - Of particular concern is the developer's claim [noted in Leggett package of 12 April] that *"The County has requested that our Senior Housing Project that was previously submitted to the North of this location, be closer to the shopping center."* Both the PWPA and the affected citizens' associations would be interested in seeing evidence of any such "County request" .

We note that in the 2008 senior housing case the developer proposed "Senior Housing", which had none of the special attributes defined in the FMP for "housing for the elderly" [p. 30 FMP], for which a special exception might have been considered on property #34.

The last proposal was for straightforward commercial rentals to what the county defined as “Active Adults”. “Senior Housing” is a sounds-good marketing term. Unlike last time, the developer has not offered to meet with us. Neither the PWPA nor the affected citizen’s groups have seen anything defining what is now being proposed as “senior housing,” or how it meets the intent of the FMP for housing for the elderly. Also, an “elder housing” possible exception was only defined for property #34 (the Korean Church site), and not for property #26 (the current proposed senior housing site).

- Korean Church – Again, the developer has not offered to meet with us, or suggested a meeting with the church. Both the PWPA and affected citizen’s associations have met with prior applicants or representatives for this property in the past to tell them of our usage and environmental concerns; however, due to the brevity of notice in this case have not had the opportunity to do so. We welcome the opportunity to meet with them.

- *[CP 47 Legett package 12 Apr] – “M-NCCP staff object to approval of this request on the grounds that the master plan specifically addresses special exception uses and that a house of worship is not a special exception use in the RC Zone. Note that while a house of worship is not strictly speaking a special exception use under the County’s Zoning ordinance, it is an allowed use under the RC Zone comparable in terms size, use, and site impact to some special exception uses that could be considered here such as senior housing or a private school. Interpretation of the master plan’s recommendations in this regard will need to be addressed first by the Planning Board, and ultimately by the County Council.”*

SPECIFIC OBJECTIONS

- WSCCR 09A-PAX-01, Eglise De Dieu De Silver Spring

The PWPA objects to any solution requiring pumping sewage uphill. It has been shown that this church can operate on well and septic, at the cost of removing and replanting some trees. Also, there may be a building design alternative that would permit the use of a gravity fed sewer to the WSSC main to the south of Rt. 198. The PWPA would also prefer to see the impervious area reduced to 10%, but notes that some potential solutions closely approach 10%. Lastly, we note the concern of some nearby residents that traffic safety remains a concern with the main access being off Riding Stable Road, which is a narrow country road.

- Impervious Areas:

- Korean Church (WSCCR-09A-PAX-06) – the proposed church property is ~9.5 acres. The County estimates the impervious area at ~40% of the land. The PWPA’s estimate per architectural planning guidelines is ~43.6%. Per the drawings, it actually looks like more than that. The difference is not significant. All figures grossly exceed the 10% limit for

properties in sensitive watershed areas – which this is. The 40,000 sqft church building alone is 0.92 acres, which by itself is almost the 10% impervious limit for 9.52 acres. Erosion problems in the area are bad enough (see also testimony of Michael Snyder), without adding another 4+ acres of impervious surfaces.

- Senior Housing (WSCCR-09A-PAX-05) – [CP 53, 54 Leggett package 12 Apr] The total impervious area of this proposal is 40,003 sqft, which is slightly less than 1 acre (43,560 sqft). The total cited property area is 11.14 acres; however, it appears that approximately 2/3 of this lot is environmental preserve, on which nothing may be done anyway. The PWPA also questions the sufficiency of 80 parking spaces for 80 units and notes that any increase in needed parking (e.g., for guests or residents or occasional overflow needs and in particular enough space for hook-and-ladder fire trucks to be able to set up and reach the upper stories of the structure while dodging nearby high-tension wires which droop low to the ground nearby) will result in the impervious area exceeding the 10% guideline. This property is adjacent to the runoff collection areas along New Rt 29, which also catch the runoff from the large Burtonsville park & ride lot. Runoff here has already caused catch pond blowouts east of New 29 (a ~20' wide by 7' deep breach) and substantial damage to portions of Amina Drive. Part of the proposed church site [#34] also drains down steep slopes to this same area. The PWPA objects to anything which will add to the runoff/erosion problems in this area.
 - Parenthetically, we also note that the building may be too close to the northern property boundary to be four stories tall with required setbacks according to the Montgomery County Zoning Ordinance. It's difficult to tell from the drawing included in the County Executive's package of 12 April 2011. If the building has to be relocated to the south, this would also impact parking lot design.
- Pumping Lots of Sewage Uphill
 - **For both the proposed church and senior housing sites, the PWPA adamantly and unalterably opposes any and all usages which involve pumping sewage uphill in the watershed area. The environmental risk to the reservoir and the aquifer and our wells is flatly unacceptable.** Providing sewer service in RC-zoned watershed areas contradicts the guidance in the FMP and the mandates of the Consent Decree of the federal EPA lawsuit against the WSSC, to which Montgomery County is a party. The Consent Decree puts WSSC and North Burtonsville property owners at risk of violating the Clean Water Act's "no sewage discharge" provisions. Recall the land geography of the proposed sites. Almost everything north of Rt 198 slopes to the very close-by reservoir. I have personally walked the streams and water flows in the watershed areas affected by these sites, and I know where they go.
 - Sewer pipes inevitably leak. If they are under pressure – as is proposed in both cases, the effect is even worse. Sewage, like water flowing, obeys the laws of gravity and

follows the path of least resistance. The very long length of the pressurized sewer pipe for the proposed church site [#34] is of particular concern under either length option (one of which is nearly $\frac{3}{4}$ of a mile long). It's one thing to have a gravity-fed line leak. It's quite another to have a pressurized leak forcing who knows how many thousand gallons of sewage into the ground. Two local residents have a home on the Magothy River. Sewage from their neighborhood is pumped uphill. On two occasions those sewage pumps failed, contaminating not only their property, but also closing large sections of the river for considerable periods of time. For the sake of brevity we'll skip a discussion of how many truckloads of sewage fit in pipes of various diameters under various pressures and flow rates, and all the things that can go wrong with pumps. Suffice it to say, none of us want any part of it in our wells or the aquifer or in the reservoir. A sewage rupture has only two options: (1) it comes up to surface, where it flows straight downhill into the reservoir, and/or (2) it goes underground and undetected into the fractured shale substrate which is characteristic of this area, and thence by unknown and unmapped underground pathways into our wells and into the reservoirs. The worst part of an underground-only leak is: (1) you'll never know until people on wells start to get sick – BY WHICH TIME IT'S WAY TOO LATE TO FIX, and (2) by then you have polluted the aquifer which feeds the reservoir – and **YOU CAN'T UNPOLLUTE THE GROUND WATER.** 500,000 WSSC customers only have one source of drinking water. Surface leaks are exacerbated by increased runoff due to increased impervious areas. **THE BEST WAY TO SOLVE ALL THESE PROBLEMS IS DON'T CREATE THEM IN THE FIRST PLACE.**

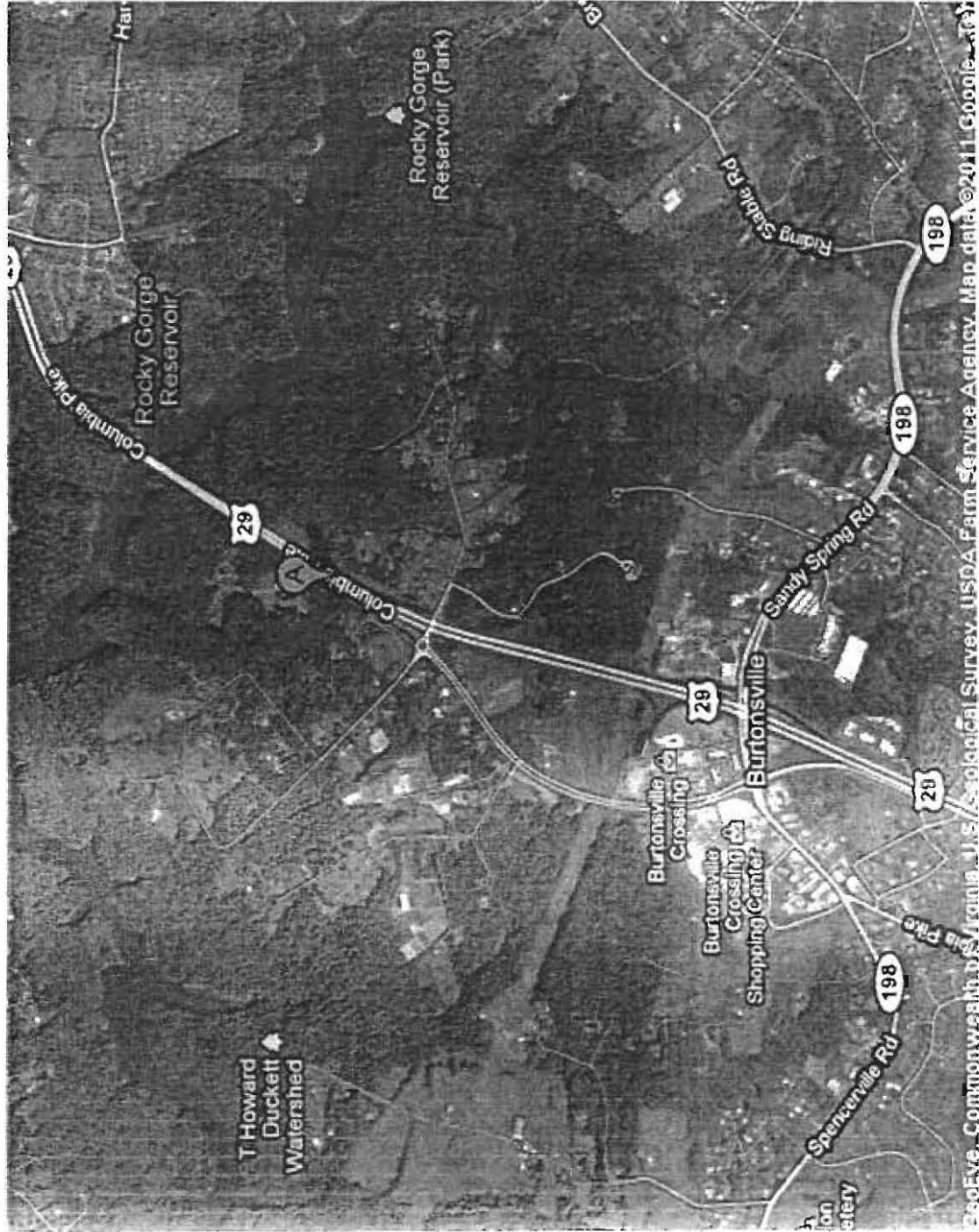
- Gravity Sewer Tie-In
 - The PWPA objects to the developer's plan to tie pressurized lines into the insufficiently-sloped sewer main of the old Burtonsville Shopping center. WSSC is on record saying that this particular sewer main doesn't meet their standards. One might question why it was ever approved in the first place. In any event, the developer's proposed approach here is a problem just waiting to happen. It could also well mean that WSSC – i.e., their customers and/or the County - is going to get stuck with the bill for redoing those sewers to bring them up to standard pitch in order to sustain the projected flow – if that's even possible. Assume 80 senior housing units = a nominal 120 people in residence = ~2400 gallons of sewage as people get ready to go out in the morning (which most of them will if the age limit is 55 or 62, especially in this economy.) Then there's the rest of the day. Who knows how much sewage 1726 church attendees will produce in relatively short time intervals before and/or after services, not to mention the other gymnasium and classroom attendees, whenever they will be there. Combine the two and you're talking truckloads of sewage, with probably high peak usage spikes in volume.

The PWPA also objects to the alternative. The alternative is a pressurized sewer run 3800' from the church property boundary (and even more from where the church will actually be sited) to the WSSC's Rt 198 gravity sewer main. It isn't clear if the Senior Housing will have to tie into that pressurized church sewer line, or run its own separate pressurized line to the Rt 198 gravity main. If the former is true, does it cause problems – a la dueling sewer line pressure pumps? The PWPA objects to the very long pressurized church line (>0.7 miles), and the potential additional 0.2 miles of senior housing pressurized line, for many reasons having to do with sewer line inspection and maintenance and other technical issues and the inevitability of line failure. For example, how do we know that the senior housing pressure pump won't blow sewage back down and out the church line, and/or that competing pressure surges won't hammer the line/joints, or that the acid water and soil endemic to the area won't eat away the connectors, causing this line to rupture? I have twice replaced sections of my well pipe because of ground shifts and acid water eating through heavy solid brass fittings. Check valves do fail and a host of other potential problems exist, many of which were enumerated in PWPA and local resident testimony regarding the 2008 application by the same developer.

CONCLUSION

- **THE PWPA STRONGLY OBJECTS TO THE PROVISION OF SEWER SERVICE TO THE PROPOSED DEVELOPMENT SITES ON THE BASIS OF (1) UNACCEPTABLE ECOLOGICAL RISK, (2) PROVISION VIOLATES THE LANGUAGE AND INTENT OF THE FAIRLAND MASTER PLAN, AND (3) PROVISION CONTRADICTS THE COMPELLING GOVERNMENT INTEREST MANIFEST IN THE CONSENT AGREEMENT RESULTING FROM THE 2004 EPA/WSSC LAWSUIT, WHICH REQUIRES STRINGENT MEASURES TO SAFEGUARD THE PATUXENT WATERSHED. WE URGE THE PLANNING BOARD TO DENY THESE REQUESTS ON THE MERITS.**

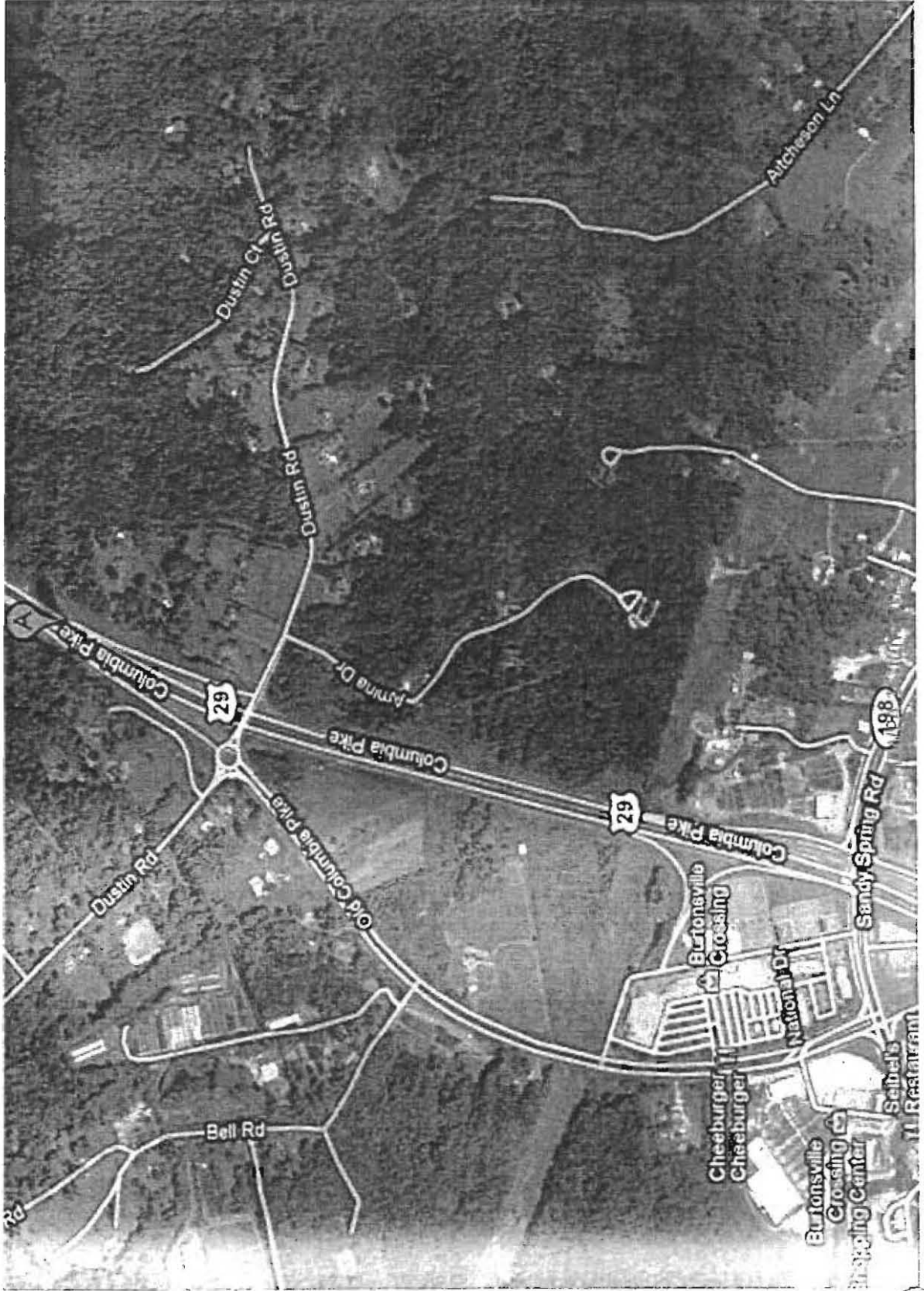
VG1 – Area of Proposals WSCCR 09A-PAX-01, -05, and -06



PWPA 16 June 2011

(116)

VG 2 – North Burtonsville Closeup
WSSCR 09A-PAX-05 and -06



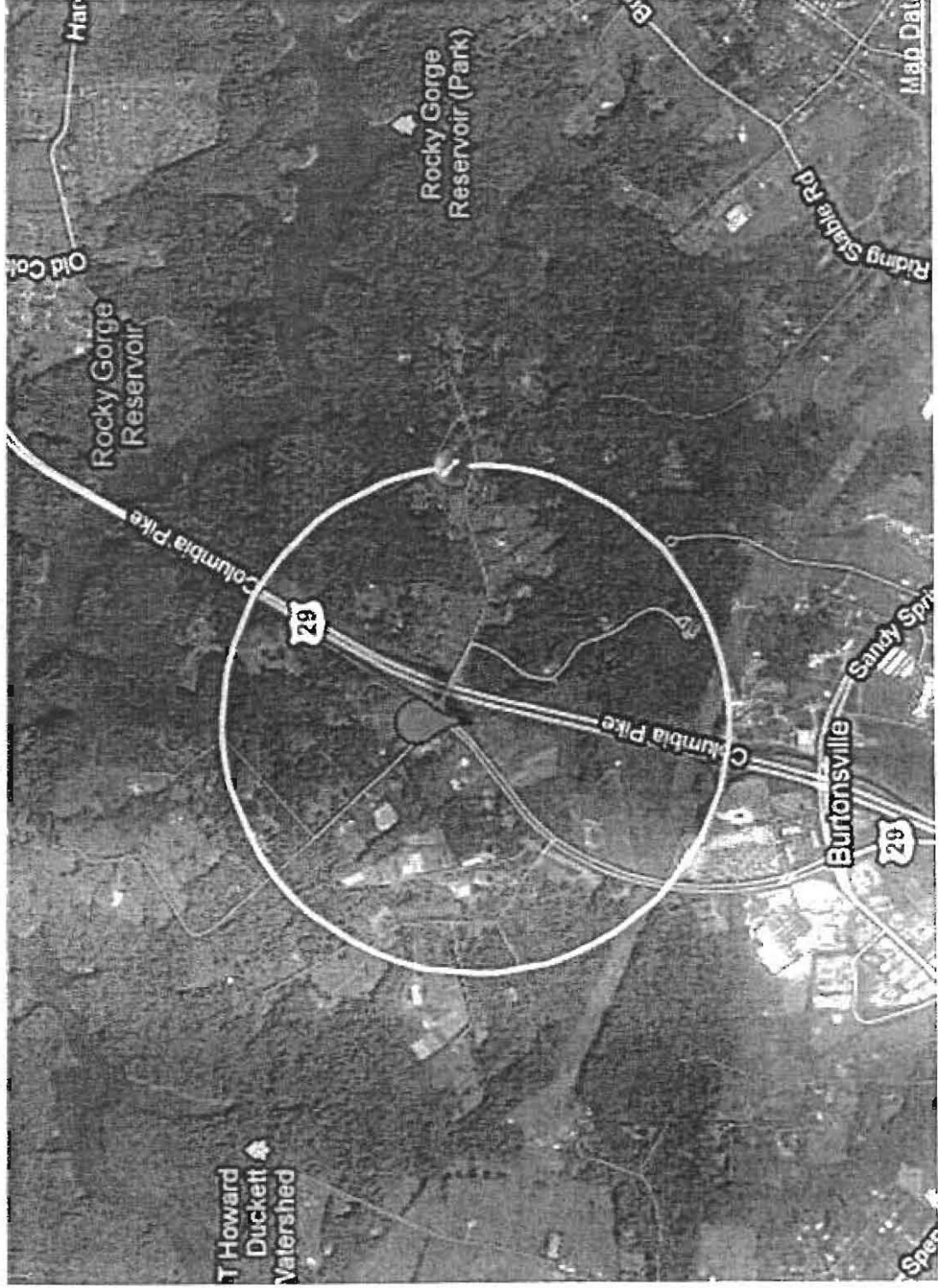
VG3 - 1000 Foot Radius from Proposed WSCCR-09A-PAX-06 Location



PWPA 16 June 2011

(18)

VG4 - Half Mile Radius from WSCCR-09A-PAX-06 Minimum Sewage Pumping Distance

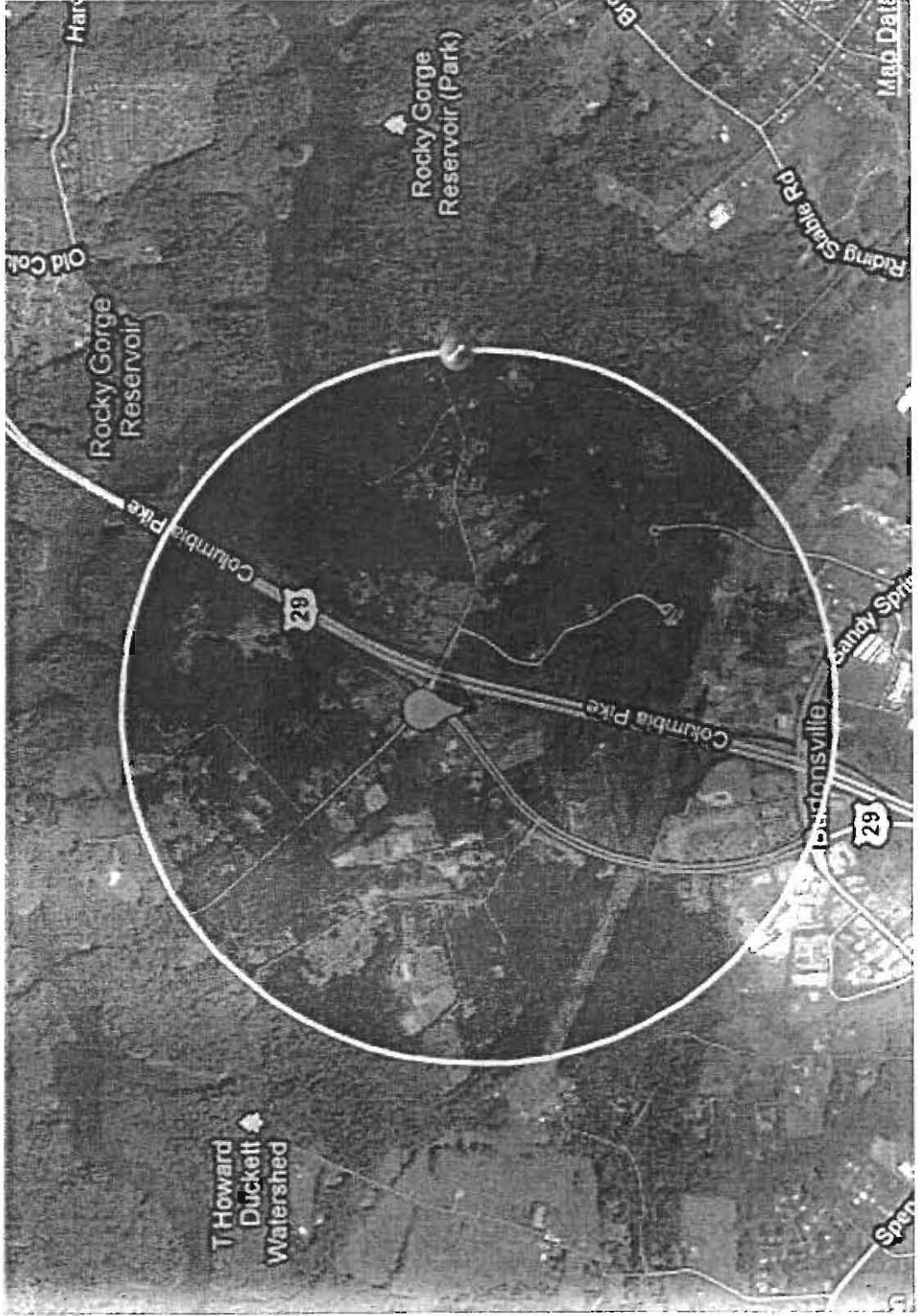


PWPA 16 June 2011

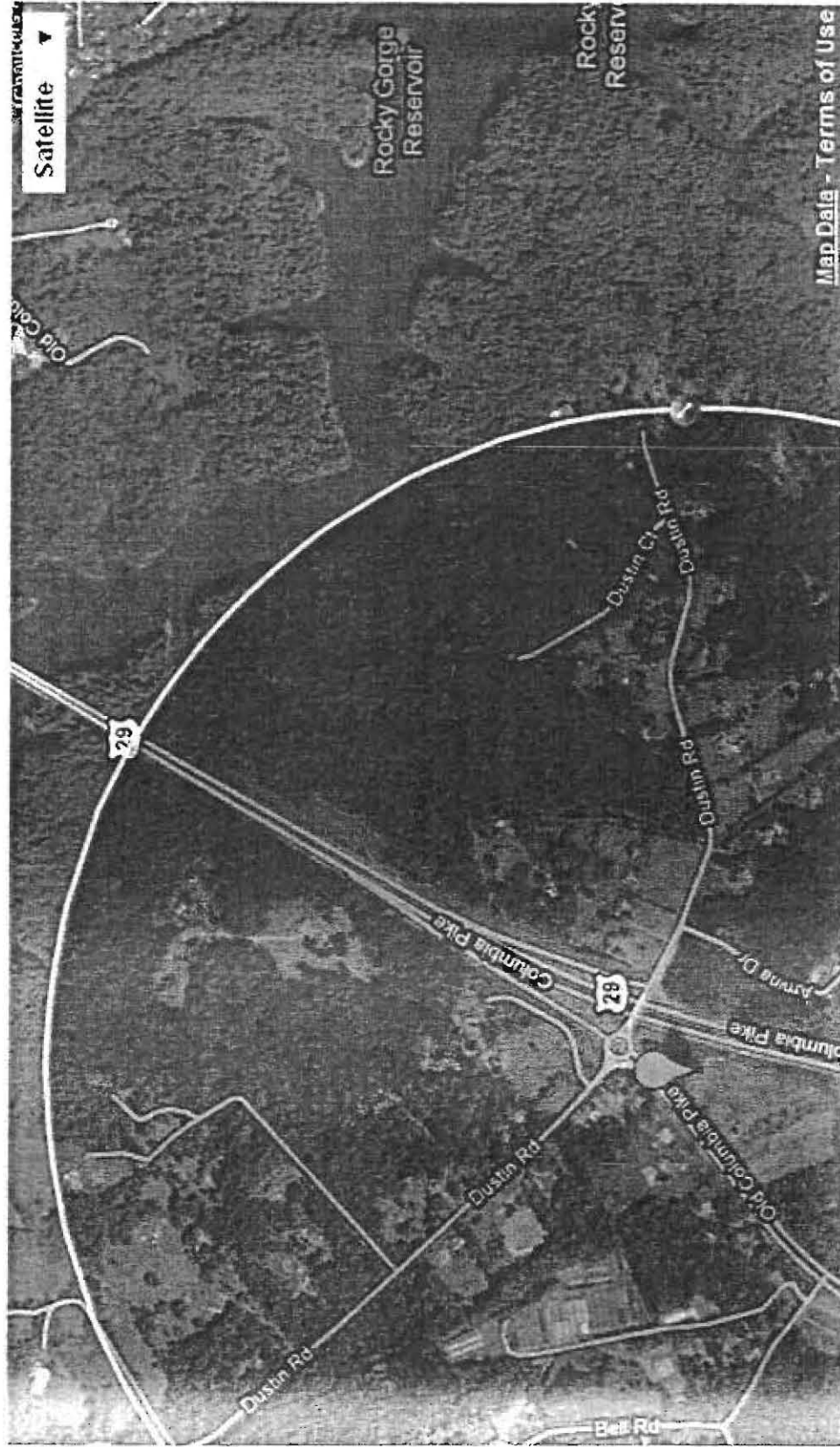
119

VG5 - 0.72 Mile Radius from WSCCR 09A-PAX-06

Alternative Sewage Pumping Distance



VG 6 - 0.72 Mile Radius Closeup from WSCCR-09A-PAX-06



West Laurel Civic Association
P.O. Box 387
Laurel, MD 20725
15 June 2011

**WLCA
2010-2011
Board of
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Montgomery County Council
100 Maryland Avenue
Rockville MD 20850

Reference: Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan- March 2011 Category Change Requests

Case: 09A-PAX-01 – Eglise De Dieu De Silver Spring (Attachment #1, Circle 20-39)

Dear Councilmembers:

The West Laurel Civic Association (WLCA) represents 1,700 homes in a community that spans Montgomery and Prince Georges counties and abuts the Rocky Gorge Reservoir.

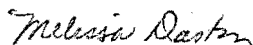
The WLCA has no objection to the Eglise de Dieu building a church on the property located at the intersection of Riding Stable Road and Route 198 using the existing zoning and water & sewer category.

The WLCA supports the Fairland Master plan which states this property is in the Rural Cluster and therefore should not be granted and S-3 sewer category.

The WLCA supports the Fairland Master plan which requires the church and parking should meet the 10% impervious rule.

The WLCA is concerned about the traffic impact of this development. The WLCA opposes the proposed entrance/exit on Riding Stable Road opposite Huckburn as it is located on a blind curve. It will create significant traffic backup due to the location near the termination of the road, and access via Riding Stable Road will permit parishioners to turn against traffic on Route 198 which has already resulted in a traffic fatality.

Sincerely,



Melissa Daston
President
West Laurel Civic Association

RIFKIN, LIVINGSTON, LEVITAN & SILVER, LLC

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June 21, 2011

HAND DELIVERED

Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

Re: Comprehensive Water Supply and Sewerage
Systems Plan Amendments, County Executive's
March 2011 Transmittal Packet;
WSSCR 09A-PAX-06 - Burtonsville Associates
(for New Hope Korean Church)

Dear Councilmembers:

This office represents the Applicant, Burtonsville Associates (for New Hope Korean Church), and is hereby respectfully requesting both water and sewer systems category changes for the 9.52 acre property in the 16100 Block of Old Columbia Pike, Burtonsville, Maryland. The property identified as Parcel 293 is zoned RC (Rural Cluster) and it is located in the 1997 Approved and Adopted Fairland Master Plan. Specifically the request is to change the categories from W-6 and S-6 to W-3 and S-3.

New Hope Korean Church is the contract purchaser and if the category changes are granted it intends to construct a 40,000 square foot building that would house its place of worship, a gymnasium/multi-purpose room, kitchen, meeting rooms, offices and classrooms on the property. This new facility would replace the existing worship facility located on McKnew Road in Burtonsville which the parish has outgrown. After reviewing the Executive Staff Report concerns regarding the size of the worship facility and the percentage of impervious area, the Church has revised its program to reduce the number of seats by 50% from 1,700 to 850 and to reduce the impervious area of the site from 40% to 25% by constructing a portion of the parking

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utilizing pervious pavement. Even though the impervious surface limitations are not one of the criteria for evaluating the grant of category change requests these revisions would bring the plan into conformance with Council's previous actions regarding private institutional facilities in lower-density zones.

On page 4, the Master Plan notes that MD 198 follows the ridgeline dividing the Patuxent from the Paint Branch and Little Paint Branch watersheds. The Council should also consider that while the Burtonville Crossing Shopping Center, the office buildings and the Park and Ride commuter lot are zoned at higher densities than the subject property, all of these sites drain into the Patuxent watershed as does the New Hope Korean Church site. The shopping center and commuter lot have both been permitted to develop over 90% of the sites with impervious surface area (See Attachment 1). Further, the existing agricultural uses on the subject site are arguably more potentially detrimental to reservoir than the church development that will be required to meet all current State and county environmental regulations. The agricultural uses allow the entire site to be graded each year, without any erosion control or storm water management facilities in place and also allow for the application of fertilizers and pesticides.

PIF (Private Institutional Facilities) policy:

As an organization that qualifies for federal tax exemption under the IRS Code, the New Hope Korean Church project would also qualify for extension of water and sewer under the County's PIF (Private Institutional Facilities) policy. As set forth on pages 1-22 and 1-23 of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan paragraphs 4b and 4c, for facilities located outside the acknowledged water and sewer envelopes, the County Council shall consider the following criteria for provision of community service.

"For new or relocating PIF uses, service area category amendments may be approved for sites only where required water and sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan." (Paragraph 4bii, See Attachment 2).

RESPONSE: The New Hope Korean Church is a new PIF use. If the requested water and sewer category change is approved and the water and sewer mains are extended approximately 3800' from the shopping center the lines will abut four (4) undeveloped properties (See Attachment 3). Pursuant to the Approved and Adopted Fairland Master Plan community water service could be extended to areas zoned RC located north of MD 198 and to support special exception uses as recommended by this plan an exception to the general provision not to extended planned sewer service could be granted on a case by case basis (see pages 71 and 151, See Attachments 4a and 4b).

One of those four properties that the water and sewer line extensions would abut is also before the Council in this cycle of amendments. Application WSSCR 09A-PAX-05 Burtonville Crossing, LLC has also requested category changes from W-6 and S-6 to W-3 and S-3 and if the change is approved the property will require approval of a special exception for a senior housing project in full accordance with the Master Plan. The owner of the other three properties, Mr. Sarem, testified in support of the category changes for both New Hope and Burtonville Crossing before the Transportation and Environment Committee on June 16, 2011.

1997 Fairland Master Plan:

The approved and adopted master plan for this area of the County is now 17 years old. In its "NOTICE TO READERS" on page vii the following statement is made: "Master plans generally look ahead to a time horizon of about 20 years from the date of adoption, although it is intended that they be updated and revised about every ten years. It is recognized that the original circumstances at the time of the adoption will change over time, and that the specifics of a master plan may become less relevant as time goes on. This statement is especially applicable to the area of RC land that has been stranded between Old US 29 and Relocated US 29.

The subject property is identified in the master plan as a Developable Area 34. (See Figure 13 on page 27, Attachment 5). On page 71 as part of the detailed description of development in the Burtonsville area specific recommendations are made for this property. The plan states that: "Special; exception uses, such as day-care or elderly housing should be encouraged for the portion between existing and proposed US 29 relocated." and that "Water and sewer service to approved special exception uses to be considered on a case by case basis."

Special Exception versus a Matter of Right Use:

As M-NCPPC staff correctly points out on page 48, the proposed New Hope Korean Church use is permitted as a matter of right in the Rural Cluster zone. Unlike a special exception application that can be accepted for processing with category W-6 and S-6, the church cannot apply for and be accepted as a preliminary plan of subdivision without category W-3 and S-3. If the water and sewer category change is not approved the Church will lose its ability to develop this property.

Religious Land Use and Institutional Persons Act (RLUIPA):

In 2000 the 146th Congress of the United States passed federal legislation to prevent discrimination of religious institutions from governmental actions in land use decisions. Congress recognized that Churches and synagogues cannot function without physical space adequate to their needs and consistent with their theological requirements. The right to build, buy or rent a space is an indispensable adjunct of the core of First Amendment right to assemble for religious purposes.

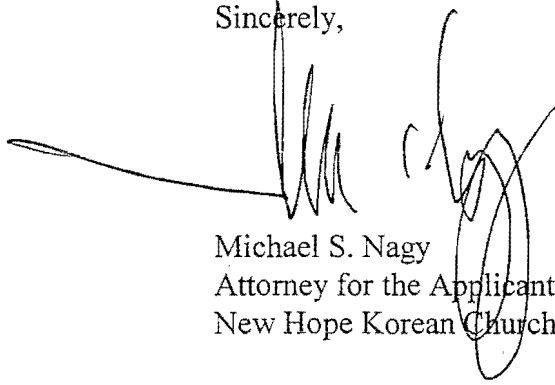
The actions of Prince George's County in among other things denying a similar sewer and water category change to Reaching Hearts International, Inc. was found by the U.S. District Court for the District of Maryland to have violated RLUIPA (See Attachment 6). The Reaching Heart's property was located contiguous to and less than 1000' from the Rocky Gorge Reservoir. The subject site is located over 4,000' from the reservoir and on the upstream side of relocated US 29 (See Attachment 7). Interestingly, the compelling interests that have been raised by the opposition in the Reaching Hearts case and as testified to before the T&E Committee on June 16, 2011 including: protection of the reservoir, maintenance of the character of the neighborhood and the concern that greater impervious surface area would have a negative effect on water quality were all rejected by the Court.

Pressure Main Sewer versus Gravity Sewer:

Much of the discussion by the residents in opposition to the proposed extension centered on the concerns regarding the safety of a pressure sewer as required versus a gravity system. According to an independent EPA study there are no inherent risks to utilizing a pressure system. In fact the study points out that in rural areas there are significant benefits to the use of a low pressure system (See Attachment 8).

For all of the reasons set forth above, the Applicant respectfully requests that the Council approve WSCCR 09A-PAX-06.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael S. Nagy', is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Michael S. Nagy
Attorney for the Applicant
New Hope Korean Church

Attachments: As noted

TIMBER HILL CIVIC ASSOCIATION

4540 DUSTIN ROAD
BURTONSVILLE MARYLAND 20730

My name is George E. "Gene" Krouse, and I am President of the Timber Hill Civic Association. The members of our association have authorized me to speak for them at this hearing. We reside on Dustin Road and Dustin Court, on the East side of Route 29.

I want to make several points which will show that the granting of the request for change of service area categories for PAX05 and 06 will cause both hardship and irreparable damages to our residential neighborhood.

First of all, we endorse and support both houses of worship and housing for the elderly so long as they are placed in an area that conforms to the Fairland Master Plan guidelines. Neither the House of Worship or housing for the elderly in this application meet the standards of the Master Plan. That plan requires that sewer and water not be granted to RC zoned properties, and that no more than 10% impervious footprints be allowed.

Directly across Route 29A from the church applicant is the Washington Kali Temple. That house of worship uses a well and septic system, as do all of us who are located on the North side of the watershed. There is also no traffic problem with the existing Temple since it is on the Southbound side of Route 29A and has a U-Turn lane available to go North bound.

Secondly, the Fairland Master Plan, pages 69 and 71, mandates that the environment in this watershed remain low density and rural in nature. Both of the applicants violate that mandate.

The housing unit proposes 80 units. While there are 11.4 acres, the buildable portion is only about

three (3) acres. 80 UNITS ON THREE ACRES. RC zoning allows one (1) unit on Five (5) acres. Allowing the possibility of 25 housing units per acre is clearly not consistent with "low density" and "rural in nature".

Thirdly, the Pax 05 and 06 applicants proposals are significantly incompatible and are contrary in scale to the Fairland Master Plan.

The housing unit proposes a four (4) story building about 45 feet high. This is not compatible with our two level houses or one story rambblers. We have not seen elevations or architectural renderings of this project, but they likely will not be significantly different from the last two proposed housing for the elderly proposals which were defeated or withdrawn voluntarily.

The House of Worship proposes 40,000 square feet under roof. Yes, that is almost a full acre of land under roof. The parking lot area is over three (3) acres. We have not seen elevations or architectural renderings for the House of Worship, but it appears clear that it is incompatible and contrary in scale to the Fairland Master Plan.

You must not allow commercial or other intensive development North of the existing Shopping Center.

Fourthly, and finally, we are very concerned about potential traffic problems.

The housing for the elderly proposal recites 80 parking spaces for 80 units. Families residing in senior housing are 55 or above. These residents will need more than one parking space per residential unit. There is only limited public transit, and no safe place to walk to get to it. These residents will need automobiles. Providing more than 80 spaces will only increase the impervious area to over 10%.

The only exit from the proposed housing unit is Route 29A Northbound. A U-Turn can be made at Bell Road or around the Dustin Road circle. Hopefully, the guests, visitors and residents will not turn left (South bound onto Route 29A Northbound).

The House of Worship is providing for One Thousand Seven Hundred Twenty-Six (1,726) worshipers. By their own statistics that would be at least Four Hundred Thirty-One (431) vehicles exiting the premises after services onto Route 29A Northbound. Those 431 plus vehicles would either go around the Dustin Road circle and merge Northbound on Route 29, or continue around the circle and onto Southbound Route 29A. It is obvious that an exit from the East Dustin Road stop sign would be virtually impossible for an extended period after each service is concluded. This circle was never designed to handle that kind of traffic. This would be a substantial safety hazard to everyone. Furthermore, traffic from West Dustin Road and the Southbound exit from Route 29, and Northbound Route 29A would also be impeded for however long it takes these 431 vehicles to clear the one-lane circle.

There is no allowable parking on Route 29A for either the housing units or the House of Worship. The rightmost lane is a merge lane for the traffic leaving the shopping center. There is zero shoulder at that point. Access for a long ladder-type fire truck also looks to be difficult at best.

The developers of the two projects never contacted me to explain the nature of their proposals. I have been President of this association since 1971, a period of forty (40) years. I have been registered with Park

and Planning as the President since they began keeping records of association officers. I have spoken with developers and in some cases met with them to discuss their projects. With approval from our members, I have both supported and opposed many projects over the years. These two projects we must vehemently oppose.

Thank you for giving me the opportunity to speak to you.

BERMAN ENTERPRISES

5410 Edson Lane, Suite 220
Rockville, Maryland 20852

June 21, 2011

The Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Also, sent via e-mail: county.council@montgomerycountymd.gov

Attn: Ms. Valerie Ervin, President

Re: Letter of Testimony for the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan - North Burtonsville Projects:

- Burtonsville Crossing Senior Housing (09A-PAX-05)
- New Hope Korean Church (09A-PAX-06)

Dear Ms. Ervin,

My name is Chip Stehle and I am the Senior Project Manager for Berman Enterprises LP who is the owner of an approximate 27 acre tract of property located at 15930 Old Columbia Pike in Burtonsville, Maryland, specifically identified as Parcels 160 and 974. Said property is zoned RC, is within Systems Area 6 for both water and sewer service, and is located to the west of the proposed Burtonsville Crossing Senior Housing Project and southwest of the proposed New Hope Korean Church site as identified in the Proposed Amendments to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The purpose of this letter is to render our support for the respective proposed water and sewer amendment changes requested by both entities as identified under #09A-PAX-05 and #09A-PAX-06.

We were notified in advance of the Public Hearing that was held last Thursday, June 16, 2011, but unfortunately a representative from our company could not attend. It is understood the Public Hearing Record for these amendment changes will remain open until the close of business on June 24, 2011 for which I am requesting this letter of testimony be included.

The reasons we are in support of these Category Amendment requests is because both properties are located along major thoroughfares - realigned Route 29 and Old Columbia Pike (*just as our property is*), both benefit from high traffic (*just as our property does*), and both are proposing permitted uses that are presently underserved in the area. Considering the above characteristics and in our opinion, these properties should be able to benefit from developing higher density uses and as a result, should be allowed to extend public water and sewer systems to accommodate same, just as the shopping center properties to the south have done. Private systems will not afford any worthwhile development potential to either the community or to the developer. After all, higher density development and location are the primary reasons these two entities invested in these locations to begin with. Denying them the right to extend public water and sewer systems simply crushes their ability to develop, not to mention their investment.

It is no mystery with higher density uses there is a resultant demand for increased volume supply of water for domestic and fire protection uses, as well as sewer demand for waste. Despite public criticisms, the most efficient and environmentally safe way to develop these kinds of properties and handle their water and sewer demands is through the construction of public water and sewer system extensions through the Washington Suburban Sanitary Commission (WSSC).

In the case of the New Hope Korean Church, it is recognized that topographic conditions are such that a pressurized sewer system is proposed to handle their sewer waste. Although the general public tends to frown on pressurized sewer systems, our experience finds pressurized systems to be a safe and effective means of disposing waste. Over time, gravity systems infiltrate a percentage of undetected raw and harmful effluent into the environment and the older the system becomes, typically the more that infiltration occurs. The pressurized system, on the other hand, incurs fewer blockages (mostly due to the use of grinder pumps), is monitored and alarmed, and has little to no infiltration, all of which lend to a safer environment. Whether using a pressurized system or a gravity system, both means are better suited for development than the use of septic systems, which are commonly used in this area for dwellings, churches and businesses alike.

It, too, is recognized the County Executive has recommended denial for the Burtonsville Crossing Senior Housing project request but has withheld a recommendation for the New Hope Korean Church request on the basis he "owns nearby property." The difference in his recommendations seems to have an unusual political overtone in that there is less than 1/3rd of a mile separating these two properties. Wouldn't both properties be considered nearby?

Before you and the Council make a final decision on this portion of the proposed Water and Sewer Plan Amendment, and hopefully void of any political influences, please carefully consider the true impacts associated with granting approval compared with denying it. We believe you will find an overall greater benefit by granting approval of the changes requested. We respectfully request your support of these change requests.

Respectfully submitted,



William "Chip" N. Stehle, Jr.
Berman Enterprises
Senior Project Manager

FILE: Montgomery County Council – V. Ervin Letter – 6.21.11

William "Chip" N. Stehle, Jr.
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